

B.S.R's



REGISTRATION MANUAL

(AS IN FORCE IN ANDHRA PRADESH)



CONTAINING

- ⇒ **THE REGISTRATION ACT, 1908**
- ⇒ **THE A.P. RULES UNDER THE REGISTRATION ACT, 1908**
- ⇒ **PROCEDURES UNDER THE REGISTRATION ACT, 1908 AND RULES**
- ⇒ **SYNOPSIS ON THE ACTS RELATING TO**
 - ▶ Prohibition of registration of Assigned lands, Pattadar pass books etc.
 - ▶ Special marriage Act, 1954
 - ▶ Hindu Marriage Act, 1955

SRI.V. VENKAT RAO
Di stri ct Regi strar (Retd)
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B.S. RATHNASWAMI
Asst.Dt.Registrar(Retd)
Edi tor

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(For Reading and Reference by the members of Regn. and Stamps Dept.)

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In spite of great care and caution bestowed, errors and omissions can creep in for which the readers will please bear with the Editor. Any discrepancy or mistake noticed may kindly be brought to the knowledge of the Editor for rectification in the next edition.

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Homage

The Guide and the Editor express their profound reverence to the erstwhile pioneers of the department, namely Late.T.Subba Raju garu and Late.M.Seshagiri Rao garu, superintendents of the Office of the Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad and respectfully dedicate this Book to them in token of their high gratitude for having their valuable guidance on the Registration law during their association in the service of the department

Editor

PREFACE

The Registration Act, 1908 is a regulatory enactment and century old, unlike Stamp Act, 1899 which is a fiscal enactment referable to the taxing powers of the State. It is a Pre Constitution enactment made by British Parliament and adopted by India by Adaptation Order, 1937. Any interpretation of any of its provisions must also satisfy the constitutional provisions and in case of conflict, the provisions of the Registration Act have to yield to Constitution of India. The purpose of the enactment is to assure people that if a document evidencing transaction or conveyance is registered, no one can claim any interest by creating a forged or sham document. The object of registering a document is to give notice to the world that a document has been executed to prevent fraud and forgery and to secure a reliable and complete account of all transactions effecting the title to the property. Such document should be registered strictly complying with the provisions of the Registration Act so as to classify as a valid document.

The Registration Act contains fifteen parts. Part I contains the definitions clause and Part II deals with Registration establishment i.e. administration, management and organisation of the registration department. Part III contains the provisions dealing with which registration is compulsory or optional and about description of property in documents and maps or plans. Parts IV to IX deal with procedures for method and manners of presenting the documents and registration as such. Part X describes the effects of registration and nonregistration. Part XI enjoins the duties and powers of registering officers in some detail. Part XI-A deals with Registration of documents by means of Electronic Devices. Part-XII contains provisions for refusal to register documents and Appeals on such refusals. Part XIII regulates the fees leviable for registration, searches and copies etc. Part XIV prescribe penalties for incomplete endorsing, copying, translating or registering documents, and penalty for making false statements, delivering false copies or transactions, false personations and abatement and commencement of prosecutions by Registering officers for offences. Part XV contains provisions for destruction of unclaimed documents, registration of documents, executed by Government officers, filing of certain orders, certificates and instruments sent to the Registering officers, exemptions from the Act in respect of certain documents executed by or in favour of Government and for inspection by any person, certain documents and maps and registers of the documents and for copies of such documents.

Section 69 of the Registration Act 1908 confers the powers of general

superintendence on the Inspector General of Registration over all the Registration offices in the state and also confers powers to make rules consistent with the provisions of the Registration Act. The Inspector General has made the Rules known as the “Andhra Pradesh Rules under the Registration Act, 1908” duly approved by the State Government. These Rules have come into force from 01-01-1960 superseding the rules along with the table of fees in force until then. Appendixes and forms etc., have the force of Law.

Besides the Act and the Rules, there are standing orders of the Inspector General of Registration issued from time to time. These orders are supplemental to the provisions of the Act and for reference by the Registering Officers in their daily official routine. Most of the Sub Registrars and the Registrars particularly in Telangana areas and many other newly opened offices were not provided with the manuals, causing great handicap. Revision of the manual which was followed in the composite State of Madras and Andhra Pradesh was completed in 1986, incorporating therein only those standing orders applicable to the A.P. State and other orders issued after the formation of Andhra by one of the distinguished former Inspector General of Registration Sri K.GopalReddy garu M.A.LL.B in 1986. The revised manual is of immense help and guidance to the membes of the department to effectively discharge their functions under the Registration Act, 1908 and other related Acts and the Indian Stamp Act, 1899.

In this edition the Registration Act, 1908 and the A.P. Rules under the said Act with case law along with procedures to be followed have been made available though it occupied about 200 pages more. Procedures prescribed are based on the sections and rules under the Act. Procedural lapses, deviations or irregularities are prone to litigation as they are not remediable in certain cases

The Editor is highly grateful to Sri V.Venkat Rao garu, District Registrar(Retd) for his continued valuable suggestions and guidance throughout,readily.

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The editor hereby expresses and records his sincere thanks to all his welwishers and former colleagues and those in service for their whole hearted co-opertion in bringing out this publication

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EDITOR

THE CONSTITUTION OF INDIA (Extract)**Provisions of the Constitution having a bearing on the Stamp Act****Art. 246. Subject-matter of laws made by Parliament and by the Legislatures of States**

- (1) Notwithstanding anything in Clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in the List I in the Seventh Schedule (in this Constitution referred to as the Union List)
- (2) Notwithstanding anything in Clause (3), Parliament, and subject to Clause (1), the Legislature of any State also have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the "Concurrent List")
- (3) Subject to Clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in the List II in the Seventh Schedule (in this Constitution referred to as the "State List")
- (4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included (in a State) notwithstanding that such matter is a matter enumerated in the State List.

Art. 247. Power of Parliament to provide for the establishment of certain additional Courts:- Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional Courts for the better administration of laws made by Parliament or of any existing law with respect to a matter enumerated in the Union List.

Art. 251. Inconsistency between laws made by Parliament under Articles 249 and 250, and laws made by the Legislatures of States:- Nothing in Articles 249 & 250 shall restrict the power of the Legislature of a State to make any law which under this Constitution it has power to make, but if any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament has under either of the said Articles power to make the law made by Parliament whether passed before or after the law made by the Legislature of the State shall prevail, and the law made by the legislature of the State shall, to the extent of the repugnancy, but so long only as the law made by Parliament continues to have effect, be inoperative.

Art. 254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States:

(1) If any provision of a law made by the Legislature of a State is repugnant to any provisions of a law made by Parliament which Parliament is competent

to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of Clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislature of a State with respect to one of the matters enumerated in the Concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the president and has received his assent, prevail in the State.

Provided that nothing in this Clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State.

CONSTITUTION

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THE REGISTRATION ACT, 1908

(Assented to by the Governor General on 18-12-1908)

An Act to consolidate the enactments relating to the Registration of Documents.

Whereas it is expedient to consolidate the enactments relating to the registration of documents.

It is hereby enacted as follows

Part I

Preliminary

1. Short Title : - The Act may be called the Registration Act, 1908

Extent : - It extends to the whole of India, except the State of Jammu and Kashmir.

Provided that the State Government may exclude any districts or tracts of the country from its operation.

Commencement: - It shall come into force on the first day of January 1909

2. Definitions : - In this Act, unless there is anything repugnant in the subject or context

- (1) "addition" means the place of residence and the profession, trade, rank and title (if any) of a person described, and, in the case of an Indian, his father's name, or where he is usually described as the son of his mother, then his mother's name.
- (2) "book" includes a portion of a book and the information, storage devices like floppy, disk, hard disk, compact disk], and also any number of sheets connected together with a view of forming a book or portion of a book (Ammended by Act No16 of 1999 w.e.f 31-12-1998)
- (3) "district" and "sub-district" respectively mean a district and sub-district formed under this Act
- (4) "District Court" includes the High Court in its ordinary original civil jurisdiction
- (5) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act
- (6) "immovable property" includes land, building, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass
- (6-A) "India" means the territory of India excluding the State of Jammu and Kashmir

- (7) "lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease.
- (8) "minor" means a person who, according to the personal law to which he is subject, has not attained majority
- (9) "movable property" includes standing timber, growing crops and grass, fruit upon and juice in trees and property of every other description, except immovable property and
- (10) "representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.
- (11) [x x x](Deleted by Act 3 of 1951)

Notes

2(6). Immovable properties : - The definitions given in this Act is wider in scope and it should be read as supplemental to the definitions of the term in Section 3(25) of General Clauses Act, 1887. The phrase "attached to earth" is not defined in the Act. It is defined in the Transfer of Property Act, 1882 defines S.P.K.N. Subramanyan vs M.Chidambaram, AIR 1940 Mad.527.

Immovable Property : - Machinery which is not permanently embedded to earth is not immovable property.

- (1) K.L.S. Coal Concern v.KANSON & Co (AIR 1971 SC 437)
- (2) Duncan Industries LTD v. State of U.P. (AIR 2000 SC 355)

Part II

Of the Registration Establishment

3. Inspector General of Registration : -

- (1) The State Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government.

Provided that the State Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the State Government appoints in this behalf.

- (2) Any Inspector General may hold simultaneously other office under the Government.

4.[Repealed]

5. Districts and Sub-Districts : -

- (1) For the purpose of this Act, the State Government shall form districts and sub-districts and shall prescribe, and may alter the limits of districts and sub-districts
- (2) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits shall be notified in

the Official Gazette

- (3) Every such alteration shall take effect on such day after the date of the notification as is therein mentioned

6. Registrars and Sub-Registrars : - The State Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

7. Offices of the Registrar and Sub-Registrar: -

- (1) The State Government shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars.
- (2) The State Government may amalgamate with any office of a Registrar, any office of a Sub-Registrar subordinate to such Registrar, and may authorise any sub-Registrar whose office has been so amalgamated to exercise and perform in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate.

Provided that no such authorisation shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

8. Inspectors of Registration offices : -

- (1) The State Government may also appoint officers, to be called Inspectors of Registration Offices and prescribe the duties of such officers.
 - (2) Every such Inspector shall be subordinate to the Inspector General.
9. [Repealed]

10. Absence of Registrar or vacancy in his office : -

- (1) When any Registrar other than the Registrar of a district including a presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situated, shall be the Registrar during such absence, or until the State Government fills up the vacancy.
- (2) When the Registrar of a district including a presidency town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the State Government fills up the vacancy

11. Absence of Registrar on duty in his district : - When any

Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district, to perform, during such absence, all the duties of a Registrar except those mentioned in Sections 68 and 72

12. Absence of Sub-Registrar or vacancy in his office : - When any Sub-Registrar is absent, or when his office is temporarily vacant any person whom the Registrar of the district appoints in his behalf, shall be Sub-Registrar during such absence, or until the vacancy is filled up.

13. Report to State Government of appointments under Sections 10,11 and 12 : -

- (1) All appointments made under Section 10, Section 11 or Section 12 shall be reported to the State Government by the Inspector General
- (2) Such reports shall be either special or general, as the State Government directs.

14. Establishment of registering officers : - The State Government may allow proper establishments for the several offices under this Act

15. Seal of Registering Officers : - The several Registrars and Sub-Registrars shall use a seal bearing the following description in English and in such other language as the State Government directs :

“The Seal of the Registrar (or of the Sub-Registrar of)

16. Register-books and fire proof boxes : -

- (1) The State Government shall provide for the office of every Registering Officer the books and also the information processing and storage devices like computer and scanners along with the software prescribed by the Inspector General, from time to time necessary for the purpose of this Act(Amended by Act 16 of 1999 w.e.f 31-12-98)
- (2) The books so provided shall contain the forms, from time to time, prescribed by the Inspector General with the sanction of State Government and the pages of such books shall be consecutively numbered in print and the number of pages in each book shall be certified on the title page by the officer by whom such books are issued.
- (3) The State Government shall supply the office of every Registrar with a fire proof Box, and shall, in each district, make suitable provision for the safe custody of the records connected with the registration of documents in such district.

16A. Keeping of books in computer floppies, diskettes,etc : -

- (1) Notwithstanding anything contained in Section 16, the books provided under sub-section (1) of the section may also be kept in computer floppies or diskettes or in any other electronic form in the manner and subject to the safeguards as may be prescribed by the Inspector General with the sanction of the State Government.

- (2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under sub-section (1) given by the registering officer under his hand and seal shall be deemed to be a copy given under Section 57 for the purposes of sub-section (5) of that section (Section 16A inserted by Act 48 of 2001 dated 24-9-2001)

Part III

Of the Registerable Documents

17. Documents of which Registration is compulsory : -

- (1) The following documents shall be registered, if the property to which they relate is situate in a district in which and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866 (20 of 1866), or the Indian Registration Act, 1871 (8 of 1971), or the Indian Registration Act, 1877 (3 of 1877), or this Act came or comes into force, namely

- (a) instruments of gift of immovable property
(b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish whether in present or in future, any right, title or interest whether vested or contingent of the value of one hundred rupees and upwards, to or in immovable property

Note: Written agreement of sale between the promoter and the intending transferee is compulsorily registerable under section 17(1)(b) (C&IGRS Cir.No.G1/10534/2007, dated 16-6-2007)

- (c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of creation, declaration, assignment, limitation or extinction of such right, title or interest and
(d) leases of immovable property (A.P.Act 4 of 1999 w.e.f (1-4-1999)
(e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future or any right, title on interest, whether vested or contingent, of the value of one hundred rupees and upwards to and in immovable property.

A.P.STATE AMENDMENT

- (f) any decree or order or award or a copy thereof passed by a Civil Court, on consent of the defendants or on circumstantial evidence but not on the basis of any instrument which is admissible in

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evidence under Section 35 of the Indian Stamp Act, 1899, such as registered title deed produced by the plaintiff, where such decree or order or award purports or operate to create, declare, assign, limit, extinguish whether in present or in future any right, title or interest whether vested or contingent of the value of one hundred rupees and upwards to or in immovable property (AP Act 4/1999 w.e.f.1-4-1999) (Added by A.P.Act 4 of 1999 w.e.f. 1-4-1999) and

- (g) agreement of sale of immovable property of the value of one hundred rupees and upwards (AP Act 4 of 1999 w.e.f. 1-4-1999)

Provided that the State Government may, by order published in the Official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years, and the annual rents reserved by which do not exceed fifty rupees,

1A). The documents containing contracts to transfer for consideration any immovable property for the purpose of Section 53A of the Transfer of Property Act, 1882 (4 of 1882) shall be registered if they have been executed on or after the commencement of the Registration and other Related Laws (Amendment) Act, 2001 and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said Section 53 (A) (Added by A.P.Act 48 of 2001 w.e.f. 24-9-2001)

- (2) Nothing in Clauses (b) and (c) of sub-section (1) applies to
- (i) any composition deed ; or
 - (ii) any instrument relating to shares in a Joint Stock Company notwithstanding that the assets of such company consist in whole or in part of immovable property; or
 - (iii) any debenture issued by any such company and not creating, declaring, assigning, limiting, or extinguishing any right, title or interest, to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby, the company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures ; or
 - (iv) any endorsement upon or transfer of any debenture issued by any such company ; or
 - (v) any document other than the documents specified in sub-section (1A)(Act 4 of 1999 w.e.f. 1-4-1999) except an agreement of sale as mentioned in clause (g) of sub-section (1) not in itself creating, declaring, assigning, limiting or extinguishing any right, title or in-

terest of the value of one hundred rupees and upwards, to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest (vide A.P.Act No.4 of 1999 and Act No.48 of 2001)

- (vi) any decree or order of a Court, not being a decree or order or award falling under clause (f) of sub-section (1) (Act 4 of 1999 w.e.f. 1-4-1999) except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject-matter of the suit or proceeding (AP Act 4 of 1999 w.e.f. 1-4-1999)
- (vii) any grant of immovable property by the Government ; or
- (viii) any instrument of partition made by Revenue Officer ; or
- (ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871 (26 of 1871) or the Land Improvement Loans Act, 1883 (19 of 1883) : or
- (x) any order granting a loan under the Agriculturists Loans Act, 1884 (12 of 1884), or instrument for securing the repayment of a loan made under that Act : or
- (xa) any order made under the Charitable Endowments Act, 1890 (VI of 1890) vesting any property in a Treasurer of Charitable Endowments or divesting any such Transfer of any property : or
- (xi) any endorsement on a mortgage deed acknowledging the payment of the whole or any part of the mortgage money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage : or
- (xii) any certificate of sale granted to the purchaser or any property sold by public auction by Civil or Revenue Officer

Explanation deleted by (AP Act 4 of 1999 w.e.f. 1-4-1999)

- (3) Authorities to adopt a son, executed after the first day of January, 1872, and not conferred by a will, shall also be registered.

NOTES

Scope : - Section 17 specifies the documents, which are compulsorily registerable and Section 18 lays down certain documents for which registration is optional.

By Act No.4/99 (A.P.Act) clause (f) is inserted. The effects of this Act 4/1999 is that consent decrees passed by civil courts, agreements of sale of immovable property of value of one hundred rupees and above and lease of immovable property of less than one year also comes within the purview of this section.

Case Law

Held that Family arrangement for making provision of maintenance requires registration. It requires registration [AIR 1966 SC 323; AIR 1952 SC 153; AIR 1981 SC 1937]

The Act does not define “instrument”. Section 2(14) of Indian Stamp Act 1899, defines the word “instrument”,as follws “Instrument” includes every document by which any right or liability is, or purports to be created, transferred, limited, or extended,extinguished or recorded” (AIR 1966 SC 1836;)

Arbitration award resulting in dissolution of partnership firm and provides for distribution of residue or surplus properties of the dissolved firm among partners after settlement of Accounts does not requires registration [S.V. Chandra Pradhan vs S.V.Shivling Nadar, 1993 (a) SCC 589]

A private award affecting partition of family property (immovable) worth more than Rs.100/- requires registration. [AIR 1970 SC 333; AIR 1974 SC 1066; 1993(3) ALT 21)]

Deposit of Title Deed : - The documents produced were merely a record of past transaction or creates an equitable mortgage does not require registration [United Bank of India vs Lakharam Sivaram & Co., AIR 1965 SC 1591]

If the memorandum does not contain all the terms necessary to give it efficacy as a contract of mortgage, no registration is necessary (AIR 1970 SC 656)

The transfer of immovable property by way of ‘pasupu kunkuma’ requires registration in terms of Sec.17(1)(b) of the Registration Act,’ (200 (5) ALD 402 (FB))

Consent decree does not require registration. (Bachan Singh v. Kartar Singlh, J.T. 2001 (IO)SC64),

18. Documents of which registration is optional : - Any of the following documents may be registered under this Act, namely :

(a) instruments (other than instruments of gift and wills), which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest whether vested or contingent, of a value less than one hundred rupees, to or in immovable property ;

(b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction, of any such right, title or interest

(c) [xxx] (deleted by AP Act 4 of 1999 w.e.f. 1-4-1999)

(cc) instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title

or interest, whether vested or contingent or a value less than one hundred rupees, to or in immovable property;

(d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property ;

(e) will ; and

(f) all other documents not required by Section 17 to be registered

Power of Attorney : - The power of attorney holder is an authorised agent of its grantor to do all acts specified therein on behalf of the grantor in respect of the properties. It does not create any right, title or interest, whether vested or contingent in favour of the holder which relates to the properties of the grantor. It is optional and even the general power of attorney is not compulsorily registrable. [AIR 1919 SC 553 = 1979 (2) SCC 60]

Partner relinquishing his interest : - If a partner relinquishes his rights in both moveable and immovable properties to a new partner by means of a document, Registration is not necessary. (AIR 1967 SC 401 = 1967 (1) SCR 784)

19. Documents in Language not understood by registering officer:

If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document unless it be accompanied by true translation into a language commonly used in the district and also by a true copy.(Vide section 62 for procedure)

20. Documents containing interlineations, blanks, erasures, or alterations :

- (1) The registering officer may, in his discretion, refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration.

(2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineations blank, erasure or alteration.

21, Description of property and maps or plans : - (1) No non-testamentary document relating to immovable property, shall be accepted for registration unless it contains a description of such property sufficient to identify the same

(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they face, and by their existing and former occupancies, and by their numbers, if the houses-in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as

being in the territorial division in which they are situated, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situated in several districts, by such number of true copies of the map or plans as are equal to the number of such districts vide Regn.Rules 18 to 20A also

22. Description of houses and lands by reference to Government maps or surveys : - (1) Where it is, in the opinion of the Sate Government practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the State Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of Section 21, be so described.

(2) Save as otherwise provided by any rule made under sub-section (1). failure to comply with the provisions of Section 21. sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property

22A:- Documents registration of which is opposed to public policy- (Before 20-06-2007) The state Government may, by notification in the official Gazette, declare that the registration of any document or class of documents is opposed to public policy

(2) Notwithstanding anything contained in this Act the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable.**(Sections 22A (1) and (2) substituted by Act 19 of 2007 as follows brought into force from 20-06-2007 vide G.O.Ms.No.863 Rev (Regn -1) dt.20-06-2007 A.P.Gazette Part 1 extra-ordinary No.352, dt.20-06-2007))**

22A:- As substituted by Act 19 of 2007 :- In the Registration Act, 1908 in its application to the State of Andhra Pradesh, for section 22-A, the following new section was substituted by Act 19 of 2007 brought into force from 20-6-2007

22A Prohibition of registration of certain documents as substituted

(1). The following classes of documents shall be prohibited from registration, namely

(a) documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any statute of State or Central Government

(b) documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable property owned by the State or Central Government, executed by persons other than those statutorily

empowered to do so

(c) documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease exceeding (ten) 10 years in respect of immovable property, owned by religious and charitable endowments falling under the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 or by Wakfs falling under the Wakfs Act, 1995 executed by persons other than those statutorily empowered to do so

(d) Agricultural or urban lands **declared as surplus** under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and the Urban Land (Ceiling and Regulation) Act, 1976

NOTE

(i) Intimations/Notifications received from the authorised officers as mentioned above under Section 22(A)(1)(a) to (d) shall be entered in the PROHIBITED PROPERTY WATCH REGISTER maintained electronically and also manually.

(ii) All the intimations or notifications forwarded by the authorised officers shall be filed in a separate new file titled as “ Intimations / notifications of prohibited properties under Section 22(A). This shall be preserved PERMANENTLY (i & ii vide paras 5 and 6 of C&IGRS Cir.Memo No.G1/19131/05 dated 14-09-2007)

(e) (1) any document or class of documents pertaining to the properties the State Government may, by notification prohibit the registration in which avowed or accrued interests of Central and State Governments, local bodies, educational, cultural, Religious and Charitable Institutions, those attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax laws and others which are likely to adversely affect these interests.

(2) For the purpose of clause (e) of subsection (1), the State Government shall publish a notification after obtaining reasons for and full description of property furnished by the District Collectors concerned in the manner as may be prescribed

(3) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under clause (e) of subsections (i)

(4) The State Government either suo moto or on an application by any person or for giving effect to the final order of the High Court of Andhra Pradesh or Supreme Court of India may proceed to denotify, either in full or in part, the notification issued under subsection (2)

3. Notwithstanding anything in any judgment, decree or order of a Court, Tribunal or any other authority to the contrary no notification declaring that the registration of any document or class of documents is opposed to public policy and the refusal of the same for registration under section 22-A of the principal Act during the period with effect from 1st April 1999 being the date of com-

mencement of the Registration (Andhra Pradesh Amendment) Act, 1999 up to the date of the commencement of the Registration (Andhra Pradesh Amendment) Act, 2006 substituting new section 22-A in the Principal Act, shall be deemed to be invalid and the refusal for registration of the said document deemed to have been validly refused for registration and accordingly

(a) no suit or other proceeding shall be maintained or continued in any Court against the State Government or any person or authority whatsoever for the purpose of registration and

(b) no Court shall enforce any decree or order directing to register

EDITOR'S NOTES

The statutes under which registration of documents relating to alienation or transfer of lands is prohibited under (Section 22-A(1) (a) are

1) A.P. Scheduled areas land transfer Regulations, 1959 from 4-3-1959 in Andhra region and from 1-10-1963 in Telangana region

Under this statute registration of documents relating to transfer of lands **such as mortgage with or without possession, lease, sale, gift, exchange or any other dealing with immovable property not being a testamentary disposition and including a charge on such property or a contract relating to such property in respect of such mortgage, lease, sale, gift, exchange or other dealing** in the schedule areas of East Godavari, West Godavari, Visakhapatnam, Srikakulam, Adilabad, Warangal, Khammam and Mahaboob-nagar districts is prohibited.(vide Synapsis 4 for more details)

2) A.P. Assigned lands (Prohibition of Registration) Act, 1977 from 21-1-1977

(a) Under this statute, the registration of documents relating to alienation of lands assigned to landless poor persons for cultivation or house sites, is prohibited (Synopsis-9 for more details)

(b) Tank bed lands

(c) Section 22A (1)(b):Registration of sale, agreements of sale, gift, exchange, lease of immovable property owned by State or Central Governments executed by persons other than those statutorily empowered to do so

(d) (i) Section 22 A (i)(c) Registration of Sale, agreement of sale, gift, exchange, lease **exceeding ten years** of immovable property owned by Hindu Religious and Charitable endowments.(AP Charitable and Hindu Religious Institutions and Endorsments Act,1987).

(ii) Sale, agreement of sale, gift, exchange, lease **exceeding ten years** of immovable property owned by Wakf falling under the Wakfs Act, 1955, executed by person other than those statutorily empowered to do so.

(e) Section 22 A (i)(d) Agricultural or urban lands declared as "**surplus**" under the A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and the Urban land (Ceiling and Regulation) Act, 1976)

(f) Section 22 A (i)(e) Any document or class of documents of the proper-

ties pertaining to the State Government **specifically notified by the Government**, in which avowed or accrued interest of Central or State Government, local bodies, educational, cultural, Religious and Charitable institutions, those attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax law and others which are likely to adversely affect these interests

Elucidation : The C&IGRS, in Circular Memo No.G1/19131/05, dated 14-09-2007, issued guidelines to implement the provisions of sec. 22A of the Act as amended by Registration (A.P.Amendment) Act, 2007 (Act No.19 of 2007)

CASE LAW

The A.P.H.C. on an appeal ruled that since no notification was issued by the Government under Section 22A in respect of the particular land, presented by the applicant, the action of the Sub-Registrar withholding the document presented for Registration is not legal and proper and that the same is unsustainable.[K. Mysoraiah vs Sub-Registrar, Cuddapah District, A.P. and others, 2005 (5) ALD 581]

PART IV

Of the Time of Presentation

23. Time for presenting documents : - Subject to the provisions contained in Sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution

Provided that a copy of a decree or order may be presented within four months from the date on which the decree or order was made, or, where it is appealable, within four months from the day of which it becomes final.

23-A. Re-registration of certain documents : - Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar **from a person not duly empowered to present the same**, and has been registered, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for **re-registration in the office of the Registrar of the district in which the document was originally registered** and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall, proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the tune allowed therefor under Part IV, and all the provisions of this Act, as to registration of documents, shall apply to such re-registration ; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration : .

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Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies; may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid

23-B. Power to State Government to permit the registration of document registered in the logs at Masulipatnam and in certain other areas in French India : - (1) The State Government may, by notification in the Andhra Pradesh Gazette, direct that all documents, or any class of documents, which

(a) relate to properties situated within the logs at Masulipatnam (formerly known as Masulipatnam), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Areas and Alteration of Boundaries) Order, 1948;

(b) have been registered in a registration office by an official appointed or controlled by any French India Authority : and

(c) are required to be registered under this Act, may be registered under this Act free of all charges within such time, and subject to such restrictions and conditions, as may be specified in the notification; and if any document is so registered, the registration shall have effect for all purposes from the date on which the document was originally registered by the official referred to in Clause (b)

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of Law and become final before the enactment of this Section

(2) Sub-section (i) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Andhra, as it applies in relation to documents relating to properties situated within the logs referred to, in sub-section (1), subject to the modification that for the words "before the enactment of this section" occurring in the proviso, the words [before such date as may be notified in that behalf by the State Government]. (Amended by A.P. Act No. IX of 1961)

24. Document executed by several persons at different times : - Where there are several persons executing a document at different times such document may be presented for registration and re-registration within four months from the date of each execution.

25. Provision where delay in presentation is unavoidable : - (1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made in India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in case where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the

proper registration fee, such document shall be accepted for registration.

(2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate

26. Document executed out of India : - When a document purporting to have been executed by all or any of the parties out of India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied

(a) that the instrument was so executed ; and

(b) that it has been presented for registration within four months after its arrival in India may, on payment of the proper registration fee, accept such document for registration.

27. Wills may be presented or deposited at any time : - A Will , at any time, be presented for registration or deposited in manner hereinafter provided.

PART V

Of the Place of Registration

28. Place for registering documents relating to land : - Save as in this part otherwise provided, every, document mentioned in Sec. 17, sub-sec. (1) '[clauses (a), (b), (c), (d), (e), (f) and (g) of Sec. 17, sub-sec. (2)], in so far as such document affects immovable property, and Sec. 18, '[clauses, (a), (b), and (cc), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate (AP Act 4 of 1999 w.e.f. 1-4-1999)

NOTES

Registration in a place where whole or some portion of the property is not situated : - It would invalidate the registration leave it apart from the question of fraud and that the illegality is not cured by Sac.87 of the Registration Act (AIR 1940 PC 222)

29. Place for registering other documents : - (1) Every document not being a document referred to in Section 28, or a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar, in whose sub-district the document was executed, or in the office of any other Sub-Register under the State Government at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under the State Government at which all the persons claiming under the decree or order desire the copy to be registered.

30. Registration by Registrars in certain cases : - (1) Any Registrar may, in his discretion, receive and register any document which might be registered by any Sub-Registrar subordinate to him.

(2) [xxx](deleted by Act No.48 of 2001 w.e.f. 24-9-2001)

NOTES

This section enables the Registrar to register any document which might be registered by a Sub-Registrar subordinate to him with reference to Section 29 (AIR 1963 MP 234)

“May in his discretion” : - It enables and enlarging the provision (AIR 1952 Mad, 802).

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

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

PART VI

Of Presenting Documents for Registration

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

(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or.

(b) by the representative or assign of such person, or

(c) by the agent of such person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned. :

NOTE

Section 32 :- (i) A power of attorney executed by the principal who was not residing in India at the time of execution, if authenticated by a Notary Public, it is recognised for the purpose of Sec. 32. It also satisfies the requirement of Sec.33

(ii) Authority to adopt may be presented by representation after donor death (166/1932)

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

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document. [This Section inserted with effect from 24-9-2001 by the Registration and other related laws (Amendment) Act, 2001 (No.48 of 2001 dated 24-09-2001] **In case of sale by minors through guardian the photo of minors also to be affixed** (Para 4 of Proceedings G1/8538/99 dated 10.5.2002)

33. Power-of-attorney recognizable for purposes of Section 32 : -

(1) For the purposes of Section 32, the following powers-of-attorney shall alone be recognised, namely

(a) if the principal at the time of executing the power-of-attorney resides in any part of India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;

(b) if the principal at the time aforesaid resides in any part of India, in which this Act is not in force, a power-of-attorney executed before and authenticated by any Magistrate;

(c) if the principal at the time aforesaid does not reside in India, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, Indian Consul or Vice-Consul, or representative of the Central Government:

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

(i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

(ii) persons who are in jail under civil or criminal process ; and

(iii) persons exempt by law from personal appearance in Court

Explanation : - (1) In this sub-section, ‘India’ means India, as defined in clause (28) of Section 3 of the General Clauses Act, 1897 (X of 1897).

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

Note:- The word “if satisfied “ casts heavy responsibility and the exercise of the discretion should not be arbitrary.

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

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

NOTE

The word “resides” which, occurs in clause (a) of sub-section (1) of Sec.33 is no where defined in the Act itself but may fairly be interpreted by Explanation I of Section 20.C.P.C. which is as under

Explanation-I : - Where a person has a permanent dwelling at one place

and also a temporary residence at another place, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary residence. [Standing Order 582].

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

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

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

(3) The registering officer shall thereupon

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;

(b) satisfy himself so as to the identity of the persons appearing before him and alleging that they have executed the document; and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

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

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

35. Procedure on admission and denial of execution respectively :

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

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

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution, the registering officer shall register the document as directed in Sections 58 to 61, inclusive

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

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

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

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

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

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

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

NOTE

Difference in procedure between enquiry under Rule 71 and enquiry under rule 61

| Rule 61 of Section 35(1)(c) Non-testamentary documents | Rule 71 of Section 41(2) Testamentary documents |
|--|---|
| 1) There is time limit for presentation of the document and for appearance of the representatives of the deceased executnat | There is no time |
| 2) The Notice of intended enquiry should be proclaimed by way of Tom-Tom in the village or villages concerned | The Notice of intended enquiry should published in a daily Newspaper specified by the Registering Officer |
| 3) The statement of the witness should be recorded in the officers deposition Book | The statement of witness should be recorded on loose sheets |
| 4) The document should be presented only to the Sub-Registrar or Registrar having jurisdiction over immovable property affected by the documents | The document can be presented to any Sub-Registrar or Registrar |
| 5) No provision for transfer of the enquiry | IGR&S is empowered to transfer the enquiry by a Sub-Registrar to that of another (R.181) |

PART VII

Of Enforcing the Appearance of Executants and Witnesses

36. Procedure where appearance of executant or witness is desired :- If any person presenting any document for registration or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence, or testimony is necessary for the registration of such document, the registering officer may in his discretion, call upon such officer or Court as the State Government directs in this behalf, to issue a summons requiring him to appear at the registration office, either in person or by duly authorised agent, as in the summons may be mentioned, and at a time named there in.

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

38. Persons exempt from appearance at registration office : -

- (1)(a) A person who by reason of bodily infirmity, is unable without or serious inconvenience to appear at the registration office, or
- (b) a person in jail under civil or criminal process, or
- (c) persons exempt by law from personal appearance in Court, and who would but for the provisions next hereinafter contained be required to appear in person at the registration office, shall not be required so to appear.

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

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

PART VIII

Of Presenting Wills and Authorities to Adopt

40. Persons entitled to present Wills and Authorities to adopt : -

(1) The testator, or after his death any person claiming as executor or otherwise under a Will, may present it to any Registrar or Sub-Registrar for registration.

Presentation of wills and authorities to adopt and deposit of wills 21

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

41. Registration of Wills and Authorities to adopt : - (1) A Will or an Authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

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

(a) that the Will or Authority, was executed by the testator, or donor, as the case may be;

(b) that the testator or donor is dead ; and

(c) that the person presenting the Will or Authority is, under Section 40, entitled to present the same

PART IX
Of the Deposit of Wills

42. Deposit of Wills : - Any testator may, either personally or by duly authorised agent, deposit with any Registrar his Will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document

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

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

44. Withdrawal of sealed cover deposited under Section 42 : - (1) if the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorised agent, to the Registrar, who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

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

(2) When such copy has been made, the Registrar shall reposit the original Will.

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

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

PART X

Of the Effects of Registration and Non-Registration

47. Time from which registered document operates :- A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

48. Registered documents relating to property when to take effect against oral agreement : - All non-testamentary documents duly registered under this Act, and relating to any property, whether movable, or immovable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession, and the same constitutes a valid transfer under any law for the time being in force

Provided that a mortgage by deposit of title deeds as defined in Section 58 of the Transfer of Property Act, 1882, shall take effect against any mortgage deed subsequently executed and registered which relates to the same property.

49. Effect of non-registration of documents required to be registered : - No document required by Section 17 or by any provisions of the Transfer of Property Act, 1882 to be registered shall

- (a) affect any immovable property comprised therein, or
- (b) confer any power to adopt ; or
- (c) be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered:

Provided that an unregistered document affecting immovable property and required by this Act, or the Transfer of Property Act, 1882 to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877, [xxx] or as evidence of any collateral transaction not required to be effected by registered instrument. (Act No.48 of 2001 dated 24-9-2001)

NOTES

An unregistered document namely, gift deed which is not legally admissible as evidence, can be used as evidence to show the character of possession. (AIR 1963 SC 70).

Gift deed of immovable property requires registration and that it can not be admitted in evidence as collateral purpose if it is non registered. [2002 (6) ALD 752]

The word “collateral purpose” is difficult to define. The real purpose can only be gathered from the facts and circumstances of each case and may also vary from case to case. [AIR 1957 Madras 472 (DB)]

50. Certain registered documents relating to land to take effect against unregistered documents : - (1) Every document of the kinds mentioned in [clauses (a), (b), (c), (d), (e), (f) and (g) of Section 17], sub-section (1) and clauses (a) and (b) of Section 18, shall, if duly registered, take affect as regards the property comprised therein, against every unregistered document relating to the same property and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not(A.P.Act No.4 of 1999 w.e.f 1-4-1999)

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of Section 17 or to any document mentioned in sub-section (2) of the same section or to any registered document which had no priority under the law in force at the commencement of this Act

Explanation : - In cases where Act No. XVI of 1864 or the Indian Registration Act, 1864, was in force in the place and at the time at which such unregistered document was executed, “unregistered” means not registered according to such Act, and, where the document is executed after the first day of July, 1871, or the Indian Stamp Act, 1877, or this Act.

PART XI

Of the Duties and Powers of Registering Officers

(A) AS TO THE REGISTER-BOOKS AND INDEXES

51.Register-books to be kept in the several offices : - (1) [The following books and the information storage devices as specified in subsection (1) of the Section 16] shall be kept in the several offices hereinafter named, namely (Act No 16 of 1999 w.e.f. 31-12-1998)

- A - In all Registration Offices
- Book 1 - “Register of non-testamentary documents relating to immovable property”.
- Book 2 - “Record of reasons for refusal to register”.
- Book 3 - “Register of Wills and Authorities to adopt” ; and
- Book 4 - “Miscellaneous Register”

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B - In the office of Registrars
Book 5 - "Register of deposits of Wills"

(2) In Book 1 shall be entered or filed all documents or memoranda registered under Sections 17,18 and 89 which relate to immovable property, and are not Wills.

(3) In Book 4 shall be entered all documents registered under clauses (d) and (f) of Section 18 which do not relate to immovable property.

(4) Nothing in this section shall be deemed to require more than one set of books, where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

52. Duties of registering officers when document presented :-

(1) (a) The day, hour and place of presentation [the photographs and finger prints affixed under Section 32A], and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it (Act No.48 of 2001 dt.24-9-2001)

(b) a receipt for such document shall be given by the registering officer to the person presenting the same ; and

(c) subject to the provisions contained in Section 62, every document admitted to registration shall, without unnecessary delay, be copied in the book appropriated therefor according to the order of its admission.

(2) All such books shall be authenticated at such intervals and in such manner as is from time to time, prescribed by the Inspector-General.

NOTES

A certified copy of the document received from the Sub-Registrar or District Registrar as the case may be is admissible for proving the contents therein [AIR 1989 Ori. 27]

Any defect as contemplated under Section. 52 is curable under Section. 87. [AIR 1921 PC 93].

53. Entries to be numbered consecutively : - All entries in each book shall be numbered in consecutive series, which shall commence and terminate with the year - a fresh series being commenced at the beginning of each year.

54. Current indexes and entries therein : - In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the Registering Officer has copied or filed a memorandum of the document to which it relates.

55. Indexes to be made by registering officers and their contents:-

(1) Four such indexes shall be made in all Registration Offices, and shall

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be named, respectively, Index No.I, Index No.II, Index No.III & Index No. IV

(2) Index No I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

(3) Index No. II shall contain such particulars mentioned in Section 21 relating to every such document and memorandum as the Inspector-General, from time to time, directs in that behalf.

(4) Index No III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3 and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor, (but not before) the names and additions of all persons claiming under the same.

(5) Index No, IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

(6) Each index shall contain such other particulars, and shall be prepared in such form, as the Inspector-General, from time to time directs.

56. [xxx](Repealed by Section 2 Indian Registration Act 1929)

57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries : - (1) Subject to the previous payment of the fees payable in that behalf, the Book Nos. 1 and 2 and the indexes relating to Book No.1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of Section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants, but not before, to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4, and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.[vide section 2(10)] vide note below

Note : - The Chief Information Commissioner in his order dated 15.2.2008, while dealing with the appeal No.6598/CIC/2007, had made the order that in view of embargo contained under section 57 of the Indian Registration Act, 1908, the appellant was not entitled for a copy of entries in Book No.3 and Book No.4. The CIC also made the order that where user charges have been prescribed in respect of priced material, that user charges must be paid by the party seeking the information.[C&IGRS 'e' mail communication dated 18-3-2008 to all Sub Registrars]

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(4) The requisite search under this section for entries in Book Nos. 3 and 4 shall be made only by the Registering Officer.

(5) All copies given under this section shall be signed and sealed by the Registering Officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B) AS TO THE PROCEDURE ON ADMITTING TO REGISTRATION

58. Particulars to be endorsed on documents admitted to registration : - (1) On every document admitted to registration, other than a copy of a decree or order, or a copy, sent to a registering officer under Section 89, there shall be endorsed, from time to time, the following particulars, namely

- (a) the signature and addition of every person admitting the execution of the document and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent
- (b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act, and
- (c) any payment of money or delivery of goods made in the presence of the Registering Officer in reference to the execution of the document and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the Registering Officer shall nevertheless register it, but shall at the same time endorse a note of such refusal

59. Endorsements to be dated and signed by Registering Officer :- The Registering Officer shall affix the date and his signature to all endorsements made under Sections 52 and 58, relating to the same document and made in his presence on the same day.

60. Certificate of registration : - (1) After such of the provisions of Sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the Registering Officer shall endorse thereon a certificate containing the word 'registered', together with the number and page of the book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the Registering Officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in Section 59, have occurred as therein mentioned.

61. Endorsements and certificates to be copied and document

returned : - (1) The endorsements and certificates referred to and mentioned in Sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in Section 21 shall be filed in Book No.1.

[Provided that the copying of the items referred to above may be done using electronic devices like scanner] A.P.Act 16 of 1999 w.e.f. 31-12-1998)

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in Section 52.

62, Procedure on presenting document in language unknown to Registering Officer : - (1) When a document is presented for registration under Section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in Section 19, shall be filed in the registration office.

(2) The endorsements and certificate respectively mentioned in Section 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by Sections 57, 64, 65 and 66 the translation shall be treated as if it were the original.

63. Power to administer oaths and record of substance of statements : - (1) Every Registering Officer may, at his discretion, administer an oath to any person examined by him under the provisions of this Act.

(2) Every such officer may also at his discretion record a note of the substance of the statement made by each such person and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits correctness of such note, it shall be signed by the Registering Officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(C) SPECIAL DUTIES OF SUB-REGISTRAR

64. Procedure where document relates to land in several sub-districts : - Every Sub-Registrar on registering a non-testamentary document relating to immovable property- not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

65. Procedure where document relates to land in several districts :

(1) Every Sub-Registrar on registering a non-testamentary document relating to immovable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in Section 21, to the Registrar of every district in which any part of such property is situate, other than the district in which his own sub-district is situate

(2) The Registrar on receiving the same shall file in his Book No. I, the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate ; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(D) SPECIAL DUTIES OF REGISTRAR

66. Procedure after registration of documents relating to land : - (1)

On registering any non-testamentary document relating to immovable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in Section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No. I and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. [xxx](Deleted by A.P.Act No.13 of 1966 - Also vide Act No.48 of 2001 dated 24-9-2001)

(E) OF THE CONTROLLING POWERS OF REGISTRARS AND INSPECTOR-GENERAL

68. Powers of Registrar to superintend and control Sub-Registrars:-

(1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the Book I or the office in which any document has been registered.

69. Power of Inspector-General to superintend registration offices

and make rules :- (I) The Inspector-General shall exercise a superintendence over all the registration offices in the territories under the State Government, and shall have power, from time to time, to make rules consistent with this Act

- (a) providing for the safe custody of books, papers and documents:-
 - (aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of Section 16A] (Act No.48 of 2001 dated 24-9-2001)
- (b) declaring what languages shall be deemed to be commonly used in each district
- (bb) Providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, the exemption of any class of document writers from the licensing provisions and the conditions subject to which such exemption shall be granted and generally for all purposes connected with the writing of documents to be presented for registration.](vide A.P.Act No.V of 1960)
- (c) declaring what territorial divisions shall be recognised under Section 21;
- (d) regulating the amount of fines imposed under Sections 25 and 34 respectively
- (e) regulating the exercise of the discretion reposed in the Registering Officer by Section 63;
- (f) regulating the form in which Registering Officers are to make memoranda of documents;
- (g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under Section 51
- (gg) regulating the manner in which the instruments referred to in subsection (2) of Section 88 may be presented for registration
- (h) declaring the particulars to be contained in Index Nos. I, II, III, and IV, respectively
- (i) declaring the holidays that shall be observed in the registration offices; and
- (j) generally regulating the proceedings of the Registrars and Sub-Registrars. Vide C&IGRS ‘e’ mail communication (Feb 2008) for the meaning of the word “Regulate”, it was stated that the authority to “regulate” includes to adjust by rule, method of established mode, to direct by rules of restriction, to subject to governing principles of law, to correct by control, to control, govern, or direct the rules or regulations

Note: - For the meaning of the word ‘regulate’ it was stated in ‘e’ mail communication of the C& IGRS issued in February 2008, that the authority to

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regulate includes to adjust by rule, method of established mode, to direct by rule of restriction, subject to governing principles of law, to correct by control, to control, govern or direct the rules or regulations

(2) The rules so made shall be submitted to the State Government for approval, and after they have been approved they shall be published in the Official Gazette, and on publication shall have effect as if enacted in this Act

70. Power of Inspector-General to remit fines : - (1) The Inspector-General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under Section 25, or Section 34, and the amount of the proper registration fee.

PART XI-A

(Added by A.P.Act.No.16 of 1999 w.e.f 31-12-1998)

Registration of Documents by means of Electronic Devices

70-A. Application of this Part : - This part shall apply to the areas only in respect of which a notification is issued by the Government of Andhra Pradesh under Section 70-B.

70-B. Documents scanned by electronic devices in areas notified by the Government : -(1) The Government of Andhra Pradesh may, by notification, in the Official Gazette, direct that in any Office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the Compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything confined in this Act or any other Law for the time being in force, a copy of any document registered and skanned using the electronic devices and certified or attested by the Registering Officers in-charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-C. Saving :- Nothing in this part shall apply

- (i) to any document which in the opinion of Registering Officer is not in a condition fit to be processed by means of electronic devices
- (ii) in the case of unforeseen eventuality like breakdown of the computerised system of registration

Provided that the Registering Officer shall record the reasons in writing therefor]

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part, due to a breakdown of the computerised system, are incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector-General of Registration

PART XII
Of Refusal to Register

71. Reasons for refusal to register to be recorded:— (1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2 and endorse the words “registration refused” on the document and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, document is directed to be registered.

NOTE

When registration is refused the reasons for refusal shall at once be recorded in Book No. 2. The reasons for such refusal shall be any of those enumerated under Registration Rule 161.

Section 71 : The Sub-Registrar can't refuse to register the document on the basis of the Memos issued by the M.R.O. and the I.G. of Registration. The Sub-Registrar is bound to receive the documents and scrutinise the same and accordingly register the same provided that there are no legal impediment for registration of the documents. [P. Narasimha Reddy and another vs Shameerpeta Mandal, R.R. Dist., 2005 (2) ALD 807].

Registering authorities, as per the provisions of the Act are bound to act, and that such powers or functions cannot be curtailed by mere executive fiat unless the same can be said to be in accordance with the provisions of the Act. [P. Narasimha Reddy v. Sub-Registrar, Shameerpeta. 2005 (2) ALD 807, followed K. Sulochana vs District Collector, Kurnool, 2005 (4) ALD 539].

72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution : - (1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order, and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereon shall, so far as may be practicable, follow the procedure prescribed in Sections 58, 59

and 60, and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution : - (1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorised as aforesaid, may, within thirty days after the making of the order of refusal apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of any reasons recorded under Section 71, and the statement in the application shall be verified by the applicant in the manner required by law for the verification of plaints.

NOTE

Section 73 enables a person who presents a document for Registration and Registration of that document is rejected / refused by the Subregistrar on the ground that the person purported to have executed denies such execution, the aggrieved party can file application before the Registrar in order to establish his right to have the document registered. Vide also Registration Rules 161 to 164.

74. Procedure of Registrar of such application : - In such case and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall as soon as conveniently may be, enquire —

- (a) whether the document has been executed ;
- (b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration as the case may be so as to entitle the document for registration.

75. Order by Registrar to register and procedure thereon :- (1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for Registration within thirty days after the making of such order, the Registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in Sees 58, 59 and 60

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under Section 74,

summon and enforce the attendance of witnesses and compel them to give evidence, as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been, awarded in a suit under the Civil Procedure Code, 1908 (5 of 1908).

76. Order of refusal by Registrar : - (1) Every Registrar refusing

(a) to register a document except on the ground that the property, which it relates does not situate within his district or that the document ought to be registered in the office of a Sub-Registrar or

(b) to direct the registration of a document under Section 72 or Section 75 shall, make an order of refusal and record the reasons for such order in his Book No.2, and on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or Section 72.

77. Suit in case of order of refusal by Registrar : - (1) Where the Registrar refuses to order the document to be registered under Section 72 or Section 76, any parson claiming under such document, or his representative, assign or agent, may within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits, of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of Section 75 shall, mutatis mutandis, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the documents shall be receivable in evidence in such suit.

PART XIII

Of the fees for Registration, Searches and Copies

78. Fees to be fixed by State Government :- The State Government shall prepare a table of fees payable—

- (a) for the registration of documents
 - (b) for searching the registers;
 - (c) for making or granting copies of reasons, entries or documents, before, on or after registration;
- and of extra or additional fees payable;
- (d) for every registration under Section 30
 - (e) for the issue of commissions;
 - (f) for filing translations;

- (g) for attending at private residences,
- (h) for the safe custody and return of documents; and
- (i) for such other matters as appear to the State Government necessary to affect the purposes of this Act

79. Publication of Fees : - A table of the fees so payable shall be published in the Official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office

80. Fees payable on presentation : - All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

80-A. Recovery of deficit registration fees : - (1) Notwithstanding anything contained in Section 80, if after the registration of document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit in the fee paid, as the case may be, may, on a certificate of the registering officer be recovered from the person who presented such document for registration under Section 32, as an arrear of land revenue

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard

Provided further that no such enquiry shall be commenced after the expiry of such period, after the date of the registration of the document as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject to appeal under sub-section (3), be final and shall not be called in question in any Court or before any authority.

(3) Any person aggrieved by a Certificate of the registering officer under sub-section (1) may appeal to the Registrar if it is a certificate of the Sub-Registrar, or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time and shall be heard and disposed of in such manner, as may be prescribed.

(4) The Government or the Inspector General of Registration and Stamps may write off the irrecoverable arrears of deficit registration fee subject to such conditions as may be prescribed] (Sections 80A(1) to (4) inserted by A.P.Act No. 4 of 1999 w.i.f. 1-4-1999)

**PART XIV
Of Penalties**

81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure :- Every registering officer appointed under this Act and every person employed in his office for the pur-

poses of this Act, who being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such documents in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

82. Penalty for making false statements, delivering false copies or translations, false personation and abetment : - Whoever

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act, or

(b) intentionally delivers to a Registering Officer, in any proceeding under Section 19 or Section 21, a false copy or translations of a document, or a false copy of a map or plan ; or

(c) falsely personates another and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission, to be issued, or does any other act in any proceeding or enquiry under this Act or

(d) abets anything made punishable by this Act

shall be punishable with imprisonment for a term which may extend to seven years or with fine, or with both

83. Registering officer may commence prosecutions : - (1) A prosecution for any offence under this Act coming to the knowledge of a Registering Officer in his official capacity may be commenced by or with the permission of the Inspector-General, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any Court or Officer exercising powers not less than those of a Magistrate of the second class.

84. Registering Officers to be deemed public servants : - (1) Every Registering Officer appointed under this Act shall be deemed to be a Public Servant within the meaning of the Indian Penal Code.

(2) Every person shall be legally bound to furnish information to such Registering Officer when required by him to do so.

(3) In Section 228 of the “Indian Penal Code, the words “Judicial proceeding” shall be deemed to include any proceeding under this Act

Part XV

Miscellaneous

85. Destruction of unclaimed documents : - Documents (other than Wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed

86. Registering Officer not liable for thing bona fide done or refused in his official capacity : - No Registering Officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity

87. Nothing so done invalidated by defect in appointment or procedure : - Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any Registering Officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

88. Registration of documents executed by Government Officers or certain public functionaries : - (1) Notwithstanding anything contained in this Act, it shall not be necessary for

- (a) any officer of Government, or
- (b) any Administrator-General, Official Trustee or Official Assignee, or
- (c) The Sheriff, Receiver or Registrar of a High Court, or
- (d) the holder for the time being of such other public office as may be specified in a notification in the Official Gazette issued in that behalf by the State Government,

to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him or in his favour, in his official capacity, or to sign as provided in Section 58.

(2) Any instrument executed by or in favour of any officer of Government or any other person referred to in sub-section (1) may be presented for registration in such manner as may be prescribed by rules made under Sec. 69.

(3) The Registering Officer to whom any instrument is presented for registration under this section may, if he thinks fit, refer to any Secretary to Government or to such officer of Government or other person referred to in sub-section (1) for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument

89. Copies of certain orders, certificates and instruments to be sent to Registering Officers and filed : - (1) Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of his order to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such Registering Officer shall file the copy in his Book No. I [or get scanned](A.P.Act.No.16 of 1999 w.e.f. 31-12-1998)

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908 shall send a copy of such certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1 [or get scanned].

(3) Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order of granting the loan, a copy also of that order, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such Registering Officer shall file the copy or copies, as the case may be, in his Book No. 1. [or get scanned]

(4) Every Revenue Officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1. [or get scanned] (A.P. Act. No.16 of 1999 w.e.f. 31-12-1998)

[5] An officer empowered to grant a certificate of sale of immovable property under the Andhra Pradesh Co-operative Societies Act, 1964 or the rules made thereunder shall send a copy of such certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such Registering Officer shall file the copy in his Book No.1 [or get scanned](A.P.Act. No.32 of 1974 w.e.f. 1-11-1974) and

(6) Every Tribunal issuing a certificate under sub-sec. (6) of Section 38 or sub-section (2) of Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, declaring the protected tenant to be the purchaser or owner, as the case may be, of the land and every Tahsildar issuing a certificate sanctioning the exchange under sub-section (2) of Section 39 or under Section 50-B of the Act aforesaid declaring the validity of any alienation or other transfer of agricultural land, shall send a copy of such certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the agricultural land comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1 or get scanned (A.P.Act.No.16 of 1999 w.e.f. 31-12-1998)

EXEMPTIONS FROM ACT

90. Exemption of certain documents executed by or in favour of Government : - (1) Nothing contained in this Act or in the Indian Registration

Act, 1877, or in the Indian Registration Act, 1871, or in any Act thereby repealed, shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:

(a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement; or

(b) documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land and which form part of the record of such survey or

(c) documents which, under any law for the time being in force are filed particularly in any revenue office by patwaries or other officers charged with the preparation of village records; or

(d) sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government or land or of any interest in land; or

(e) notices given under Section 74 or Section 76 of Bombay Land Revenue Code, 1878, of relinquishment of occupancy by occupants, or of alienated land by holder of such land

(2) All such documents and maps shall, for the purposes of section 48 and 49, be deemed to have been and to be registered in accordance with the provisions of the Act.

91. (1) All such rules and the previous payments of such fees as the State Government prescribes in this behalf, all documents and maps mentioned in section 90, clauses (a), (b), (c) and (d) and all registers of the documents mentioned in clause (e) shall be open to the inspection of any person applying to inspect the same and subject as aforesaid, copies of such documents shall be given to all persons applying such copies (vide Act No.26 of 1983)

(2) Every rule prescribed under this section of made under Section 69 shall be laid as soon as it is made, before the state legislature (vide Act No.20 of 1983)

(3) Inspection and copies of such documents

(1) Subject to such rules and previous payment of such fees as the State Government by notification in the official Gazette prescribed in this behalf, all documents and maps mentioned in section 90 clauses (a) (b) (c) and (e) and all registers of the documents mentioned in clause (d) , shall be open to the inspection of any person applying to the same, and subject as aforesaid, copies of such documents shall be given to all persons applying for such copies (Act 20 of 1983)

(2) Every rule prescribed under this section or made under section 69, shall be laid, as soon as it is made before the State Legislature (Act 20 of 1983)

92. (Repealed) (by A.O.1938)

93. (Repealed) (by Act of 1938)

**ANDHRA PRADESH RULES
UNDER THE REGISTRATION ACT, 1908**

Then following rules, which have been made by the Inspector General of Registration, under Section 69 of the Registration Act, 1908, and have been approved by the State Government are published for general information

These rules shall come into force throughout the State of Andhra Pradesh with effect from the 1st January 1960 and superseded with effect from the said date, rules at present in force.

**CHAPTER I
(Preliminary)**

1. In these rules, unless there is anything repugnant to the subject or context.

- (a) "the Act" means the Registration Act, 1908.
- (b) "Section" means a section of the Act.
- (c) "Rule" - means rule made under the Act for the time being in force.
- (d) "Appendix" means an appendix annexed to these rules
- (e) "Registering Officer" includes both a Registrar and a Sub-Registrar.
- (f) "Government" means the Government of Andhra Pradesh.
- (g) "Document writer" means and includes one who is engaged in the profession of preparing and writing of documents to be presented for registration.
- (h) "Licence" means a licence granted to a document writer under these rules.
- (i) "Licensing authority" means the licensing authority specified in Rule 206.

Note :- Words and expressions used in these Rules but not defined shall have the meaning assigned to these in the Act.

2. All such documents and maps shall, for the purposes of Sections 43 and 48, be deemed to have been and to be registered in according with the provisions of this Act

**CHAPTER-II
(Office hours and holidays)**

3. The offices of all Registrars and Sub-Registrars shall be open for at least six and half hours daily, Sundays and holidays excepted. The hours of working shall usually be those fixed by Government, from time to time. These shall not be altered except with the approval of the Inspector General. A notice

showing the hours of working of the office shall be affixed in a prominent place in each office for the information of the public

4. A Registering Officer may decline to receive a document for registration if presented after 3.30 P.M when he has sufficient work to attend to after that hour in connection with the documents previously admitted to registration.

5. The holidays to be observed in Registration Offices are the holidays notified by Government

6. A document presented for registration or a sealed cover purporting to contain a will presented for deposit under Section 42 or an application for withdrawal of such a cover under Section 44 or a Power of Attorney brought for authentication under Rule 49 shall not be accepted or authenticated on an authorised general holiday except in a special emergency. When a Sub-Registrar accepts a document or authenticates a Power of Attorney on such a day, he shall immediately make a report to the Registrar explaining the circumstances.

There is, however, no objection to accept a document for registration or a sealed cover purporting to contain a will for deposit, authentication of a Power of Attorney at a private residence on a Sunday or other authorised holiday or to the transcription or return of documents on such days, should the Registering Officer happen to be in his office.

CHAPTER III

(Sections 6 and 7)

Registering Officers

7. A notice stating where the Registering Officer lives shall be affixed out side of each Registration Office.

8. When two or more offices are established in a Sub-District as Joint offices, each of the officers appointed to the charge thereof shall be designated as Joint Sub-Registrar and shall have concurrent jurisdiction over the whole Sub-District.

9. (i) When a Joint Sub-Registrar is appointed, either as a temporary or permanent measure, to assist a Sub-Registrar, he will have no separate office or establishment but will work side by side with the other permanent Sub-Registrar, the documents registered by both Sub-Registrars being entered in the same returns and registers and indexed in the same sheets.

(ii) In such cases there is no objection to one Sub-Registrar completing the registration or authenticating the entry of a document admitted to registration by the other Sub-Registrar when circumstances arise which prevent the latter officer from performing those duties.

(iii) The senior of the two Sub-Registrars shall sign and be designated as

Sub-Register and the other as Temporary Sub-Registrar or Joint Sub-Registrar as the case may be.

CHAPTER IV

(Section 15)

Seals

10. (i) The seal shall always remain in the personal custody of the Registering Officer.

(ii) It shall be used in authenticating :

- (a) the certificates endorsed on a registered instrument under Section 60
- (b) power of attorney attested under Section 33
- (c) summonses and commissions issued under Section 33 and 38
- (d) certified copies under Section 57
- (e) memoranda and copies forwarded under Sections 64 to 67 and under Rules 24 and 159 (iv)
- (f) copies of order of refusal to register ranted under Sections 71 and 76
- (g) copies other than those above referred to granted to parties
- (h) certificates and lists granted to applicants under Rule 140
- (i) copies of judgments of Registrars under Sections 72 and 75
- (j) reproduced entries of old registers
- (k) copies of maps and plans
- (l) decrees drawn up under Section 75 and copies thereof.

11. Should a Registering Officer find himself temporarily unprovided with the prescribed seal, registration shall nevertheless proceed as usual and such documents as have been transcribed shall remain in his custody until the seal can be affixed to the registration certificate.

CHAPTER V

(Sections 16 and 51)

Books & Forms

12. (i) The “registers shall be in the forms shown in Appendix-I.

(ii) Where necessary more than one volume of the same class may with the previous sanction of the Registrar, be used simultaneously for the registration of documents.

13. (i) A file book shall be maintained in each registration office corresponding with Book I. In this the following shall be filed :

- (a) copies of maps and plans mentioned in Section 21
- (b) copies and memoranda of registered instruments received under Sections 64 to 67
- (c) copies of certificates and orders received under Section 89

- (d) returns of lands acquired under the Land Acquisition Act ;
- (e) communications received from officers of other Departments intimating the cancellation, modification or rectification of transactions evidenced by papers previously filed ;
- (f) copies of instruments of collateral security executed under the Land Improvement Loans Act received from Revenue Officers,
- (ii) A separate file shall also be opened for filing copies and translations presented under Sections 19 and 62 of the Act or under Rule 17(i). The copies and translations placed in this file shall be connected by cross reference with the entry in the register.

14. The registers and file books shall contain such number of pages as the Inspector-General may, from time to time, prescribe.

15. Should a Registering Officer who requires a fresh register book have no blank registers in stock, instruments tendered for registration shall nevertheless, be received as usual, necessary enquiries shall be held and the prescribed endorsements on the documents shall be entered. As however the certificate of registration cannot be added until the instrument has been copied into the register book, the instruments in all such cases shall remain in the custody of the Registering Officer until they have been copied into a register book and the process of registration has been completed.

CHAPTER VI

(Section 19 of the Act)

Languages

16. The following languages shall be deemed to be languages commonly used in the Districts and Sub-Districts named thereunder:

I-English

II-Telugu

All Registration Districts and Sub-Districts.

III-Hindi

Registration Districts of Hyderabad, Nizamabad and Warangal

IV-Urdu

Registration Districts of Hyderabad, Nizamabad and Warangal and Sub-Districts of Jammalamadugu, Proddutur. Budvel, Vempalle, Kamalapuram; Cuddapah, Rayachoti and Pullampeta in the Registration District of Cuddapah.

Sub-District of Guntakal, Hindupur, Kadiri, Uravakonda, Gooty, Dharmavaram, Penukonda, Madakasira, and Rayadurg in the Registration District of Anantapur.

Sub-Districts of Kodumur, Gudur, Adoni, Yemmiganur, Atmakur, Pathikonda, Dhone, Nandyal, Banaganapalli, Koilkuntla, and Kumool in the Registration District of Kumool.

Sub-Districts of Markapur, Giddalur and Cumbum, in the Registration District of Narsaraopet (Now these subdistricts form part of Prakasam Registration district)

V-Tamil

Chittoor, Satyaveedu, Karvetinagar, and Pisatur Kangundi (Kuppam), Pakala, Palmaner, Tirupathi, Puttur, in the Registration District of Chittoor.

Now Chittoor, Palmaner and Kuppam form part of Registration District of Chittoor and other places from part of Registration District of Sri Balaji (Titupati)

VI-Oriya

Sub-Districts of Ichhapuram, Sompeta, Patapatnam, Mandasa, Kasibugga and Tekkali in the Registration District of Srikakulam.

Sub-Districts of Kurupam and Srungavarapukota in the Registration District of Visakahpatnam (Now both the subdistricts form part of Vijianagaram Registration district)

VII-Marathi

Sub-Districts of Bhainsa and Mancherial in the Registration District of Nizamabad

VIII-Kannada

Sub-Districts of Madakasira and Rayadurg in the Registration District of Anantapur.

Sub-Districts of Alur and Yemmiganur in the Registration District of Kumool.

Sub-Districts of Medak, Zahirabad, Sangareddy and Siddipet in Registration District of Nizamabad. (Now all these subdistricts form part of Medak Registration district)

17. (i) The stamp vendor's endorsement on a document shall be considered to be a part of the document, and if it is in a language commonly used in the District, the Registering Officer shall, if he does not understand the language, demand the presentant to file a translation and also a true copy. No fee shall be levied for filing translation under this sub-rule.

(ii) When a Power of Attorney is presented for attestation or when an attested Power of Attorney is produced by an agent with or in connection with a document presented for registration and the Power of Attorney is written in a language not commonly used in the District, the Registering Officer may, if he does not understand the language, demand of the presentant a true translation of the power in English or in a language commonly used in the District.

(iii) The translation and the copy shall be certified to be a true translation and a true copy and signed by the presentant.

(iv) No fee is leviable for filing a translation if the Power of Attorney is or has been attested by a Registering Officer.

CHAPTER VII

(Sections 21 and 22 (i) of the Act)

Description of Property

18. The description of the 'Territorial Division' required by Section 21 of the Act shall, as far as practicable, give the following particulars:

- (a) the Registration District
- (b) the Registration Sub-District
- (c) the taluk
- (d) any well-known division of (c) such as a mootah, hoondah, khandum, firka, magany, amsam and
- (e) the village, hamlet or suburb in which the property referred to in a registrable document is situated.

19. If property is described in a document by specific reference to an instrument which has been already registered or which a true copy has been filed under Section 65 or 66 in the Office in which the document is presented for registration and if that instrument contains the particulars required by Rule 18 and such a description of the property as is required by the rules in force, the description need not be repeated in the document.

20. Whenever any non-testamentary document presented for registration relates to land situate in any local area in respect of which the Government have issued a rule under Section 22(1) requiring description by reference to Government map or survey, the Registering Officer shall satisfy himself that the land comprises of one or more entries in survey fields or subdivisions the document specifies number of each field or subdivision and that if the land has no separate number assigned to it the document specifies the number assigned to the field or subdivision in which the land is situated and further includes a description of the land sufficient for its identification.

[**20-A.** Copies of plans accompanying documents under Section 21, except the plans or maps accompanying copies of notification presented for registration under Rule 50-A of the rules framed under the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 (Act VII of 1920) shall not exceed the size 37.50 cm x 26.67 cm.]

Instructions of the C& IGRS

Document with vague (vagueness to the extent of boundaries of the property by saying North : Part of Survey No.....etc., North : Nala etc., North : Neighbours property etc.) or incomplete description of property without subdivision records shall not be accepted. Subdivision records prepared by licensed Surveyors as approved by Commissioner of Survey and Land Records can be accepted

Whenever identify of executants and claimants is not established to the satisfaction of the Registering Authority, the documents shall not be accepted.

Properties which are covered by Section 22(A) of Registration Act shall not be accepted.

While refusing to accept above type of documents, the Registering Authority will make a speaking order which can be taken on appeal to District Registrar within 30 days from the date of refusal, subject to the powers of IG Registration and Stamps as specified in section 69(j) of Registration Act.1908

CHAPTER VIII

(Sections 19,21,22,28,29,32,40 and 52)

Registration and Examination of Document

21. A Document relating to immovable property which is situate partly within and partly without the areas to which the Registration Act applies may be registered in the office of any Registering Officer within whose jurisdiction any portion of the property is situate; but in such a case the certificate of registration shall show that the registration has been effected only as regards the portion of the property which lies within the areas where the Registration Act is applicable.

22. A Document relating to immovable property situated wholly outside India or outside the tracts to which the Registration Act applies may be registered by a Registering officer in Book 4 but the presentant shall be warned by a note below the registration certificate that its registration does not affect the right in the property itself.

23. A document required to be registered under any enactment specified below may be registered by a Registering Officer as any other document required to be registered under the Registration Act, 1908, but it shall be specified in the Registration Certificate that its registration cannot confer any title or interest unless duly registered under the relevant enactments specified below.

The Societies Registration Act, 1860 (Central Act XXI of 1860), the Public Societies Registration Act, 1350-F (Hyderabad Act I of 1350 F), the Indian Christian Marriage Act, 1872 (Central Act XV of 1872), the Indian Patents and Designs Act, 1911 (Central Act II of 1911), the Indian Trade Unions Act, 1926, (Central Act XVI of 1926), Trade Marks Act, 1940 (Central Act XXV of 1940), the Special Marriage Act, 1954 (Central Act XL III of 1954).

NOTE

Both the Societies Registration Act 1860 and the public societies Registration Act, 1350F have been repealed by the A.P Societies Registration Act, 2001 effective from 10-12-2001.

24. A Registering Officer having jurisdiction to accept a document for registration at the time of its presentation notwithstanding the fact that the village in which the property affected is situated has been transferred from his jurisdiction subsequent to the presentation of the document but before completion of its registration. But when the document affected immovable property

memorandum shall be sent, without levy of any fee, to the officer to whose jurisdiction the village has been transferred for the purpose of being filed in file Book I of that Office.

When, however, after refusal to register by a Registering Officer the village in question is transferred, whilst the document is on appeal or in a suit before a Civil Court, to the jurisdiction of another Sub-Registrar, the document, if the Registrar or the Court orders that it shall be registered, shall be represented for registration to the office to whose Sub-District the village has been transferred.

25- (i) A document for registration other than a document forwarded under Section 89 shall be presented in person with the fee payable therefor direct to the Registering Officer and not to a clerk or a peon.

(ii) A document referred to in Section 89(2) may be presented through a messenger with a covering letter signed by the Government Officer or other person concerned referred to in Section 88(1).

(iii) A document shall not be accepted if transmitted by post.

26. (i) Every document shall, before acceptance for registration, be examined by the Registering Officer to ensure that all the requirements prescribed in the Act and in these rules have been complied with, for instance

- (a) that it has been presented in the proper office (Sections 28,29, & 30);
- (b) that the person is entitled to present it (Sections 32 and 40);
- (c) that if it is a non-testamentary document and relates to immovable property, it contains a description of property sufficient to identify the same and fulfils the requirements of Rules 18 to 20:
- (d) that if it is written in a language not commonly used in the District and not understood by the Registering Officer it is accompanied by a true translation into a language commonly used in the District and also by true copy (Section 19)
- (e) that if it contains a map or plan, it is accompanied by true copies of such map or plan as required by Section 21(4)
- (f) that it contains no unattested interlineations, blanks, erasures or alterations, which in his opinion require to be attested as required by Section 20 (1)
- (g) that if the document is one other man a will it has not been presented within the time prescribed by Sections 23 to 26
- (h) that it bears the date of its execution and does not bear a date anterior to the date of purchase of stamp papers and the document is written on a date subsequent to the date of presentation
- (i) that if the date is written in any document other than a will presented for registration after the death of the testator according to both the British and the Indian calendars, these dates tally and
- (j) that if the presentant is not personally known to the Registering Officer, he is accompanied by such identifying witnesses with whose testimony the Registering Officer may be satisfied

(K)(i) The registering officer shall ensure at the time of presentation for registration of cancellation deeds of previously registered deed of conveyance on sale [all instruments namely Agreement of sale cum GPA, Development Agreement cum GPA, Partition, Release and Mortgage shall be governed by Rule 26(1)(k)(i)(C&IGRS Memo Rc.No.G1/10866/2006/14.3.2008)] before him, that such cancellation deeds are executed by all the executant and claimant parties to the perviously registered conveyance on sale and that such cancellation deed is accompanied by a declaration showing mutual consent or orders of a competent Civil or High Court or State or Central Government annulling the transaction contained in the previously registered deed of conveyance on sale.

Provided that the registering officer shall dispense with the execution of cancellation deeds by executant and claimant parties to the previously registered deeds of conveyance on sale before him if the cancellation deed is executed by a Civil Judge or a Government Officer competent to execute Government Orders declaring the properties contained in the previously registered conveyance on sale to be Government or Assigned or Endowment lands or properties not registerable by any provision of law

(i) Save in the manner provided for above no cancellation deed of a previously registered deed of conveyance on sale before him shall be accepted for presentation for registration.

(ii) if there are any informalities in presentation of a nature which can be remedied, for instance, noncompliance of the requirements mentioned at Clauses (a) to (f), (h), (i) and (j) of sub-rule (i) of this rule, the Registering Officer shall give the party such information as may be necessary and return the fees and the document with a view to the document being presented again in due form. The action of the Registering Officer shall be confined to advice and he shall not himself alter the document in any way.

27. Each important interlineation, erasure or alteration occurring in a document shall whenever possible, be caused to be noted or described at the foot of document and to be signed by the executant before the document is accepted for registration. This course is however, unnecessary in respect of a document executed solely by a public functionary as such or of a document received under Section 89. In such cases it will suffice if the interlineation, erasure or alteration is attested by the officer concerned.

28. Every copy of a map or plan accompanying a document shall be certified to be a true copy and shall be attested by the signature of the person executing the document or his duly authorised agent

29. When a document is presented for registration in duplicate, or triplicate Registering Officer shall treat the duplicate and triplicate as such if they are exact reproductions of the original and bear the same date. Should any discrepancy be detected, the presentant shall be required to reconcile it before the document is accepted for registration. If the original contains a map or plan, a copy shall be annexed to the duplicate and to the triplicate.

30. (i) A document which relates to a land situated in a district or portion of a district to which the rules framed by the Government under Section 22(1) have been made applicable shall, before it is accepted for registration be checked with the survey numbers and subdivision in the subsidiary indexes maintained under Rule 125 and also when necessary, with the settlement registers in order that the Registering Officer may cause incorrect or fictitious numbers entered in the document to be rectified.

(ii) If a survey number or subdivision entered in a document is not found in the subsidiary indexes or settlement registers the Registering Officer shall, if necessary, make a reference to the Revenue Department

(iii) If the subdivisions of a field are found in the subsidiary indexes or settlement registers and the field is described in the document without any reference to any subdivision, the document may be returned for rectification.

31. (i) If there are no impediments such as those mentioned to the acceptance of a document for registration or if the document is presented again after any such impediments have been removed, the Registering Officer shall endorse on the document the date, the hour and the place of presentation and take the signature of the presenting party to such endorsement

(ii) If, however, any of the impediments referred to above is discovered after the presentation endorsement has been made on the document, the latter may be returned for correction or amendment, if the party so desires with an endorsement to that effect. Should the document be presented again, a representation endorsement shall be made.

32. (i) If the period prescribed for presentation has elapsed, but the document is still admissible on payment of a fine, the Registering Officer shall if he is a Sub-Registrar suspend its registration pending the orders of the Registrar.

(ii) If the document is chargeable with duty under the Indian Stamp Act 1899, and is not duly stamped, the Registering Officer shall impound it under Section 33 of that Act and forward it to the Collector, registration being suspended.

(iii) Pending orders on such reference to the Registrar or prior to sending a document to the Collector, the Registering Officer may, however record the admission of the execution and the examination of witnesses, if any.

33. If the executant of a document is in doubt about the proper stamp and consults a Registering Officer on the subject before formal presentation, the required information may be given without impounding the document. It should be explained to the executant at the same time that if he wishes to obtain authoritative opinion, he must apply to the Collector under Section 31 of the Indian Stamp Act, 1899.

34. If a document is dutiable under the Andhra Court Fees and Suits Valuation Act 1956, and is unstamped or is insufficiently stamped, it shall be

returned to the party presenting it (vide Section 5 of that Act) in order that the stamp duty or the deficiency in the stamp duty may be made good.

Minute Book

35. Every Registering Officer shall maintain a ‘Minute Book’ in such a manner as the Inspector-General may from time to time, prescribe and shall enter in his own hand a brief record of each day’s proceedings in respect of every document on which a presentation endorsement has been made and which is neither admitted to registration nor refused registration on the day of presentation and also record therein notes of such other proceedings as the Inspector General may, from time to time, prescribe. Such record shall be necessary

- (a) when a document is returned for correction under Rule 31 (ii)
- (b) when a document is put aside pending appearance of parties and witnesses
- (c) when a document is pending reference to the Registrar
- (d) when a document is returned not registered at the request of the party presenting it ; and
- (e) when a sealed cover containing a will is returned on the ground that it is not sealed or that it has not been superscribed with the name of the testator and that of his agent (if any) and nature of the document (Section 42).

Proceedings in respect of a will or authority to adopt presented under Section 41 (2) or of a document presented for registration after the death of the executant or the executant of which dies before admitting execution or of a document impounded for insufficiency of stamp duty shall be excluded

CHAPTER IX

[Sections 25 and 34]

Delay in Presentation and Appearance

36. (i) A Registering Officer may require that the date of execution shall be entered in a document presented for registration wherever it is not found therein.

(ii) The date of execution of a document is the date on which it is signed by the party and the date on which a document bears at its head is not necessary the date of its execution though it is prima facie so.

(iii) The date on which a certificate of sale by a Civil or Revenue Court was signed by the Court shall be taken as the date of execution for registration purposes.

(iv) An alteration in the date of execution of a document made ostensibly for the purposes of evading payment of the penalty leviable under Sections 25 and 34 shall not be-recognised and the document shall be treated as having been executed on the date originally entered therein.

(v) If the date of execution is not stated or if it is altered or if document bears an impossible date or fictitious date anterior to the date of purchase of stamp on which the document or any portion of it is written the document shall be refused registration if the correct date cannot ascertained

Provided that nothing in this sub-rule shall apply to wills presented after the death of the testator.

37. Application for registration on payment of fines under Section 25 and 34 shall be in writing. A statement recorded from the party concerned shall be regarded as equivalent to an application under the sections.

38. The fines for delays in presentation and appearance under Sections 25 and 34 shall be regulated as follows :-

| | |
|--|--|
| When the delay does not exceed one week after the expiration of time allowed for presentation or appearance. | A fine equal to the registration fee. |
| When the delay exceeds one week but does not exceed one calendar month. | A fine equal to twice the registration fee |
| When the delay exceeds one month but does not exceed two months. | A fine equal to five times the registration fee. |
| When the delay exceeds two months | A fine equal to ten times the |

Explanations : - (1) The fine shall be levied in addition to the proper registration fee.

(2) The term registration fee as used in this rule does not include the fee for copying documents and endorsements thereon or the fee payable for the registration under Section 30 or for filing a translation under Section 19 or fee for copies and Memoranda under sections 64 ,66 and 67 or for attendance at a private residence or for the registration of a duplicate or triplicate.

39. Whenever a fine for delay in appearance is levied on more occasions than one in respect of one and the same document, the amount of the fine leviable on the second and subsequent occasions shall be the difference, if any, between the total amount leviable to up the second or subsequent occasions and the fine previously levied in respect of such document

40. (i) Whenever an application under Section 25 or Section 34 is lodged with Sub-Registrar, he shall forward the same, whether he considers the reason for delay to be satisfactory or not, for the orders of the Registrar but as laid down in Rule 32 (iii) there is no objection to his recording the admission of execution on such a document before forwarding the application to the District Registrar.

(ii) When the District Registrar condones the delay either under Section 25(1) or under the proviso to Section 34(1) and directs either the acceptance of the document for registration or its registration as the case may be, the Sub-Registrar on receipt of orders to that effect from the District Registrar shall make an endorsement on the document above the registration certificate in the following form and close the same with his signature and date

“Acceptance for registration / admission to registration was directed by the District Registrar ofin his Order No dated on payment of the fine of Rs for a delay of under Section 25 / Section 34 of-the Registration Act, 1908”

Date :

Signature of the Sub-Registrar

CHAPTER X

[Sections 31, 33 and 38]

Attendance at Private Residence

41. An application for attendance at a private residence shall be in writing and shall in all possible cases, be signed by the person on whose behalf attendance is required.

42. All documents must be presented by a person, entitled to present them to a Registering Officer and not to a Commissioner.

43. A requisition for attendance at a private residence shall be complied with as early as possible. If compliance would interfere with the regular business of the office or involve the closing of the office and if the case does not fall under the proviso to Section 31, a Commission should, if practicable, be issued. All cases of office partially or wholly on a working day in consequence of a private attendance shall be reported to the Registrar with full statement of facts necessitating such a course

44. A District Registrar may attend at a private residence situated within the limits of his district even though it may not lie within the Sub-District under his immediate charge ; but a Sub-Registrar shall not proceed out of his Sub-District for the purpose.

45. (i) Persons exempt by law from personal appearance in Court under the Code of Civil Procedure, 1908 are : -

- (a) who, according to the customs and manners of the country, ought not to be compelled to appear in public; and
- (b) persons of rank especially exempted by the Government.

(ii) A list of persons exempted under sub-rule (i) (b) shall be obtained by the Registrar from the High Court or District Court and communicated to every Sub-Registrar in his District.

(iii) When in the course of attendance at a private residence Registering Officer is required to record in respect of the same document the admission of persons not entitled to the concession, the request may be complied with.

46. (i) A Commission issued under Section 33 or Section 38 shall be prepared in the form shown in Appendix II and shall, when the person to be examined resides within the Sub-District, be addressed ordinarily by the Registering Officer to one of his clerks. When the person to be examined resides in another Sub- District, whether within the same District or in another District, the Commission shall be directed to the Sub-Registrar of the latter Sub-District. The Sub-Registrar receiving a Commission so addressed may, if he cannot attend personally, redirect it to any officer of his establishment vide also Sections 75 and 76 of the Code of Civil Procedure, 1908.

(ii) When the Commission is for the examination of an executant, and has been executed the Commissioner shall return the document to the office from which it was issued, endorsed as follows : -

“Having attended the at residence of A.B. sons of C.D. at I have this day examined the said A.B. who have been identified to my satisfaction by E.F. sons of G.H. etc., residents of and the said A.B. admitted (or denied) the execution of this document (or the voluntary execution of this Power of Attorney).

| | |
|---|--|
| Left thumb-impression of Executant Signatures of Witnesses. | Full Signature of Executant Commissioner |
|---|--|

(iii) Where receipt of consideration is acknowledged before the Commissioner, he shall add the following clause to this endorsement :-

“and acknowledged receipt of Rs. (or goods to be specified) being consideration in whole (or in part)

(iv) Where consideration is paid in the presence of the Commissioner, he shall add the following to endorsement : -

“I also certify that Rs (or goods to be specified) were paid (or delivered) in my presence to th cimen form in Appendix V”

(v) on receving the commissioner’s report the Registering officer shall, if satisfied as to the execution of the document, make thefollowing endorsment below the report:-

“From the foregoing report I am satisfied that this Document has been executed

Power of Attorney has been voluntarily executed, by the said A.B.”

Date : Signature of Registering Officer.

47. A Commissioner may examine witnesses in the same manor as a Registering Officer, and persons who may be required to give evidence before a Commissioner and who refuse to do so shall be subject to the penalties and punishments which they would incur for the same offence if committed in a registration office.

48. A Registering Officer may examine the Commissioner personal in his office touching any of the circumstances connected with the discharge of his Commission, especially with reference to the voluntary nature of the admission of execution.

CHAPTER XI

(Section 33)

Power of Attorney

49. (i) When a Power of Attorney is executed before a Registering Officer he shall after satisfying himself of the identity of the party and obtaining when necessary his left thumb impression against his signature authenticate it in the following form :-

“No of 20”

Executed in my presence (atx) thisday of 20..... by A.B. who is personally known to me (or whose identity is proved by (signature of) CD (with addition) and (signature of E.F.,(with addition).

Seal

Signature of Registering Officer

Note : - To be filed in, when the execution takes places at a place other than registration office, e.g. a private residence

(ii) When a Power of Attorney which has not been executed before a Registering Officer is presented to him for authentication under the proviso to Section 33 the Registering Officer shall, if he attends himself at the private residence of the principal or if the principal appears in the office behind a purda and is examined with the help of hammannee or mama adopt the following form of authentication:—

“No. of 20”

I Certify that I have satisfied myself on examining atthis day of..... 20 (signature of) A.B. (Who is purdanashin) lady with the aid of (signature of) C.D. hammannee or mama (with addition) that this power of attorney has been voluntarily executed by the said AB. who purports to be the principal and who is personally known to me or whose identity has been proved by inspection behind the purdah by (signature of) E.F. (with addition) who is her (relationship if any to be stated) and (signature of) G.H. (with addition) who is her (relationship if any to be stated) with whom she does not observe purdah.

Seal

Signature of Registering Officer

(iii) When a Power of Attorney occupied more than one sheet of paper the number of the power of which the sheet forms a part, the total number of sheets of which the power consists the number of the sheet, and the signature and seal of the Registering Officer shall be endorsed on each sheet.

(iv) Every interlineation, blank, erasure or alteration in the body of a power of Attorney which is authenticated and not registered shall, at the time of authentication, be detailed in a footnote added to the document below the endorsement of authentication and shall be signed by the Registering Officer even if the party himself has entered a similar note in the document. If there are no interlineations, blanks or erasures or alterations, in the body the fact shall be noted.

Interlineations, etc. in the authentication endorsement shall be initialled by the Registering Officer.

Note:- In entering notes of interlineations etc., the instructions in Rule 96(ii) shall apply mutatis mutandis.

50. (i) If a document is presented for registration under a special Power of Attorney the power shall be retained and filed in the office with following endorsement.

“No. of20 of Book Volume

Presented with document No. of Book Volume
Pages

Date: Signature of Registering Officer.

(ii) If a document is presented for registration under a General Power of Attorney, the power shall be returned with the following endorsement

Presented with document No. of 20Book..
volume

Date: Signature of Registering Officer

(iii) When a document is presented for registration by a person entitled to present it and execution is admitted by an agent under Power of Attorney, the following endorsement shall be made on the power, which shall be retained and filed or returned, according as it is a special or a General power.

“No. of 20.....

Presented in connection with document No.....of 20.....of Book
..... Volume Pages

Dated: Signature of Registering Officer

Note : - Numbers required only in the case of a special power

51. The endorsements prescribed in Rules 49 and 50 shall be written in English

Provided that Sub-Registrars as are specially authorised by the Inspector

General may write the endorsement in the language commonly used in the Sub-District.

52. A Power-of-Attorney may be brought to a Registering Officer (1) for authentication or (2) for registration, or (3) for both authentication and registration. In the first case he shall merely make the entry prescribed for authentication ; in the second case, be shall register the power in the same manner as any other document, and in the third case, he shall first authenticate the power and then admit it to registration in the usual manner

53. Although a Power of Attorney may be registered like any other instrument, it is not valid for registration purposes unless authenticated, When a Power of Attorney is brought to a Registering Officer by a person who does not understand the distinction between authentication and registration, the Registering Officer should explain the difference to him and give him such information as may be necessary. _

54. A Registering Officer is authorised to authenticate a Power of Attorney executed for registration purpose only. He shall refuse to authenticate a power entirely unconnected with registration,

55. (i) An abstract in the form printed in Appendix-III shall be retained of each Power of Attorney authenticated by Registering Officer whether such power is General or Special, registered or not registered. The abstract shall be signed by the Registering Officer; and shall be filed in a separate file with a serial number along with other powers retained under Rule 50. The notes of interlineation, blank, erasures and alterations made by the Registering Officer on the original power shall be copied verbatim in the abstract

(ii) (a) Each Registering Officer shall maintain a register of all revocations of Powers of Attorney registered in or communicated to it.

(b) When notice of a revocation is given to a Registering Officer he shall send an intimation of the same to such other officers as may be specified by the person revoking the power

CHAPTER XII

[Section 35]

Examination of Parties - Executing Parties

56. (i) The expression “A person executing a document” shall be held to include

- (a) any person who becomes surety for the repayment of a loan or the fulfillment of a contract and in that capacity affixes his signature to a document
- (b) any person who endorses a negotiable document

- (c) any person who signs a receipt or a discharge endorsed on a document
- (d) any person who signs a document as an executant in token of his assent to the transaction and not merely as a witness, even though he may not be described as an executant in the body of the document

(ii) in the case of a document purporting to be executed by an attorney, or by a guardian of a minor, or by a legal curator of an idiot or lunatic, such attorney or guardian or curator shall be held to be a person executing the document for the purposes of Sections 32, 34, 35 and 58 but for the purposes of Section 55, the principal or minor or idiot or lunatic as well as the attorney or guardian or curator shall be considered to be the executing parties.

Executing Party: - Any person who affixes his signature to a document in token of his assent to the terms of the document

Enquiry before Registration

57. As a general rule registration shall take place in public, but the Registering Officer may, on the application of a party, and if he considers such a course to be called for, exclude the public during the course of any enquiry.

58. It forms no part of a Registering Officer’s duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document but he is bound to consider objections raised on any of the grounds stated below:

- (a) that the parties appearing or about to appear before him are not the persons they profess to be
- (b) that the document is forged
- (c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity
- (d) that the executing party is not really dead as alleged by the party applying for registration or
- (e) that the executing party is a minor or an idiot or a lunatic.

Clarifications: 1) In letter No.G1/807/2006 dated 20-01-2006 of the C&IGRS addressed to the Director General of Police, A.P., Hyderabad, with copies sent to the Sub Registrars, the Director General of Police, was requested to issue instructions to all the Superintendents of Police not to file cases against the Registering Officers in impersonation cases, committed by parties (Rule position explained in the letter)

2) In ‘e’ mail communication dated January 2008, the C&IGRS observed that “when the ownership was clearly stated to be not of executant the duty of Sub Registrar was immediately to refuse registration by making a speaking order”

Editors Submssion: The observation appears to be against the spirit of the provisions of Registration Rule 58, wherein it is clearly stated that it forms no part of a Registering Officer’s duty to enquire into the validity of a document brought to him for registration or to attend any written or verbal protest against a registration of a document based on the ground that the executing party has no right to execute the document.

59. The term “representative” as used in the Act includes not only the guardian of a minor and the curator of an idiot or a lunatic but also the executors, administrators and heirs of a deceased person. Satisfactory proof of the right of a person to appear in any of these capacities shall be adduced before he is permitted to present a document or to admit or deny its execution.

60. A Registering Officer should form his own opinion as to whether a party appearing before him as executant of document is a minor, a lunatic or an idiot. He is not expected to hold an elaborate enquiry although, if he so desires, he may examine on the point any one present in the office.

61. When (i) non-testamentary document is presented for registration after the death of the executant or (ii) the executant dies after presentation of a document by the claimant or his representative, assign or agent and before admission of execution, the Registering Officer shall ascertain by examining the presentant and the witnesses accompanying him who the representatives or assigns of the executant are and refer, if he considers it necessary, to the village officer for information on this point. If any of the persons ascertained to be representatives or assigns of the deceased executant are present in the office at the time of presentation of the document in case (i) or on the day fixed for the appearance of the executant in case (ii) and if the Registering Officer is satisfied of their representative character, he shall examine them on that day in regard to the execution of the document by the deceased. A day shall then be fixed for the appearance of any other persons claiming to be representatives or assigns for examination in connection with the document and summons shall be issued to such of the ascertained representatives as have not yet been examined. A notice of the fact or the intended enquiry shall be posted in the office premises and on the chavadies of the munsifs of the village in which the deceased resided and of the village or villages where the property affected by the document is situated and shall be proclaimed by a carrier in those villages. The cost of the service of the notice shall be levied from the person who presented the document for registration.

If the persons already examined as representatives have admitted execution and if on the notified day the persons summoned appear and admit execution and if any other person claiming to be a representative or assign who may appear on that day admits execution, or if persons claiming to be representatives or assigns have already appeared and have admitted execu-

tion and no representatives appear on that day fixed as aforesaid the document shall be registered as regards the deceased executant. But if some of the representatives admit execution and other deny it, or if any representative or assign of whose right to appear as such the Registering Officer is satisfied deny execution or wilfully avoid appearance the document shall, where the Registering Officer is a Sub-Registrar, be refused registration as regards the deceased executant. A Registrar in such a case will proceed under Sections 74 to 76

62. A document executed by a person who is unable to read shall be read out and if necessary, explained to him. A document written in a language not understood by the executing party shall, in like manner be interpreted to him. When a party to be examined is dumb, recourse must be had to the means by which he makes himself understood

Identification of Parties

63. (i) A Registering Officer may require any executant, claimant, or identifying or other witness regarding whose identity he has to satisfy himself but who is not personally known to him to affix in his presence, whether such person can write his name or not, the impression of bulb of his left thumb both in the register of thumb impressions maintained in each registration office in the form shown in Appendix-IV as well as on the document presented for registration.

(ii) Such impression shall invariably be taken in the case of marksman and illiterate females.

(iii) A messenger presenting a document under Rule 25(ii) shall not be required to prove his identity but shall, unless known personally to the Registering Officer, be required to sign and affix his thumb impression to the endorsement of presentation.

Elucidation

i) The Sub Registrars were directed to compulsorily obtain any one of the proof of residential addresses of both executants and claimants, i.e., true copy of ration card / driving licence / identity card issued by the employer / PAN card issued by the Income Tax Department / Residential Certificate from any Revenue Official in case of residents of India and copy of Passport in case of parties residing abroad. Such papers of proof of residential addresses have to be sheet endorsed after the main document and scanned along with the document (Instructions issued in C& IGRS Cir.Memo No.G1/14683/2006 Dt.13-11-2006 and proceedings No. MV/2259/85, dated 22-1-1986 of IGRS)

ii) Villlage Revenue Officers are empowered to issue PAHANI/

ADANGAL extract certificates in their respective villages (G.O.Ms.No.1059 Rev.(VA) Dept. dated 31-07-2007). Government further clarified that the extract of Pahani and Adngal given by VROs shall be accepted by all the Registering Officers (Government Memo No.55206/Regn.-1/2007-1 dated 16-10-2007)

64. If the left thumb does not give a clear impression or is nonexistent, the impression of any finger of the left hand shall be obtained. Failing this, the impression of the right thumb, or if that also is nonexistence or deformed, any finger of the right hand, shall be taken. In all cases the digit and the hand used shall be specified next to each impression taken on the document, and in cases where a digit other than the left thumb is used the digit from which the impression is taken and the hand shall be specified below the impression in the thumb impression register with a note explaining why the impression of that particular digit was taken.

65. Thumb impression shall be dispensed with in the case of a person suffering from leprosy or contagious disease. In such cases a note should be entered in the register of thumb impressions explaining the circumstances under which it has not been obtained.

66. The signature of every person shall be taken next to his impression. The Registering Officer himself shall in the case of a marksman write the name against the mark. He shall add below each signature or mark his initials and the date on which the impression is taken.

67. The Registering Officer shall add a certificate at the foot of each page of the thumb impression register to the effect that each impression on the page has been affixed in his presence and under his supervision by the person whose name is entered next to it. This Certificate shall be signed and dated by the Registering Officer when the page is closed.

68. In the case of a purdahnashin lady who does not appear before a Registering Officer and whose examination in connection with the registration of a document or the attestation of a Power of Attorney is conducted in the office through a hammannee or mama the finger impression shall be taken by the hammannee or mama who shall be clearly instructed as to the process. In this case the certificate mentioned in Rule 67 should be altered as shown below.

"Each impression on this page excepting of which was taken by a hammannee or mama under my instruction, has been affixed in my presence, etc."

69. A separate register shall be maintained in each registry office for the thumb impressions obtained in connection with the registration of document at private residences. Neither this register nor the ordinary register of thumb impressions shall be taken with him by a Registering Officer when attending at

a private residence, but thumb impressions at such residences shall be obtained on separate slips of paper and the slips shall be pasted with the initials and date of the Registering Officer added to them in the appropriate page in the separate impression register. The slip shall contain a certificate in the following form :

“The impressions on this slip or each impression on this slip was affixed in my presence and under my personal supervision by the person whose name is entered next to it.”

In the case of purdahnashin lady who does not appear before the Registering Officer, the words “taken under my instructions from” shall be substituted for the words “affixed in my presence and under my personal supervision by” in this certificate.

CHAPTER XIII

(Sections 36, 37 and 39)

Enforcement of Appearance of Executants and Witnesses

70. All District Registrars and Sub-Registrars may themselves issue processes in compliance with requisitions for summons made to them.

CHAPTER XIV

(Sections 40 and 41 of the Act)

Wills and Authorities to Adopt

71. When a will or an authority to adopt is presented for registration after the death of the testator or the donor, the Registering Officer shall fix a day for the enquiry contemplated by Section 41(2) and shall cause notice of the enquiry (a) to be served on the persons to whom in his opinion special notice should be given, (b) to be pasted in a conspicuous part of registration office, and (c) to be published (i) in a daily newspaper, published in the principal language of the District and having wide circulation in the District in which the testator or donor lived (ii) in such a daily newspaper having wide circulation in the District in which the property of the deceased is situated and (iii) in the villages where the testator or donor lived, where interested parties may reside and where the property of the deceased is situated

[The cost of the service of the notice and of its publication in the concerned village shall be levied in advance from the person who presents the document for registration. The intended notice of enquiry shall be prepared in the registration office concerned and entrusted to the presentent of the will for getting it published in the concerned daily newspaper and for filing a copy thereof after publication]Go Ms.no.1214 Revenue dt 10-8-1965

Registration of Wills etc.

72. If a person presenting a will or an authority to adopt, or a person who

objects to registration of such a document on the ground that it was not executed by the testator or donor or that the testator or donor is not dead or that the person presenting the document is not entitled to present the same under Section 40, desires the witnesses should be summoned, the request shall be complied with and the procedure prescribed in Chapter - XIII shall be followed.

73. (i) As each person is examined his signature shall be obtained on the document below the endorsement of presentation in the following form

The witnesses whose signatures are affixed below have been examined under Clause (2) of Section 41 of the Registration Act 1908, in reference to this document :-

(Impression) Signature of E.F. with addition.

(Impression) Signature of G.H. with addition.

(Impression) Signature of I.J. with addition.

Date Signature of Registering Officer

(Impression) Signature of K.L with addition.

(Impression) Signature of M.N. with addition.

(Impression) Signature of O.P. with addition.

Date Signature of Registering Officer

(Impression) Signature of Q.R. with addition.

(Impression) Signature of S.T. with addition.

Date Signature of Registering Officer

(ii) If, after the conclusion of the examination of the witnesses, the Registering Officer should decide to register the document, an endorsement in the following form shall be made on it and its registration shall be completed :-

I am satisfied from the witnesses whose signatures appear above :-

(a) That the will (or authority to adopt) was executed by the testator (or donor).

(b) That the testator (or donor) is dead and

(c) That the person presenting the will (or authority to adopt) is entitled to present the same.

Date Signature of Registering Officer

(iii) Should the Registering Officer decide to refuse registration, the usual endorsement of refusal shall be entered on the document.

74. (i) A Registering Officer when enquiring under Section 41 (2) into the execution of a will or of an authority to adopt shall invariably, before registering the document or refusing registration prepare and place on record a memorandum containing a summary of the evidence and the reasons for registration or refusal, as the case may be. A copy of any such memorandum prepared by a Sub-Registrar shall be submitted to the District Registrar forthwith.

(ii) When a will or an authority to adopt is refused registration the refusal order to be entered in Book 2 shall be a reproduction of the memorandum.

75. A will or an authority to adopt presented for registration after the death of the testator or donor may be returned to the presentant unregistered, if he so desires, unless it appears that the document is forged.

76. A revocation or cancellation of a will or of an authority to adopt shall be treated as a document of testamentary character and shall be registered in Book 3.

77. (i) Wills registered or refused in sub-Registrar’s Office which remain unclaimed for a period of over two years shall be forwarded to the Registrar’s Office for safe custody, a note to that effect being entered against the original entry in the office records.

(ii) If the person entitled to claim the return of a will applies to a Sub-Registrar for its return after the document has been transmitted to the Registrar’s Office, should be advised to obtain it from the Registrar direct. If he is unwilling to do so, the will should be obtained from Registrar by the Sub-Registrar and returned to the person and a note of its receipt from the Registrar’s Office and return to the person shall be entered in the office records.

CHAPTER XV

(Sections 42 to 46 of the Act)

Sealed Covers containing Wills

78.(i) Every entry made under Section 43 in Book 5 shall be dated and signed by the Registrar :

(ii) When a sealed cover is withdrawn under Section 44, the entry relating to the withdrawal shall be signed by the person by whom the withdrawal is made as well as by the Registrar.

79. When a will executed by two persons jointly is deposited under Section 42 by both of them in a sealed cover, a request by one of the testators for withdrawal, of the sealed cover, after the death of the other testator shall not be complied with. The Registrar may, however after procuring satisfactory evidence as to the fact of the death, require the applicant to present an application under Section 45, for the opening of the cover and the copying, at the applicant’s expense, of the will in Book 3. He may then grant the applicant a copy of the will, if the applicant so desires.

80. (i) Wills sent by post to a Registering Officer are not presented for registration or deposited within the meaning of the Act and Sections 42 to 46 are therefore inapplicable to them.

(ii) If a cover purporting to contain a will reaches a Registrar by post, he shall return it unopened. Should the cover however be retained in the office because the address of the person to whom it should be returned is unknown, the Registrar shall record upon the cover of the date of receipt and the facts that it was received by post and that it has not been secured under the Act as the terms thereof have not been complied with.

(iii) A will so received shall not be delivered to applicant unless the Registrar is satisfied that such applicant is duly authorised to receive it, nor shall the cover be opened on an application under Section 45, as it has not been deposited according to the provisions of Section 42.

(iv) A cover purporting to contain a will which may reach a Sub-Registrar by post shall be returned to the sender or, if the address of the sender is not known, shall be forwarded with full particulars to the Registrar who shall deal with it under Clause (ii) of this rule.

(v) A register shall be maintained in each Registrar’s office showing the sealed covers received, withdrawn, opened, and sent to be received from court from time to time. In it shall also be entered wills received by post by District Registrar and retained in the office under Clause (ii), wills forwarded by Sub-Registrars under Clause (iv) and under Rule 77 (i) and wills registered or refused registration in the Registrar’s Office and lying unclaimed for over two years.

(vi) An officer assuming charge of a Registrar’s Office, either “permanently or temporarily, shall compare the sealed covers and wills with the entries in Book 5 and in the register prescribed in Clause (v) and shall report to the Inspector-General whether they are correct and whether the covers are preserved properly.

81. (i) When a sealed cover containing a will is opened under Section 45, the following endorsement, shall be made on the will :-

“Having satisfied myself that the testator thereof is dead, the sealed cover containing this will is opened on the application and in the presence of (Signature and addition) this day of..... 20

Signature of Registrar

This will has been copied in Book 3 as No of 20
Volume Pages

Date : Seal Signature of Registrar

(ii) When a sealed cover containing a will is opened under an order of a Court and copied in Register Book 3 under Section 46, the fact shall be noted in Register Book 5 in the column headed “number of documents in Book 3” and the following endorsement shall be made on the will itself :-

Opened and copied in Book 3 as No..... of 20 Volume
Page and forwarded to the Court, pursuant to the order of the Court
dated

Date : Seal Signature of Registrar

82. When a will is opened and forwarded to the Court it shall be accompanied by a memorandum intimating the fee payable for opening the cover and the charges for copying it, so that these may be collected by the Court and remitted to the Registrar. An acknowledgment of the receipt by the Court of the cover or will shall also be obtained and filed in the office.

83. When a citation is issued by a Court to produce or forward a will deposited with the Registrar under Section 43 it shall be sent either through a clerk in a sealed cover, provided that no payment of travelling allowance to the clerk is involved, or be forwarded by registered post insured for not less than Rs.1,000 addressed to the officer presiding over the Court or to the Registrar's Office on the original side of the High Court of Judicature, at Hyderabad, as the case may be.

84. When a sealed cover containing a will is opened, the cover which contains the depositor's superscriptions and the Registrar's endorsements shall be preserved carefully or a record maintained as to its disposal.

CHAPTER XVI

(Sections 52, 58, 59 and 60)

Endorsements and Certificates

85. (i) The endorsement prescribed by Sections 52 and 58 and the certificate prescribed by Section 60 shall be written by the Registering Officer himself in the form prescribed in Appendix V or as near thereto as circumstances permit, unless he has been specially authorised by the Inspector-General to use an endorsement stamp.

(ii) The executant and the witnesses may be required to write their additions themselves in the endorsements made on documents, when they are able to do so.

(iii) The name and addition of a party who is required to sign in the endorsements but who is not able to do so shall be written by the Registering Officer himself. Where the addition is entered by the party himself (Clause ii) the Registering Officer shall satisfy himself that the addition as entered is complete and that it corresponds with the statement made by the party,

(iv) The blank spaces in the endorsement stamps referred to in Clause (i) shall be filled in and the endorsements and certificates shall be signed by the Registering Officer in his own hand,

86. An executing party shall be required to use the same language in signing the endorsement of admission of execution as he had used in signing the instrument.

87. All Registering Officers in the State shall write the endorsements and certificates in Telugu whether a document presented for registration be in Telugu or in a language of the State. [Deleted Government Memo No.3294/U/79-2 Rev (U) dept. dt. 29-12-1980 (IG's Memo No.G1/15975/74, dt.16-1-1981)]

88. If there is no sufficient blank space in the instrument for the endorsements and certificates, they may be entered on a separate slip or sheet of paper which shall be attached to the document and a note of the fact shall be made on the document itself and signed by the Registering Officer.

89. When a document occupied more than one sheet of paper the number of document of which the sheet forms a part, the total number of sheets of which the document consists, the number of the sheets and the seal and signature of the Registering Officer shall be endorsed on each sheet.

90. The entry 'identified by' shall be made by the Registering Officer above the signature of witnesses examined for purposes of identification, and the entry witnesses who are examined above the signatures of witnesses who are examined for any other purposes, when an executant is a purdahnashin lady and is examined through a Hammannee or Mama, a special form of endorsement as shown below shall be made by the Registering Officer and the signature of Hammannee or Mama shall be obtained on the document as a witness after the Registering Officer has recorded a deposition from her with reference to the duty she has performed

"Identified, by inspection behind the purdah, by A.B. (signature with additions) who is her (relationship to be stated) and by C.D. (signature with additions ..)

91. When a document is executed by a person as a guardian or agent he shall be described as such in the registration endorsement.

92. (i) When a person executes a document both for himself and as agent or guardian of a minor, and an idiot or a lunatic, the registration endorsement shall contain two distinct signatures, one for admission of the execution by the person himself and the other for admission as agent or guardian.

(ii) When there are more persons than one under the guardianship of a single person the registration endorsement need contain only one signature on behalf of all such persons, but all their names shall be specified.

93. (i) When the presentation and admission of execution of a document are made by an agent under a Power of Attorney reference to the authority under which the Agent acts shall be given in the endorsement of admission of execution, the fact that the presenting party is an agent being entered after his

signature below the endorsement of presentation.

Where, however, the presentation alone is made by such an agent, such reference shall be given in the endorsement of presentation itself.

(ii) The endorsement of presentation made on a document, presented under Rule 25 (ii) shall mention the number and date of the covering letter with which it is presented and the designation of the Government Officer or other person concerned.

94. (i) When the amount of consideration mentioned in a document presented for registration is paid before the Registering Officer the signatures of the payer and of the payee shall be obtained below the endorsement of payment.

(ii) When consideration is paid before the Registering Officer in currency note; or Bank draft or cheque and any party to the transaction desires that the numbers of such notes, draft or cheque shall be noted in the endorsement, the request shall be complied with.

(iii) When money is paid on behalf of the claimant by his agent, messenger or servant, the words "on behalf of the claimant" with the name of the claimant shall be added after the name of the payer in the endorsement.

95. The certificate of registration shall be added by the Registering Officer only after the document has been copied and the entry compared

96. (i) In the case of a document presented for registration in duplicate or triplicate, the duplicate and triplicate shall be examined with the original and shall bear the following additional endorsement :-

Duplicate or triplicate

Difference between the original and the duplicate or triplicate
blanks, alterations interlineations and erasures in this

Compared by Reader

Examiner

Date :

Signature

A note shall be entered below the Certificate of Registration on the original as regards the number of copies registered with the original and signed by the Registering Officer.

(ii) In entering notes of interlineations, blanks alterations and erasures on the duplicate and triplicate, the particular letter or word or figure interlined, altered or erased shall be specified, e.g. in line 12, the word 'currency' interlined "letter a or figure '2' altered in line 10 the word 'money' erased and so on.

When an erased letter or word cannot be deciphered, the note shall run as follows:

“A word occurring after ‘the’ in line 5 erased”

(iii) Each duplicate or triplicate of a document presented for registration shall bear the same endorsement as the original document and the same registration number. The certificate of registration on the original and on the duplicate or triplicate shall mention all the pages of the volume occupied by the entries which relate to the original and the duplicate.

97. (i) A document which is partially registered as regards some of its executants and refused as regards others shall have two distinct endorsements the one of admission signed by such of the executes as admit execution, and the other refusal being written below the seal and signature affixed to the certificate or partial registration and signed and dated by the Registering Officer.

(ii) Similarly a document affecting property wholly situated within the areas to which the Registration Act, 1908 applies but registered as regards a portion only of such property and refused as regards the other portion shall bear two distinct endorsements one of registration and the other of refusal in the form shown in Appendix-V.

98. The signatures of witnesses examined in the course of an enquiry before a Registrar under Section 74 whether in reference to an appeal case or as regards a document, the execution of which has been denied before him, need not be endorsed on the document in respect of which the enquiry is made.

99. When a document is registered by a Registrar after enquiry under Section 74, the following note shall be endorsed on it, in lieu of the endorsement of admission of execution : -

I am satisfied from the evidence adduced in the enquiry held under Section 74 of the Registration Act that the document was executed by A.B.

Date :

Signature of Registrar

100. An endorsement made on a document presented for registration under an order of Registrar or a Court shall quote the number and date of the order under which it is represented.

100-A. The Registering Officers shall use saka era dates along with the Gregorian Calendar dates in the endorsements and certificates required to be added by them under the provisions of the Registration Act, 1908 and the rules made thereunder.

CHAPTER XVII

(Sections 53 and 61)

Receipts for Documents and for Fees and Return of Documents

101. (i) A receipt shall be granted for each document presented for

registration, for each Power of Attorney presented for authentication and for each sealed cover deposited and for every fee or fine levied by a Registering Officer.

(ii) An application for transfer of revenue registry presented with a document shall be acknowledged in the receipt, for the document.

(iii) When the fees consist of several items, each item, shall be separately entered both in the receipt and in the counter-foil so as to admit of any over-charge being traced. In the case of copying fees the number of words shall be entered and in the case of mileage, the number of miles.(now kilometers)

102. The receipt for a document shall be handed over to the person presenting the document or to his nominee, after obtaining in the counter-foil the signature of presentant, if he is literate or thumb impression if he is illiterate to the endorsement of nomination, and also the signature of the nominee, if he can write, or his thumb impression if he is illiterate, for the purpose of comparison when the nominee appears to take back the document.

103. (i) If a document is ready for transcription on the day of its presentation, the day and hour when it will be ready for return shall be endorsed on the receipt. In the case of a document retained pending an enquiry or a reference, the day and hour shall be communicated to the presentant or his nominee by a separate notice issued on the day when the document becomes ready for transcription. If, however in the latter case receipt is produced on the day when the document is ready for transaction and the document cannot be returned on that day, the information may be endorsed on the receipt itself.

(ii) When a document is not ready for return on the date entered on the receipt or in the notice, the entry of that day shall if the receipt or notice is produced before the Registering Officer, be cancelled and the probable later date on which the document will be ready shall be entered under the initials of the Registering Officer,

(iii) Corresponding entries and corrections shall be made in counter-foil.

104. A document shall, if possible, be returned on the date of its admission to registration.

105. In order to obtain delivery of a document the person entitled to claim back the same shall produce the receipt, and the Registering Officer shall thereupon obtain his signature or thumb impression, as the case may be to the acknowledgment in the counter-foil and return both document and the receipt after endorsing on the date of its return and initiating this entry. A person entitled to claim back a document who is known to the Registering Officer may obtain the return of a document by sending the receipt to the Registering Officer through a messenger with a requisition endorsed on the receipt and signed by himself for the delivery of the document to the messenger. The

specimen signature of the messenger shall be affixed to such endorsement and attested by the said person. The document may then be handed over to the messenger after his acknowledgment and thumb impression have been taken in the counter-foil of the receipt, the receipt being retained in the Office and pasted on the counter-foil.

106. In the event of a receipt being lost the person who should have produced it may receive the document on making and signing on the counter-foil, a declaration of the loss and, if required by the registering officer affixing his thumb-impression thereto.

107. When a nominee fails to take back a document within seven days from the date of the receipt as that on which it will be ready for delivery the nomination may be revoked by the person by whom it was made by an entry signed by him to that effect in the counter-foil.

108. When a party to a document objects to its being returned to a person in whose favour the receipt has been drawn up, the objection shall not be allowed to prevail unless such party can satisfy the Registering Officer that he has applied to competent Court for an injunction to restrain the Registering Officer from returning the document

109. When an impounded document is received back from the Collector after adjudication of the stamp duty, the Registering Officer shall immediately give notice in writing to the presentant or to the person authorised by the presentant to take delivery of the document either to take steps to complete the registration of the document or to take delivery of the document

110. When proceeding to attend at a private residence the receipt book shall not be taken by the Registering Officer, but the requisite receipt may be detached from the counter-foil for issue to the party concerned, The entries in the counter-foil being made after return of the Registering Officer to his office. In such a case any nomination to take delivery of a document shall be obtained on a slip which shall be initialled and dated by the Registering Officer and pasted on the counter-foil.

111. These rules do not contemplate the return of a document by post, but a document may be so returned if a presentant or his nominee desires this course to be followed, and at his own risk, subject to the conditions mentioned below :-

(i) The presentant or his nominee shall sign an endorsement on the counter-foil of the receipt authorising the return of the document or documents by registered post to an address to be specified and shall deposit therefor, (a) the actual cost or postage, the postal registration fee, and the fee for obtaining the acknowledgment of the addressee and (b) a fixed sum of ten naya paise to meet the incidental charges such as stationery for the covers used, etc.

- (ii) The amount paid shall be included in the receipt granted to the party
- (iii) When registration has been completed, the Registering Officer shall despatch the document or documents in a sealed cover under registered service postage to the address specified and shall note the fact on the counter-foil of the receipt ;
- (iv) The acknowledgment of the addressee shall be pasted to the counter-foil.

CHAPTER XVIII

(Section 52)

Register Books

112. The registers shall be maintained in accordance with such instructions as the Inspector-General of Registration may from time to time prescribe, provided that no erasure shall be permitted and that every page shall contain a uniform number of lines.

113. Every entry of a registered document shall be an exact copy of the original.

114. When a document is presented for registration in duplicate or triplicate, it shall not be necessary to enter the document more than once in the register book.

115. [(i) With the previous sanction of the Inspector General a special volume of Register Book-I or of Book-4 in the form of a file book, with numbered butts, may be opened in any office, for the registration of documents which are prepared on forms printed on such paper and in such form, as may be approved by the Inspector General:

Provided that the Inspector General may cause standardisation of forms for any class of documents and prescribe, the price from time to time at which they shall be supplied.

(ii) The copy of each document shall be made by the registering staff by filling in the blanks in a spare copy of the printed form, and on this spare copy the endorsement and the certificate of registration entered on the original document shall be copied and the prescribed footnotes shall be added.

(iii) The copy thus prepared shall be duly examined in the manner in which copies made by hand in the ordinary register books are required to be examined and shall be filed in the file book mentioned in sub-rule (j).

When a map or plan is attached to a document a copy of the map or plan shall be filed in the same files as the document

(iv) After it has been so filed, the Registering Officer shall 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 the impression of the seal shall appear partly upon the butt and partly upon the sheet pasted thereto;

(v) 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 in sub-rule (iv) the seal being dispensed with in the case of the sheet on which the authentication seal has already been affixed.

(vi) Documents registrable in Book I and Book 4 shall be filed in separate file books.

(vii) Each file book shall be assigned a serial number in the series assigned to ordinary volumes of register books.

(viii) Every document accepted for registration under sub-rule (i) shall be numbered in the same series as documents copied in the ordinary register books.

(ix) 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 would otherwise have been registered thus : Note filed in file book, Volume

(x) The file books shall be kept in the personal custody of the Registering Officer until they are completely filled when they shall be placed among other completed volumes of register books.

116. No document shall be returned to a party before the entry of it in the register has been authenticated by the Registering Officer.

117. A rectification deed or a cancellation shall be registered in the same class of register book as that in which the original document which it cancels or rectifies has been registered.

118. (a) On the registration of a document which revokes, or cancels or rectifies an error in, or modifies the terms of, a document previously registered in the same class of register book or of lands acquired under, the Land Acquisition Act or of a document received and filed under Section 89 (vide Rule 13 supra), or on the receipt of a communication from a Revenue Officer or from a court which intimates a similar revocation cancellation, rectification or modification, a note shall be entered at foot of the entry of the later document or communication as under : -a

This document / communication / return revokes / cancels / ratifies / modifies the document No copied/ the document No filed / the return filed at pages of volumeof book /

file book / file book and at foot of the previous entry of the document previously registered or file, a note shall be entered as shown below

This document / communication / return has been revoked / cancelled / rectified / modified by the document No copied / the document filed / the return filed at pages of volume of book / file book / file book

(b) When the revocation, cancellation, rectification or modification is of a document relating to immovable property, a corresponding note shall also be entered in Index No. II and when it relates to the rectification of any particulars entered in Indexes I, II, III or IV, a note of rectification shall also be entered in the respective index as against the particular item rectified.

119. If a registered document is declared by a Court to be a forgery or to have been registered under an admission made by a person who falsely personated the executant, a note calling attention to the fact shall be entered at the foot of the entry in the register and when practicable on the document.

CHAPTER XIX

(Sections 54 to 56)

Preparation of Indexes

120. Indexes Nos.I,II,III and IV, shall be prepared on loose sheets lettered alphabetically and shall contain the particulars shown in Appendix VI-a fresh set of sheets being used for each calendar year. In Registrar’s offices and Sub-Offices situated at the headquarters of a District, they shall be prepared in English. In other Sub-Offices they shall be prepared in the language of the Sub-District unless the previous sanction of the Inspector-General has been obtained for their preparation in another language or in English. No alteration in the language shall be made during the course of a calendar year,

121. The names of all persons executing documents shall be entered in one column and the names of all persons claiming under documents in another column. In indentures, deeds of partition and similar instruments, the fact that the party claiming under the document is also an executing party shall be indicated by writing the name across both these columns.

122. The column “Nature and Value of Transaction” shall also contain : -

- (a) Information regarding the movable property to which a document relates ;
- (b) the shares assigned to each party to a partition-deed ;
- (c) concise details in the case of a document such as a release, Maintenance Deed, or Rectification Deed ; and

(d) in the case of a mortgage the rate of interest, if any. and the term

123. When a loan order is received with a security bond under subsections (1) and (3) of Section 89, the order and the bond shall be indexed as separate documents, although the property specified in both may be the same.

124. Registering Officers on registering non-testamentary documents relating to immovable properties situated in cantonments shall forward to cantonment authorities the necessary information in English in the form prescribed for the purpose.

Subsidiary index

125. In districts and sub-districts to which a rule made by the Government under Section 22 (i) is applicable, Registering Officers shall maintain a subsidiary index to Index No.II in the form printed in Appendix-VI, in order to show at a glance all transactions affecting each survey number or sub-division.

Indexes to Book - 5

126. An alphabetical index to the names of the persons purporting to be executants of documents entered in Book 5 shall be affixed to that register book.

CHAPTER XX

(Section 57)

Searches

127. Every application to a Registering Officer for an inspection, search, or a copy shall be made in writing.

128. An application for a search or for a copy of an entry in Books 1 to 4 may be received and complied with through the medium of the post, the postage charges being borne by the applicant. In such cases special care shall be taken to ensure that the provisions of subsections (2) and (3) of Section 57 are satisfied, and the title of the applicant to have the copies shall be proved to the satisfaction of the Registering Officer:

129. An application for a search in respect of property situated in more subdistricts than one or in a village which has been transferred from one sub-district to another may be presented at any of the sub-registry offices in which the property or any portion of it is situated or to which the village is or has been attached. In such cases, the procedure prescribed in Rule 130(ii) may be followed if the party so desires.

130. (i) An application for a search or for a copy of any entry contained in a book which has been transferred to the office of a District Registrar may be made to such District Registrar either direct or through the Sub-Registrar in

whose office the entry was originally made.

(ii) When such application is made to a Sub-Registrar it shall be accompanied by the requisite stamp and other papers and by a deposit of money sufficient to cover the prescribed search fee and the postage and sum of rupees two as advance for copying charges. The Sub-Registrar shall cause a search to be made in the indexes, shall endorse on the application the number and year of the document, the particulars of the volume and the pages thereof containing the copy of the document and shall forward a copy of the application so endorsed with the stamp and other papers to the Registrar concerned. The latter shall cause the copy to be prepared and furnished to the Sub-Registrar with a bill for the copying charges. On receipt of the copy and the bill, the Sub-Registrar shall deliver or transmit the former to the party after refunding to, or collecting from him, any surplus or deficiency on the amount deposited. Any money collected under this rule shall be brought to account in the office of the Sub-Registrar to whom the original application was made.

(iii) When an applicant has paid the prescribed fees for search in the indexes of a Sub-Registrar's office in respect of a document which has been registered in another office or in a book transferred to the Registrar's Office, no further search fee shall be levied when he applies to the other office or to the Registrar for a search or copy of the same document

Provided that the applicant produces before that Officer the receipt for the fee granted to him by the Sub-Registrar.

131. Fees for searches shall be payable in advance, but in the following cases the fees may be adjusted in the Treasury accounts : -

(i) Searches for Encumbrances

- (a) On property pledged as security for loans under the Loans Acts, and
- (b) On property pledged as security for the due performance of their duties by public servants, and

Note : - The term "Public Servant" in this sub-rule should be interpreted to mean "an officer serving directly under Government".

(ii) Requisitions from a Public Officer for a certificate of encumbrance in his official capacity,

132. In 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 so that the amount may be collected by the Court and remitted to the Registering Officer.

133. The fee for a search shall entitle the applicant to read the entry for the finding of which the fee has been paid or have it or read to him, but it shall

not entitle him to take a copy of the entry. If a search proves fruitless the fees shall not be refunded, but the applicant may if he so desires, be granted a certificate stating that the entry sought for has not been found in the books.

134. With reference to Note (3) to Article 12 of the Table of Registration Fee, a search fee shall not be levied for the grant of copy of document.

- (a) admitted to registration but not transcribed into the register ;
- (b) presented but not yet admitted to registration ; or
- (c) the registration of which has been refused.

135. Only one search fee shall be levied

(i) for making a search in respect of a single document or in respect of act, and encumbrances on one and the same property in two or more offices because of the transfer of a village from one subdistrict to another ;

(ii) for making a general search in respect of one and the same property in the records of an office, which was once in existence, was abolished and then revived ;

(iii) for making a search for acts and encumbrances in respect of one and the same property when owing to the splitting up or grouping together of villages, or as the result of survey and settlement operations, the search has to be made in the indexes of more than one village.

136. When a search is made in respect of more than one entry or more than one document executed by or in favour of one and the same individual, search fees shall be levied separately for each office in which the nominal indexes have to be searched.

137. (i) When an application for a search is presented and the requisite fees have been paid, the Registering Officer shall enquire whether the applicant will himself make the search or desires that it should be made by the office establishment. When a clerk is deputed to make or verify the search, the name of the clerk deputed shall be noted on the application. As soon as the search and verification are completed, the result, or a reference to the certificate of encumbrance showing the result shall be noted on the application by the person who made the search and signed by the person who made and verified the search.

(ii) Whenever an entry found on search is read out to an applicant under Rule 133, a note shall be made on the application to the effect that has been done and, when the applicant does not require a copy of such entry, this fact shall also be noted on the application and the signature of the applicant obtained thereto.

138. All inspections and searches of books and indexes shall take place in the presence of the Registering Officer.

139. A copy of an entry shall not be made from any book until the Registering Officer has scrutinized the entry generally.

Certificate of Encumbrance

140. When an application is made for a search for encumbrance in respect of any immovable property or for a list of documents executed by, or in favour of a single individual, and the applicant desires that a certificate of encumbrance or a list of documents found in the course of such search should be furnished to him by the Registering Officer, the request shall be complied with, the certificate or list being in the form printed in Appendix VII.

141. In the case of searches for a list of documents executed by, or in favour of, a particular individual, the list shall show the number, date, nature, and value of the several documents found, as well as the names of the parties and the village in which property affected, if any, is situated, but no description of the properties affected by the document should be given as in the case of encumbrance certificates on properties. The list shall not include particulars of documents registered in Register Books 3 and 4 unless the applicant is entitled to copies of the entries (Section 57).

142. A certificate of encumbrance granted by a Registrar or by a Sub-Registrar shall be in the language in which the indexes of his office are prepared. If the indexes are not in English but the party requires the certificate to be prepared in English the request may be complied with.

143. A certificate of encumbrance shall contain a complete list of all acts and encumbrances affecting the property in question.

144. In the case of a search made in the records of more than one office the various certificates prepared in the different offices shall be granted to the party and not a consolidated certificate by the officer to whom the application was made in the first instance. An Officer who makes a search at the request of another Officer shall therefore furnish a certificate in duplicate.

145. (i) Searches for certificates of encumbrances shall, as a rule, be made by two persons independently of each other, so that the results obtained by one may be compared and verified with those obtained by the other.

(ii) When a party himself makes the search he should be required to furnish a signed note of the results of the search and the results should be verified by a member of the office establishment.

146. A copy shall be retained of each encumbrance certificate issued from an office and shall be filed in a separate file book in which the various certificates will be numbered consecutively in a separate series for each calendar year.

147. The notes furnished by parties containing the results of searches conducted by themselves and the duplicate of the certificate received from

other officer under Rule 144 shall be filed in the above file with necessary cross reference.

Production of Register Books in Court

148. When a requisition is received from a Court for the production of a register book other than Book 3 or Book 4 or a register of thumb impressions, the Registering Officer shall ascertain whether it is absolutely necessary that the book itself should be produced or whether a certified copy of the entry required in evidence will not suffice. When it is absolutely necessary to produce the book itself, or when the requisition is for the production of Register Book 3 or Register Book 4, or a register of thumb impressions, the book shall be forwarded in a sealed packet, through a clerk, with instructions to bring the packet back to the office unless the Court considers its detention to be necessary. When a copy is forwarded to Court, it shall be sent in a sealed cover addressed by name to the officer, presiding over the Court.

CHAPTER XXI

(Section 63)

Record of Substance of Statements

149. Evidence required by a Registering Officer shall be taken by himself or by some one appointed under a Commission.

150. The oath or affirmation to be made before a Registering Officer by a deponent shall at his option be in any of the following forms : -

A

“The evidence which I shall give shall be the truth, the whole truth, and nothing but the truth. So help me God”

B

“I solemnly affirm in the presence of Almighty God that what I shall state shall be the truth, the whole truth, and nothing but the truth”

C

“I affirm that what I shall state shall be the truth, the whole truth and nothing but the truth”

151. (i) When execution is admitted and the endorsement is signed by the party admitting execution, and when witnesses are examined merely with reference to the identification of the parties appearing, the prescribed endorsement is in itself a sufficient record. A record of the substances of the statements shall, however, be made in the following cases:—

- (a) When an execution is denied
- (b) When a person admitting execution refuses to sign the endorsement
- (c) When a person refuses to affix his thumb impression when required

by the Registering Officer ;

- (d) When a person admits execution on protest or with a reservation,
- (e) When an enquiry is held as to the alleged death of an executing party;
- (f) When an enquiry is held as to the right of a person to appear as the executor, administrator, or heir of a deceased person or as the guardian of an infant, or as the curator of an idiot or a lunatic.
- (g) When any person is examined as to the age of a party who appears to be a minor or as to the sanity of a party who appears to be an idiot or a lunatic
- (h) When an explanation is taken regarding the cause of delay in the presentation of a document or in the appearance of parties
- (i) When the addition of any person, or the description of a property has to be ascertained owing to the addition or the description not appearing either in the document or in the endorsement
- (j) When an enquiry is held under Section 41 (a) in respect of a will or an authority to adopt presented for registration after the death of the testator or the donor, as the case may be
- (k) When an enquiry is held under Section 74 as to the fact of the execution of a document ; and
- (l) Generally in all cases in which a record may seem necessary.

(ii) All such statements with the exception of those under (j) and (k), which shall be kept on the record of the enquiry shall be recorded in a book known as the "Deposition Book" maintained in each registration office.

(iii) Deposition taken by a Registrar or by a Sub-Registrar empowered to exercise any of the powers of a Registrar, shall be recorded in English and by the other Sub-Registrars in the language of the Sub-District or in the language used by the deponent.

(iv) Each witness or party shall be examined separately. The deposition shall usually be recorded in the first person and when so recorded, the signature of the person who makes it shall be obtained. A certificate shall be appended to each deposition to the effect that it has been read over or interpreted to the deponent and acknowledged by him to be correct.

(v) At the head of each deposition the document to which it pertains together with the book, volume and year shall when practicable, be noted.

(vi) The deposition book shall not be carried when a Registering Officer attends private residence. Any statements or depositions which a Registering Officer may find it necessary to take when attending at private residence shall be recorded by him in a separate book and on his return to the office be copied in the deposition book. The copy may be made by a clerk and examined by another clerk, but shall be authenticated by the Registering Officer with date

CHAPTER XXII

(Sections 64 to 67)

Transmission of Memoranda and Copies

152. Memoranda of the registered documents required for transmission under the provisions of Sections 64 to 67 shall be prepared in the form printed in Appendix-VIII

153. The total number of copies or memoranda required shall be made in the office of original registration, at the expense of the party presenting the document for registration. They shall be forwarded with an intimation form which shall be returned duly receipted by the Officer to whom it is addressed.

154. The copies and memoranda and translations received in a Registration Office shall not be given a document number in that office but shall be pasted into file Book I or in the file of translation as the case may be and indexed with reference to the page of the volume in which they are filed.

155. When a document is registered in duplicate or triplicate no memorandum or copy is required to be forwarded under Sections 64 to 67 in respect of the duplicate, but the number of copies registered with the original shall be noted in the column headed "document" in the memorandum prepared from the original.

156. A memorandum of a registered document transmitted under Sections 64 to 67 shall be prepared in the language of the sub-district which issues the Memorandum when that language is recognised in the sub-district to which the Memorandum is forwarded. When this is not the case, the Memorandum shall be prepared in English

157. When a Registering Officer finds that a correction is necessary in a copy or memorandum of a document forwarded by him to another Registering Officer, he shall send an erratum to the latter, who shall file it in the Book No. 1, carry out the correction and add a note on the original explaining the circumstances under which the correction is made. A reference to the page and volume of the file book in which the erratum has been filed shall be entered on the original memorandum or a copy, and the indexes shall also be corrected accordingly.

CHAPTER XXIII

(Sections 68 & 69)

Errors in Registration

158. (i) In the event of a document being registered in a wrong register book, the registration shall stand but the Registrar will direct that requisite particulars regarding the document should be entered in the appropriate place in the indexes relating to the proper book in which a reference to the volume and page of the book in which the document has been copied.

(ii) Corresponding note shall also be entered in the entry in the wrong book as well as in the indexes relating thereto.

(iii) In cases in which copies and memorandum under Sections 54 to 66 had been forwarded at the time of registration in the wrong book and in cases in which the forwarding of such copies and memoranda becomes necessary for rectifying the error, the requisite notice of the error in the former and the requisite copies, and memoranda in the latter shall be forwarded free of cost.

159. (i) Where by inadvertence a document is registered in a wrong office, the Registering Officer shall inform the executing and claiming parties of the fact and advise them to apply to the registrar for a direction under Section 68 for its registration afresh in the proper office.

(ii) Where the proper office of registration is situated, in a district other than that in which the office of wrong registration is situated the application shall be made to the Registrar of that other district.

(iii) When a direction is so issued to a Sub-Registrar, he shall register the document without the levy of any fee and in the endorsement, for representation shall refer to the orders of the Registrar.

(iv) The Registering Officer in whose office the document was originally registered shall in any case forward to the proper office, free of charge, a copy of a memorandum of the document in accordance with the procedure prescribed by Sections 64 to 66 and the receiving officer shall file the copy of Memorandum in his file Book I.

160. (i) A Registering Officer will be held liable for any loss to Government which may arise from neglect on his part in the registration of a document, the making of a search, or the grant of a copy of a document.

(ii) If before a document is returned to the party, the Registering Officer detects that the fee was deficitly levied on such document, he may collect from the party the amount required to make up the deficiency. A report of every such collection shall forthwith be submitted to the Registrar of the District

CHAPTER XXIV

(Sections 71 & 76)

Refusal To Register

161. (i) When registration is refused the reasons for refusal shall be at once recorded in Book 2. They will usually come under one or more of the heads mentioned below : -

I. Section 19 : -

That the document is written in a language which the Registering Officer does not understand and which is not commonly used in the District and that it is unaccompanied by a true translation and a true copy.

II. Section 20 : -

That it contains unattested interlineations, blanks, erasures, or alteration which in the opinion of the Registering Officer require to be attested.

III. Section 21(1) to (3) & Sec. 22 : -

That the description of the property is insufficient to identify it or does not contain the information required by Rule 20.

IV. Section 21(4) : -

That the document is unaccompanied by a copy or copies of map or plan which it contains.

V. Section 36 : -

That the date of execution is not stated in the document or that correct date is not ascertainable.

VI. Sections 23, 24, 25, 26, 72, 75 & 77 : -

That it is presented after the prescribed time.

VII. Sections 32, 33, 40 & 43 : -

That it is presented by a person who has no right to present it

VIII. Section 34 : -

That the executing parties or their representatives, assigns or agents have failed to appear within the prescribed time.

IX. Sections 34 & 43 : -

That the Registering Officer is not satisfied as to the identity of a person appearing before him who alleges, that he executed the document

X. Sections 34 & 40 : -

That the Registering Officer is not satisfied as to the right of a person appearing as a representative, assign, or agent so to appear.

XI. Section 35 : -

That execution is denied by any person purporting to be an executing party or by his agent.

Note : - When a Registering Officer is satisfied that an executant is purposely keeping out of the way with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within

the prescribed time, registration may be refused the nonappearance being treated as tantamount to denial of execution

XII. Section 35 : -

That the person purporting to have executed the document is a minor, an idiot or a lunatic.

Note : - When the executant of a document who is examined under a Commission under Section 38 is reported by the Commissioner to be minor, an idiot or lunatic registration may be refused, and it is not necessary that the Registering Officer should personally examine the executant to satisfy himself as to the existence of the disqualification.

XIII. Section 35 : -

That execution is denied by the representatives or assign of a deceased person by whom the document purports to have been executed.

Note : - When some of the representatives of a deceased executant admit and others deny execution, the registration of the document shall be refused to the persons interested being left to apply to the Registry for an enquiry into the fact of execution.

XIV. Sections 35 to 41 : -

The alleged death of a person by whom the document purports have been executed has not been proved,

XV. Section 41 : -

The Registering Officer is not satisfied as to the fact of execution in case of will or of an authority to adopt presented after the death of the testator or donor.

XVI. Sections 25, 34 and 80 : -

That the prescribed fee or fine has not been paid.

Note : - See Rule 26 (k)(i) also

162. When the executants of a document appear at different times the order of registration or refusal shall be passed after all the executants have appeared and admitted or denied execution, as the case may be, unless the maximum time allowed for appearance by the Act has expired or unless the presentant applies for the return of the document unregistered as regards the executants who failed to appear.

Note : - This rule refers to documents executed by several executants at the same time and not to documents executed by several persons at different times under Section 24.

163. When a document is partially registered and partially refused registration, the refusal shall be endorsed after the document is registered.

164. A Sub-Registrar is not authorised by law to refuse to register a document which has been executed by himself or in his own favour or because he is a party interested, remotely or indirectly, in the transaction to which such document relates; nor is he authorised to refuse to authenticate a Power of Attorney granted for registration of such document but he shall always advise the parties to present such document or Power of Attorney at some other office. If the document falls within the category of documents mentioned in Section 28 such other office of the Registrar of the District who will, as provided in the Table of Fees, register such document without charging the usual extra fee under Section 30. If the parties, after being advised as above, insist on the Sub-Registrar's registering a document or authenticating a power in which he is interested, he shall do so but shall immediately report the fact for information of the Registrar to whom he is subordinate.

Note : - This should not be understood as authorising a registering Officer to attest Power of Attorney executed by himself

CHAPTER XXV

(Sections 41 (2) and 72 to 76)

Appeals and enquiries

165. (i) An appeal under Section 72 or an application under Section 73 shall be presented in writing to the Registrar of the District, or to the Officer- in - charge of the Registrar's Office accompanied by copy of the refusal order appealed against and the original document in respect of which the order was passed.

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

166. (i) An appeal under Section 72 shall be presented either by the appellant or by a certified pleader duly authorised on his behalf by a vakalat attested in the manner prescribed in the Civil Rules of Practice applicable to Muffasil Civil Courts or by an agent holding a Power of Attorney authenticated as laid down in Section 33.

(ii) An application under Section 73 shall be presented in person by the party or by an agent holding a Power-of-Attorney authenticated as aforesaid.

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

167. In a enquiry connected with a will or an authority to adopt under Section 41(2) or an appeal under Section 72 or an application under Section 73

or in original enquiry under Section 74. private vakils or persons not qualified under the Legal Practitioners Act shall not be allowed to appear. Such persons are not, however, debarred from acting as agents, if authorised by a duly authenticated Power of Attorney.

168. An application under Section 73 presented by any of the persons mentioned therein within the prescribed period but without the requisite verification may be returned in view, to its being verified and presented again within a stated time.

169. An appeal under Section 72 or an application under Section 73 may, when the Registrar is on a tour of inspection in his district, be posted for hearing at any Sub-Registrar's station convenient to the parties.

170. (i) An applicant in this rule shall mean an appellant under Section 72 or party at whose instance an enquiry under Section 74 is commenced and shall include subject to provisions of Rule 166 also an agent or a vakil

(ii) On the presentation of an appeal under Sec. 72 or an application under Section 73 and in the case of original enquiry under Section 74, a date shall be fixed for the hearing of the appeal or application or for the enquiry

(iii) Such date shall be notified to the applicant and also published on the notice board of the Registrar's Office.

(iv) Within one week of the date of such publication the applicant shall pay the process fee necessary for the issue of notice to the opposite party (hereinafter called the Respondent) and for summonses for securing the attendance of witnesses, provided that the Registrar may extend the time for such payment, from time to time, on sufficient cause being shown.

(v) If on the date of hearing : -

(a) neither party appears, or

(b) the applicant does not appear and the Respondent appears and contests the registration of the document, or

(c) the Respondent does not appear and it is found that the notice has not been served upon him in consequent: of the failure of the applicant to pay the requisite fee for such service.

The Registrar shall make an order refusing the document:

Provided that it shall be open to the Registrar to adjourn the enquiry from time to time for sufficient cause.

(vi) An order refusing to direct registration under this rule shall be recorded in Book 2.

171. An order on an appeal under Section 72 or on application under Section 73 directing or refusing registration shall not be endorsed on the document

itself but shall, when registration is ordered, be recorded separately and filed in a separate file book, and when registration is refused, be recorded in Book 2. In either case a brief abstract of the order shall be endorsed on the petition, appeal or application which will be kept with the records of the case

172. An appeal or application against an order of refusal to register a will presented for registration after the death of the testator may be presented by any executor appointed under the will. The Registrar may after the perusal of the records connected with the refusal, call for fresh evidence or issue summons to witness or remand the case to the Sub Registrar for further enquiry.

173. Where a refusal order is based on the ground that the executant is purposely keeping out of the way in order to evade registration or has gone to distant place and is not likely to return to admit execution and the non-appearance is treated as tantamount to denial of execution, the application may be accepted by a Registrar under Section 73, and the fact of execution enquired into as if execution had been specifically denied.

174. (i) All orders passed by a Registrar under Sections 72, 75 and 76 shall be communicated without delay to the Sub-Registrar concerned.

(ii) When the office in which a document is ordered to be registered is different from the office in which its registration was refused a copy of the order directing registration shall be sent to both offices.

175. When a document refused registration is ordered to be registered either by a Registrar or by a Court, a note to the following effect shall be entered in Book 2 under the order originally passed by the Sub-Registrar refusing registration at the foot of the copy of Registrar’s order or decree of Court :

“Registered under the orders of Registrar/Court as No. of 20
Book volume Pages ”

176. When a Registrar refuses to direct the registration of document under Section 72 or Section 75, the order passed by him may be copied in Book 2 by a clerk, the copy so made being treated as the original and signed by the Registrar himself without the addition of the words, “true copy”. The Registrar’s draft from which copy is made shall be filed in the file of appeal orders and judgments.

177. When an alleged executant appears after the expiry of the first four months from the date of execution and denies execution, no appeal lies under Section 72, but an application may be made to the Registrar under Section 73 on the ground of denial of execution.

178. In case where the refusal order of a Sub Registrar is based on the ground that the executant did not appear even after the expiry of the full time allowed

- (i) If the presentant had taken steps to enforce the appearance of the executant, the latter cannot constructively be held to deny execution and the refusal order falls under the sub-section (1) of the Section 34 and the appeal under Section 72
- (ii) If, however, such steps have been taken and processes issued although abortively, the non-appearance is tantamount to denial of execution the refusal order falls under sub-section(3) of Section 35 and no appeal lies under Section 72, although an application may be made under Section 73.

179. No appeal lies to a Registrar in respect of a document which is not refused registration by a Sub Registrar but is withdrawn from registration by the presentant, i.e., returned to him at his request.

180. The Registrar may direct by whom the whole or any part of the costs of an appeal under Section 72, shall be paid and such costs shall be recoverable as if they had been awarded in suit under the Code of Civil Procedure, 1908.

181. The Inspector General shall have power, where he is satisfied that there are grounds for so doing, to transfer from the file of one Sub-Registrar to that of another, any enquiry under Section 41(2) from the file of one District Registrar to that of another any appeal under Section 72 or application under Section 73 or enquiry under under Section 74 and from the files of one Sub Registrar exercising powers conferred under the second proviso to Section 35(3) to that of the District Registrar to whom such Sub Registrar is subordinate any enquiry under Section 74.

CHAPTER XXVI

Fees and fines

182. It is for the Registering Officer, who is responsible for levying the fee to determine in the first instance what fee should be paid. After it has been paid the presenting party may, if he is dissatisfied, refer the question to the Registrar who shall, if he thinks there has been an over charge, order the Sub-Registrar to refund any excess. If the decision is adverse to the party, he may make a further reference to the Inspector General. Such application to the Registrar or the Inspector General shall be made within 30 days from the date of payment of fees or the date of making of the Registrar's order, as the case may be.

183. In the event of registration being refused, any fee or fine which may have been levied shall be refunded except fees for commissions, summonces, attendances and traveling allowances where such fees and allowances have been earned. Such refund shall be made out of the permanent advance of the

Registering Officer and a bill in detail for the adjustment of the refund shall be submitted in the usual manner,

184. Every application for the remission or refund of a fine or a fee shall be lodged in the first instance with the Registering Officer who levies it for submission to the sanctioning authority through the proper channel.

185. District Registrars may themselves dispose of applications for refund of fees or fines collected in excess or for work not performed by the Department

186. Whether a document is admitted to registration or not, all fees and fines shall be at once brought to account.

187. (i) At stations where there is a treasury and the treasury is open the collections shall be remitted daily to the treasury :

Provided that a remittance need not be made on any day when the total collections to be remitted do not exceed Rs. 5.

(ii) At stations where there is no treasury the fees shall be remitted to the nearest treasury at such intervals as may, from time to time, be prescribed by the Inspector-General.

(iii) A remittance to the treasury shall be accompanied by the challan duly filled up in duplicate in view to one copy of each challan being returned duly signed by the Treasury Officer

CHAPTER XXVII

(Section 83)

Prosecutions

188. A Sub-Registrar, may with the previous sanction of the Registrar lay a criminal complaint against a person who makes, in the process of registering a document an intentionally false statement. When however, execution is denied he shall not proceed to take evidence regarding execution and prosecute the executants for making false statement but merely refuse registration and leave the party concerned to bring the matter to an issue by applying to the Registrar under Section 73 for an enquiry into the fact of execution.

189. A refusal to sign a registration endorsement or a statement made to a Registering Officer, does not constitute an offence under the Indian Penal Code or under the Registration Act. A Registering Officer is no more competent to require a party to sign than he is to require him to register; his duty is merely to carry out the voluntary wishes of parties who appear before him.

190. A Sub-Registrar shall before instituting a prosecution, forward a full report of the case to the Registrar and obtain his approval to the prosecution. If, however, the circumstances demand immediate prosecution, a report shall be made by the Sub-Registrar to the Registrar within 24 hours of the institution

of the prosecution. A Registrar who institute a prosecution or approves of the institution of prosecution by a Sub Registrar or receives intimation that a prosecution has been instituted by a Sub-Registrar shall report that fact to the Inspector-General.

Note : - Rules 188, 189 & 190

When a commission of offence under section 83(c) read with section 82(c) of the Registration Act has been brought to the notice of the Sub Registrar, he is bound to take action in accordance with the rules 188, 189 & 190 of the registration rules (APHC Judgment dated 22-11-2006 in W.P. No.23680 of 2006 - Sub Registrar, Saroornagar and others Vs. S.Manohar and 11 others)

CHAPTER XXVIII

(Section 88)

Documents Executed by the Government Officers and other Public Functionaries

191. The exemption from personal appearance contemplated by Section 88 shall be held to apply also to : -

- (i) A Government officer who is an ex-officio President or Chairman of local body
- (ii) an agent to Court of Wards
- (iii) an Official Receiver
- (iv) Officers of Government whose services are lent to local bodies or who perform other duties retaining a lien on Government posts such as Commissioner of Municipalities, Liquidators of Cooperative Societies and Managers of Estates under the superintendents of the Court of Wards
- (v) Commissioners of Municipalities whether holding lien on Government posts or not and
- (vi) Commissioners of Municipal Corporations of Hyderabad: and Secunderabad.

CHAPTER XXIX

Preservation of Records

192. The following books and files shall be preserved permanently : -

- Book 1 : - Register of non-testamentary or any documents relating to immovable property.
- Book 2 : - Record of reasons for refusal to register.
- Book 3 : - Register of wills and authorities to adopt.
- Book 4 : - Miscellaneous Register.
- Book 5 : - Register of deposits of Wills.

Indexes Nos. I, II, III and IV and subsidiary indexes.

Register of Thumb-impressions.

File of translations.

Files of appeals, orders and judgments of Courts.

Deposition Book.

193. All other books and records shall be preserved or destroyed under such orders as may be issued from time to time by the Inspector General provided that the disposal of such books and records as maintained under the Registration Act or the Rules framed thereunder shall be regulated by the rules made by the Inspector General under the Destruction of Records Act, 1917.

194. (i) In all Registration Offices two registers of records shall be maintained, one relating to the permanent records, and the other to the temporary records, and in these registers separate pages shall be allotted for each series of books, indices and records.

(ii) All records in an office shall be brought to account in one or other of these registers according to the instructions issued from time to time as to the classification of records. A record shall not be omitted from its appropriate register on the ground that it has been completed has not been bound; for instance, when a volume of register book or a new register of thumb-impressions is brought into use, it shall be entered in the register of permanent records on the day the first document is copied in the volume or the first impression taken; similarly the index of a particular year shall be entered in the record register even though it may at the starting be maintained in loose sheets.

(iii) The date of destruction and the number and date of the order, if any, sanctioning the same shall be noted in the record register against the entry of true record destroyed, each such note being attested and dated by the Registering Officer.

195. The completed volumes of the under-mentioned books belonging to the office of a Sub-Registrar or of a Joint Sub-Registrar situated at the headquarters station of a district may, with the sanction of the Inspector-General, be transferred at the end of each calendar year to the office of the Registrar. The records of a Joint Sub-Registrar may similarly be transferred to the Chief Joint Registrar's office:

Register Books 1, 2,3 and 4 and the indexes relating thereto.

Register of thumb-impressions

File books of Power of Attorney

File books of translations

File books of appeals, orders and judgments

Deposition books

Minute books

196. (i) When a page in a register book shows signs of crumbling or an entry, signs of fading the page or entry shall with the previous sanction of the District Registrar, be recopied

(ii) The sheets containing the reproduced entries shall be preserved in a cover under the seal and signature of the Registering Officer, with a slip pasted over the cover to-show its contents.

(iii) When an entry is recopied a note of the fact shall be made at the foot of the entry in the original register. When an entire volume is recopied a note to that effect shall be entered in red ink on the label on the back of the original volume as well as the title page, and on the back of the volume containing the reproduced entries a label shall be pasted showing in red ink its contents.

(iv) The original shall be faithfully reproduced as it is found in the register and any missing or undecipherable letters, words or figures shall not be filled up by guessing from the context. A note shall be made as regards portions not legible or visible.

(v) The entries as copied shall be compared and authenticated as a true copy by the Registering Officer with date and seal.

(vi) The signatures of the clerk who recopies each entry and of the clerk who examines it shall be affixed above the signature of the Registering Officer authenticating the copy.

(vii) Un initialed interlineations, etc., in the original shall be noted above the signatures of the clerks who copy and compare, and these notes shall be attested by the Registering Officer.

(viii) The interlineations etc., in the copies of the entries shall be noted by the copying clerk and shall be initialed by the Registering Officer

197. Register books, papers, documents, indices, etc. may with the approval of the State Government, be transferred from one Registering office to another for safe custody. Sealed covers deposited under Section 42 may likewise be transferred from one Registrar's office to another for safe custody.

CHAPTER XXX

System of copying documents by Photography

198. (i) The copying of documents admitted to registration may be made by means of the photography instead of by hand.

(ii) When a document is presented for registration the Registering Officer shall first see whether it is fit to be accepted for registration with reference to the provisions of the Act, Rules and Standing Orders. In addition, he should satisfy himself that the writing is legible and not faint, indistinct or unnaturally

crowded or in pale blue ink. If it is so badly drawn up as not to be capable of being photographed, the parties should be asked to get a fresh deed executed, getting a refund of the value of the stamp, but they should not be compelled to do this if the document is legible. If the Sub-Registrar is, in doubt as to whether a document is fit for photography or not he might send it for opinion to the Photo Office established for the purpose. If it has to be accepted in a condition unfit for photography, it will then be copied in manuscript.

(iii) If there be no objection on any of the above grounds to the acceptance of the document, the presentation endorsement should be written or impressed in black ink on the face of the document in the usual form and the presentant's signature taken below it. The Registering Officer shall then sign the endorsement.

(iv) The enquiry prescribed in Section 35 shall then be proceeded will and the endorsement and certificates prescribed in Sections 58 to 60 shall be made from time to time. As soon as registration is completed the registration certificate should be endorsed and the office seal impressed below it The registration certificates shall not contain the page and volume

(v) The indices shall immediately be prepared.

(vi) The document shall be carefully marked with an identification stamp and the number assigned to the document noted on every page.

(vii) When all such requirements are satisfied, the document should be sent to the Photo Office in a sealed packet accurately weighed and the weight marked on the packet. In order to avoid omissions in dispatch and receipt, all the documents received for registration shall be sent to the Photo Office on the next day in one packet (and not in separate packets), together with a carbon duplicate list of such documents, the original list being retained by the Sub-Registrar. Care should be taken that the documents are not folded, as folded documents are rather inconvenient for being photographed. The documents should be in a suitable pad as far as possible. With the list, should also be sent envelopes duly stamped (together with yellow receipts), and correctly addressed for the documents to be returned by post. All documents or copies which the parties to be returned to themselves by post will be so sent direct from the Photo Office and the Sub Registrars should be careful to note posting in the last column of the list. When the documents are also dispatched by post the white -receipt obtained by the photo office will be forwarded to the Sub-Registrar concerned, who will also watch for the arrival of the yellow receipts.

(viii) The officer-in-charge of the Photo Office shall, as soon as the packet is received, see whether the seal on the packet is intact and then check the weight of the packet marked on it. He will then open the packet and check the contents with the list, and send an acknowledgment by postcard to the

Sub Registrar (“List dated, and contents received exactly advised”) He will not return the list but will file it in his office.

(ix) In case any discrepancy in the contents of the packets when compared with the advise list is noticed, the officer- in-charge of the Photo Office should at once refer the matter to the Sub Registrar who shall account for it without the least delay. If the Sub-Registrar cannot explain and if a document seems to have been lost, then the fullest enquiry must be made at once and report made to the District. Registrar immediately.

(x) The Officer-in-charge of the Photo Office shall then arrange for the photographing of the documents. A single photocopy of each document shall ordinarily be taken. This number is fixed for ordinary cases of documents which affect property in one subdistrict. As regards documents which relate to property situate in more than one district, since no manuscript copy is to be sent under Sections 65 to 67, extra photo copies shall be sent in their stead. In such a case the Registering Officer sending the documents to the Photo Office shall note in the duplicate list to be forwarded with the document the additional number of copies required, and the officer-in-charge of the Photo Office shall prepare so many additional copies. If an application is made to the Sub-Registrar for a copy of any deed it is sent to the Photo Office, requisition for such copy shall also be similarly noted on the list and the copy will be sent with the documents to the Sub-Registrar or to any other address given. The Photo Officer shall affix his signature and seal to all copies of documents photographed in token of the exact correspondence of the copies to the original documents

(xi) When all the photocopies are ready, the pages of each shall be carefully checked with the original documents which should be resticked before dispatch as early as possible in the original condition, if it has been necessary to unfasten the pages for photograph.

RULES FOR LICENSING OF DOCUMENT WRITERS

CHAPTER XXXI

Licensing of Document Writers

199. Subject to provisions of these rules, a licence may be granted to : -

(i) any person who possesses a degree in law of a University in the State or any other equivalent qualification or who was enrolled as an advocate under the Advocates Act 1961, (Act 25 of 1961)

(ii) any retired officer of or above the rank of a clerk who passed tests prescribed for the post of a Sub-Registrar in the Registration Department of Andhra Pradesh, except a pass in the second class language test (full test).

- (iii) any person who has passed the Writer's licensing Tests and
- (iv) any other person who proves to the satisfaction of the licensing authority that he is well conversant with the preparation of deeds of conveyance, etc. and has been in continuous practice as document writer in the territories of the State of Andhra Pradesh for a period of not less than five years immediately preceding the date on which these rules come into force subject, however to the condition that he secures a pass in the Document Writer Licensing Test prescribed in the Rule 210 (i) within a period of two years from the date of issue of a licence to him :

Provided that the Inspector-General of Registration and stamps may in appropriate cases and on the recommendation of District Registrar exempt any person or class of persons from the provisions of this rule.

200. From and after a date to be notified by the Inspector General of Registration, no non testamentary document which is written and attested by a Document writer lincenced under these rules for the area concerned shall be accepted for registration except by payment of a fee of Rs.100/- in addition to the fee chargeable for its registration.

Note:- 1) This rule shall not apply to documents drawn up by the executant himself or drawn up by a Notary for the area concerned appointed under the Notaries Act, 1952 (Central Act No. 53 of 1952) or the documents executed by the official receiver or documents executed outside the State or by or on behalf of or in favour of Government of India or on behalf of the Government of a State in India including the State of the Andhra Pradesh or of local Authorities or other bodies, corporate or institutions which may by Notification in the gazette be specified by Government on its behalf.

2) This rule shall not apply also to documents executed by or on behalf of Civil, Criminal or Revenue Court. **(Rule 200 was deleted through G.O.Ms.No. 108 Rev (Regn-1) dated 21-2-2001)**

- 201.** A licence shall not be granted to a person.
- (a) if he is a minor
 - (b) if he has been declared by a competent court to be of unsound mind
 - (c) if he is an undischarged insolvent, or being a discharged insolvent, has not obtained from the court, which adjudged him as insolvent a certificate that his insolvency was caused by misfortune without any misconduct on his part
 - (d) if he is an advocate or pleader who has been dismissed or is under suspension from practicing as such by an order of any competent court ;
 - (e) if he has been convicted by a Criminal Court for an offence involving moral turpitude;
 - (f) if he is a person suffering from leprosy :

(g) if his retirement (in the case of a retired officer) had been result of misconduct

(h) if his licence has at any time been cancelled and the order canceling the licence has not been quashed by competent authority;

(hh) If he or any member of his family is a stamp vendor licenced under the Stamp Act to sell stamps

Explanation :- In this clause the words “members of his family” includes the spouse, son, daughter, step daughter of the applicant whether residing with him or not and any other person related to and residing with and wholly dependent on such applicant, but does not include a spouse legally separated from such applicant or a son of daughter, step son or step daughter who is no longer, in any way dependent upon any such applicant or of whose custody such applicant is deprived by law

(i) if for any other reason to be recorded in writing the licensing authority considers it not desirable to issue a licence.

(j) If he is a retired employee of the Registration department and has not completed the period of three years from the date of his retirement.

Provided that a retired employee of the Registration department may be granted a licence with a jurisdiction excluding the registration districts or sub districts in which he has worked during the last three years of his service (Government Memo No.3592/U2/77, dated 27-3-1978)

202. (1) An application for a licence shall be in Form ‘A’ in Appendix IX and shall either be presented to the licensing authority, in person or be sent by post with necessary fees.

(2) Application for renewal shall be in form ‘B’ in Appendix-IX and made two months prior to the date of expiry of the licence through the Sub-Registrar to whom a majority of the documents prepared by the applicant are presented for registration or through the Registrar of the District in which the applicant primarily works in respect of the licence for more than one district. The Sub-Registrar or the Registrar as the case may be shall forward the said application to the licensing authority with his recommendation.

(3) Fees prescribed under these rules, for grant of a licence or its renewal shall be remitted into the treasury to the Departmental head and the challan therefor enclosed to the application

Provided that the fee remitted shall be refunded to the applicant if the licence for the renewal applied for is refused.

203. (a) fees at the following rates shall be levied for the grant of licence and for its yearly renewal (G.O.Ms.No.831 Rev (Regn-1) dt.27-8-1993)

| | For the First or any part of a calendar year | For Renewal in the second or any part of the succeeding calendar year |
|--|--|---|
| 1 | 2 | 3 |
| | Rs | Rs |
| Fee for more than one zone | 1,200-00 | 400-00 |
| Fee for more than one District in the Zone | 900-00 | 300-00 |
| Fee for one District | 600-00 | 225-00 |
| Fee for one Sub-District | 450-00 | 150-00 |
| Fee for any one village | 225-00 | 75-00 |

Provided that the fee leviable for the grant of licence to a village officer for his charge village or villages in sub district shall be Rs.25

(b) If a licence is lost or destroyed a duplicate may, on adequate proof of such loss or destruction, be issued to the licensee on payment of Rs. 10.00

(c) The fees for the extension of the area of a licence during the year, for which the licence was originally granted, shall be the difference between the fees payable under clause (a) of this rule for the grant of a licence for such extended area and the fees already paid for the grant of the said licence.

(d) The fees for the extension of the area of licence during subsequent year shall be in addition to the fees payable under clause (c) of this rule, difference between the fees payable under clause (a) of this rule for the renewal of licence for such extended area and the fees already paid for the renewal of the said licence for the year with effect from which the extension is applied for.

Explanation :- (i) In this rule, a sub-district shall be deemed to include all the Registration Offices whether principal, additional, temporary or joint having if any, collateral jurisdiction over the entire area of the sub-district;

(ii) Documents to be registered by a Registrar under Section 30 of the Act may be prepared and written by licensees attached to the headquarters, sub-district of a district

204. The following shall be the conditions of a licensee, namely :-

- (a) that the licensee shall abide by these rules for the time being in force
- (b) that he shall maintain the registers, receipt books and other records in the manner prescribed by these rules
- (c) that he shall not levy more than the fee prescribed in Appendix-X

(d) that he shall not demand or receive any sum from parties in the name of any person connected with the Registration Office

(e) that he shall not abet or participate in any illegal transaction or dealings with the staff attached to the Registration Office

(f) that he shall render the true and correct amount of the moneys received from the parties and produce the records maintained by him for inspection at any time before such officer as may be authorised to inspect them by the licensing authority or the Inspector General of Registration ;

(g) that he shall prepare and write documents neatly and legibly in clear and unambiguous terms and in accordance with the instructions that may be issued, from time to time, by the licensing authority or the Inspector General of Registration ;

(h) that he shall instruct the parties or their duly authorised agents to present documents and to pay the fees in person direct to the Registering Officers and not through any other agency.

(i) that he shall obey any directions that may, from time to time, be issued by the licensing authority or the Inspector General of Registration regarding the preparation of documents

(j) that he shall set forth fully and truly the consideration or the value and all other facts and circumstances affecting the chargeability of any instrument with duty or the amount of duty with which it is chargeable ;

(k) that he shall not act as a tout

(l) that he shall not appear as an identifying witness of anybody connected with the registration of any document, and

(m) that he shall not take delivery of any registered document from the Registering Officer or present any application for a single or general search or for a certified copy or extract :

(n) that if he is Village Officer, he shall not leave the charge of village or villages as the case may be, in connection with his work as a document writer to the detriment of Government work:

Provided that the Registering Officer may in his discretion, exempt licensee under these rules, from the operation of this rule, if he is satisfied that the licensee is personally interested in the matter.

205. Every non-testamentary document written by a licensee shall be attested by him in the following manner, namely : -

“Prepared and written by (name in full with licence number of the licensee and signature)”.

206. (a) Licensing authority shall be : -

(i) the District Registrar in respect of licensee authorised to prepare

and write documents within a village or a sub-district or a district

- (ii) the Deputy Inspector General of Registration and stamps in respect of licensees authorised to prepare and write documents in more than one district of the concerned zone (G.O.Ms.No.831 Rev (Regn-1) dept. dated 27-8-1993) and

(b) The Inspector General of Registration and Stamps in respect of licensees authorised to prepare and write documents in more than one zone.

207. (1) The licensing authority shall maintain registers in Form-C and shall issue licences in Form-D in Appendix-IX.

(2) Licences granted or renewed by the Licensing Authority shall be issued through the Registering Officer in whose jurisdiction the licensee concerned resides.

208. A licence issued under these rules, shall be in force up to and in inclusive of the last day of the calendar year for which it was granted. It can be renewed from year to year on an application being made in Form - B prescribed in Appendix-IX within the time and in the manner prescribed in Rule 202 (b)

Provided that the licensing authority may if it is satisfied that the delay in applying for the renewal was due to unavoidable causes, condone the delay and renew the licence on payment of a fine as prescribed below : -

- (i) When the delay does not exceed two calendar months - A fine equal to the renewal fee.
- (ii) When the delay exceeds two months but does not exceed four months - A fine equal to double the renewal fee. ~~
- (iii) When the delay exceeds four months but does not exceed six months - A fine equal to five times the renewal fees.

Provided further that the Government by publishing a notification in the A.P. Gazette may order the non-renewal of document writer licences either permanently or for specified periods, in respect of any class, category of persons or areas of operation in the State of Andhra Pradesh either before or on the dates, these renewals fall due, from the date of issue of such notification restricting the renewal of the licences notwithstanding procedure for renewal contained in Registration Rules, 202 and 208[Go Ms no. 1082 Rev (Regn-1) dt 10-12-2002 w.e.f 13-12-2007].

Provided further notwithstanding any of the provisions in the Rules for renewal of licenses, the Government may at any time, in its discretion, direct that all or any of the licenses issued under these rules, shall not be renewed permanently or for such period and in such areas of operation in the State as may be specified from time to time.[Go Ms.no.134 Rev (Regn-1) dt 1-2-2003].

209. Notwithstanding anything contained in these rules, a person whose licence is not renewed within a period of six calendar months after the expiry of the calendar year for which it was granted shall apply for a fresh licence under Rule 202.

210. (1) An examination to be called "The Document Writer's Licensing Test" shall be conducted by the Inspector General of Registration. The time and place of the examination and the language in which the candidates will be examined and fees payable therefor, shall be notified by the Inspector General, from time to time, in the Andhra Pradesh Gazette.

The Inspector General shall prescribe, by order, from time to time, the maximum marks of each test, the maximum marks to be secured for a pass, the examiners for the test, the class of persons that may be admitted to it and all other matters which are ancillary to the proper conduct of the test and declaration of results.

(2) The test shall consist of an examination in :-

- (i) the Registration Act, 1908 and the rules and the table of fees thereunder
- (ii) the Indian Stamp Act, 1899, and the Rules under there.
- (iii) the Transfer of Property Act, 1882 and
- (iv) a standard book on drafting documents.

(3) The list of the successful candidates of each examination shall be published in the Andhra Pradesh Gazette.

211. A study upto the S.S.L.C examination or its equivalent shall be minimum qualification for admission to the licensing test

Provided that this rule shall not apply to the persons specified in Clause (iv) of Rule 199.

212. The names of the licensees for more than one district for the whole district, or the sub-district and for villages of the sub-district concerned together with their licence numbers shall be published on the Notice Board of each Sub-Registrar's Office.

213. (a) A licensee shall maintain :

- (i) a register in Form 'E' of Appendix-IX.
- (ii) a receipt book in Form 'F' of Appendix-IX, and
- (iii) shall issue receipts for all moneys received on account of the work connected with every document written by him.

(b) The completed registers and receipt books maintained under this rule, shall be surrendered to the licensing authority at the end of each calendar year

Provided that if the licensee should die or his licence expires or be revoked

or suspended, the registers and receipt books shall be surrendered within 15 days from the date of such death, expiry, revocation or suspension by the representative in the case of the deceased licensee and by the licensee in other cases.

214. (a) A licence granted under these rules, may be suspended if the licensee :-

- (i) fails to maintain the registers and to issue receipts prescribed under these rules regularly and correctly.
 - (ii) collects more than scheduled fees specified in Appendix-X,
 - (iii) contravenes any of these rules or any of the conditions of his licence or is found guilty of disobedience to any lawful order passed under these rules,
 - (iv) if found guilty of any abetment of or participation in an illegal transaction or dealings with the staff attached to the registration offices, or
 - (v) if he has acted as a tout.
- (b) A licence granted under these rules may be cancelled if.
- (i) the licensee has been suspended three times.
 - (ii) he becomes disqualified on any of the grounds specified in Rule 201 and covered by Rule 209.
 - (iii) he has furnished false or incorrect information or particulars in the application for licence.

215. The licensing authority or any higher authority may suspend any licence granted under these rules for any period or may cancel such licence.

216. An appeal from the order of suspension or cancellation of a licence under these rules passed by an authority shall lie to the next higher authority.

217. Every licensee preferring an appeal shall do so separately and on his own name.

218. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, and shall contain no disrespectful or improper language and be complete in itself

219. An appeal may be summarily rejected by an authority not lower in rank than that from whose order it is preferred to if.

(i) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

(ii) it is addressed to the authority to which no appeal lies under these rules.

(iii) it is not preferred within two months from the date on which the appli-

cant was informed of the order appealed against and no reasonable cause is shown for the delay, and

(iv) it does not comply with the provisions of Rule 218.

220. The appellate authority shall consider : -

(a) whether the facts on which the order of suspension or cancellation is based are established.

(b) whether the facts established afford sufficient ground for taking action and

(c) whether the penalty imposed is excessive, adequate or inadequate and after such consideration shall pass such order, as it thinks just and equitable having regard to all the circumstances of the case.

CHAPTER XXXII

Preamble:- The Government through G.O.Ms.No.44 Rev(Regn-1) dept. dated 12-1-1999 notified, conferring legal status to registration of documents, with effect from 5-2-1999, with the help of electronic devices (CARD Project)

Registration of Documents through CARD

[G.O.Ms 722 Rev (Regn-1) dt 8-10-1999]

221. Definitions : - In this Chapter, unless the context otherwise requires, the following words and expressions shall have the meaning assigned to them, namely : -

(i) 'Archival' means capturing data, including images, on to electronic storage media like the CD, the tape, the hard disk and the like, with the intention of preserving the same for long periods and for retrieving when required and includes re-archival:

(ii) 'Card' or 'Computer-aided Administration of Registration Department' means the process of performing the various functions associated with the act of registration, through electronic devices like computers and scanners, to ensure an efficient, accurate and transparent delivery of services to the registering public;

(iii) 'CD' or 'Compact Disk' means an electronic storage device on which data, including images, can be stored in an electronic digital form,

(iv) 'CD Writer' means an electronic device used to copy data available in digital form on an electronic storage device on to a CD;

(v) 'Hardware' includes the electronic devices like computers, scanners; printers, CD writers which are used to capture, store and process data in a digital form;

(vi) 'Imaging' means the process of scanning the documents and manag-

ing the storage, classification and retrieval of the electronic digital images so generated;

(vii) 'Scanner' means an electronic device used in conjunction with a computer and a suitable software, to convert documents on paper into electronic digital images to be stored on electronic media and retrieved when required, and the words 'scanning'¹ and 'scanner' shall be construed accordingly;

(viii) 'Software' includes a set of computer programmes or coded instructions given to the computer systems to make the latter perform different, pre-determined functions and to generate the desired output.

222. Responsibility of the Inspector General : - (1) The Inspector General of Registrations shall be responsible for administration of CARD and for ensuring substantial compliance with the provisions of this chapter. For this purpose the Inspector General may issue suitable circular instructions and such instructions have the force of standing orders for strict compliance by all the registering officers.

(2) For the purposes of the sub-rule (1) the Inspector General shall specify, from time to time, the configuration of hardware and the software to be used in different categories of registration offices as may be required.

(3) The Inspector General shall also cause supply of the hardware and the software specified in sub-rule (2) at all the registering offices, in respect of which a notification has been issued by the Government under Section 70-B of the Act.

(4) It shall be the basic responsibility of the registering officers to ensure that the hardware and software so supplied is always kept in a good state to ensure the continued availability of the card services. The registering officers shall, at all times, use only the software notified and certified by the Inspector General and no other software.

(5) The Inspector General shall make adequate arrangements, including maintenance of the required stand by systems and spares and retention of the services of technical personnel, as may be required to enable the registering officers to comply with sub-rule (4)

223. Procedure to be followed : - The registering officers shall follow the provisions of the Act and rules in all matters other than those covered by this chapter. In case of a conflict between any provision of this chapter and any other rule, the provision of this chapter shall prevail in relation to any computerized process specified in this chapter.

224. Presentation of Documents : - (1) When a document is presented to him, the registering officer shall satisfy himself that it is fit to be accepted for registration with reference to all the provisions of the Act, rules and the Stand-

ing Orders. In addition, he shall satisfy himself that the writing is legible and not faint or indistinct and that the document is written and signed in dark black ink such as is fit for being scanned properly.

(2) All documents presented for registration under Computer Aided Administration of Registration Department, shall be accompanied by an input form in the proforma given in Appendix XI. The registering officer may arrange to provide such assistance to the registering public as may be required to enable them to fill up the input forms and to avail the various services offered by the department without any difficulty.

(3) Upon satisfying himself that the provisions of the sub-rules (1) and (2) are complied with, the registering officer shall affix his signature on the input form indicating the date and time of presentation.

(4) The registering officer shall thereupon cause the presentation endorsement to be impressed in black ink or to be printed by the Computer Aided Administration of Registration Department system as specified in Rote 52 (1) (a) on the reverse of the first stamp paper used for writing the document

(5) The procedure required under Section 35 of the Act shall then be followed with regard to the admission of execution.

(6) The registering officer shall then send the document together with the input form to the computer section for further process under the CARD system.

225. Registration Check slip : - (1) The details of the executants, claimants, nature of the document, description of the property together with its boundaries shall be entered in the computer and a check slip printed and handed over to the person presenting the document under an acknowledgement. The Check slip shall be in the format shown in the Appendix XII.

(2) The mistakes in spelling or in the description of the property or its boundaries, pointed by the party, in writing and under signature after verification of the check slip, shall be corrected in the computer and a revised check slip shall be printed and handed over to the party.

226. Issue of Receipt : - (I) The deficit stamp duty, if any, and the registration lee and other amounts indicated in the registration check slip, shall then be collected and a receipt printed by the computer shall be issued to the party. The receipt shall be in the format shown in the Appendix XIII.¹

(2) On payment of the deficit stamp duty, registration fee and other amounts, the document together with the input form, the registration check slip and the receipt shall be sent to the registering officer for verification.

227. Verification by the registering officer : - The details of the registration check slip and the receipt shall be verified by the registering officer with

reference to the original document to satisfy himself as to the compliance with the Act, rules and the standing orders and the adequacy of the stamp duty paid.

228. Registration of the Document : - (1) After completion of the procedure prescribed in the Rules 223 to 227, the registering officer shall admit the document to registration in terms of the provisions of Sections 58 and 59.

(2) The registering officer shall then assign a regular number to the document and mark it in dark ink on all the sheets of the document

229. Endorsements and certificates : - (I) The endorsements and certificates required to be made under Sections 58 and 59 and the relevant Registration Rules, shall be made on the document in accordance with the procedure prescribed.

(2) The certificate of registration required to be made under Section 60 of the Act, shall be made in the format shown below in respect of the documents registered under the Computer aided Administration of Registration Department system:

Registered as No..... of of books 1 day of 200 / day of200 / S-E.

Signature of Registering Officer.

(3) The endorsements may be made by using any or a combination of the following methods:

- (i) by writing in hand using black ink
- (ii) by impressing a rubber stamp using black ink
- (iii) by getting the endorsements and certificates printed suitably on the reverse of the stamp papers using the feature provided for the purpose in the Computer-aided Administration of Registration Department system.

(4) The endorsements and certificates, however so made as above, shall be authenticated by registering officer.

230. Scanning of the documents : - (1) After the process of affixing the endorsements and certificates is completed, the document shall be scanned, on both the sides of all the sheets including the maps and plans accompanying the document, using the scanner and the imaging software provided.

(2) The registering officer shall satisfy himself that the document has been properly scanned following the procedure laid down by the Inspector General in this behalf. Thereupon, the following certificate shall be affixed on the reverse of the stamp paper used for writing the document, below the certificate of registration

Certificate of Scanning

The document has been scanned with the Identification

Number.....

Signature of Registering Officer

(3) The documents presented for registration and registered alone should be scanned and copies of documents should not be scanned.

231. Return of the Document : - (1) After satisfying himself that the procedures prescribed in the Rules 223 to 230 are complied with, and especially that the document has been properly scanned the registering officer shall return the document to the person authorised to receive the same, duly obtaining an acknowledgement therefor.

(2) For the purpose of monitoring and recording the receipt and return of the document, the registering officer shall maintain a "Document Register" in the format shown in the Appendix XIV, entries in the columns (1) to (8) shall be made at the time of presentation, in the column (9) while assigning a regular number to the document and in columns (10) to (14) while returning the document to the authorised person. .,

232. Archiving of the images:- (1) The images of the scanned documents together with the data relating thereto shall be archived on to CDs or tapes suitably labeled, using the CD writer and the computer under the Computer-aided Administration of Registration department system, as soon as the documents are scanned.

(2) CD or tape after it is completely filled with images of scanned documents, duplicate and triplicate copies of such a CD or tape shall be generated, following such procedure as may be specified by the Inspector General in this behalf.

(3) The duplicate copy of CD or tape shall be suitably labeled and sealed and shall be sent to District Registrar within three days from the date of generation.

(4) The duplicate copies of CDs and Tapes shall be preserved with District Registrar and shall be used for being produced as evidence whenever summoned by Courts. The triplicate copies of CDs and Tapes shall be sent to Inspector General of Registration and Stamps in the first week of January, April, July and October every year for preservation.

(5) The CDs and the tapes shall be preserved in such conditions and taking such precautions as may be specified by the Inspector General in this behalf,

(6) The CDs and the tapes shall be recopied or re-archived at such periodic intervals as the Inspector General may specify.

(7) A Complete working set of Card hardware system, with a set of instructions to install the same shall be preserved in the Central Archival Room to cover the risk against technological obsolescence, whenever major hard-

ware architectural changes occur. One set of the new hardware should be preserved in the Central Archival Room for further use[Go Ms no 338 Rev (regn-1)dt 24-5-2001 w.e.f 5-2-1999]

233. Documents registered manually : - (1) Certain documents will have to be registered manually under the following circumstances

(i) Categories of documents not notified by the Government under Section 70-B of the Act for Registration under the Computer Aided Administration of Registration Department System; (ii) Documents presented for registration when the Computer aided Administration of Registration Department system is out of order; (iii) Documents which, in the opinion of the registering officer can not be registered under the Computer Aided Administration of Registration Department system.

(2) The registering officer shall register the documents described in sub-rule (1) (iii) using the manual system, duly recording the reasons for resorting to manual system in the minute book.

(3) The details of the documents registered in Book 1 manually shall be posted to the computers before the close of official business in respect of the categories (i) and (iii) mentioned in sub-rule (1) and as soon as the Computer-aided Administration of Registration Department system is restored in respect of the documents mentioned at (ii) of the sub-rule (1). This is required to ensure that the index particulars are complete in all respects irrespective of whether certain documents are registered manually

(4) To deal with the situation arising on account of : -

- (a) documents missing in CDs., soft COPY. not found in the system i.e., hard disk;
- (b) documents scanned and archived with poor quality image
- (c) Image of documents are missing;
- (d) documents scanned and archived in irregular order and
- (e) documents scanned and archived with wrong documents[same Go as at Rule 232(7)]

Note : - A special volume shall be opened by obtaining permission of the District Registrar in writing and all such documents mentioned in sub-rule (iv) above shall be 'Rescanned' or transcribed manually from the original document (duly recording the reasons in the minute book), by making a note at foot of the entry concerned.[Go Ms no 407 Rev (Regn-1)dt5-7-2002]

234. Indexing : - (I) The Computer-aided Administration of Registration Department system maintains the Indexes I and II specified in Chapter X!X, automatically in respect of all documents registered under the Computer aided Administration of Registration Department system and also the documents registered manually but whose details are posted into the computer in pursuance of the sub-rule (3) of Rule 233.

(2) Copies of the digital data of the Indexes may be maintained in such manner and in such number of copies and at such places as the Inspector General may specify.

235. Encumbrance certificates:- (1) Encumbrance certificates may be generated and issued under the Computer-aided Administration of Registration Department system conducting the search of the database electronically.

(2) The result of search shall be preserved electronically for a period of twelve years.

236. Revocation, cancellation and rectification of deeds already registered :- (1) When a deed purporting to revoke, cancel or rectify a deed previously registered under the manual system, is presented for registration, such deed may be registered following the procedure prescribed in this Chapter and the foot-notes specified under Rule 118 shall be made on the copy of the document in the respective volume.

(2) When a deed purporting to revoke, cancel or rectify a deed previously registered under the Computer-aided Administration of Registration Department system is presented for registration, such deed may be registered following the procedure prescribed in this chapter and contra entries posted to the record relating to the original deed and a memo in the nature of a foot-note shall be appended to such record so that the foot-note is printed invariably when the original document is sought to be printed.

237. Security:- (1) Adequate security systems shall be developed and implemented to ensure that the data and images of the documents registered under the Computer-aided Administration of Registration Department system are preserved without any scope for loss, corruption or unauthorised access.

(2) It shall be the responsibility of the registering officer and all the employees authorised to handle the systems to ensure that the security measures prescribed are strictly adhered to and that the passwords and access devices are maintained confidentially at all times.

(3) The Inspector General shall review the security plan periodically, at least once a year, to ensure that the security standards of the highest order are always maintained.

INSTRUCTIONS

The commissioner and Inspector General of Registration and stamps in his circular No.38 dated 22-1-1999, has issued instructions for governing the process of registration under the card project. An extract of the circular is reproduced hereunder for ready reference.

1) Registration process under the CARD system:

(a) (1) **Presentation:** The document presented to the Registering officer shall be scrutinized by the registering officer w.r.t classification and the appropriate transaction code assigned/ticked on the input form, initialed

and passed on to the computer counter, if the instrument related to sale, gift(including gift settlement) or mortgage with all the other variants of these 3 classes of instruments. It may be noted that only these 3 classes of instruments have been notified by the Government as of now. All other documents shall be handled manually till further orders. (Further orders are since issued in respect of other documents)

- (2) **Presentation at private residence:** The existing procedure may be followed in respect of documents necessitating attendance at a private residence, to the extent of presentation and admission of execution only, Further processing like generation of registration checkslip and scanning shall be done on computer.
- (b) **Registration checkslip:** The details of the documents sent by the Registering officer shall invariably be entered into the computer, registration checkslip printed, initialed by the DEO and given to the party across the counter. In case several documents are presented at a time, the work can be shared by 2 or 3 DEO's at different counters to speed up the registration process.

The serial number assigned by the computer (CS No.) will be treated as the pending document number for all practical purposes, till a regular number is assigned as per para4(c) below. However, in case a document which is to be registered manually and is required to be kept pending, it shall be given a pending number as usual.
- (c) **Deficit Stamp duty:** The deficit stamp duty, if any, shall be collected at the cash counter and a computer receipt printed and issued to the party. The document together with the checkslip and the cash receipt for DSD shall be sent to the table of the Registering Officer.
- (d) **Security of the document:** The registering officer shall then scrutinize the document thoroughly with reference to the statute and the adequacy of the stamp duty paid and admit it to registration if in order. It is emphasized that the registering officer will be responsible for all acts of omission and commission relating to the following aspects.
 - Classification of the document
 - Validation of the data on the registration checkslip printed by the computer w.r.t the details available in the document.
 - Comparison of the extent of site, built up area, age of structure mentioned in the document with that mentioned in the link document to see if there is any suppression of facts to the detriment of revenue.
 - Correct application of the MV guidelines through the CARD process.
- (e) **Registration:** The registering officer shall then complete the registration process following the existing instructions and procedure which involves,

broadly, endorsing presentation and admission of documents. To the extent possible, rubber stamps shall be used for the standard endorsements to save delay. After this process is over, a regular number shall be assigned. Then the document shall be sent for scanning.

- (f) **Scanning:** The scanning shall be done using the version 1.0.60 of the Imaging software only ensuring that the quality of all the pages of the document is good, Instructions issued in this regard especially w.r.t the certificate of registration shall be followed.
- (g) **Return of document:** The document shall be returned to the party competent to receive the same after obtaining acknowledgement in the manner prescribed hereafter.

As soon as the document is received and preliminarily scrutinized by the Registering Officer as in para4a) above, an entry shall be made in a

| Sl.No | CSNo. | Presentation | | Presetant | | Nominee if any | | Regular No. assigned | Return | | Receipt | | Remarks |
|-------|-------|--------------|------|-----------|----------|----------------|----------|----------------------|--------|------|---------|------|---------|
| | | Date | Time | Name | Sign/ TI | Name | Sign/ TI | | Date | Time | Date | Time | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

Column 9 shall be filled in by the Registering officer while assigning regular number to the document. Columns 10 to 14 shall be filled in while returning the document to the competent party.

Assigning of document No.(regular No.): Only one seriatim shall be followed while assigning regular number to documents registered through CARD system and also manually.

C&IGRS Instructions (March 2008)

Return of Registered documents

Recently, it has come to the notice that documents after registration are not reaching to the purchasers for the reason that documents have returned to the person who was presenting the documents or to his nominee, and such persons have not handed over documents to the purchasers. A case in point, is that of Narne Estate, that land falling in the jurisdiction of Sub Registrar, Bibi Nagar, where lot of many claimants have complained that they have not received the registered document and that any time when a purchaser approaches them for registered document, the executants on behalf of Narne Estates have been exploiting them to pay more money.

I would like to remind you about circular No.38 issued on 22-1-1999

wherein, para 4(g) it is clearly stated that a register will be maintained in the prescribed proforma and column No.(12) is the place where the name of the person who have received the document along with the signature has to be entered

I suspect that many of you are not following the circular instructions and therefore all the DIGs and DRs are directed to visit the Sub Registrars under their jurisdiction and ensure that such registers are maintained. Also, in cases where registration has been done and the purchaser has not received the registered document, for whatever reasons, the Sub Registrar should immediately hand over a certified copy of that document on payment of required fee, to any of the purchasers who approach their offices

2) COPYING, INDEXING AND ACCOUNTING: CARD system seeks to eliminate a lot of unproductive work and thereby enhance speed and efficiency of registration. The following revised procedures are prescribed in this regard.

Copying: *Copying of document; endorsements certificates shall be dispensed with on and from 5-2-99.* It should, however, be ensured that the document is properly scanned before it is returned to the party, As a measure of additional precaution, a laser print of the document should be taken immediately after scanning and filed in the volume in Category A and B offices. This procedure of taking laser prints shall be continued upto 31-3-99 and *dispensed with from 1-4-99.* In Cat. C offices, the documents scanned should be copied on the TAPE and print outs taken once a week on the laser printer available with the nearest Cat B or A office and filed.

Archiving: The documents scanned should be archived at the end of each day on to the CD (in A & B offices) or to the tape in Cat.C offices. A fresh CD/tape shall be started on 5-2-99 for this purpose. Once a CD/tape is full, as would be indicated by the scanning client software automatically, the session should be closed and a duplicate copy of the CD/Tape generated immediately. Once this is done, the system would request permission to delete the images of documents scanned and the same should be done after testing the CD's/Tapes in duplicate. One copy of the CD/tape shall then be sent to the DR under acknowledgement and the other copy preserved safely with the SR.

Indexing: Both index I & II should be dispensed with from 5-2-99. The CARD system automatically maintains these indexes.

Accounting: The accounts in respect of all documents should be continued manually till 31-3-99. Separate instructions will be issued with regard to dispensing with the accounts from 1-1-99.

3) DOCUMENTS REGISTERED MANUALLY: Certain documents will have to be registered manually for the following reasons:

- (a) Documents other than sale, mortgage and gift are not yet notified to be registered under the CARD system, since notified they should be registered using the manual procedures.
- (b) The CARD system may be out of order at times, In such case, even the documents relating to sale, gift and mortgage will have to be registered using the manual system, However, the registering officer should make a specific endorsement in the minutes book, specifying the reasons necessitating the resort to manual system.
- (c) The details of documents registered manually for the reason b) above shall be entered into the computers, following instructions that will be separately issued, soon after the CARD system is restored.

4) QUALITY STANDARDS FOR THE CARD SERVICES: Since CARD is a citizen-oriented project, certain standards in providing the various registration services have been prescribed. The following table lay down the standards to be met in terms of time taken for the services.

| Sl.No | Description of CARD service | Time Standard |
|-------|---|---------------|
| 1 | Market value assistance | 10 minutes |
| 2 | Registration (Return of documents) | 1 hour |
| 3 | Cash receipt | 5 minutes |
| 4 | Encumbrance Certificate | 10 minutes |
| 5 | Certified copy (of documents registered under CARD) | 10 minutes |
| 6 | Document writing (Category A only) | 30 minutes |
| 7 | Sale of stamp papers | 15 mintues |

- The time shall be counted from the moment the citizen arrives at the counter and present his application/document/indent.
- The schedule shall apply to those documents which are in full shape and comply with the various statutory requirements.

All the SR's of the CARD offices shall prominently display the above standards to the extent they are applicable for the information of the public. They shall strive always to deliver the service earlier than the standard time prescribed.

5) ELIMINATION OF INTERMEDIARIES: One of the objectives of the CARD project is to eliminate the intermediaries and provide services directly to the public. The following tips will help achieve this:

- The 'May I Help You' counters shall be fully activated with 3,2 and 1 assistants deployed on this work exclusively. Since the copying and indexing work will be dispensed with, enough surplus staff will be available for deployment. They should be adequately trained to discharge the following

functions:

- ❖ Filling up of registration input forms, General Search and Single Search applications, indents for MV assistance and Stamp purchase and document writing in standard formats on behalf of the parties. Parties should be asked to get these forms filled up exclusively at these counters is being successfully done at some of the CARD offices. This would not only eliminate the intermediaries but also eliminate mistakes in filling up these forms and thus speed up the process at the counters.
 - ❖ Give correct advice to the parties on the rates of duties, forms to be filled, certificates/ enclosures required and the counter to which they have to go.
- By putting up boards advising the public not to go to intermediaries but take the assistance of the 'May I Help You' counters and the CARD counters and to pay the prescribed duty and fee at the official cash counter only and demand a receipt therefor.

Document register in columns 1 to 8 in the following format:

TABLE OF FEES UNDER THE REGISTRATION ACT, 1908

(Prepared under Section 78 of the Registration Act (XVI of 1908)

(G.O.Ms.No.757 Revenue (Registration –1) Dept.,

Dated 18-12-2001 in force from 01-01-2002)

NOTIFICATION

In exercise of the powers conferred by Section 78 of the Registration Act, 1908 (Central Act XVI of 1908), and in supersession of the orders issued in G.O.Ms.No.1637, Revenue dated 03-09-1958 and published with the Revenue Department Notification No.389, dated the 3rd September, 1958 at page 2290 to 2295 of Part-I of the Andhra Pradesh Gazette, dated 11th September, 1958 and subsequent amendments issued from time to time, the Governor of Andhra Pradesh hereby notifies the following rates of fees as shown in the “Table of Fees”.

The notification hereby made shall come into force with effect on and from *01-01-2002*.

REGISTRATION FEES

The prescribed rates of Registration Fees are as follows:-

Table of Fees read with addenda issued to the table of fees – Vide G.O.Ms.No.201 Revenue (Registration-I) Department dated 18-04-2002 published in A.P.Gazette Part I – Extra Ordinary No.233 dated 20-05-2002 and as subsequently amended

1)(A) Registration of documents in Book1 and 4

- i) When the value or consideration, whichever is higher, does not exceed Rs.1,000/- Rs. 10-00
- ii) When the value or consideration, whichever is higher, exceeds Rs.1,000/- for every Rs.1000/- or part thereof Rs. 5-00

ILLUSTRATION

1) Unless otherwise directed, the value usually adopted for the purpose of stamp duty shall also be adopted in assessing a document to registration fee [S.O. 377(a) also see S.Os.290]

2) A document so framed as to come within two or more descriptions shall, where the fee chargeable thereunder are different, be chargeable only with the highest of such fees [S.O. 377(b)]

3) Penal clauses shall be left out of account in assessing a document to registration fee [S.O. 378]

4) Where several items of properties are valued separately in an instrument, the document shall be deemed to evidence only, a single transaction and assessed to registration fee only on the total of several amounts of consideration as for a single Slae [S.O. 379]

Examples

- (i) Separate consideration mentioned for each item of property is set forth in a sale deed

(ii) Separate rent mentioned for each item of property in a lease deed comprising several items]

(iii) Transfers of several mortgages effected by a single deed of transfer though the stamp duty payable is on the sum total of duty payable for each of the transfers [S.O. 379]

5) in the case of dissolution of partnership, the net value of the partnership property (i.e. the gross value minus the joint debts due from the partnership) shall be taken as the value for registration purpose [S.O.405(a)(ii)]. When the liability exceeds the assets, the minimum registration fee is leviable.

| | |
|--|--|
| iii) (a) For Registration of Sale/Construction/Development agreement under Article 6(B) of Schedule 1-A of the Indian Stamp Act, 1899 | Rs.1000/- |
| (b) For Registration of Agreement/Memorandum relating to the Deposit of Title Deeds under Article 7 of Schedule 1-A of the Indian Stamp Act, 1899 | 0.1% on loan amount subject to a maximum of Rs1000/- |
| (c) Registration of Partition Deeds, Release deeds and settlement deeds under Article 40,46 and 49 respectively of Schedule 1A of the Indian Stamp Act, 1899 | Rs.1000/- |
| iv) For registration of Powers of attorney falling | |
| (a) Under clauses (a) to (d) and (f) of Article 42 of Schedule I-A of the Indian Stamp Act, 1899 | Rs.100-00 |
| (b) Under clause (e) and (g) of the said Article 42 | Rs.1000-00 |

Clarifications: - 1) In respect of the documents styled as Agreement of Sale without possession and with possession falling under Article 6(A) and Explanation 1 of Article 47-A respectively of Schedule 1A to Indian Stamp Act, REGISTRATION FEE AT ADVOLAREM RATES ON THE MARKET VALUE OF THE PROPERTY IS LEVIABLE UNDER ARTICLE 1A OF THE TABLE OF FEES (C&IGRS Circular Memo No. G1/484/2006, dt 17-2-2006)

2) In respect of the documents styled as Agreement of sale with possession or evidencing delivery of possession falling under Explanation 1 of Article 47-A combined with General Power of Attorney falling under Article 42 (e) or 42(g) of Schedule 1A to Indian Stamp Act, 1899, as the case may be, Registration Fee shall be leviable under Article 1A (iii)(a) and Article 1A (iv) to

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 table of fees aggregating to Rs.2000/- (i.e. Rs.1000/- in respect of Agreement and Rs.1000/- in respect of GPA) (C&IGRS Circular Memo No.G1/484/2006,dated 17-2-2006)

- (B) The provisions of section 5, 6, 20, 21, 23, 25, 41-A and 47-A of the Indian Stamp Act, 1899 (II of 1899) shall mutatis-mutandis apply to calculations of value for the purposes of determining the registration fee and its collections.
- (C) In the case of Leases the value shall be taken
- i) At the total rent for the whole term when the lease is for one year or less
 - ii) At the average annual rent when the lease is for period exceeding one year and does not exceed thirty years;
 - iii) At ten times the average annual rent when the lease period exceeds 30 years or the lease is perpetual;
- Note:-** Any fine or premium payable; money advanced;value of improvements; amount of rents, assessed to rates and taxes;etc. need not be taken into account
- (D) xxxxx (Deleted from 1-12-2005 vide G.O.Ms.No.2045 Rev(Regn-1) dept. dt.28-11-2005
- (E) In the case of all other documents in which neither the consideration for the transaction, nor the value of the property effected is expressed, or in which it is only partially expressed, the value shall be the maximum amount which the stamp borne by the document shall suffice to cover if the document is one which is liable to stamp duty at AD-VALOREM rates. If the value cannot be determined from the stamp, as for instance, when the deed is not liable to stamp duty, or is liable to duty at a fixed amount irrespective of the value of transaction the fee leviable shall be Rs.100/ or in cases where the transaction is not susceptible of money valuation.
- (F) xxxxx (Deleted from 1-12-2005 vide G.O.Ms.No.2045 Rev (Regn-1) dept. dt.28-11-2005
- (G) In case of agreements to render service for the hire or to let movable property for hire, the value of the documents shall not be taken at a higher amount than of the hire for one year.
- Clarification :** - "In the case of service agreement, when the service agreement is also a bond or mortgage,the higher of the two values - annual vages or mortgage or bond amount - shall be taken as the value of the document [S.O. 388 (C)]
- (H) The Registration fee on a document purporting to rectify an error, which by itself creates, transfers, limits, extends., extinguishes or records rights shall be as prescribed in Article 1(A) on the consideration and if no consideration is expressed, on the value or market value of the right dealt with, subject to a minimum of Rs.100.00.

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 Provided that in the case of a deed which does not create, transfer, limit, extend, extinguish or record any right or liability, a fee of Rs.100/- shall be levied (G.O.Ms.No.201 Rev (Regn-1) dated 18-04-2002

2) Fee in respect of the following shall be Rs.100-00

- i) An agreement between a mortgagor and / or mortgagee creating a paripassu charge on the properties mortgaged through registered mortgage deeds or deposit of Title deeds whether registered or unregistered Provided that in the case of a deed which does not create, transfer, limit, extend, extinguish or record any right or liability a fee of Rs.100/- shall be levied)
- ii) A mortgage deed executed by an officer of Government in Civil or Military employment for securing the repayment of an advance received by him from Government for the purpose of constructing, purchasing or repairing a dwelling house for his own use.
- iii) An instrument of reconveyance executed by Government in favour of any person who is or has been in the Civil or Military services of the Government including the deed executed in favour of both employees and his/her spouse of an advance received by him from the Government for the purpose of construction, purchasing or repairing a dwelling house for his own use.
- iv) Adoption deed as described in Art.3 of Schedule-1 A of Indian Stamp Act.
- v) Agreement varying the terms of previously registered mortgage deed.
- vi) Appointment in execution of power, and Declaration of Trade Mark.
- vii) A supplemental deed falling under section 4 of the Indian Stamp Act.
- viii) A deed of cancellation or revocation.[Also vide S.Os. 290, 292, 377, 392 & 393]
- ix) Opening sealed cover and entering the contents in the Register.
- x) Will or authority to adopt, presented open.
- xi) Deposit of a Sealed cover purporting to contain a will or its withdrawal.
- xii) Any document purporting to give a collateral or auxiliary or additional or substituted security or security by way of further assurance where the principal or primary mortgage is provided to the satisfaction of the Registering Officer, to have been duly registered.
- xiii) Security bond, or mortgage deed executed in connection with transactions relating to Abkari Contract.
- xiv) Release in respect of the registered security bond or mortgage deed previously executed in connection with transactions relating to Abkari Contract.
- xv) Any document acknowledging receipt or payment of consideration on account of any previously registered or unregistered document and upon any receipt acknowledging payment of a debt or rent due under a previously registered or unregistered document.

- xvi) Attestation of either a special or a general power of attorney
- xvii) For the presentation of each appeal under section 72 or application under Section-73 against the order of a Sub-Registrar refusing to register a document.
- xviii) For an enquiry under Section 74.
- xix) For an enquiry by a Sub-Registrar invested with the powers of a Registrar under the second proviso to sub-section(3) of section 35 in respect of documents, the execution of which is denied.
- xx) For an enquiry in respect of non-testamentary document presented for registration after the death of the executant or if the executant dies after presentation of a document by the claimant or his representative, assignee or agent and before admission of execution.
- xxi) For an enquiry in respect of a will or an authority to adopt presented for registration after the death of the testator or the donor as the case may be.

3) No Registration fee shall be leviable upon the following instruments

- (a) Instrument relating to transfer of properties by Foreign Missionaries to Indian Missions (Missionaries).
- (b) Instruments of settlements by way of trust for charitable or religious purposes and executed in favour of educational or religious institutions as the State Government may from time to time by order specify in this behalf.
- (c) Deeds evidencing acquisition of lands by the Government for the provision of house sites to Scheduled Castes, Scheduled Tribes, Denotified Tribes, Nomadic, Semi Nomadic Tribes and landless workers in rural areas through private negotiations.
- (d) Any gift deed executed in favour of the Government in respect of Land or landed property donated for use in connection with the National Defense efforts.
- (e) Conveyance deed transferring all the properties both movable and immovable belonging to colleges takenover by the Government for educational purposes.
- (f) Security bonds executed in favour of the Government by the Gumastas appointed on behalf of the Government in the Telangana Region of the State of Andhra Pradesh to secure the execution of their office or to account for money or other property received by virtue thereof.
- (g) Mortgage deeds and security bonds executed by the loanees for the loans granted by the Panchayat Samithis.
- (h) Deeds evidencing acquisition of lands by the Government for provision of house sites of Harijans through private negotiations.
 - (i) Mortgage deeds executed by the beneficiaries in favour of "The Lo-

cal Habitat for Humanity, Khammam” In respect of the houses constructed by the said organization and allotted to its beneficiaries in the State of Andhra Pradesh subject to the condition that the District Collector of the concerned District should satisfy about the bonafides and approve the list of beneficiaries.

- (j) Gifts or settlements to be executed by the intending donors in favour of the Departments of Government of Andhra Pradesh, transferring land or buildings for construction of office buildings on the land or accommodating offices in the buildings of the said Departments.
- (k) Sale deeds in favour of the poor landless agricultural labourers belonging to scheduled casts under the scheme of “Purchase of Agricultural land” as part of the economic support programme being implemented by the Andhra Pradesh Scheduled Caste Co-operative Finance Corporation Limited, Hyderabad.
- (l) Transfer of land from Software Technology Park, Government of India or subsequent transfer from Joint Venture Company of Andhra Pradesh Industrial Infrastructure Corporation to Individual entrepreneurs involving either land or built up area for the purpose related to setting up of information Technology based projects and other common purpose, Infrastructure and financial services related to such projects in the Infocity/ S.T.P.H. at Madhapur (V) , R.R.District provided the registration fee is paid on transaction of land from the Andhra Pradesh industrial infrastructure corporation to the joint Venture Company.”
(This is applicable only for 5 years from 21-03-1997)
- (m) Sale deeds executed in favour of the poor landless agricultural labourers belonging to Scheduled Tribes under the – “Scheme of purchase of Agricultural land as part of the economy support programme by all the Andhra Pradesh State Government Organisations including Andhra Pradesh Scheduled Tribes Co-operative Finance Corporation Limited”.
- (n) Mortgage deeds executed under the scheme of “Purchase of Agricultural Land”, by the poor landless Scheduled Caste Agricultural Labourers in favour of District Scheduled Caste Service Co-operative Societies Limited as a security for repayment of the assistance /loan sanctioned to them”.
- (o) Settlement deeds executed by the donors in favour of Collector and Chairman, District Primary Educational Programme in the Five(5) Districts viz. Vizianagaram, Nellore, Kurnool, Karimnagar and Warangal for construction of School buildings under the State and Central Government Policies on universalisation of Primary Education, for a period of three years from 01-11-1997.
- (p) Lease deeds and mortgage deeds executed by export Oriented Units shall be levied at the rate of one rupee for every thousand rupees or part

thereof of the amount which fee is payable by such units.

- (q) Settlement deeds executed by the donors in favour of Collector and Chairman, District Primary Education Programme in the Eighteen(18) Deistricts viz., (1) Srikalkulam, (2) Visakhapatnam, (3) East Godavari, (4) West Godavari, (5) Krishna, (6) Guntur, (7) Prakasham, (8) Cuddapah, (9) Chittoor, (10) Ananthapur, (11) Adilabad, (12) Khammam, (13) Hyderabad, (14) Ranga Reddy, (15) Nizamabad, (16) Medak, (17) Nalgonda and (18) Mahaboobnagar for construction of school buildings under the State and Central Government policies on universalisation of Primary Education for a period of three years from 06-10-1998.
- (r) (i) Instruments of Mortgage deed or any agreement executed by members in favour of a Co-operative Society or Agricultural Development Bank and Mortgage deed executed by farmers in Favour of a Scheduled Bank or **Grammena Bank** and for raising Agricultural credit towards both crop and land development loans including allied items of Agriculture like Poultry dairy farms etc., and any other purpose mentioned or notified under Section 85 of the A.P. Co-operative Society Act, 1964 subject to the production of a certificate from the Society or the Tahsilder of the Taluk or from the Small Farmers Development Agency and Girijan Development Agency in respect of the areas wherever the said Agencies are functioning to the effect that the land held by the member or other person does not exceed **5 acres of wet or 10 acres of dry land**.
- (ii) Instruments between Co-operatives on the one hand and by other Co-operatives, Banks, Financial Institutions or Government on the other hand.
- (iii) Instruments of Mortgages executed by the member of a operative Urban Banks and Town Banks in favour of such Bank subject to the loan amount not exceeding Rs.15,000/- (Rupees Fifteen Thousand only)
- (iv) Instruments executed by member of House Building Co-operative Societies in favour of such Co-operatives for loan of Rs.30,000/- (Rupees Thirty Thousand Only) under Low Income Group Housing Scheme.
- (v) Sale deed executed by a registered Co-operative House Building Society in favour of its members at the time of transfer of plots.
- Note:** The exemption shall not apply where any such society was required to pay the requisite registration fee at the time of the original acquisition of the land in its favour.
- (s) Sale deeds of sites and buildings of value or consideration whichever is higher not exceeding Rs.12,000/- each executed either by the Andhra Pradesh State Housing Corporation or By the Andhra Pradesh Scheduled Castes and Tribles Co-operative Housing Societies Federation in favour of beneficiaries under the Weaker Section Housing Programme.
- (t) Mortgage deeds executed by the beneficiaries belonging to weaker sections in favour of A.P.State Housing Corporation formed under

G.O.Ms.No.276, G.A.(PE), Dated 02-05-1983.

Subject to the production of a certificate from the Society or the Thasildar of the Taluk or from the small Farmer's Development Agency, marginal Farmer's and Agricultural Labourers Development Agency, and Girijan Development Agency in respect of the areas wherever the said Agencies are functioning to the effect that the land held by the members or other persons does not exceed 5 acres of wet or 10 acres of Dry Land (C&IGRS Circular Memo No.S1/14205/04 dt.18-10-2004)

- (u) Assignment Deeds executed by the A.P.State Film Development Corporation Ltd., transferring/re-assigning the Mortgage Deeds and other documents as specified in the Annexure to the G.O.Ms.No.4, general Administration (I &PR) department, dated the 3rd January,1991.
- (v) Sale Deeds transferring Nizam sugar factory Lands in favour of landless Agricultural labourers of minority communities in Nizamabad District with the financial aid from A.P.State Minorities Finance Corporation. [G.O.Ms.No.827, Rev (Regn.II) Dept., Dt. 26-09-1997.]
- (w) Sale deeds transferring Nizam sugar factory lands Bodhan, Nizamabad District in favour of 1812 landless Agricultural labourers belonging to backward Classes Communities in Nizamabad District who with the Financial aid from Andhra Pradesh State Backward classes Co-Operative Finance Corporation Limited, Hyderabad, are the beneficiaries under the scheme as approved, by the District collector, Nizamabad. [G.O.Ms.No.765, Rev. (Regn.II), Dept. Dt. 06-10-1998.]
- (y) (I) xxx xxx
- (y) (II) 50% exemption from payment of Registration Fee on transfer of lands meant for Industrial use in the Special Economic Zone area. (G.O.Ms. No. 370 Rev. (Regn.& Mandals) dt. 24-6-2002)
- (y) (III)No Registration Fee shall be livable on the loan agreements, credit deeds, mortgages and hypothecation deeds executed by the Special Economic Zone Units for assets in the Special Economic Zone in favour of Banks of Financial Institutions. (G.O.Ms.No. 371 Rev. (Regn.& Mandals) dt. 24-6-2002.
- (y) IV)No Registration Fee shall be leviable on lease deeds chargeable under Article 31(d) pertaining to structures to be built by the lessee on the Government lands leased out for setting up of Tourism related Projects. (G.O.Ms.No. 372 Rev. (Regn. & Mandal) dt. 24-6-2002)
- (y) V)xxx
- (y) VI)No Registration Fee shall be leviable in respect of Gift Deed to be executed by Sri Mahajan Perla sattayya Chetty, S/o. Sri Mahajan Rai Sahib Perla Ramamurthy Chetty in favour of "Society for the Education of Deaf and Blind", Vizianagaram transferring land measuring 1713 Sq. Yards including the building having plinth area of 513 Sq. yards situated

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 in Dakkini Street bearing Door No. 2-2-20 in old 2nd Ward, New Ward No.9 in T.S. No. 421 of Block No. 10 in Santhapet North Ward, Vizianagaram Municipality, Vizianagaram Town and District. (G.O.Ms. No. 499 Rev (Regn.&Mandals) dt. 21-8-2002)

- (y) VII) No registration fee shall be leviable in respect of mortgage deeds to be executed by the beneficiaries under Valmiki Ambedkar Awas Yojana (VAMBAY) Scheme in favour of Lending agencies / Banks for securing loan mounts for construction of houses.
- (y) VIII) No Registration Fee shall be leviable in respect of transfer of land to an extent of 5.19 acres at Sy.No. 132/7, Kismatpur Village, Rajendranagar Manal, Ranga Reddy District to be registered in favour of L.V. Prasad Eye Institute. (G.O.Ms.No. 367 Rev. (Regn. & Mandals) dt 11-3-2003)
- (y) IX) No Registration Fee shall be leviable for a period of five (5) years from 24-2-2001 for transfer of lands by Shapoorji Pallonji Biotech Park Private Limited to Biotech Ventures or Companies to be set up in the Biotech Park at Turkapalli Village, Shamirpet Mandal in Ranga Reddy District. (G.O.Ms.No. 434Rev. (Regn. & Mandal) dt. 22-3-2003.
- (y) X) Registration Fee leviable upon the documents relating to transfer of houses by the Andhra Pradesh Housing Board in favour of third parties shall be the fee payable on cost price fixed by the Andhra Pradesh Housing Board for the original allottees. (G.O.Ms.No.552 Rev. (Regn.& Mandals) dt.28-4-2003)
- (y) (XI to XIII) xxx xxx
- (y) XIV) No Registration Fee is leviable in respect of site belonging to Eastern Chowltry, Bapatla situated in Sy.No. 656 to an extent of Ac.1.00 to be got registered in favour of Tirumala Tirupati Devasthanams for construction of Kalyana Mandapam at Bapatla. (G.O.Ms.No.30 Rev. (Regn.&Mandals) dt. 8-1-2004.
- (y) (XV to XVIII) xxx xxx
- (y) XIX) No Registration Fee shall be leviable for the deeds relating to lands to be registered in favour of the Primary Sheep Breeder Co-operative Societies and Toddy Tappers Co-operative societies which are assisted under the Land Purchase Scheme being implemented as per the Government orders issued in G.O.Ms.No.14, Backward Classes Welfare Department, dated 1-7-2003 and G.O.Ms.No.19, Backward Classes Welfare Department, dated 19-7-2003 and also remits Registration Fee, in Full payable on hypothecate/mortgage deeds to be executed by the Primary Sheep Breeder Co-operative Societies and Toddy Tappers Co-operative Societies for whom the lands were purchased, in favour of the District Backward Classes Service Co-operative Society and the Andhra Pradesh Geeta Parisramika Sahakara Arthika Samkshema Samstha re-

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- spectively. (G.O.Ms.No. 1131 Rev. (Regn. & Mandals) dt. 13-11-2003).
- (y) XX)xxx
- (y) XXI)No Registration Fee is leviable on the documents to be executed by the Mandal Revenue Officer on behalf of the Government for evidencing transfer of lands in favour of farmers who are given/proposed to be given Pattadar Pass Book and Title Deeds to an extent of Ac.8691.20 gts. of Government land in Survey No.200 (Old) of Ramachandrapur Village in Mulugu Mandal of Warangal District. (G.O.Ms.No. 1251 Rev. (Regn.&Mandals) dt. 6-12-2003)
- (y) XXII) xxx xxx
- (y) XXIII)No Registration Fee is leviable on the documents to be executed by small and marginal farmers in favour of Banks in case of equitable mortgage (i.e. Deposit of Title Deeds) only on agricultural loans under Andhra Pradesh Micro Irrigation Project. (G.O.Ms.No. 1349 Rev. (Regn.&Mandals) dt. 24-12-2003)
- (y) XXIV)50% Registration Fee shall be leviable on the present market value of the plots in Sy.No. 1043 and 1044 of Chinna Chowk Village, Cuddapah Mandal and District for an extent of 324 acres and in Sy.Nos.1004, 1007 to 1009 and 1011/1 of Chinna Chowk Village, Cuddapah Mandal and District to an extent of 42.11 acres in respect of documents relating to the transfer of plots to be got registered by the Cuddapah District N.G.Os. Co-operative House Building Society, Cuddapah in favour of its member allottees. (G.O.Ms.No. 1367 Rev. (Regn.&Mandals) dt. 29-12-2003)
- (y) XXV)No Registration Fee is leviable in respect of property bearing No. 8-1-10/1 Sarojini Devi Road, Secunderabad, which was gifted and to be registered in favour of Missionaries of Charity, Secunderabad. (G.O.Ms.No. 28 Rev. (Regn.&Mandals) dt. 8-1-2004).
- (y) XXVI)No Registration Fee is leviable on the lands purchased by the District Collectors under Land Purchase Scheme for distribution of 10,22,021 house sites for distribution to weaker sections for the limited purpose of implementation of the special Programme during the years 2002-2003 & 2003-2004 (till 31-03-2004) as per the guidelines issued in G.O.Ms.No.122, Social Welfare (LA) Department, dated 15-12-2003. (G.O.Ms.No. 29 Rev. (Regn.&Marbles) dt. 8-1-2004)
- (y) XXVII)No Registration Fee is leviable on a document evidencing transfer of Plot No.44 in MIG category at Nallagandla Residential Complex in Ranga Reddy District in favour of Smt. S. Indira, wife of Late S. Ananthaswamy resident of Upper Basthi, Yakuthpura, Hyderabad. (G.O.Ms.No. 106 Rev. (Regn.&Mandals) dt. 31-1-2004)
- (y) XXVIII)No Registration Fee is leviable on the documents to be executed by small and marginal farmers in favour of Banks in case of Registered/ Simple mortgages also on agricultural loans under Andhra Pradesh Mi-

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 cro Irrigation Project. (G.O.Ms.No. 126 Rev. (Regn.&Mandals) dated 5-2-2004)

- (y) XXIX)No Registration Fee is leviable on the document evidencing transfer of Plot No.212, IIIrd Block in the Jubilee Hills Co-operative House Building Society, Hyderabad admeasuring 884 Sq. Yds.(739 Sq.Mtrs) in Sy. No. Old 403/1(New Sy.No.120)of Shaikpet village and Sy.No.102/1 of Hakimpet Village of Hyderabad Urban Taluq in favour of Dr. Ch. Umesh Chandra, Masab Tank, Hyderabad. (G.O.Ms.No.186 Rev. (Regn.) dt. 17-2-2004).
- (y) XXX)No Registration Fee is leviable on the document evidencing transfer of land and buildings of M/s. BSES Andhra Power Limited. Samalkot valued at as Rs. 46.71 Crores relating to registration in favour of M/s. BSES Limited, Mumbai. (G.O.Ms.No. 224 Rev. (Regn.&Mandals) dt. 27-3-2004)
- (y) (XXXI) xxx xxx
- (y) XXXII)Registration Fee shall be reduced to 0.0025% in respect of instrument of Securitization of Loans, Assignment of Debt of House Loans (with/without underlying securities in the nature of movable or immovable property. (G.O.Ms.No. 304 Rev. (Regn.&Mandals) dt. 27-3-2004)
- (y) XXXIII)Registration Fee shall be reduced to 0.5% chargeable on the instruments of Securitization of loans or of Assignment of Debt with underlying securities executed by the Scheduled Banks and Public Financial Institutions in favour of Reconstruction Companies and Securitization Companies (set up under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002) for the purpose of acquisition and reconstruction of non-performing assets for financial assets subject to a maximum of Rs. 30,000. (G.O.Ms.No. 305 Rev. (Regn.&Mandals) dt. 27-3-2004.
- (y) (XXXIV & XXXV) xxx xxx
- (y) XXXVI)No Registration Fee shall be leviable, in respect of instruments to be executed for loans sanctioned by Banks/Co-operative Societies and rescheduling/conversion of one category of loan to another category for short term/medium term or long term loans upto an amount of Rs. 1,00,000/- in favour of the small and marginal farmers who have holding to the Extent of 5 acres of wet land or 10 acres of dry land (G.O.Ms.No. 516 Rev. (Regn.& Mandals) dt. 3-8-2004)
- (y) XXXVII)No Registration Fee shall be reviable, in respect of the mortgage deed to be executed by the Andhra Pradesh Water Resources Development Corporation in favour of its trustees i.e. State Bank of Hyderabad for raising of funds to a tune of Rs. 568.03 crores through an offer of bounds of the face value of Rs. 1.00 lakh each on private placement basis (G.O.Ms.No. 552 Rev. (Regn.& Mandals) dt. 6-8-2004)

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- (y) XXXVIII) No Registration Fee shall be leviable, in respect of sale deed to be executed by the District Collector, Hyderabad in favour of Sri T.Vaikuntam, successful bidder in registration of Plot No. 21 in T.S.No. 1/1p, Ward No.9, Block No.F, Shaikpet Mandal, Hyderabad admeasuring 367.50 Sq.Mts.(G.O.Ms.No. 564 Rev. (Regn.& Mandals) dated 10-8-2004)
 - (y) XXXIX) No Registration Fee shall be leviable, in respect of lands purchased for the Poor under Velugu Phase II Project and purchase Scheme (G.O.Ms.No. 763 Rev. (Regn.& Mandals) dt. 28-9-2004)
 - (y) XL) Registration Fee shall be reduced to 0.5% chargeable on the documents and instruments of securitization of loans/debts or of Assignment of loans/debts with underlying securities executed by the Industrial Development Bank of India (IDBI) in favour of Stressed Assets Stabilization Fund (SASF) for the purpose of acquisition, resolution or reconstruction of stressed assets, non-performing assets or financial assets, subject to a maximum of Rs. 30,000/-. (G.O.Ms.No. 768 Rev. (Regn.& Mandals) dt. 29-09-2004)
 - (y) XLI) No Registration fee shall be leviable in respect of gifts deeds and settlement deeds if executed in favour of Government perpetuating the memory of living or dead persons.(G.O.Ms.No. 877 Rev. (Regn.& Mandals) dt. 30-10-2003)
 - (y) (XLII) xxx xxx
 - (y) XLIII) No registration fee shall be leviable in respect of land, to an extent of 885.3 Square yards in Survey Nos. 152/2A and 621 situated in ward No.19 STV Nagar of Tirupati Town, to be registered in favour of "Sri Tirumala Tirupati Balaji All India Arya Vysya Vasavi Nitya Annadana Satram (Athhuluri Trust) for construction of building. (G.O.Ms.No. 980 Rev. (Regn.& Mandals) dt. 2-12-2004)
 - (y) XLIV) No Registration Fee shall be leviable upto 20-3-2005 in favour of M/s. L&T Infocity – Ascendas Limited, with applicability of all terms and conditions mentioned in the G.O.Ms.No.221, Revenue (Registration-II) Department, dated 21-03-1997 and G.O.Ms.No.429, Revenue (Registration & Mandals) Department, dated 17-7-2002 for the development of Cyber Pearl Project at HITEC City, Madhapur, Hyderabad. (G.O.Ms.No. 209 Rev. (Regn.& Mandals) dt. 14-02-2005)
 - (y) LV) 50% Registration Fee shall be leviable on the present market value of the plots in Sy.Nos.1043, 1044 etc., of Chinnachowk Village, Cuddapah Mandal and district for an extent of Acres 63.50 cents in respect of documents relating to the transfer of plots to be got registered by the Cuddapah District Elementary and Secondary School teachers Co-operative House Building Society Ltd., Cuddapah in favour of its member allottees. (G.O.Ms.No. 312 Rev. (Regn.& Mandals) dt. 11-03-2005)

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- (y) LVI) 50% Registration Fee shall be leviable on the present market value of the plots in Sy.Nos.1043, 1044 etc., of Chinnachowk Village, Cuddapah Mandal and District for an extent of Acres 32.00 in respect of documents relating to the transfer of plots to be got registered by the Cuddapah District Class-IV Government Employees Co-operative House Buildings Society Ltd., Cuddapah in favour of its member allottees. (G.O.Ms.No. 313 Rev. (Regn.& Mandals) dt. 11-03-2005)
- (y) LVII) No Registration Fee is leviable on an amount of Rs. 1,67,00,000 (Rupees one crore and sixty seven lakhs only) payable on the document executed by the Recovery Officer appointed by the Debts Recovery Tribunal evidencing transfer of land and buildings of M/s. Pfimex Organics Limited (in liquidation) to an extent of 5.78 Acs., in Sy.Nos.219 to 246 in Plot Nos. 222, 223, 224, 235, 236 and 237 situated at Pashyاملaram, IDA Phase-II, Sangareddy Taluk, Medak District in favour of M/s. Synthokem Labs Private Limited, Hyderabad.(G.O.Ms.No. 351 Rev. (Regn.I) dt. 19-03-2005)
- (y) LVIII) No Registration Fee is leviable on an amount of Rs. 2,23,00,000 (Rupees two crores and twenty three lakhs only) payable on the document executed by the Recovery Officer appointed by the Debts Recovery Tribunal evidencing transfer of plant and machinery M/s. Pfimex Organics Limited (in liquidation) situated at Pashyاملaram, IDA Phase-II, Sangareddy Taluk, Medak District in favour of M/s. Synthokem Labs Private Limited, Hyderabad.(G.O.Ms.No. 352 Rev. (Regn.I) dated 19-03-2005)
- y) LIX) No Registration Fee is leviable on an amount of Rs. 4,23,00,000 (Rupees four crores and twenty three lakhs only) payable on the documents executed by the Official Liquidator appointed by the High Court of Kerala Kochi evidencing transfer of land and buildings of M/s. Lakshmi Starch Limited (in liquidation) to an extent of 8600 Sq.Yds. in Sy.No. 208/1 situated at Nacharam Village, Uppal Mandal, Ranga Reddy District in favour of M/s. Creative Homes Private Limited, Hyderabad and M/s. Udaya Homes, Hyderabad.(G.O.Ms.No. 353 Rev. (Regn.I) dated 19-03-2005)
- y) LX) No Registration Fee is leviable on an amount of RS. 3,01,00,000 (Rupees Three crores and one lakh only) payable on the document executed by the Official Liquidator appointed by the High Cort of Andhra Pradesh, Hyderabad evidencing transfer of land to an extent Ac. 45,143 and buildings with plinth area of 9475.14 Sq.mts., of M/s. Ambuja Petro Chemicals Limited at Plot Nos. 17-A, 18-B and 20-A in Sy.Nos.7 to 9, 10(P), 11(P), 23(P), 408(P), 409(P), 410 and 411(P) situated at I.D.A. Phase-I, Patancheru, Medak District in favour of M/s. Virchow Petro Chemicals Private Limited, Hyderabad. (G.O.Ms.No. 639 Rev. (Regn.&

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- Mandals) dt. 09-05-2005)
- y) LXI) No Registration Fee shall be leviable in respect of transfer of plot admeasuring 833 Sq.Mtrs. or 999.6 Sq. yards. Adjacent to plot No. 13/A/B of Sri Venkateswara Co-operative Housing Society Road No. 12, Banjara Hills, Hyderabad to be got registered in favour of M/s. Prabhakar Mineral Company. (G.O.Ms.No. 1117 Rev. (Regn.& Mandals) dated 09-06-2005)
- y) LXII) No Registratin Fee shall be leviable in respect of gift deed for 4.10 acres land alongwith sheds/buildings in Sy.NO. 715/2 of Kamalapuram to be executed by Sri C.V. Rajagopal Reddy of Jeevampeta Villae, Kamalapuram, Cuddapah District in favour of Sri C. Sivasankara Reddy & Subba Rami Reddy Educational Society, Jeevampeta, Kamalapuram, Cuddapah bearing registered society No. 34/91 for the use of colleges run by the said society.(G.O.Ms.No. 1253 Rev. (Regn.& Mandals) dt. 24-06-2005)
- (y) (LXIII) xxx xxx
- y) LXIV) No Registration Fee shall be leviable in respect of Mortgage Deeds to be executed by the beneficiaries under Rajiv Gruhakalpa Scheme in favour of lending agencies/Banks for securing loan amounts for construction of houses.(G.O.Ms.No. 1404 Rev. (Regn.& Mandals) dated 18-07-2005)
- (y) (LXV and LXVI) xxx xxx
- y) LXVII) No Registration Fee shall be leviable in respect of sale of land and building to an extent of AC 35.24 guntas in Sy.Nos. 825 & 826 and Sy. No. 833 located at Avanthipuram Village in Miryalaguda Mandal of Nalgonda District to be executed by the Nizam Sugars Limited in favour of "Gurukulam" Andhra Pradesh Tribal Welfare Residential Schools, Miryalaguda.(G.O.Ms.No. 1544. Rev. (Regn.& Mandals) dt. 11-08-2005)
- y) LXVIII) No Registration fee shall be leviable in respect of Gift settlement Deed evidencing gift of land admeasuring 695 Sq.Yds. beside the House bearing No. 5-13-12, situated in 5th Ward of Kovvur Village, Kovvur Municipality, West Godavari District in favour of Avatar Meherbaba Mehersthan Dharmashala Society, Kovvur, West Godavari District (G.O. Ms.No. 1542 Rev. (Regn.& Mandals) dated 11-08-2005)
- y) LXIV) No Registration Fee is leviable in respect of Conveyance deeds, transferring plots to be registered by Vijayawada Municipal Corporation in favour of 14164 original allottees under the Scheme for rehabilitation of evicted families from the canal bunds and other slums, is payable on the market value of the site fixed in the Resolution No. 222, dated 30-11-1999 by the Corporation excluding the full value of structures existing, if any, only on the basis of certification made by the Municipal Commissioner, Vijayawada and further provided that such deeds are executed

donors / philanthropists in the state of Andhra Pradesh (Notification 11 of G.O.Ms.No.643 REv.(Regn & Mandals) dept. 11-5-2007 = C&IGRS Endt.No.S1/15922/2006, dt.8-6-2007)

- y) (LXLXXXV): No registration fee shall be levied in respect of mortgage deeds to be executed by the beneficiaries under INDIRAMMA URBAN HOUSING Scheme in favour of lending Agencies / Banks / for securing loan amount for construction (Notification 11 in G.O.Ms.No.348 Rev (Regn II) department dated 15-3-2008 = C&IGRS Endt.No.S1/4996/2008, dt.16.4.2008

- xx xx xx xx
- y) (LXLXXXVIII): No registration fee shall be leviable on any instruments executed by, or, on behalf of, or in favour of, the developer, or unit or in connection with the carrying out of purposes of the Special Economic Zone (Notification in G.O.Ms.No.659 Rev.(Regn.II) dept. dt.12-5-2008 = C&IGRS Endt.No.S1/21487/2007, dated.15-5-2008

APSEZ ACT

Full exemption from stamp duty and registration fee shall be available to

- a) (i) Approved units or co-developers and operators in the processing area of the zone on the lease or transfer of the land ment for the purpose; and
(ii) a developer on lease or tranfer of land used for developing a SEZ
- b) The developer, co-developer, unit operator or establishment setup in the processing area of the zone shall be fully exempted from the levy of stamp duty and registration fee on loan agreements, credit deeds and mortgages excuted by them (Govt. Memo No.12254/Regn.II/A1/2008, dated 1-4-2008 = C&IGRS Endt.No.S1/21487/2007,dated.16-4-2008
- y) (LXLXXIX): No registration fee shall be leviable on the documents evidencing purchase of land for distribution of house sites to weaker sections by the District Collectors, where the land cost is not exceeding Rs.1,00,000/- (Rupees one lakh) per acre as per guidelines issued in the G.O.Ms.No.92 Social Welfare (L.A) dept. dated 29-12-2004. (G.O.Ms. No.61 Rev.(Regn.II) dept. dt.23-1-2008 = C&IGRS Endt.No.S1/15782/2005, dated.2-2-2008
- 4) Issue of Commission or attendance at private residence or jail.**
- 1) A fee of Rs.500-00 shall be paid for every attendance at a private residence for the registration of documents or for the acceptance for registration of documents or deposit of a will or for the attestation of powers of attorney or for the examination of individuals under Section 33 or 38.
- 2) A fee of Rs.50-00 shall be paid for every attendance at a jail for the above said purposes.

- 3) For the services of Female, if required, a further fee of Rs.10-00 shall be paid.
- 4) For the journeys performed in connection with private attendance, the Registering officer and the staff may claim T.A. and D.A as per the A.P.T.A.Rules.
- 5) **No fee shall be levied for the Safe Custody of a document which remains unclaimed for ten days after registration or refusal. Thereafter for every period of thirty days or part thereof a fee of Rs.50-00 shall be levied provided that the maximum fee leviable under this article shall not exceed Rs.500/-**
- 6) **The fee for serving summons** issued and for the remuneration of executants and witnesses summoned under section 36 of the Registration Act, 1908 shall be regulated according to the scale prescribed for the Courts of District Munsiff and in the case of cities of Hyderabad and Secunderabad, for the courts of City Magistrates. The fee for processes issued by Registrars under section 75 shall be levied according to the scale in force in the Principal court of Original Civil Jurisdiction.
- 7) **An extra Fee of Rs.500-00 shall be levied for the registration by a District Registrar under section 30** unless the document is registered in consequences of the Sub Registrar being a party interested in the transaction to which such document related.
- Note:-** No additional extra fee shall be levied for the registration of a counter part or a duplicate of a document in respect of which the extra fee has been paid if such counterpart or duplicate is presented for registration on the same day as the original document, when the original document is also registered.
- 8) **Search fee** for Inspection of a single entry or document or any other records maintained under the Registration Act or the Rules or Orders made thereunder:-
- 1) In the case of issue of encumbrance Certificate in respect of person or on a specified property irrespective of the number of years for search of the entry or entries in CARD offices. Rs.100-00
 - 2) In the case of issue of encumbrance certificate in respect of person or on a specified property irrespective of the number of years for search of the entry of entries in Non-CARD offices. Rs. 50-00

(As amended in G.O.Ms.No.279, Revenue (Registration -1) Department, Dated: 20-04-2001).

Provided that no fee shall be levied

- i) When a general search is made on the application of public officer with a view of granting encumbrance certificate:

(a) In respect of property offered as security by a public servant for the due performance of his duties:

(b) To test the property qualification required of an extradepartmental Postmaster whether at the time of his appointment or subsequently

(c) In connection with the grant of loans under the Agricultural Loans Act 1884(XII of 1884) as amended by Madras Act XVI of 1935 for the relief of Indebtedness and the Madras Cottage Industries Loans and Subsidiary rules 1948; and

ii) When a search is made on the application of Police Official with a view to grant an encumbrance certificate or a copy of an entry required for a bonafide public purpose.

iii) When a general search is made on the application of Mandal Parishad Development Officer, in respect of an encumbrance certificate granted in connection with the grant of loans under the Village Housing Project Scheme.

iv) When a general search is made on the application of a Government Employee with a view to granting encumbrance certificate for obtaining an advance or loans by him for the purpose of construction, purchasing or repairing a dwelling house for his own use under the rules for grant of loans to the state Government Employees for house building purpose.

v) When a general search is made on the application of a public officer in respect of encumbrance certificate granted in connection with the provision of house sites by Government for Scheduled Castes, Scheduled Tribes, Denotified Tribes and Nomadic, Semi-Nomadic Tribes and landless workers in rural areas through private negotiations.

vi) When a general search is made on the application of a loaning agency in connection with the grant of agricultural credit towards both crop and land development loans including allied items of agriculture like Poultry or Dairy farming or any other purpose mentioned or notified under section 85 of the Andhra Pradesh Co-operative Societies Act, 1964, subject to the production of a certificate from a Co-operative Society or the Mandal Revenue Officer of the Mandal or from the Small Farmers Development Agency, Marginal Farmers and Agricultural Labourers Development Agency, and Girijan Development Agency in respect of the areas wherever the said agencies are functioning to the effect that the land held by the Member in the case of Co-operative societies and Agricultural Development Banks or the loanee in the case of Scheduled Banks or Grameena Banks, does not exceed 5 acres of wet or 10 acres of dry land.

Explanation:- Where the holding of a person includes both dry and wet land, one acre of wet land shall be deemed to be equal to two acres of

dry land for the purpose of computing the holding of such person.

vii) In respect of General Search application made by the victims of the fire accidents and members of weaker sections in Urban areas in respect of loan granted by Commercial Bank not exceeding rupees five thousand subject to the production of a certificate from a Revenue Official not lower in rank than that of a Mandal Revenue Officer.

Note:- For the purpose of Articles (8) of the table of fees the determination of one and the same property shall be, with reference to the ownership at the time of the application for a certificate of Encumbrance, but the following may in each case be treated as one and the same property.

- i. A single survey field or a house, owned by more than one person.
- ii. Land used for wet and dry cultivation situated in the same village and owned by one person or jointly by two or more persons whether the parcels be contiguous to one another or not;
- iii. A field or a garden and the house situated in it; and
- iv. Buildings or houses described as being situated within the same boundaries and forming together one property.

- 9) **A fee of Rs.50-00** shall be levied for search of an entry and grant of certified copy of the document including maps or plans accompanied the Documents.

Provided:- If the party does not require the copy of documents after the search is made of fee of Rs. 20.00 shall only be levied.

Note:- Government officers who may require to search the registers or to take copies of entries for bonafide public purpose, shall be permitted to do so without payment of any fee.

- 10) **A fixed fee of Rs.10-00 shall be levied in respect of the following:-**

- (a) For each application made to a Sub-Registrar under section 25(2) and 34(4).
- (b) For each application made to a Registering Officer under Section 36 for enforcing the appearance of executants and witnesses.
- (c) For filing a translation of a power of attorney produced by an agent with or in connection with a document presented for registration when the Power of Attorney is written in a language not commonly used in the district;
- (d) For filing a Special Power of Attorney produced with or in connection with a document for registration.
- (e) For each notice of revocation of a powers of attorney given to a registering officer and for each intimation of the same sent to such other offices as may be specified by the person revoking the pows.

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- (f) For each application for the return of a will registered or refused to be registered and transmitted to the Registrar's office for safe custody.
 - (g) For each petition presented to a Registering Officer objecting to the return of a document to a person in whose favour the receipt has been drawn up;
 - (h) For filing a translation under section 19;
 - (i) For each application claiming remission or refund of –
 - 1) The fine levied under section 25(1) and 34 (1) or
 - 2) Fees levied in connection with the registration of a document, the search for grant of encumbrance certificates or attendance at the private residence or jail.

Provided that the fee shall be levied in the case referred to above only when the amount to be refunded or remitted exceeds Rs.15.00.
 - (j) For memorandum under section 64 to 66

Note:- In the cases referred in items (c) & (d) above, the levy of fee should be restricted to cases in which the power of Attorney has not been registered or attested by a Registering Officer.
 - (k) For each petition presented to Registering Officer Protesting against the registration of document or documents.

Note:- No fees shall be levied on petition from Secretaries of District Sallors, Soldiers and Airmen's Board contesting alleged illegal sales of soldiers lands; and
 - (l) For each petition presented to a Registering Officer:-
 - (i) For withdrawing a document from registration;
 - (ii) For complete or partial refusal to register a document and
 - (iii) For keeping a document pending appearance of parties execution it
- 11) A fixed fee of Rs.500-00 shall be levied**
- (i) For each application to accept a power of attorney for authentication, to accept a document for registration at his office **on a holiday** on the ground of special emergency
 - (ii) For each application to accept a sealed cover purporting to contain a will for deposit under Section 42 or for the withdrawal of such cover under Section 44 on a **authorized holiday** on the ground of special emergency.
- 12) For the re-registration of a document** partially refused in the first instance and directed to be registered by a Registrar under Section 75 (Copying fee of Rs.50-00)

NOTE

In Circular Memo No.G1/3152/99 Dated 30-01-2002 of the Inspector General of Registration and Stamps, the following orders were issued. The exemptions granted in G.O.Ms.No.472 Rev.(U) Department dated 10-05-1985 etc., are still in force and they have to be implemented in toto

| (b) Nature of Documents | Fee leviable |
|--|--|
| 1) Rectification deed (vde also item 1(h) supra | Rs.100-00 |
| 2) Construction/ development agreement cum general Power of attorney | Aggregate amount under Article 1 (iii) read with (iv) (c). |
| 3) Agreement of sale cum general Power of Attorney | Aggregate amount under Article 1 (iv)(c) read with 1(F) |

USER (SERVICE) CHARGES IN CARD OFFICES

(Under Registration Act & Rules)

a) G.O.Ms.No.576 Revenue (Registration 1) Department dated 29-08-2001 with immediate effect, orders issued for levy of user charges as follows

| | |
|---|--------|
| ii) For each issue of E.C. through CARD | Rs. P. |
| (a) with entries up to 10 (irrespective of the period) | 10-00 |
| (b) with entries above 10 for each additional entry (irrespective of the period) | 20-00 |
| (a) and (b) amended in G.O.Ms.No.12 Rev (Regn.I) dated 5-1-2005 = C&IGRS Endt.No.G1/17126/04, dated 15-1-2005) | 5-00 |
| (c) For each issue of certified copy | 20-00 |
| iii) For each registration of Documents maintained in Book III and IV (other than the instruments specifically mentioned) and leases and mortgages (excluding mortgage declarations) and agreements etc., in Book 1 upto 10 sheets. | 20-00 |
| iv) For each registration of document or Power of attorney covered under Article 42(e) and (g) of Schedule 1A of the Stamp Act upto 10 sheets. | 50-00 |

| | | |
|-------|---|--------------------|
| v) | For each registration of document through CARD maintained in Book1 (other than the instruments mentioned above) i.e., Sale, exchange, partition, release, settlement, gift) where the total chargeable value is less than or equal to Rs.50,000/- upto 10 sheets. | 50-00 |
| vi) | For each registration of document through CARD in Book1 i.e., sale, exchange, partition release, gift, settlement where the total chargeable value exceeds Rs.50,000/- upto 10 sheets | 95-00 |
| vii) | For each extra scanned sheet that exceeds 10 sheets in a Single document G.O.Rt.No.1813 Rev (Regn-1) dt.18-10-2002 | 5-00 |
| viii) | For each indent for sale of stamps worth (a) Rs.10,000/- to Rs.99,999/- (b) Rs.1,00,000/- and above | 10-00 20-00 |
| ix) | For supply of each certified copy of byelaws to the Public | 50-00 |

FEES LEVIABLE AS PER STANDING ORDERS

(Not included in the Table of Fee)

| S.No (1) | Nature of Documents (2) | Fees leviable (3) | Standing order (4) |
|-------------|--|---|---------------------------|
| 1 | Different Consideration for different Properties (a) Sale: Different considerations for different properties sold through a single document. (b) Lease Deed: Different rates of rent for different properties leased out through a single document. (c) Transfers: Transfer of several mortgages for different considerations through a single document. | On the sum total of the considerations. On the sum total of the rents. On the sum total of the considerations | 379 379 379 |

| | | | |
|----------|---|---|----------------------------|
| 2 | ABKARI ENGAGEMENTS | On the amount payable by the shop keeper | 383 |
| 3 | AFFIDAVITS | Rs.100-00 | 385 |
| 4 | AGREEMENT REGARDING USE OF WALL OR WELL | On the approximate value of the wall or well | 380(b) |
| 5 | Divorce Deed or agreement to live as husband and wife | On consideration amount if mentioned and if not mentioned or when a penal sum is payable for breach of contract, under Article 1(E) Rs.100/- | 389 |
| 6 | Cancellation of will | Rs.60/- | 393 |
| 7 | CHIT Agreement or SECURITY BOND executed by a Foreman of a Chit Fund Organisation | On the Chit amount not exceeding Rs.100/- | 394 |
| 8 | Dissolution of Partnership property | On the net value of the partnership property | 405(a)(ii) |
| 10 11 | Transfer of lease } Surrender of lease } | On the amount of consideration inclusive of the value of the improvements if any or when no consideration is expressed on the value of the original lease | S.O 402 & note there-under |

APPENDIX I

(Rule 12)

Book 1 : - Register of non-testamentary documents relating to immovable property.

Book 2 : - Record of reasons for refusal to register.

Book 3 : - Register of wills and authorities to adopt

Book 4 : - Miscellaneous register.

BOOK-1

| Copy of the document | | Copy of the endorsement and Certificate |
|---|---------------------------------------|---|
| <p>Document No.</p> <p>(1) No. of 200... Stamp/</p> <p>(2) Name and additions of the presentant.</p> <p>(3) Name and additions of executants.</p> <p>(4j) Name and additions of persons examined.</p> <p>(5) Abstract of document together, with the names of all claimants and all attesting witnesses.</p> | <p>BOOK-2</p> <p>Date of Document</p> | <p>of 20</p> <p>Date and Hour of Presentation of Document</p> <p>REASONS FOR Refusal</p> <p>(Note:— When a document is refused registration on appeal ordered to be registered or when the refusal is confirmed a note of the fact shall be entered at the foot of this column).</p> |

Date :

Signature of Registering Officer

Note: - If the document is partially registered it will suffice so enter under this, the number of the document with the volume and page

Note: - Columns (2) to (5) need not be filled up in the case of refusals by the Registrar in appeal. But number and year of appeal and the names of the appellant and respondent shall be entered at the top of the column "Reasons for refusal".

Book 5 : - Register of Deposits of Wills.

1. Number of 20
2. Date & hour of presentation.
3. Name and addition of Testator.
4. Name and addition of Agent, if any.
5. Superscription on scaled cover.
6. Number of seals.
7. Inscription on the seal.
8. Names and addresses of persons testifying to the identity of the depositor.

Date**Signature of Registrar with date**

9. Date of application to withdraw scaled cover.
10. Names and addresses of persons testifying as to the identity of applicant
11. Date of delivery of sealed cover to applicant.

Signature of Applicant**Signature of Registrar with date**

12. Number of document in Book 3.
13. Whether opened after the death of the testator or on requisition from Court.
 - (a) Date of requisition of Court.
 - (b) Date of its return, when returned.

APPENDIX II

(Rule 46)

Commission under Section 33 or Section 38 of the Registration Act, 1908

To XY

Whereas the accompanying power of attorney (document) dated the and purporting to have been executed by A.B. has been presented for attestation (registration) in this office and whereas it is necessary it should be ascertained whether it has been voluntary, that son of executed by the person by whom it purports to have been executed, residing at in your Sub-District should be examined, in connection therewith. You are requested to take / order the examination of upon the interrogatories hereunto attached and to return this commission with the examination of the said to this office on or before the day of 20

Given under my hand and Seal this..... day of 20

(Seal)

Signature of Registering Officer.

APPENDIX III

(Rule 55)

Abstract of Power of Attorney

| | | | |
|--------------------|--------|-------------------|---------------------|
| Consecutive Number | Stamps | Date of Execution | Date of attestation |
|--------------------|--------|-------------------|---------------------|

1. of 20
2. Name of the principal executing the power with addition.
3. Name of attorney with addition
4. Names of persons if any, who identified the principal, with addition.
5. Nature of Power.
6. Notes of interlineations, etc. under Rule 49
7. How attested -

On the execution of the power before the Registering Officer.
 On the Registering Officer's personal examination.
 On the Commission's report

8. If also Registered of.

Registered as No.of 20 ... of
 Book Vol Pages.....

Note : - When a power is attested and registered at the same time Columns 4 to 6 need not be filled up.

Office :

Date : 20.....

Signature of the Registering Officer.

APPENDIX IV

(Rule 63)

Register of Thumb Impressions

| Signature and impression of the left thumb of the Executant of the Document with date and initials of the Registering Officer | Number Book and year of document | Signature and impression of the left thumb of the Executant of the Document with date and initials of the Registering Officer | No. Book and year of document |
|---|----------------------------------|---|-------------------------------|
| 1 | 2 | 3 | 4 |
| | | | |

Note : - (1) When an impression has been obtained from a person other than the executant or when a finger other than the left thumb has been used in affixing impression, the fact should be noted under the impression.

(2) When an impression is not clear and second or third impression is therefore taken the indistinct impressions shall not be cancelled, but shall be noted as "first" impression, second impression and so on; all the impressions being bracketed together.

"Each impression on this page has been affixed in my presence and under my supervision by the person whose name is entered next to it"

Date :

Signature of the Registering Officer

APPENDIX V

(Rule 85)

Sample Forms of Endorsements and Certificates**under Sections 52, 58, 59 & 60****(Section 52)**

Presented in the Office of the (Sub) Registrar of and fee of Rs. paid between the hours of and on the 20 ... by

Signature (A.B).

(Executant or his representative or assign or the agent of such Executant or representative or assign or claimant or his representative or assign or the agent of such claimant or representative or assign)

Identified by the (First, Second Etc.) Executant

Identified by _____ Signature of C.D. with addition
 _____ Signature of E.F. with addition

Date : _____

 Signature of Registering Officer

Note:— (1) When a document is presented for registration at a private residence, the word “at a private residence of in village (or at No. Street)” shall be substituted for the words “in the office of (Sub) Registrar of”

(2) When a document is refused registration by a Sub-Registrar but ordered to be registered by the Registrar or the Court on appeal or suit is represented to Registrar or the Court on appeal or suit is re-registered by the Registrar or the Court on appeal or suit is re-presented to Registering Officer for registration, the words “presented again” in the office of the Sub-Registrar of..... under the order/decreed of the Registrar/Court of..... dated passed in Appeal/Suit No. of and fee of Rs. paid between the hours of..... andon the20 by” shall be substituted for words “presented in the Office of the (Sub) Registrar of..... and fee of Rs. paid between the hours of and on the 20 by”

(3) The form “identified by the (first, second etc.,) Executant” shall be used when a document is presented by a person other than the executant and the presentant is identified by the executant, and the form, “identified by signature C.D. with addition, signature E.F. with addition” shall be used when a document is presented by a person other than the executant and the presentant is identified by a person who is not the executant.

(4) When a document is presented by a messenger under Rule 25(ii) the following endorsement shall be made thereon.

“Presented in the office of the (Sub) Registrar of and fee of Rs. paid between the hours of..... and on the 20 with letter No between the dated from by”

Left Thumb Impression and Signature

(5) When a document is presented by a person other than the executant or his representative or assign or the agent of such executant or representative or assign the impression of the presentant shall also be taken unless he is personally known to the Registering Officer”.

| | |
|-------------------------------|---|
| No. Book and year of document | |
| | 4 |

(6) When presentation alone is made by an agent under a Power of Attorney reference to the Power of Attorney shall be given in the endorsement.

Section 58

Execution (and receipt of Rs..... being consideration in whole or in part) admitted by

Signature of C.D. with addition.

Known Personally to the (Sub) Registrar.

(Impression) Left thumb.

Signature E.F. with addition, representative or assign of G.H. (Impression) Left middle finger.

Signature of A.B. with Addition (Agent of LI)

Under a general (or special) power of attorney, dated and authenticated by the Sub-Registrar of).

Identified by :

Signature M.N. with addition

Signature C.D. with addition

Witness examined:— Signature WX

(Hammannee) with addition

Rupees were paid (or jewels described in the instrument were delivered) in my presence by to

Signature of Payer (or deliverer)

Signature of Payee (or recipient)

Date :

Signature of Registering Officer

Note: - (1) When executant C.D. admits execution of the document but declines to affix his signature thereto, the words "Execution admitted by C.D. (with addition) who however declines to affix his signature to the endorsement" shall be substituted for "Execution admitted by "Signature C.D. with addition".

(2) When execution is admitted at a private residence the words at the private residence of invillage (or at No..... Street)", shall be inserted between the words "admitted" and "by".

(3) When a document is executed by an Officer of Government or any of the public functionaries mentioned in sub-section (i) of Section 88, the Registering Officer on being satisfied of the execution thereof shall make the endorsements in the following form instead of the endorsement or execution admitted by": -

"I have satisfied myself as to the execution of the instrument by"

Index No.2

| 1 | 2 | Date of | | | 6 | Number of | | 9 | 10 | 11 | 12 |
|--|----------------------------------|-----------|--------------|--------------|---------------------------------|------------|-----------|---------------------------------|--------|---------------------|--------------------|
| | | 3 | 4 | 5 | | 7 | 8 | | | | |
| Village or place in which property is situated | Name and description of property | Execution | Presentation | Registration | Nature and value of Transaction | Executants | Claimants | Office of Original Registration | Volume | First Page of entry | Number of Document |

Subsidiary Index
(Rule 125)Survey Number and
Sub-DivisionNumber and year of
Document registered

- 1.
- 2-A
- 2-B
- 3.
- 4-A. (1)
- 4-A (2)

Index No.III & IV
(Rule 120)

| Name of Executant | Name of Claimant | Addition | Volume | First page of Entry | Number of Document |
|-------------------|------------------|----------|--------|---------------------|--------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

| | | |
|--------|---------------------|--------------------|
| Volume | First Page of entry | Number of Document |
| 10 | 11 | 12 |

APPENDIX VII

(Rule 140 and 141)

Certificate of Encumbrance on property

Certificate No.of 20

Application No..... of 20

Sri

Having applied to me for a certificate giving particulars of registered acts and encumbrances, if any, in respect of under mentioned property

(To be stated and described as given in the application)

I hereby certify that a search has been made in Book I and in the indexes relating thereto for years from the day of to, theday of for acts and encumbrances affecting the said property, and that on such search the following acts and encumbrances appear

| Sl No | (a)Description of property | Date of Execution | (b) Nature and Valueof Documents | Names of Parties Executant Claimant | Reference to document enty Volume No. and year | Page | No. of Document |
|-------|----------------------------|-------------------|----------------------------------|-------------------------------------|---|------|-----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

(a) Enter the description as given in the document found.

In the case of a mortgage-deed enter rate of interest and period of payment, if stated therein.

(2) In the case of leases enter term of lease and annual real.

I also certify that save the aforesaid acts and encumbrances no other acts and encumbrances affecting the said property have been found

Search made and certificate prepared by

(Signature)

(Designation)

Search verified and certificate

examined by

(Signature)

(Designation)

Office:

Date : (Seal)

Signature of Registering Officer

Note :-(1) The acts and encumbrances shown in the certificate are those discovered with reference to the description of properties furnished by the Applicant. If the same properties have been described in registered documents in a manner different from the way in which the applicant described

| | |
|---------------|--------------------|
| List of entry | Number of Document |
| | 6 |

.....
them, transactions evidenced by such documents will not be included in the Certificate.

(2) Under Section 57 of the Registration Act and Rule 137(i), persons desiring to inspect entries in the registers and indices, or requiring copies thereof or requiring certificates of encumbrances on specified properties should make the search themselves, when the registers and indices will be placed before them on payment of the prescribed fees.

(a) But, as in the present case, the applicant has not undertaken the search himself, the requisite search has been made as carefully as possible by the Office, but the Department will not, on any account, hold itself responsible for any errors in the results of the search embodied in the Certificate.

(b) And, as in the present case, the applicant has made, the requisite search himself and as the acts and encumbrances discovered by him are shown in the Certificate after verification the Department will not on any account, hold itself responsible for the omissions in it of any other acts and encumbrances affecting the said properties not discovered by the Applicant

Nil Certificate of Encumbrance on Property

Certificate No. of 20

Application No. of 20

Sri

Having applied to me for a certificate giving particulars of registered acts and encumbrances, if any, in respect of under mentioned property

(To be stated and described as given in the application)

I hereby certify that search has been made in Book I and in the indices relating thereto for years from the day of 20 to the day of 20 ... for acts and encumbrances affecting the said property and that on such search no act or encumbrance affecting the said property has been found.

Search made and Certificate prepared by

(Signature)

(Designation)

Search verified and certificate examined by

(Signature)

(Designation)

Office

Date : (Seal)

Signature of Registering Officer.

Note : - (1) If the property has been described in registered Documents in manner different from the way in which the applicant has described them in the application the transactions evidenced by such documents will not be included in the Certificate

I also certify that save the aforesaid documents no others have been found.

Documents registered in Book 3 or Book 4 copies of which the applicant is not entitled to obtain under provisions of Section 57 of the Indian Registration Act are not covered by this Certificate.

Search made and certificate prepared by.

(Signature)

(Designation)

Search verified and certificate examined by

(Signature)

(Designation)

Office:

Date:

Signature of Registering Officer.

Seal

Notes: - (1) The documents shown in the certificate are those discovered with reference to the description of the person furnished by the applicant. If the same has been described in registered documents in a manner different from the way in which applicant has described it, transactions evidenced by such document will not be included in the Certificate.

(2) Under Section 57 of the Registration Act and Rule 137 (i) persons desiring to inspect entries in the registers and indexes, or requiring copies thereof, or requiring certificate for a list of documents executed by or in favour of a person should make the search themselves, when the registers and indexes except Book Nos. 3 and 4 and the indexes relating thereto will be placed before them on payment of the prescribed fees.

(a) But, as in present case, the applicant has not undertaken the search himself, the requisite search has been made as carefully, as possible by the office; but the Department will not on any account hold itself responsible for any errors in the result of the search embodied in the Certificate.

(b) And as in the present case, the requisite search for entries in Book-Nos. 3 and 4 has been made by the Registering Officer as carefully as possible and by the applicant himself in regard to entries relating to Book I and as documents so discovered are shown in the certificate after the verification, the Department will not on any account hold itself responsible for any errors in the results of the search embodied in the certificate.

APPENDIX VIII

(Rule 152)

Memorandum Under Sections 64, 65, 66 & 67

| 1. Office of the Original Registration | Volume | First Page Entry | No and year of Document |
|---|--------|---------------------|----------------------------|
| 1 | 2 | 3 | 4 |

2. Previous registration
3. Date of execution :
4. Date of Presentation
5. Date of Registration
6. Names and additions of Executants:
7. Names and additions of Claimants:
8. Nature and value of transaction:
9. Village or Place and Sub-District in which property is situated and the name and description of property.

Prepared by (Signature)

Designation

Examined by (Signature)

Designation (Reader)

(Signature)

Designation (Examiner)

Date (Seal)

Signature of Registration Officer

Note:- A detailed description of property lying in a sub-district other than that to which the Memorandum is sent need not be entered in column v. but, instead, the names of the villages in which the properties of those sub-districts are situated shall be shown separately

APPENDIX IX**Form A (Rule 202)****Application for Document Writer's Licence**

1. Full name with father's/husband's name:
2. Permanent address, local address;
3. Age and date of birth:
4. Nationality -
5. Educational qualifications if any whether he has passed the Document Writer's Licensing test:
6. Service as Document Writer with approximate number of documents prepared and presented for registration during the past one year

-
7. (a) if possessing a Degree in Law or Pleadershp certificate:-
 - (i) particulars with length of service at the Bar if any
 - (ii) whether dismissed or suspended at any time from practicing by any order of a competent court :
 (b) if retired from Government Service in Registration Department : -
 - (i) the post held immediately before retirement, ;
 - (ii) whether passed the tests prescribed for Sub-Registrar's post,
 - (iii) whether dismissed or compulsorily retired for misconduct
 (c) Whether the applicant or any members of the family as defined in rule 201(hh) is a Stamp Vendor
 8. Nature of license applied for whether it is for a village (name of the village with subdistrict in which it is situated to be named) or for a subdistrict (to be named) or for a district (to be named) or for a zone (to be named) or for the whole State
 9. State here the amount, number, date of challan receipt and the name of the treasury.
 10. Has an application for license ever been refused? If so when and for what reason, give particulars:

Declaration

I (here enter name in full) do hereby solemnly declare that I am not suffering from Leprosy, that I have not been declared to be of unsound mind or convicted for any offence, involving moral turpitude or adjudged as insolvent by any court of competent jurisdiction and the information and particulars furnished herein are true and correct to the best of my knowledge and belief and the licence for which I hereby apply be used only by myself.

I am a Village Officer of Village /Villages and undertake not to leave my charge village or villages, in connection with my work as a document writer to the detriment of Government work.

To be struck off wherever not applicable.

Place:

Signature

Enclosure: Challan Receipt

Note: - (1) The license issued on the strength of this application is liable to suspension or cancellation at any time if it is found that any information or particulars furnished in the application are false or not true or incorrect.

(2) The application shall be accompanied with a true extract of his name with other particulars published in the Andhra Pradesh Gazette in token of securing a pass in the Document Writers' Licensing Test or a true copy of the degree in law or pleadershp certificate as the case may be duly attested by a Government Officer of not lower than the rank of Sub-Registrar or a member of the State Legislature or Parliament or the President of a Panchayat

FORM B

(Rule 202)

Application for Renewal of Document Writer’s Licence

1. Full name with father’s/husband’s name :
2. Address, permanent home address : Local address with full details :
3. Changes in Local address :
4. Details of previous licence number :
5. Period for which renewal is sought :
6. Date of last renewal :
7. Amount, number, date and name of treasury of challan receipt :
8. Whether the applicant or any members of the family as defined in rule 201(hh) is a Stamp Vendor

Declaration

I (full name) do hereby solemnly declare that I have not been declared to be of unsound mind or convicted for any offence involving moral turpitude or adjudged as an insolvent by any court of competent jurisdiction during the past years.

I am a Village Officer of Village/Villages, and undertake not to leave my charge village or villages, in connection with my work as a document writer to the detriment of Government work.

To be struck off wherever not applicable.

Place :

Date :

Signature

Enclosure: Challan receipts and licence in original.

Note: - (1) The renewal made on the strength of this application is liable to suspension or cancellation at anytime if it is found that any information or particulars furnished in the application are false, or not true or incorrect.

(2) The duplicate of the challan issued by the treasury or Bank shall be enclosed to the application.

FORM C

(Rule 207)

Register of Document Writer's

| Amount Paid () | | | | | | License valid for () | | | | | | |
|--------------------|----------------|------|----------------------|---------|-----------------|--------------------------|--------------------------------|-------------|--------------------|-----------------------------------|-------------------------------------|---------|
| Serial Number | License Number | Date | Name of the Licensee | Address | Date of payment | Challan Number | Sub-treasury in which remitted | Whole State | District with Name | Sub-district or village with name | Date of issue of licence or renewal | Remarks |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |

FORM D

(Rule 207)

Document Writer's Licence

Number of licenceof : Village (sub-district)/

Name of Document Writer

Address

The aforesaid having paid the necessary fees and having made the necessary fee and having made the necessary declaration is hereby authorised to practice as a document writer to the village of in the Sub-District of as a document writer attached of the Sub-Registry office in This licence is valid upto and inclusive of 31st December

Dated theday of20

Office of the

Licensing Authority

.....

Signature of the Licence Holder

XX XX XX XX

(to be made as soon as the licence is received)

Conditions

- (a) The licensee shall abide by the rules relating to the licensing of document writers.

| | | |
|-----------------------------------|-------------------------------------|---------|
| valid for) | | |
| Sub-district or village with name | Date of issue of licence or renewal | Remarks |
| 11 | 12 | 13 |

- (b) He shall maintain the register, receipt books and other records prescribed by the rules to be maintained or that may be required to be maintained by the licensing authority.
- (c) He shall surrender to the licensing authority registers and receipt books at the end of each calendar year or if his licence is expired, revoked or suspended within 15 days from the date of such expiry or revocation.
- (d) He shall not demand or accept any sum from parties in the name of any person or persons connected with the Registration office.
- (e) He shall render true and correct account of the moneys, he received from parties and produce records maintained by him for inspection at such time before such officer as may be authorised to inspect them by the licensing authority or the Inspector-General of Registration.
- (f) He shall write or cause to be written documents neatly, legibly in clear and unambiguous terms and in accordance with, the instructions that may be issued from time to time by the Inspector-General of Registration.
- (g) He shall instruct the parties their duly authorised agents to present documents or petitions, and to pay the fees in person direct to the Registering Officer and not through any other agency.
- (h) He shall obey any directions that may from time to time be issued by the Inspector-General of Registration regarding the preparation of deeds for registration.
- (i) He shall not levy more than the fee prescribed in Appendix-X
- (j) He shall not abet or participate in any illegal transaction or dealings with the staff attached to the Registration Offices.
- (k) He shall set forth fully and truly the consideration of the value and all other facts and circumstances affecting the chargeability with duty or the amount of duty with which it is chargeable
- (l) He shall not act as tout.
- (m) He shall not appear as an identifying witness of any one connected with the registration of any document.
- (n) He shall not take delivery of any registers; document from the Registering Officer or present any application for a single or general search or for a certified copy of extract unless he is personally interested in the matter.
- (o) If the licensee is a Village Officer, he shall not leave his charge village or villages in connection with his work as a document writer to the detriment of Government work

Note :- The Licence will be liable to suspension or cancellation for a breach of any of the above conditions.

FORM E

(Rule 213)

Register of Documents

Name of Document WriterLicence Number
attached to the Office of

| Serial Number | Date | Name of the party (executant or claimant of the deed) | Nature of Document | Value of the document or consideration | Number of stamps produced together with value | Name of the Sub-Registry Office of registration | Signature of the Party in token of receipt of document with date | Remarks |
|---------------|------|---|--------------------|--|---|---|--|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

Note: - Alterations, erasures and interlineations should be attested by the Document Writer concerned with initials.

FORM F

(Rule 213)

Counterfoil No

Station

Date

Received from the sum of Rs.(in words)

It has been dealt with as shown hereunder : -

(a) Value of (i) Stamp Paper if purchased through him:
(ii) other paper Rs. P.

(b) Fee for drafting :

Total :

Sd/-

Excess amount returned to party :

Document Writer.

Received the document and the excess amount of Rs.

(Signature of the party)

Note : - In the case of illiterate party, his thumb impression should be obtained.

APPENDIX - X

(Sub-rule (c) of Rule 204)

(G.O.Ms.No.732 Rev (Regn 1) dated 3-9-1997)

Schedule of fee for preparation of Drafts and Documents

| Sl. No | Value of the Document or Consideration | Fee for drafting or preparation of document including the preparation of all the forms, statements and annexure required for completing for registration of such documents | Fees for drafting or preparation of document along which preparation of forms annexure |
|--------|--|--|--|
| 1 | 2 | 3 | 4 |
| 1 | When the value or consideration (which ever is higher) does not exceed Rs.500/- | 10-00 | 8-00 |
| 2. | When the value or consideration (which ever is higher) exceed Rs.500/- but does not exceed Rs.1000/- | 20-00 | 16-00 |
| 3. | (1) When the value exceeds Rs.1000/- for the first Rs.1000/- as under Sl.No.2 and for every Rs.500/- or part thereof in excess of Rs.1000/- (2) Subject to a maximum of | 4-00 100-00 | 3-00 80-00 |
| 4. | When the document is not susceptible to money valuation or if no value or consideration is expressed | 50-00 | 50-00 |
| 5. | Special power of Attorney | 10-00 | 10-00 |
| 6. | General Power of Attorney or Deed of Divorce | 10-00 | 20-00 |

| | |
|--|---------|
| Signature of the Party in token of receipt of document with date | Remarks |
| 8 | 9 |

-
- APPENDIX - XI** - CARD - INPUT FORM
[Rule 224 (2)]
 - APPENDIX - XII** - CARD - RETISTRATION CHECK
SLIP FORM
[Rule 225 (1)]
 - APPENDIX - XIII** - CARD - CASH RECEIPT FORM
[Rule 226 (1)]
 - APPENDIX - XIV** - CARD - DOCUMENT REGISTER
FORM (For format vide
Instruction 1(g) under
R.R..237(3))

aaaaa

PROCEDURES
UNDER THE REIGSTRATION ACT, 1908,
RULES THEREUNDER AND STANDING ORDERS OF
THE REGISTRATION AND STAMPS DEPARTMENT
CHAPTER - 1
INTRODUCTION

1) The Act and its effect :-

- (a) i) **The Act contains 91 Sections** divided into XV Parts. A new Part “XI-A” pertaining to registration of documents by means of electronic device was inserted through Act No. 16/1999 and given effect from 31-12-1998.
- ii)(a) **220 Rules** divided into XXXI Chapters were framed under the Act, effective from 1-1-1960. Rules 221 to 237 were added as Chapter XXXII (G.O.Ms.No. 722 Revenue, (Regn-I) dated 8-10-1999). These new rules pertain to registration of documents by means of Electronic Devices under the project “ COMPUTER AIDED ADMINISTRATION OF REGISTRATION DEPARTMENT (CARD)” dedicated to the people of Andhra Pradesh on 4-11-1998 to secure more efficiency in delivering the Registration Services.
- (b) On and from 04-11-1998, the government introduced a system for registration of documents in certain registration offices through Computer aided Administration of Registration Department (CARD) and subsequently extended the system to all the remaining offices. It inserted rules 221 to 237 to the rules framed under Registration Act, 1908 (Chapter XXXII). These rules pertain to the system of performing the various functions associated with the act of registration through electronic devices like computers and scanners, to ensure an efficient, accurate and transparent delivery of services to the registering public. The process of registration of documents using electronic devices on and from 5-2-1999 was given legal status. (G.O.Ms.No.Rev. (Regn-I) Dept. dt.12-1-1999). This system is being implemented and followed in all the registration offices in the state of Andhra Pradesh (Act No.16/1999)
- iii)**The Table of Fees** appended to the Rules consisting of 18 Articles was in force till a Revised Table of Fees with only 12 Articles was brought into force with effect from 1-1-2002(G.O.Ms.No.757 Revenue (RegnI) Dept. dated 18-12-2001).
- iv)**Departmental Standing Orders** which are supplemental to the provisions of the Act and Rules consist 1628 in number.
- (b) i) The Registration Act, 1908 is a special Act dealing with the subject of registration of documents. Its provisions are not affected by the Code of

Civil Procedure, 1908. It strikes at documents and not at transactions. It enacts that, when a document is employed to effectuate any of the transactions relating to immovable property specified in Section 17, such documents must be registered compulsorily.

- ii) The Registration of a document is no proof of its execution. The Certificate of Registration is admissible to prove (a) that the executant was of sound mind (b) that the executant admitted the execution and (c) the genuineness of the deed when the executant dies.

2) Application : The Act is applicable to the whole of India except the state of Jammu and Kashmir (Section 1)

3) Definitions :

- (a) The words and expressions used in the Act, Viz., (1) Addition (2) Book (3) District and Sub-district (4) District Court (5) Endorsement and Endorsed (6) Immovable Property (6A) India (7) Lease (8) Minor (9) Movable property (10) Representative are defined in Section 2.
- (b) The following words and expressions not defined in the Act are defined in Registration Rule 1
- (1) The Act (2) Section (3) Rule (4) Appendix (5) Registering Officer (6) Government (7) Document (8) Licence and (9) Licensing Authority.

4) Out of all the definitions, the definition of “Immovable Property” and “Movable Property“ are wider in scope. The definition given in the Act is not exhaustive.

5) (i) Immovable property [Section 2(6)]

Immovable property is defined as to include land, buildings, hereditary allowances, rights to ways, lights, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to any thing which is attached to the earth but not standing timber, growing crops nor grass.

As per the definition, benefit arising out of land, but not standing timber, growing crops and grass, is immovable property. It is difficult to decide what constitutes immovable or movable property suitable for practical use on mere consideration of the physical nature of the property. The way in which the property is to be regarded and dealtwith at the time of the transaction is to be taken into account.

(ii) “*Benefit arising out of Land*” is treated as “Immovable Property” according to the definition of immovable property. The following are a few examples .

- a) Right to collect bazaar dues upon a given piece of land (AIR 1940 Oudh 410)
- b) Right to receive future rent and profits of land (AIR 1936 PCP 234)

- c) Right to recover assessment from tenants (ILR 37 Boon 287)
- d) Right to hold market which is an incident to ownership of land (ILR 47 Cal 1049)
- e) Extraction of mica out of a mine ie., the right to enter upon land and sever something and take away (AIR 1958 SC 532 at Page 536)
- f) The right of tapping the Palm trees (AIR 1962 Pat. at P.442)
- g) Instrument by which tolls are levied or let (A.P. High Court Judgement in W.P. No. 4136/95 and others (Vide Endt. No. S2/3285/2002 dt. 20-2-2002 of the Commissioner & Inspector General of Registration and Stamps, Hyderabad.)
- (iii) The Phrase “ *attached to earth* ” occurring in the definition of “ *Immovable property* ” is not defined. The T.P. Act 1882 defines “ attached to earth ” as follows.
 - a) Things rooted in earth as in the case of trees and shrubs
 - b) Things imbedded in the earth as in the case of walls for buildings
 - c) Things attached to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached.
 - (iv) The tests to determine what is and what is not immovable property as a result attachment or annexation to land are
 - a) the degree or mode of annexation and
 - b) the object of annexation (AIR 1953 Nag 224)

The object of annexation depends upon the particular circumstances of each case. It is a question of fact. When the main machine was installed on a small platform on iron pillars fixed on the ground, the machinery so imbedded to the floor was to become part of it, for the beneficial use of the building as a factory. This case was held to be immovable property (AIR 1944 Mad 472).

6) Movable Property(Section 2 (9))

Movable property defined is to the effect that standing timber, growing crops and grass, fruit upon and juice in trees and property of every other description except immovable property.

- i) A claim to maintenance
- ii) A right to collect rent already acquired,
- iii) Profits of Land already due by LAMBARDAR to a Co-sharer.
- iv) Right to collect the Fees of slaughterhouse.

7) Standing Timber

The Principles laid down under Standing Order 250 and the various rulings incorporated there under and S.Os 251 to 266 shall be followed to determine as to where trees are to be treated as ‘STANDING TIMBER’

CHAPTER - 2

OTHER ENACTMENTS HAVING OVER RIDING EFFECT ON THE REGISTRATION ACT, 1908

(Applicable to A.P. State as on 1-7-2001)

The following enactments of Central or State Government as the case may be, have overriding effect either on all or certain sections of the Registration Act, 1908

1. The Emblems and names (Prevention of improper use) Act, 1950 (Vide Synopsis =1)
2. The A.P. Scheduled areas Land Transfer Regulation 1959 (Regulation 1 of 1959) as amended applicable to the scheduled areas of the districts of East Godavari, West Godavari, Visakhapatnam, Srikakulam, Adilabad, Warangal, Khammam & Mahaboobnagar - Section 3B (Vide Synopsis= 4)
3. The A.P. Cooperative Societies Act, 1964 (Act No. 7 of 1964) Vide Synopsis = 5
4. The A.P. Rights in Land and Pattadar Pass Books Act, 1971 (Act No. 26 of 1971) as amended by Act 11 of 1980, Act 1 of 1989, Act 24 of 1989 and Act 9 of 1994 – Sections 6B and 6D(2), (Vide Synopsis = 6)
5. The A.P. Land Reforms (Ceiling on agricultural holdings) Act, 1973 (Act 1 of 1973).
6. The A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (Act No. 9/1977) with effect from 21-1-1977 – Section 5 (Vide Synopsis = 8)
7. The Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976) – Section 28 read with Sections 25 to 27 (Synopsis = 9)

CHAPTER – 3

REGISTRATION OF DOCUMENTS OPPOSED TO PUBLIC POLICY

The State Government is empowered to declare , by a Notification in the official Gazette under Section 22.A of the Registration Act, 1908, that the Registration of any document or class of documents is opposed to Public Policy.

The State Government have issued the following Notification through G.O.Ms.No. 786 Revenue (Registration 1) Department dated 09-11-1999 under Section 22A(i) of the Registration Act, 1908 (A.P.Gazettee No.2310 dt.25-11-1999)

The Notification is reproduced below

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 22- A of the Registration Act, 1908 (Central Act 16 of 1908), the Governor of Andhra Pradesh hereby makes the following rules, namely: -

1. **Short title :** These rules may be called the Andhra Pradesh Registration (Prohibition of Registration of Certain Documents Opposed to Public Policy) Rules, 1999.
2. **Class of Documents opposed to Public Policy :** The Registration of the following classes of documents shall be considered opposed to Public Policy within the meaning of Section 22-A of the Registration Act, 1908 namely
 - (a) Documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any statute of the State or Central Governments;
 - Note:** Sale of Tank Bed Lands : In C & IGRS Memo No.G1/1703/98, dt.11.5.1998 Sub Registrars are instructed not to register any sale of lands situated in Tank beds.
 - (b) Documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable properties owned by the State or Central Govt. executed by persons other than those statutorily empowered to do so;
 - (c) Documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease exceeding (Ten) 10 years in respect of immovable properties owned by religious and charitable endowments falling under the purview of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 or by wakfs falling under the Wakfs Act, 1995 executed by persons other than those statutorily empowered to do so;
 - Note:** Sub Registrars to obtain the list of endowment lands from the concerned Asst Endowment Commissioners / E.O's of the temples they too fall under prohibited property (C& IGRS Memo No.G4/1092/04, dated 14.6.2004
 - (d) Agricultural or urban lands declared as surplus under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 or Urban Land (Ceiling and Regulation) Act, 1976.
3. **Proposals by District Collectors:** (1) The District Collectors may send proposal to the State Government for issuing a notification referred to in sub-section (1) of Section 22-A of the Registration Act, 1908 after satisfying themselves that the immovable property falls within the categories specified in rule 2 and that the title of the department or agency seeking prohibition of registration is undisputed or that the statutory process laid down has been

duly followed before seeking prohibition of registration

(2) The proposal of the District Collector shall contain the reasons for recommending prohibition of registration against each property.

4. Notification by the State Government : (1) The State Government may, sue moto, or on receipt of the proposal from the District Collector under rule 3, notify from time to time, the complete description of the immovable property, in respect of which registrations are to be prohibited.

(2) The notification shall be in the format specified in the annexure and shall be published in the Andhra Pradesh Gazette.

(3) The Government may denotify any property notified under this rule, if it is satisfied that the prohibition of registration of said property is no longer warranted.

5. Responsibility of Registering Officer : (1) It shall be the responsibility of the registering officer to ensure that no document, the registration of which is prohibited by issuance of a notification by the Government, is registered in respect of the properties situated in his jurisdiction.

(2) The registering officer shall refuse to register any document relating to any property in respect of which a notification has been issued by the Government under rule 3.

(3) The details of the properties covered by the notification shall be recorded either in a register or in a computer for easy reference for compliance of sub rule (1)

ANNEXURE [Rule 4(2)]

NOTIFICATION

In exercise of the powers conferred under section 22-A of the Registration Act, 1908 (Central Act, 16 of 1908) as subsequently amended by the Registration (Andhra Pradesh Amendment) Act, 1999 (Andhra Pradesh Act No.4 of 1999), the Governor of Andhra Pradesh hereby declare the Registration of documents of immovable properties mentioned below as opposed to public policy.

AGRICULTURAL PROPERTIES:

DISTRICT

REVENUE MANDAL

REGN.SUB DISTRICT

VILLAGE

| Patta No | Sy. No. | Sub-divn No. | Classifica-tion of land | Extent | Bound-aries | Name of the owner |
|----------|---------|--------------|-------------------------|--------|-------------|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

NON-AGRICULTURAL PROPERTIES:

DISTRICT :

TOWN :

| Town 1 | | | House No 2 | Extent of Site 3 | Boundaries 4 | Name of the Owner 5 |
|--------------------|---------------------|----------------------|---------------|------------------------|-----------------|---------------------------|
| Ward No. (A) | Block No. (B) | Survey No. (C) | | | | |
| | | | | | | |

Clarification : 1) The Government in Memo No.10234/Regn (i)/2006-3, dated 18-3-2006, directed the District Collectors, Mandal Revenue Officers or any other officer of the Revenue Department shall henceforth desist from writing any letter to the registering officers or any other authorities authorised to register documents, not to register any document on various grounds, unless they are empowered to do so by any specific statutory provisions contained in any Act. Instructions were issued earlier in Government Memo No.12159/Regn-1(i), dated 25-7-2007

The Government also directed that the Sub-Registrars and the District Registrars of R&S department, who are authorised to register documents under Registration Act, 1908, henceforth shall not refuse to register document except under specific statutory provisions contained in any Act and that the Sub Registrars and the District Registrars shall keep in view of the specific obligations and prohibitions contained in other Statutes before refusing to register documents presented for registration

2) In C&IGRS Circular Memo No.G1/15653/2006, dated 13-11-2006, instructions were issued not to register the Assigned lands and the Government lands straightaway basing on the certificate / letter issued by the Mandal Revenue Officer and whenever the Mandal Revenue Officers issue a certificate / letter to the effect that a particular survey number or a portion of it is excluded from the list of the Government / Assigned lands, which was already furnished / notified, such cases should invariably be referred to the District Collector for confirmation and the documents have to be registered only after the fact is confirmed by the District Collector concerned in writing

CHAPTER - 4
REGISTRATION OF DOCUMENTS

1) COMPULSORY OR OPTIONAL – CRITERIA

- (a) The criteria to determine the necessity for registration of a document is what is expressed on the face of the document and not what incidents attach, by custom, to a transaction of the kind mentioned in the document (S.O.249)
- (b) (i) For the purpose of determining whether a document is compulsorily or optionally registerable, the value of the IMMOVABLE PROPERTY ALONE affected by the document should be taken into consideration.
(ii) However all deeds of gifts of immovable property and trusts of either movable or immovable property, irrespective of their value, are compulsorily registerable (S.O.279)
- (c) A document affecting interest in immovable property in which the value is not ascertainable should be treated as a document of the value of one hundred rupees and upwards and treated as compulsorily registerable. (S.O.288)
- (d) **Section 17 (2) (v) :**
It is necessary not only that the document should create a right to obtain another document which will, when executed, create etc. any right, title or interest in immovable property but that it must not itself create etc., any such right, title or interest (S.O.271)
- (e) **Section 17 (2) (vi) :**
The exemption with regard to the decrees and orders coming within the scope of clause (vi) of Section 17 (2) extends only to decrees and orders affecting immovable property. If the decree or order affects immovable property in the manner provided for in clauses (a), (d) and (e) of section 17 (1), such decree or order is not exempt from registration. Thus a decree or order of a court relating to gift of immovable property is compulsorily registerable (S.O.269).

2) Documents for which Registration is compulsory (Section 17(i))

- (a) Instruments of gift of immovable property
- (b) Other Non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest whether vested or contingent, of the value of one hundred rupees and upwards to or in immovable property.

Note:- Non-Testamentary instrument meaning of – A document which is plainly intended to be operative immediately and to be final and irrevocable is a non-testamentary document (ILR 33 Madras 304; AIR Ma-

dras 605 at Page 606; 46 MLJ 288; 19 MLW 434.

- (c) Non testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest.
- (d) Leases of immovable property.
- (e) Non-testamentary instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future any right, title or interest, whether vested or contingent of the value of one hundred rupees and upwards, to or in immovable property (added by the Transfer of property (Amendment) Supplementary Act XXI of 1929 Section 10
- (f) Any decree or order or award or a copy thereof passed by a Civil Court on consent of the defendants or on circumstantial evidence but not on the basis of any instrument which is admissible in evidence under Section 35 of the Indian Stamp Act, 1899 such as registered title deed produced by the Plaintiff, where such decree or order or award purports or operate to create, declare, assign, limit, extinguish whether in present or in future any right, title or interest whether vested or contingent of the value of one hundred rupees and upwards to or in immovable property (Act No.4 of 1999) and
- (g) Agreement of sale of immovable property of the value of one hundred rupees and upwards (Act 4 of 1999 with effect from 1-4-1999).
- (h) An agreement varying the amount of rent to be paid under an existing registered lease deed as also the terms relating to the date of payment and consequences of default of payment (S.O.278).
- (i) The under mentioned documents although not compulsorily registerable under Section 17 of the Registration Act are compulsorily registerable under the provisions of the other enactment quoted against each (S.O.282).

| Documents | Provision in other Enactment |
|--|--|
| Any declaration of trust relating to movable or immovable property. | Section 5 of the Indian Trusts Act, 1882. |
| Any instrument of sale or exchange of immovable property of a value less than one hundred rupees. | Sections 54 and 118 of the Transfer or property Act. |
| Any instrument of mortgage of immovable property when the principal money secured by the mortgage is less than one hundred rupees. | Section 59 of the Transfer or Property Act |

Note: Partition deed shall be treated as compulsorily or optionally registerable with reference to the value of the entire property forming the subject of division (and not the value of separated shares) is not less than one hundred rupees, to or in immovable property (S.O.289).

3) Documents Registration of which is optional (Section 18)

- a) Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish whether in present or in future any right, title or interest, whether vested or contingent of a value less than one hundred rupees, to or in immovable property.
- (b) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest.
- (c) Instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operate to create, declare, assign, limit or extinguish whether in present or in future any right, title or interest whether vested or contingent of a value less than one hundred rupees, to or in immovable property.
- (d) Instrument (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable property (G.O.Ms.No.312 Public dated 14-1-1941)
- (e) Wills and all other documents not required by Section 17 to be registered.

NOTES

- (i) Endorsement on a mortgage bond of payment made in satisfaction of such mortgage which payment did not purport to extinguish the mortgage is optionally registerable (S.O.274(b)).
- (ii) In the case of partition deeds, when the value of the entire property forming the subject of division (and not the value of separated shares) is less than one hundred rupees to or in immovable property, its registration is optional (S.O.289).

4) Documents - Registerable in Books 1 and 4 :

- (a) **The undermentioned documents shall be treated as affecting immovable property and registerable in Book1.** (Not exhaustive)
 - i) Documents relating to hereditary allowance which are liable to be demandable as a matter of right., Allowances whether in the shape of land, inam, or of payment in cash fall under “hereditary allowances” (S.O.255(a)).
 - ii) Partnership agreement containing a clause that one of the partners

should be solely entitled to redeem the mortgaged immovable property belonging to the partnership. (S.O.253(a)).

iii) Document by which the right to collect market dues upon a piece of land (S.O.254(a)).

iv) A mortgage by a melwaramdar of future rent due to him from the ryots of the village (S.O.254(b)).

v) Document pertaining to a term of worship in a temple related to hereditary allowances *liable to be demanded* as a matter of right (S.O.255(a)).

vi) Lease of ferries

vii) Lease of fisheries

viii) Leases of statutory tolls which are levied by local authorities (S.O.255(d)). In the common judgement of the High Court of Andhra Pradesh in W.P.No.4136/95 and others, it was held that the instruments by which the tolls have been let are leases for all purposes and that they will have to be stamped at the rates prescribed for leases in Schedule 1A of Indian Stamp Act, 1899 (judgement communicated through endorsement No.S2/3285/2002 dated 20-02-2002 of the Commissioner and Inspector General of Registration and Stamps). In view of this judgement leases of tolls are to be treated as falling under Section2(16)(c) of the Stamp Act and registerable in Book 1 as relating to immovable property.

ix) Agreement securing the right of water running through a channel.

x) Agreements and releases for transferring revenue registry of lands.

xi) Agreements varying the terms of tenancy of immovable property with reference to the amount of rent to be paid.

xii) Adoption deeds creating immediate rights in immovable property to adopted son

xiii) Documents relating to "OIL MILLS" and other machinery permanently attached to the earth.

xiv) Documents relating to "WALLS AND ROOFS" of houses which are not intended to be detached from the building and treated as materials.

xv) Bond whereby the executant borrows from the claimant a sum of money and agrees to pay the produce of certain specified lands in lieu of interest thereon.

xvi) Mortgage by "DEPOSIT OF TITLE DEEDS" relating to immovable property

- xvii) Licensing agreements regarding “CASUARINA” trees.(Items (vi) to (xvii) – Vide SOs 256 and 266).
- xviii) Sale of “PATI” earth from a particular soil ie., removal of the earth irrespective of the period (S.O.258)
- xix) Document affecting “RIGHT TO REMOVE SAND “ from a particular place (S.O.259).
- xx) Agreement for the construction by the Public Works Department of a “SLUICE” or “PIPE” at the cost of the executants and on completion of the work, to become the property of the Government (S.O.260).
- xxi) Document relating to the “EASEMENT” right to light and air acquired and not the chance of acquiring one(S.O.261)
- xxii) Document by which a member of a Chit Fund transfers his right to recover the amount of subscription paid by him on the security of specific immovable property (Note under S.O.268(e)).
- xxiii) Sale of TREES for permanent enjoyment
- xxiv) Receipt of money due under pronotes which came into existence on account of the consideration money due in respect of a sale deed etc. (S.O.276)
- xxv) Document relating to a term of worship which pertains to hereditary allowances.
- xxvi) Power of Attorney for consideration held as sale registerable in Book I (IG’s Prog. No. Ga1/21247/85, dt 16-10-85

(b) The undermentioned documents shall be treated as not affecting immovable property and are registerable in Book 4. (Not exhaustive)

- i) Document affecting purohitam mirasi right and the hereditary right of shaving and ear boring reserved to certain families in villages with authority to appropriate the fees payable there for when the fees payable to the purohit, barber or ear borer *are not demandable* as a matter of right (S.O.255(b)).
- ii) Document affecting only movable property
- iii) Document pertaining to a term of worship in a temple not relating to hereditary allowances (S.O.2554(c)).
- iv) Agreement to register a document affecting immovable property which formed an annexure to the agreement when there is nothing on the face of it to show that the accompanying document related to immovable property.(S.O.262).

- v) Government Forest agreement Viz., contract for 1) felling and removing trees 2) the collection, removal and disposal of stock subject to obligation to coppice a group of bushes or small trees and clear the area 3) the purchase of timber/firewood to be felled/cut departmentally 4) for the felling/cutting and purchase of timber/firewood (S.O.264(b)).
- vi) Agreement relating to sale of goods i.e., agreement to cut timber whether executed by owners of forests or by contractors or by both (S.O.265).
- vii) Bond by which the executant binds himself to repay a loan on a fixed date securing repayment with all movable and immovable property of the executant and his heirs in general terms, of the loan if not repaid as stipulated. This is not a mortgage.
- viii) Agreement to dig a channel or trench which is a mere contract for service
- ix) Agreement to abide by the decision of a Panchayat or Arbitrators.
- x) Power of attorney (Special or General) even when it contains description of immovable property and related to its management.
- xi) Receipt acknowledging payment of arrears of rent or of future rents.
- xii) Document relating to transfer of arrears of rent due under a lease in which no charge on immovable property is created for securing the payment of rent.
- xiii) Document relating to transfer of a share in a **Chit Fund** in which the manager has pledged immovable property as security for the due performance of his engagement.
- xiv) Release deed in general terms over all properties belonging to a family in consideration of specified immovable property received through a previously registered document. (Items (ix) to (xiv) – Vide S.O.268)
- xv) Bond and promissory note.
- xvi) Agreement relating to collection of Forest produce such as Tangedu, Avaram, Bark, Mushi seeds, leaves and the like (S.O.264 (a))
- xvii) Document relating to contract for service
- xviii) Agreement relating to usufruct of trees and topes such as toddy and fruit, through they are treated as a lease for purposes of stamp duty (S.O.264 (a)).
- xix) Document acknowledging the receipt of money due by one person to another on unsecured bonds and pronotes (S.O.275).
- xx) Document evidencing declaration of TRADE MARK.
- xxi) Document affecting properties outside India to which the Registration Act, 1908 does not apply.

xxii) Relinquishment of interest in a partnership by a partner even when partnership related to immovable property. (APHC 1959 – 380 Andhra L.T: SC Confirmed on appeal).

xxiii) Partnership relating to movables run on a specified immovable property taken on lease.

xxiv) Agreement by which Dayadees or Sapandas give their consent to a widow to adopt a son.

c) Rectification and Cancellation Deeds

Such deeds are to be registered in the same class of register book in which the original deed was registered (RR117)

d) Sale Deed Printed on Paper : - (RR 115-SO 885)

Either a lancashire ledger paper or semifools cap size 13 $\frac{1}{4}$ by 8 $\frac{1}{2}$ inches or other paper of that size and of equal durability should be used

NOTES

- 1) **Note of rectification or modification or revocation** should be entered at foot of the entry of the latter document or communication and also at foot of the entry of the document previously registered or filed as specified under this rule (RR 118 (a)) vide R.R.237 for documents registered under CARD System
- 2) Corresponding note should also be entered in Index I, II, III and IV as the case may be as enjoined in this rule. (RR 118 (b) notes in indexes) vide R.R.237 for documents registered under CARD System
- 3) When a registered document is declared to be forgery or false personated, a note calling attention to the fact should be entered at foot of the entry in the Register and when practicable on the document also (RR 119).
- 5) **Exemptions from the Act**
 - (1) The following documents are exempted from the purview of the Registration Act, 1908 and do not therefore require registration (Section 90).
 - a) Documents issued, received or attested by any officer engaged in making settlement or revision of settlement of land revenue, and which form part of the records of such settlement.
 - b) Documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey.
 - c) Documents which, under any law for the time being in force and filed periodically in any Revenue office by patwaris or other officers charged with the preparation of village records.

- d) Sanads, title deeds and other documents purporting to be or to evidence grants or assignments by Governments of land or of any interest in land.
- (2) All such documents and maps shall, for purposes of sections 48 and 49, be deemed to have been registered in accordance with the provisions of the Registration Act, 1908 (Section 90(2)).

CHAPTER - 5

REGISTRATION OF DOCUMENTS THOUGH NOT UNDER REGISTRATION ACT REQUIRING REGISTRATION UNDER OTHER ENACTMENTS

Documents required to be registered under the enactments specified below may also be registered by a registering officer as any other document required to be registered under the Registration Act, 1908, BUT IT SHOULD BE SPECIFIED IN THE REGISTRATION CERTIFICATE THAT ITS REGISTRATION CANNOT CONFER ANY TITLE OR INTEREST UNLESS DULY REGISTERED UNDER THE RELEVANT ENACTMENT, (R.R.23)

The Andhra Pradesh Societies Registration Act, 2001 *

The Indian Christian Marriage Act, 1872

The Indian Patents and Designs Act, 1911

The Indian Trade Unions Act, 1926

The Trade Marks Act, 1940

The Special Marriage Act, 1954

The Hindu Marriage Act, 1955

NOTES

- 1) The Societies Registration Act, 1860 in Andhra area and
- 2) The Public Societies Registration Act, 1350 Fasli in Telangana area which were in force were repealed by A.P.Societies Registration Act, 2001 brought into force from 10-12-2001 (Vide GO Ms.No.742 Revenue (Registration and Mandals) dated 10-12-2001).

CHAPTER - 6

SEALS IN REGISTRATION OFFICES

- 1) **General:-** Three seals, one big seal, the second, a small seal and the third, a smaller seal for making impressions on wax (as specified below) shall be maintained in every Registration office.
- 2) **Seals:-**

- (i) The big seal shall be circular and about 1.5 inches in diameter bearing in center circumscribed by the following inscription in English and in such other language as the State Government directs (Section 15, S.O.1577).

“THE SEAL OF THE REGISTRAR (OR OF THE SUB-REGISTRAR)

OF _____”

- (ii) The small seal shall be about 1 inch in diameter having the word “SEAL” in English or its equivalent in regional language (in Telugu) inscribed on it. English seal shall be used in offices where the endorsements on documents are made in English and the seal in the regional language in other offices (S.O.1577(d)).
- (iii) The smaller seal for making impressions on WAX should consist of letters selected (Distinctive abbreviations) and as notified by the Inspector General, Registration & Stamps for each office(S.O.1577(e)).
- 3) Safe custody seals :-** The seals shall remain in the personal custody of the Registering Officer (R.R.10(i)).
- 4) Big Seal:-** The big seal shall be used in authenticating the following (R.R.10(ii))
- (a) The certificate of registration endorsed on registered documents under Section 60
 - (b) Powers of attorney under Section 33
 - (c) Summonses and Commissions issued under Sections 33 and 38.
 - (d) Certified copies under Section 57
 - (e) Memoranda and copies forwarded under sections 64 to 67 and under R.Rs 24 and 159 (iv).
 - (f) *Copies* of orders of refusal to register granted under Sections 71 and 76
 - (g) *Copies* other than those above referred to granted to parties
 - (h) Certificates and lists granted to applicants under R.R.140(Encumbrance Certificates or list of documents found during search).
 - (i) Copies of judgements of Registrars under Sections 72 and 75.
 - (j) Reproduced entries of old Registers.
 - (k) Copies of maps and plans
 - (l) Decrees drawn up under Section 75 and copies thereof
 - (m) Sheet endorsement made on each sheet of registered documents when it contains more than one sheet of paper (R.R.89).
 - (n) Sheet endorsements made on each sheet of registered Power of attorney when it contains more than one sheet of paper (R.R.49 (iii)).

5. Absence of Big Seal- When big Seal is not provided or not available, the registration of documents shall however be proceeded with as usual and such documents as are transcribed shall remain in the custody of the registering officer until the big seal is provided and affixed to the registration certificate (R.R.11).

CHAPTER - 7

ADDITIONAL POWERS OF SENIOR JOINT SUB REGISTRAR IN REGISTRAR’S OFFICE

The Senior Joint Sub Registrar working in Registrar’s Office is invested with the following additional powers.

- 1) Registration under Section 30, i.e., Registration of any document which might be registered by any Sub Registrar in the District.
- 2) Authentication of a Power of Attorney executed by a Principal residing within the district.
- 3) Proceeding QUA Registrar with reference to the proviso to Section35(3) in respect of documents presented to the Senior Joint Sub Registrar for registration.
- 4) Receipt for deposit, delivery and opening of sealed covers under sections 42 to 46 when the Registrar is on tour or on other duty.
- 5) Receipt of Appeals under Section 72 and applications under Section 73 when the Registrar is on tour or on other duty
- 6) Issue of processes
- 7) Re-Registration under Section 23 A when the Registrar is on tour or on other duty.

Note

Even when the Registrar is at Headquarters, the Senior Joint Sub Registrar can exercise power specified under items (1) (2) and (6) above.

CHAPTER - 8

STATUTARY POWERS OF THE INSPECTOR GENERAL OF REGISTRATION AND STAMPS AND THE DISTRICT REGISTRAR UNDER REGISTRATION ACT, 1908

- A. Inspector General of Registration and Stamps
 - 1) **Section 10(2):-** Appointment of any person to be the REGISTRAR when his office is temporarily vacant or when the Registrar is absent *other wise than on duty.*
 - 2) **Section 16(2):-** Prescription of forms to be contained in the Register

books and storage devices under CARD Project along with the Software provided to Registration offices under Section 16(1).

3) **Section 69:-**

- (i) Power of Superintendance over all the Registration offices.
- (ii) To make rules consistent with the Act in respect of matters specified under (a) to (j) of Section 69 subject to prior approval by the State Government and publication in the official gazette.

4) **Section 70:-** To remit wholly or in part the difference between any *fine* levied under Section 25 or 34 and the amount of the proper *Registration fee*.

5) **Section 70-C Second Proviso:-**

To prescribe the procedure for incorporation into the computer system the data and images of the documents registered without the help of the electronic devices due to breakdown of the computer system till the computer system is restored.

6) **Section 80-A(4):-**

To write off the irrecoverable arrears of deficit Registration Fee subject to such conditions as may be prescribed.

7) **R.R. 181:-**

- (i) Transfer of will enquires (Section 41(2)) and R.R.71 from the file of one Sub-Registrar to that of another. There is no such power of transfer of enquiries falling under R.R.61.
- (ii) Transfer of any appeal under Section 72, or application under Section 73 or enquiry under section 74 (original enquiry) from the file of one District Registrar to that of another.
- (iii) Transfer of an enquiry under Section 74(original enquiry) from the file of one Sub Registrar exercising powers of the Registrar under the Second Proviso to Section 35(3) to that of the District Registrar to whom such Sub-Registrar is subordinate.

8) **R.R. 195:-**

To accord sanction for transfer of completed Register books 1,2,3&4 and indexes relating thereto, Register of Thumb impressions and other records mentioned under rule 195 in the office of the Sub Registrar or of a Joint Sub Registrar situated at the head quarter of a district to the office of the Registrar at the end of each calendar year.

9) **R.R 199 (iv) Proviso:-**

To exempt any person or class of persons from obtaining Document Writer's Licensing Test in appropriate cases on payment of a fee of Rs.25/-.

10) **R.R 200:-**

To issue Notification specifying areas for levy of additional fee for registration of Non-Testamentary documents written and attested by persons

other than licensed Document Writers

Note:- This rule since deleted. Vide G.O.Ms.No.108 Rev.(Regn.I) dated 21-02-2000 (A.P.Gazette Dt.04-01-2001 Part I page 16).

- 11) **R.R.210(1):-** To conduct “the document writers ‘Licensing Test” and to notify all matters relating to the Test (time and place of examination, Language, Marks –Maximum and Minimum, fee leviable for the Test, the examiners for the test etc.) and declaration of results.
- 12) **R.R.222:-** To be responsible for administration of CARD and for ensuring substantial compliance with the provision of Chapter xxxii
- 13) **R.R.237(3):-** To review the security plan atleast once a year.

B. DISTRICT REGISTRARS

1) Section 11:-

Appointment of any Sub-Registrar or other person in his district to perform all the duties of a Registrar except those mentioned under Sections 68 and 72 when he is absent from his office *on duty*.

2) Section 12:-

Appointment of a substitute to be the Sub Registrar when any Sub Registrar in his district is absent or when his (Sub Registrar’s) office is temporarily vacant.

3) Section 25:-

Condonation of delay in presentation of documents or copy of a decree or order made in India, for registration.

4) Section 30:-

Registration of document which might be registered by any Sub Registrar subordinate to him.

5) Section 31 Proviso:-

To attend at the private residence of any person, on account of any special cause shown, to present a document for registration or to deposit a will and accept for registration or deposit such document or will.

6) Section 34 Proviso:-

Condonation of delay in appearance of the executing parties of documents or their representatives or agents etc., before the registering officer for registration.

7) Section 68(1):-

Superintendence and control over the Sub-Registrars in his District.

8) Section 68(2):-

Rectification of errors and defects in Registrations (Registration in wrong book or wrong office and defects in entries in Register books.) vide Para (5) of Chapter 39

Note: Standing order 830(b) empowers Registrars to sanction opening of one or more volumes in addition to usual number of volumes maintained in

registration offices for the transcription of exceptionally lengthy documents.

CHAPTER - 9

ADDITIONAL DUTIES AND POWERS OF OFFICERS OF THE REGISTRATION AND STAMPS DEPARTMENT UNDER OTHER ENACTMENTS

- (A) (i) Inspector General of Registration and Stamps** (S.O.33) and G.O.Ms.No.368 Rev.(Regn-I) Dept., Dated 25-07-1995 and G.O.Ms.No.275 Rev (Regn-I) Dept. Dated 24-05-2002.
- 1) Chief controlling Revenue Authority under Indian Stamp Act, 1899
 - 2) Registrar of Firms under the Indian Partnership Act, 1932
 - 3) “Registrar General” under the A.P. Societies Registration Act, 2001.
 - 4) “Director of Chits” under the A.P.Chit Funds Act, 1971.
 - 5) Registrar of Non-Trading Companies Act, 1962
 - 6) “Collector” under the Indian Stamp Act, 1899 for the Twin cities of Hyderabad and Secunderabad.
 - 7) Superintendent of stamps of General Stamp office, Hyderabad
 - 8) Collector under Section 73 for the entire State.
 - 9) Registrar General of marriages under
 - (i) The Hindu Marriages Act, 1955
 - (ii) The Special Marriages Act, 1954
 - (iii) The Indian Christian Marriage Act, 1872
 - (iv) The Parsi Marriage and Divorce Act, 1936
 - 10) “Registrar General” under the Births, Deaths and Marriage Registration Act, 1886.
 - 11) Collector under section 37 read with Rule 18 and sections 38(2), 40 & 42 in the state in respect of deficitly stamped documents detected in audit under Section 73(a)).
 - 12) Inspection of Notarial Registers maintained by the Notaries (Notaries Act, 1952 S.O.43(1)).
 - 13) Power to refund under section 51 of the Stamp Act in twin cities.
- (ii) The Inspector General of Registration and Stamps shall also discharge material functions as under:-**
- 1) The A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (Act 1 of 1973).
 - 2) The Urban Land (Ceiling and Regulation) Act, 1976 (Act 33 of 1976).
 - 3) The A.P. Assigned Lands (Prohibition of Transfers)Act, 1977(Act 9 of 1977).
 - 4) The A.P. Scheduled Areas Land Transfer Regulations 1959
 - 5) The Record of Rights in Land and Pattadar Pass Books Act, 1971(Act 26 of 1971).

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- (B) Assistant Inspectors General in the office of the IGR&S :-**
Collector under sections 16, 31, 32, 38(2), 40, 41, 42, 48, 56 and 70 within the cities of Hyderabad and Secunderabad under the control of the IGRS (Pages 342 & 345 of A.P.S.M).
- (C) Assistant Inspector General(Stamps) in the office of the IGR&S:-**
Collector under sections 16, 18, 19A, 49 and 52 to 55 in the cities of Hyderabad and Secunderabad. (Page 342, 344 and 345 A.P.S.M).
- (D) Deputy Inspectors General (S.O.34):-**
- 1) “Ex-Officio Collector” under sections 38(2), 40 and 42 of the Stamp Act.(S.O.34)
 - 2) “Authorized Officer” under Section 73 of the Stamp Act (S.O.34).
 - 3) “Appellate authority” on action taken on Stamp Vendors and Document Writers (S.O.34).
 - 4) Inspection of Notarial Registers maintained by the Notaries (S.O.43(1)).
 - 5) Collector under Sections 16, 31, 32, 38(2), 40, 41 & 42, 48, 56, 70 in respect of deficitly stamped documents detected in Audit under Section 73(a)..
- (E) District Registrars:-**
- 1) “Collector” under certain Sections of the India Stamp Act, 1899.vide item No.9 below
 - 2) “Registrar of Marriages” under the Hindu Marriage Act, 1955.
 - 3) “Marriage Officer” under the Special Marriage Act, 1954.
 - 4) “Inspecting Officer” of Chits under the A.P.Chit Funds Act, 1971.
 - 5) “Registrar of Firms” under the delegation of powers under Indian Partnership Act, 1932.
 - 6) “Registrar of Births, Deaths and Marriages Registration Act, 1886.
 - 7) “Registrar” under the Parsi Marriage and Divorce Act, 1936.
 - 8) Inspection of Records maintained by the Marriage Registrars and the marriage registers of Licenses and of episopally ordained Ministers under the Indian Christian Marriage Act, 1872.(S.O.38).
 - 9) Collector under Sections 16, 31, 32, 38(2), 40, 41, 41-A, 42, 47-A, 48, 56 and 70.
 - 10) Collector under Section 18 and 19A of IS Act (C&IGRS Endt No.S1/19016/95,dt. 2.9.95 authorised officer under section 73
- (F) Vigilance Officers (District Registrar’s Cadre:-**
Collector under Sections 70 (1) & (2) of the Stamp Act 1899
- (G) Audit Registrars (District Registrar’s Cadre:-**
Ex-Officio Collector under Sections 70 (1) & (2) of the Stamp Act 1899
- (H) Assistant to District Registrars (S.O.35(b)):-**
- 1) Ex-Officio Collector under certain sections of the Stamp Act, 1899 vide item 6 below

- 2) Ex-Officio Registrar under the Special Marriage Act, 1954 (S.O.35(b)).
- 3) Ex-Officio Registrar under the Hindu Marriages Act, 1955 (S.O.35(b)).
- 4) Marriage Officer under the Special Marriage Act, 1954
- 5) Registrar of Marriages under the Hindu Marriages Act, 1955.
- 6) Collector under sections 16, 31, 32, 38(2), 40, 41, 42, 48, 56, 70 and Authorised officer under Section 73(a) of Stamp Act.
- 7) Collector under Section 47 A of IS Act 1899 for pre-amendment cases (G.O.Ms.No. 275 Rev (Regn-1) dept dt.24-5-2002.

Note:- Items 4 and 5 only during the absence of both the District Registrars and the Joint Sub Registrar I in a Registrar's Office.(S.O.44(1)).

(I) Superintendents in Deputy Inspector General's Office :

- i) Sub-Registrar as authorised by Collector under Section 73(1986)

Note: This authorisation was struck down by the Supreme Court arbitrator and violation Art 14 of the Constitution (Writ Petition No.10300 of 1899) 1997 (4) ALT 118

- ii) Authorised officer under section 73(a).
- iii) Section 37 read with stamp rule 18

(J) Sub Registrars (S.O.36):-

- 1) 'Ex-Officio Collector' under certain sections of the Stamp Act,1899
- 2) 'Registrar of Chits' under A.P.Chit Fund Act,1971
- 3) 'Registrar of Marriages ' under the Hindu Marriage Act 1955.
- 4) 'Marriages Officer' under the Special Marriage Act 1954
- 5) Ex-Officio Stamp Vendor of Sub Depots (Sub Treasuries)
- 6) Registrar of Births, Deaths and Marriage under the Births, Deaths and Marriage Registration Act,1886
- 7) Officer before whom affidavits intended for use in judicial proceedings may be sworn.(S.O.39(a)). Vide Appendix 7 for proforma of Register of Affidavits.
- 8) Collector under sections 16, 41 & 42 of Stamp Act.
- 9) "Proper Officer" under rule 9 of Indian Stamp Rules 192

CHAPTER - 10

DOCUMENTS IN LANGUAGES NOT UNDERSTOOD BY REGISTERING OFFICERS

PROCEDURE:

1) True Translation and True Copy to Accompany:-

Documents written in a language not understood by registering officer and which is not commonly used in the district should accompany with a

true translation into language commonly used in the district along with a true copy of such document duly certified as “True Translation or True Copy” as the Case may be. *Otherwise registration of such document shall be refused* (Section 19 and RR 17(iii))

2) Languages commonly used in the Districts:-

Languages which are deemed to be the languages commonly used in each district and sub-district are listed under Registration Rule 16 (Vide Appendix = (1))

3) Stamp Vendors’ Endorsements :-

Stamp Vendors’ endorsements form part of the document. If it is in a language not commonly used in the district and if the registering officer does not understand the language, he shall demand the presentant to file a true translation of the endorsements along with a true copy of such endorsements and both shall be filed in the *file of translations*. No fee is leviable for filing (R.R.17(ii)).

4) Power of Attorney:-

When a power of attorney is presented for attestation or when an attested power of attorney is produced by an agent with or in connection with registration of a document and the power of attorney is written in a language not commonly used in the district, the registering officer shall, if he does not understand the language, demand the presentant to file a true translation of the power prepared in English or in a language commonly used in the district and file them in the file of power of attorney (R.R.17(ii)).

5) Fee Leviable:-

Fee prescribed in Article 10 (c) of the Table of fees is leviable. But no fee is leviable for filing a translation, if the power of attorney is or has been registered or attested by a registering officer. (R.R.17 (iv)).

6) Transcription in Register Books:-

Transcription: - The translation of the document should be transcribed in the register of documents of the nature of the original or scanned. The translation shall be filed in the registration office along with the true copy of the document referred to in Section 19(Section 62(1)).

7) Endorsements and Certificates:-

- (a) The Endorsements and Certificates referred to in Sections 59 & 60 shall be made on the original.
- (b) The translation shall be treated as if it were the original for the purpose of making copies and memoranda required by Sections 57, 64, 65 and 66 (Section 62(2)).

CHAPTER - 11

ENQUIRY BEFORE REGISTRATION

- 1)(a) On presentation of a document to the registering officer for Registration, he shall ensure that
- (i) the person presenting the document is entitled to present it
 - (ii) that he has jurisdiction to accept it for registration
 - (iii) that the document is fit to be accepted for registration under CARD system
- (b) If the above three points are satisfied, the registering officer shall proceed to examine with reference to the
- (i) Date of document
 - (ii) Description of parties
 - (iii) Description of property
 - (iv) Stamp borne by the document
 - (v) Whether the presentation of the document is within the time allowed under the Registration Act.
- 2) **Date of Document :-**
The registering officer shall ensure that the date is properly and correctly mentioned in **Saka Era** also and that the date entered in the document is without any alteration and is not anterior to the date of purchase of the stamps on which the document is engrossed and that it is also not subsequent to the date of presentation of the document
- 3) **Description of Parties :-**
- (a) The registering officer shall satisfy himself that the additions of the parties to the document and attesting witnesses are completely mentioned in the document. The residential postal address of the executants and the claimants residing especially in large towns and cities, description of the area and the name of the street, door number of the house, profession or trade(as defined under the term "Addition" (Section 2(1) of the Act) should invariably be mentioned in the document.
 - (b)(1) Full postal address of claimants and executants should be obtained by means of separate deposition or affidavits if they are not available in the document. They should be preserved in the file of statements or affidavits of the parties to the documents (IGRS proceedings No.M.V.12259/85, dt.22-1-1986)
 - (2) **The Sub Registrars were directed to compulsorily obtain any one of the proof of residential addresses of both executants and claimants, i.e., true copy of ration card / driving licence / identity card issued by the employer / PAN card issued by the Income Tax Department / Residential Certificate from any Revenue Official in case of residents of India and copy of Passport in case of parties residing abroad. Such papers of proof of residential addresses have to be sheet endorsed after the main document and**

scanned along with the document (Instructions issued in C&IGRS Cir.Memo No.G1/14683/2006 Dt.13-11-2006 and proceedings No. MV/2259/85, dated 22-1-1986 of IGRS)

4) Description of Property :-

The registering officer shall satisfy himself that the description of the property or properties mentioned in the document along with a Route Map and capable of identification and whether the particulars such as the registration district, registration sub-district, Revenue Mandal, Village, hamlet or suburb, Survey Number, extent are completely furnished and if the property affected by the document is a part of a Survey number whether it is described by four boundaries and whether it is towards north, south, east or west of the total extent covered by the Survey Number. In the case of houses in towns and cities, it should be described by their ward, block and house number etc., assigned by the concerned local authority.

4A) Village Revenue Officers are empowered to issue PAHANI/ADANGAL extract certificates in their respective villages (G.O.Ms.No.1059 Rev.(VA) Dept. dated 31-07-2007). Government further clarified that the extract of Pahani and Adngal given by VROs shall be accepted by all the Registering Officers (Govt. Memo No.55206/Regn.-1/2007-1 dated 16-10-2007 = C&IGRS Cir.Memo.No.G1/18464/2007, dt. 31-10-2007)

4B) The C&IGRS in circular No. MV6/11338/07, Dt.9-10-2007 as modified through circular of even number dated 17-10-2007 instructed the registering authorities as follows, effective from 15-10-2007.

- (a) **It will be compulsory for executants to produce the front view elevation of the vacant site / house property / structure / building etc. situated in urban area including all Municipalities in the form of a colour photograph (8 inch x 6 inch) along with the date and time imprinted on the photograph and that such photograph will be scanned by the registering authority along with other part of the document.**
- (b) **It will be also compulsory for the executants to produce a clear route map leading to the property and that map shall be scanned with the remaining part of the document.**

5) Document containing MAP or Plan :-

A document, containing a map or plan of any property affected by it, shall be accompanied by a true copy of the map or plan of the size not exceeding 37.50 Cm x 26.67Cm, certified by the *presentant* of the document as "True Copy". If the property affected by the document is in more districts than one, the document shall accompany with such number of true copies or plans equal to the number of districts.(R.R.20A)

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- 6) **Document presented with duplicates:-** If the document is presented for registration with duplicate or triplicate and so on, copies of maps or plans as the case may be, equivalent to the number of duplicates, shall be presented along with the original document.
- 7) **Stamp duty borne by the Document :-**
 The registering officer shall examine every document presented to him for registration whether the stamp borne by it is sufficient and is in accordance with the provisions of the Stamp Act. If the stamp borne by it is insufficient, he shall assign document number in the pending series and after recording presentation and admission of execution endorsements and obtaining the signatures of the identifying witnesses with their additions, impound the document under section 33 of the Stamp Act and take all further action thereon. But as the registering officers are also invested with the powers of “Collector” under Section 41 of the Stamp Act. he may, if the presentant comes forward with an application in writing for adjudication of the document as to the stamp duty, under Section 41 of the Stamp Act, comply with the request of the presentant. After collecting the deficit stamp duty necessary certificate of adjudication shall be added on the document. Thereafter, the presentation endorsements etc., be made in the document and the registration process completed. (See also Para 7 under “Time for presentation of documents other than wills)
- 8) **Other Important items to be scrutinised before acceptance:-**
- (a) The registering officer shall ensure that erasures, interlineations etc. in each page of the document are duly noted at foot of the page concerned and such corrections wherever necessary are attested by the executants.
 - (b) He shall also ensure that two credible **identifying witnesses** have accompanied the executants when the executants are not personally known to him.
 - (c) If the document is presented for registration in **duplicate or triplicate** etc., the registering officer shall ensure that they are the exact reproduction of the original and bear the same date. In case the original contains a map or plan it shall be seen whether a true copy of the same (Para 5 above) is annexed to each of the duplicates.
 - (d) In respect of documents to which **the market value scheme is applicable**, it shall also be ensured whether the consideration and the market value of the properties affected by the document are furnished in the document. In the case of buildings, it shall be checked whether the description of the house regarding nature of construction etc., is properly furnished in the document.
 - (e) The registering officer shall also ensure by proper scrutiny of the docu-

ment that the provisions of the **A.P. Assigned Lands (POT) Act 1977, Pattadar Pass Books Act and other Acts having a bearing on the Registration Act in relation to registration of documents are duly complied with.**

- (f) **Sale of Plots by Co-operative society members to third parties :-** In IG's Memo No.G1/8050/89, dt.5-5-1989 and C&IGRS Circular No. VO/Hyd/17437/2007, dt.9-10-2007, all the registering authorities were instructed not to entertain registration of documents pertaining to any co-operative society property (plots) **unless NO OBJECTION CERTIFICATE from such society is enclosed.** In the absence of such certificate being enclosed, the registering authorities were directed to advise the parties to obtain the same from the Managing Committee of the co-operative society concerned
- 9) **If the A.P.High Court or any other civil Court restrains a person from alienating a property and if such orders are brought to the notice of such registering officer or served on the registering officer, the registering officer is ESTOPPED from going ahead with the registration (SO 219 clause (b) as substituted by G.O.Ms.No.620 Rev (Regn 1) dept, dt.28-9-2001.**
10. Documents affecting **Wakf properties** should not be registered straight-away but kept pending clarification from the Wakf Board obtained (IG Memo No.G1/13572/1987, dt.12-6-1987)
11. Whenever any request is received **either from the Commissioner of Commercial taxes or Commissioner Excise not to register any document executed by the defaulters**, such documents should be kept pending until clearance is given by the Commissioners mentioned (IG Memo No. G1/11695/A/1987, dt.23-5-1987.[Also vide amended Section 22-A for revised procedure brought into force in force from 20-6-2007 (Act No.19 of 2007)]
- 12 Courts accepting documents as "Security Bonds " falling under Article 48, when such documents have to be actually treated as "mortgages and insisting Registering Officers to register the documents as Security Bonds even though they are deficitly stamped. APHC in its endorsement No.**ROC No.95/SO/79,dt.8-2-80 directed all the Courts not to issue such direction.**
13. **Registering officer to ensure with regard to the particulars to be setforth in the instrument**
- 1) Whenever any instrument is presented for registration to any registering officer, he shall see whether the particulars referred to in Section 27 of the Stamp Act are setforth in the instrument separately as required by the said section read with section 121 (a) of the Andhra Pradesh Municipalities Act, 1965 and other local bodies Acts as the case may be and

shall also ensure that the local authority within whose jurisdiction of the property concerned is situated is set forth clearly in the instrument.

- 2) If the said particulars be not so separately set forth in the instrument, the registering officer must impound it and forward it to the Collector calling his attention to section 64 of the Stamp Act read with section 121 (b) of the Andhra Pradesh Municipalities Act, 1965. and other local bodies Act as the case may be

Presence of the buyer at the time of registration of sale document is essential with effect from 1-11-2004 and he has to affix his thumb impression in the register along with the Executant also his photograph signature and thumb impression on the separate **form 32A** (C& IGRS Memo No.G1/8538/98, dt. 28-10-2004

- 3) **Cancellation of sale deeds previously registered [vide R.R.26(k)(1)]**

Note:- Profoma of pending documents register

CHAPTER - 12

Place for Registration of Documents, Court decrees and Orders etc.

Other than Wills and Authorities to Adopt

- a) **Documents, Court Decrees and Orders affecting Immovable Property (Book 1) : -**

Such documents should be registered only in the office of the Registrar or the Sub-Registrar in whose jurisdiction the whole or some portion of the affected immovable property is situated (Section 28 & 30).

Note : - Joint Sub-Registrar I in Registrar's Office shall not entertain any registration of the lands situated outside his subdistrict under section 30 of Registration Act as a matter of routine except in genuine cases where sick and aged parties are involved, with supporting proof like medical certificate with the prior permission of the District Registrar in writing have to be invariably obtained. The District Registrar also should verify the genuineness of the case and permit the Joint Sub-Registrar to entertain the document under section 30 of Registration Act only in very exceptional cases and strive to minimize the registrations under section 30 of Registration Act. (Instructions of the C&IGRS - vide Cir Memo.No.G1/29950/1995, dated 17-10-1995) and reiterated in C&IGRSs Circular Memo NO.G1/15654/2006, dated 13-11-2006 and 'e' mail communication of the C&IGRS issued on, wherein the Joint Sub Registrar I in Registrar's Offices was instructed not to undertake registration of any land which do not fall in his jurisdiction unless prior written permission of the D.I.G. R&S, through the concerned District Registrar is obtained

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- b) Documents, Court Decree and Orders affecting Movable Property: -**
Such documents may be registered in any office of the Registrar or the Sub-Registrar in whose jurisdiction the document was *executed* or in any other office of the Sub-Registrar at which all the persons *executing and claiming* under the document desire the same to be registered (Section 29 (1) and 30).
- c) Copies of Court Decrees or Orders relating to immovable property:-**
Copies of court decrees or orders may be registered in the office of the Sub-Registrar in whose sub-district the property or any portion of it is situated OR in the office of the Sub-Registrar in whose sub-district the original decree or order was made (S.O.215(b)).
- d) Copies of Court Decrees or Orders relating to movable property:-**
Such documents may be registered in the office of any Sub-Registrar at which all the persons *claiming* under such documents desire the same to be registered.
- e) Documents affecting immovable property partly within and partly outside the areas to which the Act applies:-**
Such documents shall be registered in the office of any registering officer within whose jurisdiction any portion of the property is situated but in such a case the registration certificate added on the document shall specify that the registration is effected only as regards the portion of property situated in the area where the Registration Act is applicable (R.R.21)
- f) Documents affecting immovable property situated wholly outside India or outside the tracts to which the Act applies:-**
Such documents may be registered by a registering officer in India in Book 4 but with a warning to the presentant by means of a *Note* added below the registration certificate to the effect that its registration does not affect the right in the property itself.
- g) Registration at private residence of parties or jail**
Documents shall not be accepted for registration at the residence of the parties *except on special cause being shown* when acceptance of such documents is allowed. (Proviso under Section 31) vide chapter 17 on "Attendance at Private Residence" / Jail / Hospital
- h) Documents executed by Government officers or certain public functionaries (Section 88):-**
Documents executed by government officers or public functionaries or in their favour in their official capacity shall be presented for registration

through a messenger with a covering letter signed by the Government officer or the public functionary concerned i.e., the person who signed the document as executant, in the office of the registering officer having jurisdiction over the property affected (RR 25 (ii))

- i) **Transfer of village after presentation of Document:-**
A registering officer having jurisdiction to accept a document for registration at the time of presentation shall complete its registration notwithstanding the fact that the village in which the property affected is situated has been transferred from his jurisdiction subsequent to the presentation of the document but before completion of its registration. But a memorandum shall be sent, without levy of any fee, to the office to whose jurisdiction the village has been transferred for the purpose of being filed in the file book 1 of that office (R.R.24).
- j) **Transfer of village while the document is on Appeal :-**
When, after refusal to register by a registering officer, the village in which, the property affected by the document is situated is transferred whilst the document is on appeal to the jurisdiction of another Sub-Registrar, if the Registrar orders that it shall be registered, shall be re-presented for registration to the Sub Registrar to whose sub-district the village has been transferred (R.R.24).
- k) **Deposits of Title Deeds :-**
Agreements relating to deposit of title deeds has to be registered in the Office of the Sub-Registrar in whose subdistrict the whole or some part of the immovable property is situated even though the town notified under 58 of T.P.Act at which the title deeds might have been actually delivered by the debtor might not be within the jurisdiction of the Sub-Registrar (IG's progs No. G4/2139/72, dt 31-1-1972)

CHAPTER - 13

PERSONS ENTITLED TO PRESENT DOCUMENTS FOR REGISTRATION

(Sections 32 and 33)

- i) **General :-** i) The following persons alone are entitled to present non-testamentary documents (other than wills and authorities to adopt) for registration.
- a) The executant or the claimant under the document
 - b) The representative or assign of the executant or the claimant
 - c) Agent of the executant or the claimant, duly authorized by a power of attorney executed before and authenticated by the functionaries as explained below
- ii) **If the principal at the time of executing the power resides in India where the Act is in force :-**
Power of Attorney executed before and authenticated by a Registrar or

- a Sub-Registrar within whose jurisdiction the principal resides.
- iii) **If the principal at the time of execution resides in any other part of India (Jammu and Kashmir):-** Power of Attorney executed before and authenticated by any Magistrate.
- iv) **If the principal at the time of execution resides outside India:-** Power of Attorney executed before and authenticated by a Notary Public or any Court, Judge, Magistrate, Indian Consul or Vice Consul, or representative of the Central Government.

Note

1. "AUTHENTICATED" means recording the fact of execution of a power by the principal in the presence of the officer authenticating, after proper identification (vide R.R.49 (i) for the force of authentication)
 2. The presentation of a document by a person legally competent to do so is the indispensable foundation of the authority of the Registering Officer to register the document. Deficiency in that regard is not a mere defect in procedure curable under section 87 of the Registration Act (Rulings II to IV and VI under S.O.214).
- 2) **Persons Exempted from Appearance:-**

- (a) The following persons are not required to attend at the Registrar's Office or Sub-Registrar's Office or Court for the purpose of execution or authentication of their power of attorney (Section 33(1) (c) proviso).
- i) Persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend.
 - ii) Persons who are in Jail under Civil or Criminal process and
 - iii) Persons exempt by law from personal appearance in Court (as hereinafter mentioned) vide para (b) below

- Note** : - (i) In case of such persons ((i), (ii) and (iii) above) the Registrar or the Sub-Registrar, if satisfied that the power of attorney has been voluntarily executed, may attest the same without requiring personal attendance of such persons. (Section 33(2)).
- (ii) The Registrar or the Sub-Registrar may either himself go to the house of the person (Principal) or to the Jail in which he is confined and examine him or issue a commission for his examination for obtaining evidence as to the voluntary nature of the execution. (Section 33(3)).

- (b) **Persons exempted by law from personal appearance in court (R.R.45(1)):-**

- (a) Women who, according to the customs and manners of the country ought not to be compelled to appear in public.
- (b) Persons of rank (Vide S.O.660) especially exempted by the Government (Central Government) Viz.,
 - i) The President of India.
 - ii) The Vice President of India.

- iii) The Speaker of the House of People.
- iv) The Minister of the Union.
- v) The Judges of the Supreme Court
- vi) The Governors of the States and Administrators of the Union Territories.
- vii) The Chairmen of the State Legislative Councils.
- viii) The Speakers of the State Legislative Assembly.
- ix) The Ministers of States
- x) The Judges of the High Courts.
- xi) The persons to whom Section 88 applies.

(c) The exemption also applies to documents executed by or in favour in their official capacity (Sec 88(1)):-

- a) Any Officer of Government.
- b) Any Administrator-General, Official Trustee or Official Assignee.
- c) The Sherief, Receiver or Registrar of High Court

Note: Employees of Agricultural Market Committees do not fall under the definition of the "Government Employees" (Observation in C&IGRS Memo No.S1/27245/98, dated 8-1-199

- d) The holder of such Public Office as may be specified by Government in a Notification in the Official Gazette.

(d) Exemption also applies to (Vide R.R.191):-

- i) A Government Officer who is ex-officio Chairman or President of Local Body.
- ii) An agent to Court of ward.
- iii) An official Receiver.
- iv) Officers of Government whose services are lent to Local Bodies or who perform other duties retaining a lien on Government posts.
- v) Commissioners of Municipalities whether holding a lien on Government post or not.
- vi) Commissioners of Municipal Corporations.
- vii) Zonal Manager and Deputy Zonal Manager, LIC Southern Zone, Madras.
- viii) Regional Director, ESI Corporation, Hyderabad

(e) The exemption also applies to

- i) Any Officer of a Mortgage Bank or of Central Mortgage Bank (Section 111 of AP Co-Operative Society Act 7 of 1964) vide Synopsis 5
- ii) Chairman or any member of Debt Conciliation Board or any person who authenticated the agreement under Section 14 (1) of the A.P. Debt Conciliation Act.
- iii) Chairman or **any member** of Market Committee (Section 24 (1) of A.P. Commercial Crops Markets Act 1933 as amended by Act XXI of 1945.

- iv) Executive officer, Tirumala Tirupathi Devasthanam (IG'S Memo NoG1/21260/91 Dated: 12-08-1991).
- v) District Treasury officer and Sub Treasury officers are exempted from personal appearance in connection with Registration of lease deeds of private rented buildings executed by them on behalf of the Director of Treasuries (IG'S file G1/16709/91 Dated: 18-10-1991).

3) Powers of Attorney - Procedure ETC

- i) *RR 49* - Authentication -Procedure
- ii) *RR 50* - Endorsements to be made on Powers of Attorney (Special and General)
- iii) *RR 54* Registering Officers can authenticate Powers of Attorney for the *SO 594* purpose of registration only. Rulings incorporated after S.O.595 should be observed.
- iv) *RR 55(ii)* Register of revocations of Powers of Attorney registered in or *S.O.602* communicated should be maintained in each office.(Vide Appendix 7)
- v) *S.O.581*- Registering Officers can attest Powers of Attorney in A.P.State for registration of documents in Jammu and Kashmir.
- vi) *S.O.586(b)* - When power of Attorney is attested at different times, a fresh abstract should be prepared with fresh serial number

Note:- S.Os 580 to 602 provide detailed procedure which may be referred for guidance.

4) File of Powers of Attorney

The following papers are to be filed in this file in Chronological Order [S.O. 599(a)]

- i) Powers of attorney presented under R.R.50 (In connection with Documents registered under Powers of Attorney).
- ii) Abstracts of Powers of Attorney prepared under RR 55(i)
- iii) Translations filed under RR 17(ii)
- iv) Commission orders and the accompanying sets of interrogatories and replies referred to in S.O.678 (c).
- v) Covering letters received from persons exempted from personal appearance under section 88 and similar letters received from such persons under other enactments.
- vi) Depositions forwarded by Commissioners under S.O.605 (g)

Note:- 1. All papers filed shall be assigned Serial Nos., for each Calendar year. [S.O.699 (b)]

2. Intimations of revocation of Powers of Attorney should be filed in the file of Petitions after noting in the Register of Revocations of Powers of Attorney. [S.O.602 (b)]
3. Copy of Special Power of Attorney or Abstract filed should not be granted to persons other than the Principal or the Agent.[S.O.601]

5) FEES LEVIABLE (with effect from 01-01-2002)
(G.O.Ms.No.757 Revenue (Regn .I) Dept. Dt. 18-12-2001)

- | | | |
|--|---|-----------------|
| a. For registration of Power of attorney <i>except</i> in the case of power given for consideration and authorising the attorney to sell any immovable property (Art.42 (a) to (d) and (f) Art 42 of Sch.1A of I.S. Act) | Rs. 100-00 | Art.1(A)(iv)(a) |
| b. Power of attorney for consideration and authorizing the attorney to sell any immovable property (Art.42 (e) of Sch.1A of I.S.Act) | When the market value or consideration which ever is higher (i) upto Rs.1000/- 10.00 (ii) Exceeds Rs.1000/- 5.00 For every Rs.1000/- or part thereof. | Art.1(A)(iv)(b) |
| c. Power of Attorney when given for construction or development of or sale or transfer in any manner whatsoever of any immovable property. (Art 42 (g)) / Sch1A of IS Act | Rs.1000-00 | Art.1(A)(iv)(c) |
| d. Attestation of either a special or a general Power of attorney. | Rs.100-00 | Art.2(xvi) |
| e. For filling a translation of a power of attorney written in a language not commonly used in the district. | Rs.10-00 | Art.10(c) |
| f. For filling a special power of attorney produced with or in connection with a document for registration. | Rs.10-00 | Art.10(d) |
| g. For each notice of revocation of a power of attorney and for each intimation to be sent to other offices. | Rs.10-00 | Art.10(e) |

NOTE:- No fee is liable for filing a true translation and a true copy of

- i) Stamp Vendor's endorsement (Rule 17(1) and
- ii) Power of Attorney or an attested Power of Attorney written in a language not commonly used in the district presented for attestation [Rule 17(2)]
- (h) **Presentation:-**
 1. A document executed by an officer or public functionary may be presented for registration by a messenger with a covering letter signed by the officer / public functionary who executed by the document - [R.R. 25 (ii)].
 2. In the alternative it can be presented by any person executing or claiming under the document or his duly authorised agent.
- (i) **Identification of presentant:-**
 1. A messenger need not prove his identity but his left thumb impression should be taken in the endorsement of presentation unless personally known to the Registering Officer [R.R. 63 (iii)].
 2. The claimant's left thumb impression should be taken and he should be identified by 2 witnesses unless personally known to the Registering Officer.
- (j) **Endorsement of presentation:-**

If a document is presented by a messenger, along with a covering letter from the executant, reference to the covering letter No. and date should be given in the presentation endorsement [R.R. 93(ii) & Appendix-V].
- (k) **Admission of execution :-**
 - (i) The officer/public functionary need not appear before the Registering Officer to admit execution. The Registering Officer can register the document if he is satisfied of the execution thereof – Sec. 89 (3).
 - (ii) The following methods may be adopted by the Registering Officer to satisfy himself about the execution :
 - a) **Covering letter** referred to in RR 25(ii) signed by the *officer himself* that he executed the document.
 - b) The registering officer may be acquainted with the signature of the officer.
 - c) A brief enquiry from the claimant and identifying witness.
 - d) Lastly by keeping the document pending and making a reference to the officer concerned. S.O. 578.
- (l) **Endorsement of admission of execution to be made on the document :-**

.....
 "I have satisfied myself as to the execution of the instrument by
 who is exempted from personal appearance under sub section (1) of Sec. 88 of the Registration Act".

(m) **Cases where covering letter is not signed by the officer concerned but by his subordinates: -**

The messenger should not be turned away if one of the executants or claimants is present. Document may be got presented by the claimant or other executants as the case may be and one of the alternatives stated in S.O. 578 should be adopted.

(n) **Documents which may be sent by post**

- i) Copies of orders, certificates and instruments mentioned under Section 89 of the Registration Act 1908 may be sent by post to the concerned Registering Officer who shall file the same in the file book 1.
- ii) Co-operative declaration (mortgages) may be sent by post by Co-operative Societies under section 36(4) of the Co-operative Societies Act, 1964. (Vide Synopsis 5 and SO 457)

CHAPTER - 14

Time for presentation of Documents etc. other than Will and Authority to Adopt

- 1)a) **Documents :-** (i) The time allowed for presentation of non-testamentary documents **other than wills** for registration is four months from the date of execution or each execution *without fine* (Section 23) and a further period of four months after expiration of the first four months from the date of execution *with fine* (Section 25) not exceeding ten times the amount of the proper registration fee as specified in R.R.38 if the delay was on account of ***urgent necessity or unavoidable accident***. ***Therefore the maximum time allowed for presentation of documents other than wills is eight months*** from the date of execution. Exception: Document executed out of India – Vide Para 3.

(ii) Fine for delay in presentation levable under R.R.38 in addition to proper registration fee:-

When the delay does not exceed one week after expiration of four months from the date of execution: A fine equal to the registration fee.

When the delay exceeds one week but does not exceed one calendar month:- A fine equal to twice the registration fee

When the delay exceeds one month but does not exceed two months:- A fine equal to five times the registration fee.

When the delay exceeds two months but does not exceed four months:-

A fine equal to ten times the registration fee.

Note:

- (i) The term "Registration fee" does not include the fee payable for registration under Section 30 or for filing a translation under section 19 or for copies and memoranda or attendance at a private residence or jail
 - (ii) "Week: denotes length of time of seven days.
 - (iii) Calculation of delay - Vide Para 4 infra
- (b) **(i) Copy of Court decree or order :-** Time for presentation allowed is four months from the day on which the decree or order was made or where it is appealable within four months from the day on which it becomes final (Proviso u/s 23).
- (ii) Certificate of sale by a Civil or Revenue Court:-** The day on which it was signed by the court shall be taken as the date of execution for registration purposes (R.R. 36(ii)).
- (iii) Copy of mortgage bonds in favour of Primary Agricultural Credit Societies or Financial Banks :** - Copy of the instrument of mortgage executed in favour of PACS or Financial Banks duly certified by the Secretary of the PS or the superior of the Financial Banks shall be sent to the registering officer concerned within a period of FOURTEEN WORKING DAYS from the date of execution of the instrument by Regd Post or through a Messenger (Rule 60B of the Cooperative Societies Rules - IG's Memo No.G1/15326/1987 dt.31-7-1987)
- (c) **Wills may be presented for registration or deposited at any time. There is no time limit (Sec.27)**
- 2) **Documents Executed By Several Persons At Different Times:-** Such documents may be presented for registration and re-registration within four months from the date of *each execution* (Section 24). A further period of four months after expiration of the first four months is allowed on payment of fine not exceeding ten times the proper registration fee(Vide Note below Para 1(a) (ii) infra)
- 3) **Document executed out of India:-** Document executed OUT OF INDIA by all or any of the parties, if not presented within the time allowed under Section 23 can be presented within four months after its arrival in India on payment of the proper registration fee (Section 26). The SubRegistrar's or the Registrar's finding about the arrival of the document in India is one of fact and the propriety of the SubRegistrar or the Registrar cannot be questioned in a suit u/s. 77 of the Registration Act 1908.
- 4) **Calculation of delay :-**
The period of delay in presentation of document shall be calculated by

the British Calendar excluding the date of execution with reference to the provisions of Section 9(1) of the General Clauses Act, 1897 (S.O.238). Section 3 of the General Clauses Act provides that the meanings given in that Section shall apply to the General Clauses Act and also to all Central Acts and Regulations (51.C.W.N.753). if the meaning of any word or expression used there in is not specifically provided in the Central Act or Regulation.

Example:- Delay in presentation of documents or appearance of executing parties, e.g. if a document is presented for registration eight days after the expiry of four months from the date of execution and if the last day of the week after the expiry of the fourth month happens to be a holiday, the fine leviable will be for a delay of eight days and not for seven days excluding the holiday.

5) Procedure when there is delay in presentation i.e after four months, but before eight months from the date of execution :-

- a) The following procedure shall be followed when there is delay in presentation of documents for registration.
 - (i) An application in writing explaining reasons for the delay and requesting the District Registrar for condonation of the delay shall be obtained from the concerned party or a statement shall be recorded which shall be regarded as equivalent to the application if no such application is filed (R.R. 37).
 - (ii) Document shall be kept pending assigning a serial number in the pending series.
 - (iii) Fee under article 10 (a) of the Table of Fees towards “application fee” shall be levied.
 - (iv) Fine for the delay in presentation as stated in Para 1(a)(ii) above shall be levied.
 - (v) Statement from the presentent regarding causes for the delay in presentation shall be recorded in the office deposition book (R.R.151 (1)(h)).
 - (vi) Requisite entries at every stage shall be made in the Minute Book (for specimen entries Vide Chapter 34).
 - (vii) Endorsement of presentation and admission of execution of the document shall be recorded on the document as usual.
 - (viii) The application of the presentant shall be submitted to the District Registrar along with a statement in Form Z (Vide Appendix 5) together with a copy of the deposition recorded (S.O.239(a)).
 - (ix) (a) If the Registrar condones the delay and directs acceptance of the document for registration (Orders to be signed by the Registrar himself (S.O.239(d)) a regular number shall be assigned to the document and an

endorsement on the document in the following form (prescribed in R.R.40(ii)) shall be made above the Registration certificate and close the same with his dated signature.

“Acceptance for registration was directed by the District Registrar of in his/her order No..... dated on payment of the fine of Rs..... for a delay of under Section 25 of the Indian Registration Act, 1908”

Date Signature of the Sub Registrar

(b) Document presented for registration under a decree of a court, directing registration:- Time for presentation of such document is thirty days, not from the date of decree but from the time it was actually drawn up and signed by the Judge (Section 77 and S.O.248).

(x) When a document refused registration for delay in presentation is re-presented for registration under an order passed by the Registrar on appeal or under an order of a Civil Court, penalty (fine) leviable for the delay shall be based on the date of original presentation (S.O.247).

- 6) **Document presented after eight months from the date of execution** *Such document cannot be accepted.* The irregularity is not a mere defect in procedure curable under Section 87 of the Registration Act and acceptance of such document is invalid. Registration of such a document is void (S.O.240).

7) **Insufficiently Stamped documents : -**

(i) When a deficitly stamped document is presented, the endorsements of presentation and admission of execution by the executant shall be recorded on the document as usual.

(ii) If the presentant of the document applies in writing for adjudication under Section 41 of the Stamp Act before registration the request may be complied with as the Sub Registrar is appointed to exercise the powers of “Collector” under Section 41 of the Stamp Act.

(iii) If the presentant does not apply for adjudication under Section 41 of the Stamp Act, the Sub-Registrar shall impound the document under Section 33 duly entering in the Register of documents impounded (Vide Appendix 9). The document shall be submitted to the Registrar along with an extract of the entries made in the Register of Documents Impounded under Section 38 of the Stamp Act for adjudication.

Note : - If the Sub-Registrar himself doubt as to the correctness of stamp duty borne or to be borne by the document, he may make a reference to the Registrar and obtain orders on his doubt before acting upon the application of the presentant under Section 41 for adjudication (Editors opinion)

(iv) Minute entries shall be recorded in the Minute Book at every stage. (Vide Chapter 34) for specimen form of entries.

8) Presentation of document by Agent-Delay:-

The explanation for the delay in presentation (Section 25) shall be obtained from the Agent for the delay *both* by him and the principal (S.O.244).

9) Revision of orders by successor Registrar:-

The successor Registrar shall not go behind the order of his predecessor condoning the delay in presentation as the order was given in pursuance of the discretionary power allowed to a Registrar to accept documents for registration after the time prescribed (S.O.246, ILR 6 All: 460).

CHAPTER - 15

APPEARANCE OF EXECUTING PARTIES

1) General: -

- (i) The term "Executing Party" means any person who affixes his signature or thumb impression to a document in token of his assent to the terms of the document (R.R.56(ii)).
- (ii) The expression "A person executing a document" includes (Vide R.R.56(i)).
 - a) Any person who becomes surety for the repayment of a loan or the fulfilment of a contract and in that capacity affixes his signature to a document
 - b) Any person who endorses a negotiable instrument
 - c) Any person who signs a receipt or a discharge endorsed on a document
 - d) Any person who signs a document as an executant in token of his assent to the transaction and not merely as a witness even though he may not be described as an executant in the body of the document. Such person is called "consenting witness".
- (iii) The term "**Representative**" includes guardian of a minor and the curator of an idiot or a lunatic and also the executors, administrators and heirs of a deceased person (R.R.59).

Illustrations

- | | |
|--|--|
| <p>i) Document presented within four months from the delay in date of execution and the executant appeared after four months but within eight months from the date of execution.</p> | <p>Fine only for the delay in appearance</p> |
| <p>ii) Document presented after four months but within eight months from the date of execution and the executant appeared on the date of presentation;</p> | <p>Fine only for delay in presentation</p> |

-
- | | |
|--|---|
| iii) In the case of illustrated in item (i) above, the executant appeared within four months after the date of presentation but within twelve months from the date of execution. | Fine for the delay in appearance in addition to the fine already levied for the delay in presentation |
|--|---|

Note:- The basic principle underlying the Registration Act is to get before the registering officer the actual executant who in fact executed the document (Ramgopal Versus L.Mohanlal (AIR 1960 Punj.226).

2) Time for appearance without fine:-

The time allowed for appearance of the executing parties *without fine* is four months from the date of execution or in the case of a document presented and accepted for registration already on payment of fine under Section 25, before expiry of eight months only from the date of execution.(vide also para (3) below

3) Time for appearance with fine and Maximum Period allowed for appearance:-

In the case of a document already accepted within the first four months or under directions from the Registrar under Section 25 on payment of fine for the delay in presentation, a further period of four months in addition to the ordinary period of four months prescribed in Section 23 is allowed without payment of further fine. The executant must accordingly appear and admit execution within eight months from the date of execution. But the proviso to Section 34(1) allows a further period of four months after the expiry of eight months from the date of execution on payment of fine as specified in R.R.38 in addition to the fine already paid under Section 25. **Thus the maximum period allowed for appearance of the executant is twelve months (4+4+4) from the date of execution (S.O.242).**

4) Persons Exempted From Personal Appearance:-

Persons exempt from personal appearance at Registration Office are enumerated under Section 38 (1) as under.

- a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration office or
- b) A person in Jail under Civil or Criminal process, or
- c) Persons exempted by law from personal appearance in [Courts vide para 2 (b) of Chapter 13]

5) Fine leviable on more occasions

When fine for the delay in appearance is leviable on more occasions than one in respect of one and the same document, the amount of fine leviable on the second and subsequent occasions shall be the *difference*,

if any, between the total amount leviable upto the second or subsequent occasion and the fine or fines previously levied in respect of such document (R.R.39).

6) Documents executed out of India:-

Document executed by persons residing out of India or some of whom reside in India and some out of India may be dealt with by appointing an agent under section 23 and 25 instead of under Section 26 of the Registration Act, if the presentant so desires (S.O.243).

7) Calculation of delay in appearance:-

The period of delay in appearance of the executants shall be calculated by the British Calendar and *excluding* the date of execution (Section 9(1) of the General Clauses Act 1897).

Note:- The concession is not applicable for the subsequent periods of delays in appearance of parties. E.g., If an executing party appears eight days after the expiry of four months from the date of execution and if the last day of the fourth month or if the last day of the week after the expiry of the fourth month happens to be a holiday, the fine leviable will be for a delay of eight days and not seven days by excluding the holiday.

8) Procedure when there is delay in appearance of the executants:-

The following procedure shall be followed when there is delay in appearance of the executant for registration.

- i) An application in writing explaining reasons for the delay in appearance and requesting the District Registrar for condonation of the delay shall be obtained from the executant (Section 34(4)) and S.O.239(a) However, a statement recorded from the concerned party shall be regarded as equivalent to an application if no application is filed (R.R.37).
- ii) Document shall be kept pending assigning a serial number in the pending series
- iii) Fee under Article 10(a) of the Table of Fees towards "application fee" shall be levied.
- iv) Fine for the delay in appearance as specified in Para (3)(i) above shall be levied, Vide illustrations thereunder.
- v) Requisite entries at every stage shall be made in the Minute Book. (Vide Chapter 34 for specimen entries.)
- vi) Endorsements of presentation and admission of execution of the document shall be recorded on the document as usual.
- vii) Statement from the presentant regarding causes for the delay in appearance shall be recorded in the office deposition book (R.R.151(i)(h)).
- viii) The application of the executant (item (i) above) shall be submitted to the District Registrar along with a statement in Form "Z" (Vide Appen-

dix) together with a copy of the deposition recorded (S.O.239(a)).

- ix) If the Registrar condones the delay and directs registration of the document, (Registrar's orders shall be signed by the Registrar himself (S.O.239(d)). The Sub Registrar shall assign a regular registration number, make an endorsement on the document above the registration certificate in the following form and close the same with his signature and date.

“Admission to registration was directed by the District Registrar of
..... in his/her order No..... dated on
payment of the fine of Rs..... for a delay of.....under
Section 34 of the Indian Registration Act, 1908.

Date:

Signature of the Sub-Registrar.”

Note:- Appearance may be simultaneous or at different times when there are more executants than one (R.R.32(2)).

When a document refused registration for the delay in appearance is represented for registration under an order passed by a Registrar on appeal or under an order of Civil Court, Penalty (Fine) leviable for the delay shall be based on the date of original appearance (S.O.247).

9) Admission of Execution with delay by Agent :-

Where an Agent appears to admit execution of the document, the explanation required under the proviso to Section 34(1) for the delay in appearance has to be obtained from him for the delay *both* by the principal (executant) and by himself (S.O.244).

Note :- A document was executed by an agent during the currency of the power of attorney. The power was revoked after the date of execution of the document. The agent is empowered to admit the execution of the document as it is only an obligation arising out of the execution of the document

10) Appearance under Summons:-

The appearance of an executant (Section 34) is not restricted to voluntary appearance and includes also appearance under co-ereive process (S.O.245).

11) Revision of orders by successor Registrar:-

In I.L.R., 6 All, 460 it was held that it was not competent for the successor in office to revise the orders of his predecessor given in pursuance of the discretionary powers allowed for condonation of delay in presentation of documents (S.O.246) On the same analogy the successor Registrar cannot revise that orders issued by his predecessor condoning delay in appearance of the executants of the document.

CHAPTER - 16

ENFORCEMENT OF APPEARANCE OF EXECUTANTS AND WITNESSES

(Compulsory Registration)

When the presentant of a document desires to enforce appearance of the executants or any person whose presence or testimony is necessary for the registration of a document, the Sub-Register under section 36 shall adopt the following procedure.

1) Procedure: -

2) MODE OF SERVIC OF SUMMONS:-

| Issue of Summons | Mode of Service |
|--|--|
| i) To persons residing within a radius of 5 miles (8 KM) from the office | Through Process Server of the office (attender) |
| ii) To persons residing beyond a radius of 5 miles (8KM) from the office within the limits of the office | By Registered Post with Acknowledgement due in the first instance. If the summonses are returned undelivered, second service through process server if the presentant so desires. |
| iii) To person residing in India beyond the limits of the office. | By Registered Post to the Sub-Registrar in whose jurisdiction, the parties are residing for service on the parties through process server of his office. |
| iv) To persons residing beyond the limits of India. | Request for issue of summons to executants residing outside India should not be complied with. However the Sub-Registrar may issue a notice by registered post with acknowledgment due and if the alleged executant fails to appear within a reasonable time, the document should be refused registration treating the non-appearance of the executant as tantamount to denial of execution (S.O.608). |

-
- (a) An application specifying the names and full addresses of the parties *to be summoned*, the distance and mode of transport from the office to the place of service, the actual rail fare or bus fare each way shall be obtained from the presentant.
 - (b) Serial number in the pending series shall be assigned to the document
 - (c) The following fee shall be levied.
 - i) Registration fee under relevant (Article of the Table of Fees).
 - ii) Application fee under Article 10 (b).
 - iii) Process fee for issue of summons (Para 3 below).
 - iv) T.A. and batta payable to the parties summoned.
 - v) M.O. Commission for sending T.A. and batta to the parties and also in the case of service through other office if any, M.O. Commission for sending process fee and T.A to process server (S.O.615(a)).
 - vi) T.A. to process server
 - vii) Postage required for sending summons by Registered Post with acknowledgement due wherever necessary.

Note:- When a person executes a document both for himself and as guardian of minors and also as agent etc., singularly or collectively, separate process fee should be levied – one for himself and the other in his additional capacities (S.O.609(b)).

2) MODE OF SERVICE OF SUMMONS:-

3) Process Fee (Article 6 of the Table of Fees):-

- (a) i) The levy of process fee by the SUB REGISTRARS for serving summons issued and for the remuneration to executants and witnesses summoned under Section 36 should be regulated according to the scale prescribed for the Courts of District Munsiff or the Court of City Magistrates as the case may be (Vide Annexure below after Para 11)
- ii) The Fee for process issued by the REGISTRARS under Section 75 should be levied according to the scale in force in the Principal Court of original Civil jurisdiction i.e., District Court (Vide Annexure below after Para 11).

b) Process Service Rules:-

When summonses are issued to two or more persons residing in the same village, to be served through different agencies, process fee shall be levied as for persons residing in a single village (S.O.609(c)).

- 4) Court witnesses :** When a witness summoned is at the instance of the court (Sub-Registrar or Registrar) the party for whose benefit the witness is summoned should pay the T.A. and other expenses. (S.O.610).
- 5) The expenses towards travelling allowance payable to witnesses**

for journey by rail, bus, road, sea or canal and dearness allowance to them shall be regulated by the scale as shown in the Annexure below after Para11 (S.O.611).

- Note:-** i) Onward and return journeys shall be treated separately for levying T.A
- ii) T.A is leviable even if the distance is less than ten miles (16 K.M) each way.
- 6) i) When summonses have to be issued under R.R.61 (Non testamentary documents) the usual process fee shall be levied (S.O.612 (a)).
- ii) When notices have to be sent to **village officers** for posting in their Chavadies and where no fee is charged by them, no fee for the notice should be levied (S.O.612 (b)). Necessary registration and postage charges for sending notices to village officers and for replies from them are also to be levied. (S.O.612(a)). Postage for replies shall be sent to the village officer along with any other amount to be sent or the village officers have to be instructed to send their reply by "**Service unpaid**" and the necessary postage for the same shall be paid from the postage collected (S.O.612(f)).
- iii) When a special notice under R.R.71 (Will Enquiries) has to be served, the usual process fee shall be levied (S.O.625(a) & (b) & 612 (c))
- iv) **The tom-tom charges** to be levied is the usual fee of 0-25 paise or more as the tom toming takes place in a village or in a Town (S.O.612(d)).
- v) The executant of a document who is summoned shall be treated as a witness as regards the expenses payable to him (S.O.614).
- 7) In the case where the summons or notice to person **residing in the limits of other Sub-Registrars** is not sent by post, the summons or the notice along with the fee collected therefor shall be transmitted to the Registrar or the Sub-Registrar as the case may be within whose sub-district the person resides for effecting service through that office. The M.O. Commission for such transmission shall be collected in addition to the process fees (S.O.615(a)).
- 8) The postage on correspondence in this regard from one office to another shall be **deducted from the process fee** collected and brought to account 'B' as a receipt and remitted to the Treasury as usual to the relevant head of account (S.O.615 (b)). The balance of process fee remaining should be treated as "earned process fee."
- The earned process fee so accumulated as on the 15th March every year shall be transferred to Account B on the next working day and remitted to the Treasury in the usual course before the close of the financial year (S.O.618).

- 9) The **acknowledgement** for disbursement of process fee and other collections mentioned below shall be obtained in the records mentioned against each as specified below (S.O.619).
- | | |
|---|--|
| i) Payment to process servers employed for the occasion | Application for summons |
| ii) Process fee and batta refunded to the party. | Application for summons |
| iii) Batta and T.A. sent to other offices | If sent by M.O. the acknowledgement shall be pasted on the application for summons: if sent through a messenger a separate receipt shall be obtained and filed with the application. |
| iv) Batta and T.A. paid to witnesses. | Original of the summons |
| (v) Batta and T.A entrusted to the process server to be paid to witness or money sent to another officer through a messenger. | Despatch Register |
- 10) **Fixation of Date For Appearance:** There is no objection for fixing the date of appearance on any day after expiry of the first four months from the date of execution if the circumstances so warrant. In such cases, separate application under Section 34 for the condonation of the delay in appearance has to be obtained and when the executant appears, requisite fine also shall be levied (R.R.38).
- 11) **Minute Book:-** Each stage shall be recorded in the Minute Book then and there and initialed by the Sub-Registrar with date(S.O.233) (for specimen entries – Vide Chapter 34).

ANNEXURE

PROCESS FEES RULES, 1965

Notification issued by High Court of Andhra Pradesh and published in A.P.Gazette Part II, Dt.23rd December 1965 as amended from time to time.

R.O.C.No.725/65-B-1:- In exercise of the powers conferred by subsection (1) of Section 75 of the Andhra Pradesh Court Fees and Suits Valuation Act, 1956 and in supersession of all the rules on the subject, the High Court of Andhra Pradesh has made the following rules to regulate

the fees chargeable for serving and executing the process issued by the High Court and Civil Courts subordinate thereto. The said Rules have been confirmed by the State Government and are hereby published as required by sub-section (2) of Section 75 of the Act.

1. (a) These rules may be called the Process Fees Rules, 1965.
(b) They shall come into force on the date of their publication in the A.P.Gazette (i.e., on 23-12-1965)
2. In these rules, unless the context otherwise requires:

SCHEDULE

(Substituted by A.P. High Court Circular Roc No. 1140/SO/96 Dt. 18-01-2000)

| Name of the Process (1) | Amount leviable on suits in | | |
|---|------------------------------|-----------------------------------|---|
| | Small Cause Suits (2) | District Munsif Courts (3) | Sub-Courts District Courts and High Courts (4) |
| (1) For each summons or notice | | | |
| (a) When sent by Regd.Post for each Defendant Respondent or Witness | 20-00 + 1-00 | 20-00 + 1-00 | 20-00 + 1-00 |
| (b) When served by an Officer of the Court or sent by Post to another Court for Service | | | |
| (i) On a Defendant, Respondent or Witness | 20-00 + 1-00 | 20-00 + 1-00 | 20-00 + 1-00 |
| (ii) On every additional defendant, respondent or witness in the same matter residing in the same locality of a city, if the process be applied for at the same time. | 10-00 | 10-00 | 10-00 |

Note:-

- i) In case where there are several minor defendants or respondents represented by a single guardian, there shall be a single service upon such guardian and only one fee shall be charged therefor.
- ii) For processes applied for and ordered to be executed as emergent, the fee leviable shall be one and half times the fees chargeable under sub-rules of the schedule 1(a) and (b) above.
- iii) Fee paid on one process application and not utilized therefor shall not be utilized in another application whether in the same proceeding or in different proceedings.
- iv) **The amounts in cols 2, 3 and 4 are subject to revision from time to time. It is desirable to get confirmed of the amounts from courts of Judicial Department whenever such occasion arises.**

CHAPTER - 17**ATTENDANCE AT PRIVATE RESIDENCE OR JAIL OR HOSPITAL**

1. **Attendance On Special Cause:-** The proviso under Section 31 of the Indian Registration Act 1908, Rules made thereunder and Standing Orders of the department provide for attending at the private residence of parties or at the Jail or under the treatment in the hospital within the limits of the jurisdiction of the registering officer on SPECIAL CAUSE being shown for
 - (a) Acceptance for registration of documents.
 - (b) Acceptance or deposit of a will
 - (c) Attestation of powers of attorney
 - (d) Examination i.e., recording admission of execution of an individual in relation to registration of documents under Section 33 or 38 of Registration Act.
2. **Special Cause:-** It is not possible to detail cases falling within the meaning of "Special Cause". It is within the discretion of the registering officer provided that the concession is not misused. It depends on the circumstances of each case keeping in view the local customs and the rank and position of the family which may be treated as sufficient cause (S.O.675(a)).
3. **(a) Persons eligible for the concession:-** Persons
 1. Who are sick (supported by a medical certificate if necessary.)
 2. Who are in jail
 3. Who are exempted by law from personal appearance (R.R.45(ii)).

-
4. Women who according to the customs and manners of the country ought not to be compelled to appear in public (R.R.45(i)).
 5. Of rank especially exempt by government (S.O.660) (Vide Para (c) supra).
 6. Religious devotees held in high esteem by particular section of the community (S.O.675(b)).

The concession may be allowed when it does not interfere with the regular business of the office (S.O.675).

(b) Persons of Rank Especially Exempted By Government From Personal Appearance (R.R. 45(I) and S.O.660):-

- i) The President of India
- ii) The Vice President of India
- iii) The Speaker of the House of the people and State Legislative Assembly.
- iv) The Ministers of the Union.
- v) The Judges of the Supreme Court
- vi) The Governors of the State and the Administrators of the Union Territories.
- vii) The Chairman of the State Legislative Council
- viii) The Speaker of the State Legislative Assembly
- ix) The Minister of States
- x) The persons to whom Section 87B (CPC) i.e., Section 88 (i) of the Registration Act 1908 applies Viz.,

(c) The exemption also applies to [Section 88 (1)]

- (a) Any Officer of Government
- (b) Any Administrator General, Official Trustee or Official Assignee
- (c) The Sheriff, Receiver or Registrar of High Court
- (d) The holder of such public office as may be specified in a notification in the official gazette by the State Government.

(d) The exemption also applies to [R.R.191]

- xi) Any Government Officer who is an Ex-officio President or Chairman of a local body
- xii) An agent to court of ward
- xiii) An Official Receiver
- xiv) Officers of Government whose services are lent to local bodies or who perform other duties retaining a lien on government Post
- xv) Commissioners of Municipalities whether holding a lien on Government Post or not
- xvi) Commissioners of Municipal Corporations

- xvii) Zonal Managers and the Deputy Zonal Manager, LIC, Southern Zone, Chennai and
- xviii) Regional Director, ESI Corporation, Hyderabad.
- xix) Any officer of a Mortgage Bank or of Central Mortgage Bank (Section 111 of A.P.Co-Operative Societies Act 7 of 1964) Synopsis 5
- xx) Chairman or any member or Debt Conciliation Board or any person who authenticated the agreement under Section 14(1) of the A.P.Debt Conciliation Act.
- xxi) Chairman or any member of Market Committee (Section 24(1) of A.P.Commercial Crops Markets Act, 1933 as amended by Act XXI of 1945.
- xxii) Executive Officer, Tirumala Tirupati Devasthanams, Tirupati. (Memo No.G1/21260/91 Dt.12-08-1991 of the Inspector General of Registration and Stamps)
- xxiii) District Treasury Officers and Sub-Treasury Officers in connection with registration of lease deeds of private rented buildings executed by them on behalf of the Director of Treasuries and Accounts.
(Letter No. G1/16709/91 Dated 18-10-1991 of the Inspector General of Registration and Stamps to the Director of Treasuries with copies marked to Deputy Inspectors General, District Registrars etc.)

(4) Application For Attendance

- (a) Application for private attendance shall be in writing and signed, as far as possible, by the person on whose behalf the attendance is sought (R.R.41).
- (b) The applicant shall be informed in writing of the date and hour when the attendance will be made (S.O.662(a)).
- (c) The following information shall be endorsed on the application
- i) Date and hour of receipt of the application
 - ii) (a) Fees and Traveling allowance if any, collected at the time of presentation of the application
(b) If a COMMISSION is to be issued to an officer of another sub-district or district, requisite postage charges for Registered Post are to be levied for transmission of the interrogatories etc., to and retransmission by the Commissioner.
 - iii) Date and hour fixed for private attendance with acknowledgement of the presentant in token of receipt of intimation given to the applicant regarding the date and hour of attendance (S.O.662(a)).
 - iv) Hour of attendance made and the number assigned to the document concerned (S.O.663(a)).

- v) If a “Commission” is issued, the date of issue of the Commission (S.O.663(b)) Vide Para 4 Supra.
- vi) If conveyance is provided by the applicant, a note to that effect (S.O.671(a)).
- vii) Acquittance of the registering officer and the attender who accompanied him for the receipt of the TA and DA levied (S.O.671(d)).
- viii) The application shall be ultimately filed in the file of petitions (S.O.661(b)).
- (d) The attendance at a private residence should not be made after SUNSET (S.O.674(a)).
- (e) In the course of attendance at private residence, the admission of execution of the same document by other person or persons not entitled to the concession but residing together at the same residence may be recorded on payment of one attendance fee of Rupees Five Hundred for each such person (R.R.45(iii) and S.O.665).
- (f) Except in very urgent cases or when persons who are seriously ill have to be examined, attendance at a private residence may be postponed to a holiday when such attendance involves a journey to a distant village. In that event, a statement from the person who filed the application shall be obtained on the application to the effect that the applicant has no objection for such postponement.
- (5) Issue Of Commission:-**
- (a) “Commission” may be issued ONLY for the purpose for examination of the executant of a document and NOT for the acceptance of any document for registration (R.R.46). The question of issue of a commission arises ONLY in cases where a valid presentation of a document was abstract made (Note below S.O.678(d)).
- (b) When a “Commission” is issued, it shall be accompanied by a set of Interrogatories to the person to be examined which should ordinarily be in the following form (S.O.678(d)).
- 1) What is your name?
 - 2) What is your father’s (husband’s) name?
 - 3) Have you read the document (or) Have you heard the document now read out?
 - 4) Do you admit execution?
 - 5) Have you any objection to sign the endorsement?
 - 6) Questions regarding consideration etc.
- (c) The signature of the person examined shall be obtained at the foot of the replies which shall also bear the authentication of the Commissioner with

date (S.O.678(b)).

- (d) The Commission order with its accompaniment shall, when returned by the Commissioner, be filled in the file of powers of attorney with a serial number assigned to it (S.O.678(c)).

A Commission issued to an officer in another district or sub district shall, together with the interrogatories if any, and the original document, be forwarded by registered post. The commission order and its accompaniment shall not be entrusted to the presentant in any case (S.O.678(d)).

(6) Thumb Impressions:-

- (a) The Thumb Impressions Register shall not be taken to the private residence. The thumb impressions shall be obtained on separate thumb impression SLIP. On return to office the slip shall be pasted at the appropriate place and page in the private attendance thumb impression register with the dated initials of the registering officer added to them (R.R.69).
- (b) On the slip, a certificate shall be added as under “ The impression on this slip (or each impression on this slip) was affixed in my presence and under my personal supervision by (or taken under my instructions from in the case pardahnashin lady) the person whose name is entered next to it.

(7) Depositions:-

- (a) Any statement or deposition required to be taken at the private residence shall be recorded in the private attendance deposition book maintained separately in every registration office. On return to the office, the deposition recorded in the private attendance deposition book shall be copied in the office deposition book by a clerk and examined by another clerk and authenticated by the registering officer with date.
- (b) Visit number with the year and the document number to which the deposition relates shall be entered at the beginning of the deposition.

(8) Registration Under Section 30 :-

- (a) In respect of documents for registration falling under Section 30 and for attestation of power of attorney falling under Section 33 (1)(a), the Joint Sub Registrar 1 of Registrar’s Office can make private attendance in respect of a person residing any where in his district.
- (b) In respect of documents affecting properties situated in the Headquarters sub-district, the attendance required to be made is in a place outside the Headquarters sub-district, the District Registrar ALONE and not any of the Joint Sub Registrars should make attendance at the private residence

(9) Closure Of Office:-

If closure of office wholly or partially on a working day is involved in urgent and unavoidable cases, full statement of facts necessitating such closure of office shall be atonce reported to the District Registrar who, in turn, shall report the same to the Inspector General of Registration with a full statement of facts (R.R.43, S.O.659)

(10) Fees Leviable (Article 4 of the Table of Fees) :-

- | | |
|--|--|
| (a) For each attendance at Private residence for registration of documents or for the acceptance/ registration of documents or for the acceptance /deposit of a will or for the attestation of Power of Attorney or for the examination of individuals under Section 33 or 38. | Rs.500-00 plus T.A and D.A if any, as per the APTA rules. (If conveyance is provided by the party, T.A., is not leviable). |
| (b) For each attendance at Jail for the above said purpose. | Rs.50-00 plus T.A. and D.A. as stated above |
| (c) For the services of a female in the case of Gosha Lady if required. | Rs.10-00 |
| (d) For recording admission of execution in respect of the same document , of the persons not entitled to the concession but residing together in respect of each such person | One attendance fee Rs.500-00 (R.R45(iii) S.O.665). |

Note: -

- i. T.A. and D.A are leviable for both the Registering Officer and the Attender accompanying him as per A.P.Travelling Allowance Rules
- ii. When attendance at the same time is made at two or more residences in the same village, TA and DA leviable shall be as for a single journey in equal shares from the several applicants.
- iii. In the case of an attendance at a private residence both for the registration of a document under the Registration Act and for the attestation of Power of attorney as a Notary Public two attendance fees shall be levied (S.O.666).

CHAPTER - 18

DESCRIPTION OF PROPERTY AND MAPS OR PLANS IN NON-TESTAMENTARY DOCUMENTS

- 1) **General :-** i) The description of the “Territorial Division” required by

section 21 of the Act shall, as far as practicable give the following particulars.

- (a) The Registration District;
- (b) The Registration Sub-District;
- (c) The taluk;
- (d) Any well-known division of (c) such as mootah, hoondah, khundum, firka, magany, amsam; and
- (e) The village, hamlet or suburb in which the property referred to in a registerable document is situated.

- ii) If property is described in a document by specific reference to an instrument which has been already registered or which a true copy has been filed under Section 65 or 66 in the office in which the document is presented for registration and if that instrument contains the particulars required by Rule 18 and such a description of the property as is required by the rules in force, the description need not be repeated in the document (R.R.19).
- iii) Whenever any non-testamentary document is presented for registration relating to land situate in any local area in respect of which the Government have issued a rule under Section 22(1) requiring description by reference to Government map or survey, the Registering Officer shall satisfy himself that the land comprises of one or more entries in survey fields or subdivisions the document specifies number of each field or sub-division and that if the land has no separate number assigned to it the document specifies the number assigned to the field or sub-division in which the land is situated and further includes a description of the land sufficient for its identification (R.R.20).
- iv) Every non testamentary document relating to immovable property shall contain the description of property along with a **detailed route map** with reference to the land marks like Railway station, Post office, Hospital, Bus stop etc. as prescribed (R.R.26(i)(c)).
- v) Copies of plans or maps accompanying documents under Section 21, except the plans or maps accompanying copies of notification presented for registration under Rule 50-A of the rules framed under the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 (Act VII of 1920) shall not exceed the size 37.50 cm x 26.67 cm. (R.R. 20-A).

2) Registration without sufficient description:-

Registration of a document in Book 4 affecting immovable property without such description of the property as is required to satisfy the requirement of section 21 of the Act renders registration INVALID sofar as

the property is concerned on the ground that mere fact of registration is not sufficient to cure the defect arising from non-observance of the requirements of Seciton21 so as to affect property not sufficiently described. (S.O.226(g)).

3) Fictitious property included in documents: -

Where in a deed, a fictitious item of property is included to effect its registration in a particular office so as to suit the convenience of the presentant, the privy council held that as there was no property really forming the subject matter of the document lay within the jurisdiction of that office, the registration of such document is INVALID. The irregularity is not curable under Section 87 of the Registration Act (S.O.226(k)).

MAPS AND PLANS (s.o.877)

- 1) Copies of maps or plans accompanying a registered document where the document relating to immovable property should be filed in File Book 1 with cross references as shown below on the map or plan and at foot of the entry of the document in Book1.
- 2) (a) *On the Map or Plan*
 Accompanied document No..... 20of Book 1,
 Volume Page/s
At foot of the entry of the document in Book 1
Note: Map/Plan accompanying filed at PageVolume
 of filed book 1.
 (b) In the case of a copy of map or plan received under Section 65 (1), 66(2) and 67
On the copy of the Map or Plan
 “Copy of Map/Plan which accompanied the document – registered as No..... of (year) of book of”
- (a) In the case of a copy of a map or plan accompanying any other document, it shall be filed in the file of concerned index III or IV as the case may be with cross references as indicated under 2(a) above in the register book and in the concerned index file immediately after the title page for the year and page numbered.
- (b) If description of property is not described fully, they have to be obtained. Not simply neighbours house etc. (C&IGRS Cir.Momo.NO.G1/19464/98, dt. 21-9-1998)

CHAPTER - 19

MEMORANDA AND COPIES UNDER SECTIONS 64 TO 66 OF

THEREGISTRATION ACT, 1908

- 1) Procedure where document relating to land in several sub-districts in the same district is registered (section 64):-**
- (a) Every registering officer on registering a non-testamentary document relating to immovable property not wholly situate in his own sub-district shall make a memorandum thereof in the prescribed form (Vide Annexure after Para3(m))for form and send the same to the other registering officer in whose sub-district any part of such property is situate and such SubRegistrar shall file the memorandum in his file bookNo.1
 - (b) Similarly where the document registered *relates to land in more districts than one* the registering officer shall forward a copy there of and the endorsement and certificate (if any) thereon together with a copy of the map or plan if any which accompanied the document, to the District Registrar of every other district in which any such property is situate other than the district in which his own sub district is situated. The District Registrar on receiving the same **shall file** in his file book No.1 the copy of the document and the copy of the map or plan (if any) and shall forward the memorandum received along with the copy of the document to each of the registering officers subordinate to him within whose sub district any part of such property is situate and every registering officer receiving such memorandum **shall file** it in his file book No1(section 65)
 - (c) Similarly, when any document relating to land **partly situated in the sub-district other than the Headquarters sub-district in the same district** the District Registrar shall forward a memorandum of such document to each registering officer subordinate to himself in whose sub district the property is situated. When any document relating to land partly situated in any other district besides his own district is registered by a District Registrar, he shall along with a memorandum forward a copy of such document together with a coy of the map or plan (if any) which accompanied the document to the other Registrar or Registrars in whose district or districts any part of such property is situated. (Section 66).
 - (d) The Registrar, on receiving any such copy **shall file** it in his file book No.1 and send the memorandum received along with the copy of the document to the registering officer subordinate within whose sub-district any part of the property is situated (Section 66).
 - (e) Every registering officer receiving any memorandum **shall file** it in his file book No.1 (Section 66).
- 2)(a) The Memorandum shall be prepared** in the prescribed form (Vide Annexure after Para 3(m)) (R.R.152).
- (b) The total number of copies or memoranda required shall be made in the

- office of the original registration at the expense of the party presenting the document for registration. They shall be forwarded with an intimation which should be receipted by the officer to whom it is addressed.
- (c) The copies and memoranda and translations received in a registration office shall not be given a document number in that office. They shall be pasted into the file book No.1 or in the file of translation as the case may be and indexed with reference to the page of the volume in which they are filed.
- (d) When a document is registered in **duplicate or triplicate etc.**, no memorandum or copy is required to be forwarded under Sections 64 to 66 in respect of the duplicate or the triplicate etc., but the number of copies registered with the original shall be noted in the column headed "Document" in the memorandum prepared from the original. (R.R.155).
- (e) The memorandum shall be prepared in the language of the sub-district which issued the memorandum when that language is recognized in the sub-district to which the memorandum is forwarded. When this is not the case, the memorandum shall be prepared in English (R.R.156).
- (f) **When a correction is necessary** in the copy or memorandum of a document already forwarded, an erratum should be sent to the officer to whom such copy or memorandum was forwarded. The officer, on receiving the erratum, shall file it in his file book No.1, carry out the correction and add a note on the original explaining the circumstances under which the correction was made. A reference to the page and volume of the file book in which the erratum was filed shall be entered on the original memorandum or copy. The index shall also be corrected accordingly (R.R.157).
- 3) (a) When there is delay exceeding seven days to forward or acknowledge receipt of any copy or memorandum, the District Registrar shall invariably obtain the explanation of the Sub Registrar. When the explanation is not satisfactory, the District Registrar shall submit a report to the Inspector General of Registration and Stamps with a draft charge against the Sub Registrar concerned (S.O.892).
- (b) The District Registrar shall ensure that copies and memoranda of documents registered in his office are forwarded by the Joint Sub Registrar in his office promptly, that acknowledgements therefor are obtained and pasted in the concerned books without any delay and that every copy or memorandum received from other offices is promptly indexed and filed or forwarded to the Sub Registrar concerned as the case may be (S.O.894(1)).
- (c) Once a fortnight in the second and the fourth week of every month, the District Registrar shall check the Account A of the Joint Sub Registrars

of his office and satisfy himself that there are no lapses in this regard on the part of the Sub Registrar (S.O.894(ii) and (v)).

- (d) When a large number of copies and memoranda have to be prepared in respect of the same document, the completion of all copies need not be awaited but each copy or memorandum shall be dispatched as soon as it is ready (S.O.897(b)).
- (e) When copies of documents forwarded under Section 65 to the Registrars in other states are written in a language other than English, they shall be accompanied by a true translation in English (S.O.897(d)). These copies shall be sent to the Registrar concerned (in other states) by Registered post with acknowledgement due. The Postal Acknowledgement shall be filed with the counterfoil of the forwarding memo(S.O.897(e)).
- (f) On receipt of a memorandum in respect of a document **cancelling or rectifying an error or making any change in the terms of a document previously registered in Book 3 or Book 4 in an another office**, a note shall be entered at foot of the entry of the original document in the register referring to the fact of rectification or cancellation and to the page and volume of the file of appeal orders in which the memorandum is filed (S.O.902).
- (g) The term 'Document' in Section 64 has been held to include decrees and order of courts. It is therefore incumbent on registering officers to forward under Sections 64 to 66 copies and memoranda of such decrees and orders and also to levy the fees prescribed therefor (S.O.904).
- (h) The copy to be forwarded under Sections 64 to 66 of the Act is not a copy of the entry in the register but a copy of the original document.(S.O.907).
- (i) A copy or a memorandum shall be signed by the clerk who prepared the same, the reader and the examiner and authenticated with date by the registering officer and sealed with the seal of the office in which it is prepared (S.O.909(a)).
- (j) On receipt of a memorandum the Registrar, shall **countersign** the memorandum after examining it with the copy of the document received. When it is necessary to obtain additional information from the officer who registered the document, the copy or memorandum or both shall be returned to him (S.O.910(a)).
- (k) A register in the following form shall be maintained in each Registrar's office to show the several stages in the receipt and disposal of copies and memoranda and of documents filed under section 89 of the Registration Act (S.O.910(b)).

REGISTER OF receipt and disposal of copies and memoranda (Sections 64 & 67) and documents filed under Section 89 of the Registration Act.

REGISTRARS OFFICE.....

(To be maintained separately for each Calendar year. Entries of succeeding calendar year should not be made in the register of the previous year (S.O.910(c)).

Headings:-

Column

1. Date of receipt
2. From whom received
3. Particulars regarding the memorandum, copy of document

Date of

4. Return for correction
5. Issue of reminder if any
6. Receipt back after correction
7. Page and volume in which filed with initials and date of Joint Sub Registrar.

(i) Copies of depositions explaining defects or supplying omissions in copies and memoranda forwarded under Sections 64 to 66 of the Act shall be filed in file book No.1 of the Office to which they are transmitted (S.O.912).

(ii) A ferry across a river which divided one sub-district from another should be treated as lying within the limits of both the sub-districts. Accordingly when a document relating to a ferry is registered in one of the sub districts, a memorandum of the document shall be sent to the other sub-district (S.O.913)

| ANNEXURE | | | |
|--|--------|---------------------|-----------------------------|
| Memorandum under Sections 64, 65 and 66 | | | |
| 1. Office of the original registration | Volume | First page of entry | Number and year of document |

- 2) Previous Registration
- 3) Date of execution
- 4) Date of presentation
- 5) Date of registration
- 6) Names and additions of executants
- 7) Names and additions of claimants
- 8) Nature and value of transaction

9) Village or place and sub-district in which property is situated and the name and description of property.

Prepared by (Signature):..... Designation:

Examined by: (Signature) Designation: (Reader)

..... (Signature) Designation:.....(Examiner)

Date: _ _ _ _ _
Officer.

Signature of the Registering
(Seal)

Note:- A detailed description of property lying in a Sub-District other than that to which the memorandum is sent need not be entered in column 9, but instead, the names of the villages in which the properties of those Sub-districts are situated shall be shown separately.

FEES LEVIABLE

A fixed fee of rupees *Ten* is leviable for each memorandum transmitted under Sections 64 to 66 (Article 10(j)) of the Table of fees. **However, in the following cases the memoranda should be transmitted *WITHOUT* levying any fee**

- 1) Memorandum to be sent to the office to whose jurisdiction the village concerned is transferred after the presentation of the document in the office having jurisdiction at the time of its presentation and registered not withstanding the fact of such transfer(R.R.24).
- 2) Memorandum to be sent to the proper office when a document was registered in a wrong office (R.R.159(iv)).
- 3) Memorandum to be sent when a deed rectifying or cancelling a document affecting property in a village and registered in the office to which that village was formerly attached and subsequently after registration of the document, that village was transferred to the jurisdiction of another registering officer(S.O.899(a)).
- 4) Memorandum to be sent when a document cancels or rectifies an error in or makes any change in terms of a document previously registered in Book 3 or Book 4 in another office (S.O.899(b)).
- 5) Memorandum to be sent when in respect of a document registered under Section 30 in any of the Registrar's Office a rectification deed or a cancellation deed to that document is registered in any of the offices within the jurisdiction of which the property affected by the original document is situated (S.O.899(c)).
- 6) Memorandum to be sent when a document affecting immovable

S.O.865 shall be followed.

- (g) The nomenclature used for naming duplicate copies shall be as expressed as follows

- | | |
|------------------|-----------------|
| 1) Original | 6) Sextuplicate |
| 2) Duplicate | 7) Septuplicate |
| 3) Triplicate | 8) Octuplicate |
| 4) Quadruplicate | 9) Ninuplicate |
| 5) Quintuplicate | 10) Decuplicate |

(2) Document in the Form of Endorsement :-

- a) 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, the transfer of an interest, a receipt or discharge acknowledging consideration money or any payment secured by the *registered* instrument, such endorsement ALONE shall be numbered and registered as a separate instrument and a note in the following form should be entered in the register (S.O.866(a)).

Note:-Written across (or at foot or back of) document

No.....19..... of book.....of Vol.....
Page.....”

- b) If the endorsement is made on an *unregistered* instrument the instrument as well as the endorsement shall be copied in the register and note should be entered both on the document and in the register below the certificate of registration and above the signature of the registering officer to the effect that the endorsement alone has been registered (S.O.866(b)).

3) Document In Diglot:-

If a document is printed or engrossed in diglot in English and in a local language, the English text alone or the text in the local language which ever has been filled in shall be treated as the document to be registered and transcribed in the register, the blanks are filled in both the English and the local language and if the party treats both the texts as forming the entire document and desires that both shall be registered, both the English and the local language portions shall be transcribed in the register(S.O.867).

4) Document With Annexure:-

The following is an example for guidance to the Registering Officers in transcribing a document with Annexure to it, presented for registration (S.O.868).

- (a). ‘A’ executed two documents, duly stamped in favour of ‘B’. The

first was an agreement of equitable mortgage and the second was an agreement to register the first document and do all other things necessary therefor., failing which, to pay whatever B claims under the first document as if it had been registered. B obtained an order from the Registrar under Section 75 for registration of the first document but failed to present it for registration within thirty days after such order, as required by Section 75 of the Registration Act. The Registering Officer refused to register the document on the ground that the document was not presented within the time allowed under Section 75. Subsequently, B presented the second document with the first document as an annexure to it for registration. The Registrar however refused to order registration of the suit document (second document) on grounds.

- i) That without the first document, there would be nothing to show to what property the suit document referred and
- ii) That to register the first document as an annexure to the suit document, second document would be contrary to the provisions of Section 75 which limited the time for registration for thirty days, B, then, filed a suit under Section 77 of the Registration Act, praying for an order for the registration of the second document along with its annexure (first document) within thirty days from the decree. The Division Court made the order as prayed for.

The Court, on appeal by the defendant, held that the first document should not be copied as an annexure to the second document and if the first document was in the nature of schedule or appendix to the second document, then the two documents could be registered as one. But as both the documents related to two distinct matters and executed for different objects they could not be so registered as the Registrar has no power to enquire what document was referred to in the document he was asked to register and neither the Court could do so under Section 77 of the Registration Act. (ILR 21 Bom. 724).

CHAPTER - 21

DEPOSIT OF WILLS IN SEALED COVERS DEPOSIT, WITHDRAWAL AND OPENING OF SEALED COVER CONTAINING WILL:

- 1) **Deposit Of Wills :-** (a) Any testator may, either personally or by duly authorized Agent, deposit his will with any District Registrar in a sealed cover superscribed with the name of the testator and that of his agent if any, and with a statement of the nature of the document (Section 42).

i) LEGAL PRACTITIONER (ADVOCATE) under Vakalatnama stamped under the Court Fees act may be permitted to deposit or to withdraw a sealed cover on behalf of the testator. But a *Certified pleader* under the Legal Practitioners' Act, under the authority of so called Vakalatnama stamped under the Court Fee Act., **shall not be permitted** to deposit or to withdraw a sealed cover on behalf of the testator. He should be required to produce a Power of attorney stamped under Article 42 of Schedule 1A of Stamp Act (S.O.648) The Legal Practitioners Act was since repealed by the Advocates Act, 1961.

ii) Power of attorney need not be attested as laid down in Section 33 of the Registration Act for the purpose of deposit or withdrawal of sealed cover. A power of attorney, containing a specific authorization by the principal as regards the deposit or withdrawal of his will, may be acted upon. When no such specific authorization is contained in the power, the Registrar should refer to the principal by registered post, to ascertain whether the power was intended to cover deposit or withdrawal of his will and act upon the power only on affirmative reply. In the reference to the principal, it shall be made clear that the enquiry is made in his own interest (S.O.593).

(b) Procedure:- When a sealed cover said to contain a will is presented for deposit, the Registrar, if satisfied that the person presenting the sealed cover is the testator or his agent (Vide Para 1 (a) (i) and (ii)), add an endorsement on the cover as follows.

“Presented with sealed cover No..... 20..... of book 5 of Registrar’s office _____

“Presented under Special/General Power of attorney/with the sealed cover said to contain a will” and add his signature and date. The Special Power shall be retained and kept with the records of the sealed cover. If it is general power it shall be returned (S.O.648(b)). The following endorsement shall be made on the concerned power.

Date: _____ Signature of the Registrar”

He shall then transcribe in his Register Book 5, the superscription aforesaid (Para 1(a) above) and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt and the names of any person who may testify to the identity of the testator or his agent and any legible inscription which may be on the seal of the testator affixed on the cover. The Registrar shall then place and retain the sealed cover in his fire proof box. (Section 43) The cover shall be placed in an outer transparent cover with EYELETTED flaps and a STRING shall be passed through the eyeletts and tied and sealed with

the private seal of the Registrar. (S.O.649). The Registrar after such deposit shall intimate to the depositor that no steps will be taken by the Government to ascertain about the death of the testator and to communicate to the beneficiaries and that the sealed cover is liable to be opened and its contents copied in Book3 and redeposited under Section 45(2) and 46(2) of the Registration Act,1908(S.O.647).

(c) Deposit By Two Persons Jointly:-

A will executed by two persons may be deposited in a sealed cover by both of them jointly (R.R.79). For withdrawal of such will vide para 3(ii) supra

(d)(i) Wills Received By Registrar By Post:-

Wills sent by post to a Registrar are not presented or deposited within the meaning of the Act. Sections 42 and 46 are not therefore applicable to them. If a cover purporting to contain a will is received by Registrar by post, it should be returned unopened if the address of the sender is known or if it is unknown, the Registrar shall note on the cover the date of receipt and the fact that it was received by post and that it has not been secured under the Act as the terms thereof have not been complied with. A will so received shall not be delivered to any applicant unless the Registrar is satisfied that such applicant is the sender of the cover or duly authorized to receive it. The cover should not be opened on an application under Section 45(i.e., on death of the testator) as it has not been deposited according to the provisions of Section 42 (R.R. 80(i) to (iii)).

(ii) Wills Received By Sub-Registrar By Post:-

If a cover purporting to contain a will is received by a Sub Registrar by post it shall be returned to the sender or if the address of the sender is not known, the cover shall be forwarded with full particulars to the Registrar who shall deal with it as stated in the preceding Para(R.R.80(iv)).

(e) Register showing the Sealed covers received, withdrawn, opened and wills received by post:-

A register shall be maintained in every Registrar's office (Vide Appendix 3) showing the sealed covers received, withdrawn, opened and sent to and received from court from time to time. Also wills received by post by the District Registrar and retained in his office, wills forwarded by Sub Registrars under the preceding Para and wills registered or refused in a Sub Registrars office which remain unclaimed for a period of over two years and forwarded for safe custody to the Registrar's office (R.R.77(i)) and wills registered or refused registration in the Registrar's office lying unclaimed for over two years shall be entered in this register (R.R.80(v)).

(f) Verification By Registrar On Assumption Of Charge:-

An officer assuming charge of a Registrar’s office either permanently or temporarily shall compare the sealed covers and wills with the entries in Book 5 and in the Register showing the sealed covers received, withdrawn, opened and wills received by post and shall report to the Inspector General whether they are correct and the covers preserved properly (R.R.80(vi)).

2) Opening Of Sealed Cover: -

(a) On the death of the testator, any person may apply to the Registrar who holds the sealed cover in deposit to open the sealed cover and the Registrar, if satisfied that the testator is dead shall open the cover in the presence of the applicant and at the applicant’s expense cause the contents of the will copied into Book 3 (Section 45(1) and redeposit the original will (Sec.45(2)).

(b) Endorsements on the opening of the will

i) When a sealed cover containing a will is opened after death of the testator the following endorsement shall be made on the will

“Having satisfied myself that the testator hereof is dead, the sealed cover containing this will is opened on the application and in the presence of (Signature and addition) this day of20

Signature of the Registrar

This will has been copied in Book 3 as No of 20.....

VolumePages.....

Date :

Seal : Signature of the Registrar.

ii) (a) **When opened under order of Court:**

When a sealed cover containing a will is opened under an order of a court and copied in Register Book 3 (Section 46) the fact shall be noted in Book 5 in the column headed “number of document in book “ and the following endorsement shall be made on the will itself.

“Opened and copied in Book3 as No.....of VolumePage/s and forwarded to theCourt pursuant to the order of the Court dated 20

Date :

Seal: Signature of the Registrar

(b)When such a will is **forwarded to the court**, it shall be accompanied by a memorandum intimating the court, the fee payable for opening the cover and the charges for copying it, for collection and remittance to the

Registrar. An acknowledgement for the receipt of the cover or will by the court shall be obtained and filed in the office.

iii) When a sealed cover is opened, the cover which contains the depositions, superscriptions and the Registrar's endorsement thereon shall be preserved carefully or a record maintained as to its disposal (R.R.84)

3) Withdrawal of Sealed covers from the deposit:

i) Withdrawal when the will is executed by one person only:-

If the testator who has deposited sealed cover wishes to withdraw it, he may apply, either personally or by duly authorized agent to the Registrar who holds it in deposit and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover to the testator or the agent as the case may be (Section 44).

ii) (a) Withdrawal of sealed cover containing a will executed by two persons and deposited jointly by both of them:-

When a will executed by two persons is deposited by *both of them* jointly in a sealed cover, a request by one of the testators for the withdrawal of the sealed cover after the death of the other testator, shall not be complied with. In such a case, the Registrar may, however, procuring satisfactory evidence as to the fact of the death of the other testator, require the applicant to present an application for opening of the cover and copying of the will in Book 3 at the applicant's expense. He may then grant the applicant a copy of the will if he so desires and redeposit the original will (Section 45).

(b) When a sealed cover is withdrawn under Section 44, the entry in Book 5 relating to the withdrawal shall be signed by the person by whom the withdrawal is sought as well as by the Registrar (R.R.78(ii)).

4) Register of deposits of wills – (Book 5):-

Entries in this book shall be made and an alphabetical index to the names of the persons purporting to be executants of documents entered in Book 5 shall be prepared by the Officer himself who receives for deposit or delivers or opens a sealed cover. The index shall be affixed to the Register. The entry in column 13 of Book 5 shall be attested by the Registrar with date. When intimation is received from a court that the will forwarded to it has been permanently retained there, the fact shall be noted in column 13(b). These duties shall not be delegated to an Assistant (S.O.645 read with R.R.126).

5) Unopened Sealed Covers – Preservation :-

All unopened sealed covers shall be preserved in brass racks consisting

of a frame provided with two ROWS of movable uprights spikes which can be fixed sufficiently far apart to admit of each cover being placed edgewise separately and comfortably along its length between the spikes (S.O.650).

6) Register Of Sealed Covers:-

- (i) The Register of sealed covers (R.R.80(v)) shall be maintained in form Regn.II-50 and three lines shall be left blank between two entries (S.O.654).
- (ii) When any defect in the seals of a cover or in the cover itself is discovered, a note of such defect shall be made in the register by the Registrar and also in his assumption of charge report (R.R.80(vi)).
- (iii) The result of the checking of the sealed covers and wills with the entries in this register at the time of assumption of charge (R.R.80(vi)) shall be recorded in a certificate at the end of the Register (S.O.654(c)).
- (iv) The following method shall be observed in making entries in the Register(S.O.654(d)).

Column 1. Whenever a cover is opened after the death of the testator or for production before a court, the date of opening shall be entered with the serial number and the year given in Book 5 noted within brackets E.g., 20-9-27 / (1-1924); 27-9-27 / (5-1922)

Column 2,3, 4(a) and 4(b), The Serial number and year of the cover as given in Book 5 shall be noted within brackets E.g., (7/1920); (3/1925).

Columns 6 and 7. The total number of covers sent to court and not received back shall be shown by a plus entry. Thus, if out of 89 sealed covers 8 are still in court the figure in Column 7 will be "81 plus 8."

Note:- Wills received by post which is neither registered nor deposited and not taken delivery of in person or by a duly authorized agent shall also be brought to account in the Register of sealed covers (S.O.657).

7) Prodcution of deposited will in court:-

When a citation is issued by a court to produce or forward a will deposited with the Registrar, it shall be sent either through an Assistant in a sealed cover provided that no payment of travelling allowance to the Assistant is involved or by Registered Post insured for not less than Rs.1000/- addressed to the officer presiding over the court or to the Registrar's office on the original side of the High Court of Judicature at Hyderabad, as the case may be (R.R.83).

8) Records –Preservation Of:-

All the records connected with the sealed cover viz., Power of attorney

or Vakalathnama, application for opening or withdrawal, summons if any received from court for production of the will and acknowledgement with a facing sheet indicating the number in Book 5 and the year to which the file relates followed by a table of contents giving the date and a brief abstract of each record in the file. These records shall be preserved with the cover or the will. The will shall not be stitched but kept loose (S.O.653).

9) Certified Copies –Grant Of:-

Section 57 of the Registration Act does not debar the grant of copies of entries in book 5 (Register of deposits of wills) if such grant is otherwise un-objectionable (S.O.655).

10) Fee Leviable For Deposit, Withdrawal And Opening Of Sealed Covers: -

The following fee is leviable under the Table of Fees

| | |
|---|------------|
| Deposit of a sealed cover purporting to contain a will (Article 2(xi)) | Rs. 100-00 |
| Withdrawal of sealed cover (Article 2(xi)) | Rs.100-00 |
| Opening sealed cover and entering the contents in Book 3 (Article 2(ix)). | Rs.100-00 |

CHAPTER - 22

ENQUIRY UNDER REGISTRATION RULE 61

(Non-testamentary document presented after death of the executant)

- 1) Scope:-** The enquiry contemplated in Registration Rule 61 relates to
 - (a) A Non-testamentary document presented after death of the executant and
 - (b) When the executant dies after presentation of the document by the claimant or his agent, representative assign or agent and before recording admission of execution by the executant (Section 35(i) (c) and 35 (3) (c)).
- 2)** The scope of the enquiry is limited. It relates to the fact of execution of the document by the deceased and the representatives or assigns of the deceased executant (S.O.573).
- 3) Whenever such a document is presented, the registering officer shall adopt the following procedure.**
 - (a) Application from the presentant for the enquiry in writing stating full particulars of the deceased, the address of the representatives or assigns

and the distance of the village where those persons reside from the office (S.O.569(a)) along with proof of death of the executant shall be obtained.

Note:- A court fee of Rupee one shall be paid on the death extract if filed as proof of death.

- (b) Registration fee, Art 2(xxi) of the Table of fees Process fee, postage, M.O.Commission, T.A. and batta to the representatives to the extent necessary, Tom-tom charges, Postage for replies from the local authorities to whom copy of the notice was sent shall be collected from the presentant (S O.569(d)).For levy of process fee etc.Vide Chapter16.
 - (c) The registering officer shall ascertain by recording a deposition from the presentant and also the witnesses accompanying him who the representatives or assigns of the deceased executant are. If any of the persons ascertained to be representatives or assigns of the deceased executant are present in the office at the time of presentation of the document the registering officer may examine them (by means of a deposition) in regard to the execution of the document by the deceased.
 - (d) A day shall then be fixed for the appearance of any other persons claiming to be representatives or assigns for examination.vide Annexure to Chapter 16 infra for process fee rates and rules and also para (2) to (9) of the same chapter.
- 4) Summons shall be issued** to such of the ascertained representatives and assigns who have not been examined (vide Annexure to Chapter 16 supra for process rates and Rules 2 to 9 of the process fee rules therein)

Note:- Witness summons may be entrusted to the presentant for service unless he prefers service through the office on account of distance or other reasonable cause.

- 5)(a)** A notice of the fact of intended enquiry shall be pasted on the office notice board
and
- (b) Copies of such notice shall be sent to the concerned officer of the village Panchayats, Municipalities or Corporations as the case may be in which the deceased resided and of the village or villages where the property affected by the document is situated for being pasted on the chavadi at their respective place (S.O.572) *and also for proclamation by a crier in those places.*

Note:- The cost of service of the notice shall be levied from the person who presented the document for Registration (R.R.61).

6) Documents executed by more than one executant:-

- (i) In the case of a document executed by more than one executant and one of them is dead, the enquiry shall be confined in respect of the deceased executant only. If all or any of the representatives or assigns of the deceased executant appear and deny execution, the document shall be registered only as regards the executant whose execution is admitted and as regards the deceased executant, the registration shall be refused.(S.O.576(a)).
- (ii) The Registration Certificate in such cases shall have two distinctive endorsements in the following form (Appendix V to R.Rs)
 “Registered as No..... of 20 of Book VolumePage/Pages..... as regards..... (with addition)
 Date:
 Seal: Signature of Registering Officer
 “Registration refused as regards(with addition)
 Date only
 (With out Seal) Signature of Registering Officer

7) Depositions:-

All the depositions whether of the presentant or of the representatives or assigns shall be recorded *in the Office Deposition book* (S.O.574).

8) Time for appearance of the Representatives and Assigns:-

The representatives or assigns must appear within eight months from the date of execution. If they fail to so appear, a further period of four months for their appearance is allowed subject to the orders of the Registrar condoning the delay in appearance as the time allowed in the case of executants living.

9) Enquiry By Sub Registrars exercising power of Registrar:-

A Grade I Sub-Registrar invested with powers of a Registrar or a senior Joint Sub-Registrar in a Registrar’s Office or the Registrar, in the case of denial of execution, shall not refuse registration of the document as to the person so denying but proceed further by converting the case into an “Original enquiry” under Section 74 of the Registration Act, 1908 (S.O.576(b)).Vide Chapter 27 on “original enquiry”.

10) Case Dairy:-

The record of each day’s proceedings in respect of each enquiry shall be noted in a case dairy which should be maintained in form Registration 11-117.

11) On conclusion of the enquiry:-

All the records connected with the enquiry shall be stitched together chronologically with a facing sheet indicating the number and year of the document to which the enquiry appertains followed by a TABLE OF CONTENTS giving the date and a brief abstract of each document

(Papers in the file). Cross reference to the deposition separately taken shall be entered in the record in the appropriate place(S.O.577(b)).

- 12) Preservation:-** The record is preservable for thirty years (S.O.577(c))
- 13) Difference In Procedure between enquiry under rule 61 and enquiry under rule 71**

Rule 61 [section 35(1)(c)]

Non-Testamentary Documents

- 1) There is time limit for presentation of the document and for appearance of the representatives of the deceased executant.
- 2) The notice of intended enquiry should be proclaimed by way of Tom-Tom in the village or villages concerned.
- 3) The statement of the witness should be recorded in the office Deposition Book.
- 4) The document should be presented only to the Sub-Registrar or Registrar having jurisdiction over the immovable property affected by the document
- 5) There is no provision for the transfer of the enquiry on the file of the S.R

Rule 71 [section 41 (2)]

Testamentary Documents

- There is no time limit
- The notice of intended enquiry should be published in Newspaper.
- The statement of the witness should be recorded on loose sheets.
- The document can be presented to any Sub-Registrar or Registrar
- The IGR is empowered to transfer the enquiry on the file of S.R to that of another (RR181)

CHAPTER - 23

AUTHORITY TO ADOPT

- 1) **Definition :-** An authorization to wife by husband to adopt a son for him after death is an authority to adopt. It is registerable in Book 3 (S.O.621).
- 2) **Presentation :-** The donor or his authorized agent during his life time and after his death, the donee or the adoptive son, or his representative with the kind of authority under Section 32 read with section 33 of the Registration Act may present it to any Registrar or Sub Registrar for registration (Section 40(2) & S.O.636).

-
- 3) **Procedure when presented after Death of the Donor:-** When an authority to adopt is presented after the death of the donor, the same procedure as in the case of “will enquiries” shall be followed. (R.R.71 to 76). Vide Chapter 24 .
 - 4) **Registration fee:-** A fee of Rs.100-00 is leviable for registration of an authority to adopt (Article 2(x) of the Table of Fees)
 - 5) **Authority to adopt distinguished from adoption deed : -**
 - a) A document merely declaring the fact of the adoption of a son (or daughter) or the giving of a son (or daughter) in adoption is not an authority to adopt. It is an adoption deed and registerable in Book4 (S.O.621 (b)).
 - b) If an immediate right in the immovable property is created by the document (adoption deed) to the adopted the deed is registerable in book 1 (S.O.621 (b)).
 - 6) An agreement by which ‘Sapindas’ give their consent to a widow to adopt a son, the deed is not an Authority to adopt. It is an agreement registerable in *Book 4* as distinguished from an authority to adopt registerable in Book 3 (S.O.294).
 - 7) **Revocation or Cancellation :-**
 - a. A revocation or cancellation of an authority to adopt shall be treated as a document of testamentary character and registered in Book 3 (R.R.76).
 - b. Registration Fee:- Fee leviable for registration of a deed of cancellation or revocation is Rs.100-00 (Article (2)(viii) of the Table of Fees)

CHAPTER - 24

WILL ENQUIRY UNDER REGISTRATION RULE 71

(Sections 40(1) and 41 read with Sections 23, 27 and 35 of the Act, Registration Rules 71 to 77 and Standing Orders 371, 372 and 373.)

1) **General:-**

- | | |
|---|---|
| a) Time for presentation of wills for registration. | There is no time limit |
| b) Jurisdiction for registration | Wills can be presented for registration in any office of the Sub-Registrar or the Registrar in any place. |
| c) Who can present a will for registration after death of the testator. | By any person claiming as executor or any one of the beneficiaries otherwise, under the will. Presentation by minor is valid (Note under Ruling XI under S.O.214) |

2) Procedure on presentation of Will after death of the Testator:-

- a) A petition shall be obtained stating
 - i) The fact of death of the Testator
 - ii) The title of the presentant to present the will
 - iii) The place where the testator lived and died
 - iv) The place where properties of the testator situated
 - v) Details about interested persons with their Postal and residential address to whom special notice should be sent.
 - vi) Deposition shall be recorded from the presentant *on loose sheets* embodying the above facts
- b) The following fees shall be collected.
 - i) Fee for enquiry under R.R.71 i.e, Rs.100-00 (Art.2 (xxi) of the Table of Fees)
 - ii) Registration fee under Article2 (x) of the Table of Fees.
 - iii) Approximate charges for publication of intended notice of enquiry in Newspaper to be specified by the registering officer.
 - iv) Process fee for issue of summons to the attesting witnesses and the scribe along with postal charges for registered post with acknowledgement due (S.O.627(c)) and chapter 16 supra for process fee rules and the rates of processers
 - v) Fee for issue of special notice to the heirs and interested person at the process fee rates (Vide Chapter 16)
 - vi) T.A. to the attestors and the scribe.
 - vii)Batta to the attestors and the scribe.
 - viii)Postage for registered post for sending notices to the concerned village officers for publication in
 - a) The village in which the deceased testator lived
 - b) The village in which the heirs and the interested parties residing
 - c) The village or villages where the property of the deceased is situated.
 - ix) T.A to the process server (Minimum T.A Re.1-00)
 - x) Postage payable and to be paid for the replies received 'service unpaid' from the above officers. [(viii) above]
- c) Proof of death of the Testator:-
Certified death extract granted by the Registrar of deaths shall be obtained. It shall bear a Court Fee of Re.1-00.

d) **Fixation of date for enquiry:-**

The date for the enquiry under Section 41(2) shall be fixed with due regard to the probable date of publication of will notice in the Daily Newspaper in the Principal Language of the district and having wide circulation in the district in which (Vide para 6(iv) also).

- i) The testator lived
- ii) The property of the deceased is situated

e) **Depositions:-**

All depositions in connection with the enquiry shall be taken *on loose sheets* (S.O.643(a)). They need not be copied into the deposition book (R.R.151).

f) **Examination of Persons : - in will enquiries**

As and when each person is examined, his thumb impression and signature with addition should be obtained on the document(will) below the presentation endorsement in the form shown under Registration Rule 73(i) (Vide Para 3(a) supra). ***Simultaneously the thumb impression with signature of the person examined shall be obtained in the Thumb Impression Register also below the last such impression obtained till then.***

- g) i) **After completion of the enquiry**, if it is decided to register, an endorsement in the form specified under Registration Rule 73(ii) (Vide Para 12(b) (ii) supra) shall be made and the registration shall be completed.
- ii) Memorandum containing a summary of the evidence and the reasons for the registration or refusal as the case may be shall be prepared and kept on record in the file (R.R.74(1)).
- iii) The will under enquiry **can be returned** to the presentant *unregistered* if so desired by him unless it appears that the will was forged.(R.R.75).
- iv) If decided to **refuse registration**, usual endorsement of refusal should be entered on the document and refusal order entered in Book 2 which will be a reproduction of the “Memorandum containing a summary of evidence and reasons for refusal”.(R.R.74(iii)).

3) **Will Enquiry – Procedure:-**

(a) **Preliminaries:-**

- 1) As soon as a will is presented after death of the testator for an enquiry and registration, the registering officer shall satisfy himself that the document is a will and obtain a petition and collect the amounts from the presentant as detailed in the preceding paragraph 2(b).
- 2) There must be satisfactory proof regarding the death of the testator.

If a death extract is not produced, a deposition regarding the death of the testator shall be obtained from the village officer or Sarpanch concerned. Wherever possible, the death extract shall be obtained later on, before the enquiry closes.

3) As each person is examined, his thumb impression and signature shall be obtained on the document below the endorsement of presentation and other endorsements if any made already.

The witnesses whose signatures are affixed below have been examined under clause (2) of Section 41 of the Registration Act, 1908 in reference to the document (R.R.73(i)).

| | |
|--------------|--------------------------------------|
| (impression) | Signature of A.B. with addition |
| (impression) | Signature of C.D. with addition |
| (impression) | Signature of E.F. with addition |
| Dated | Signature of the Registering Officer |
| (impression) | Signature of G.H. with addition |
| (impression) | Signature of I.J. with addition |
| Dated | Signature of the Registering Officer |
| (impression) | Signature of K.L. with addition |
| (impression) | Signature of M.N. with addition |
| Dated | Signature of the Registering Officer |

(b)As and when a person is examined in reference to the will, his thumb impression and signature shall be obtained in the THUMB IMPRESSION REGISTER ASLO.

4) The Sub-Registrar or the Registrar to whom the will is presented shall satisfy himself that the person presenting the will is the executor or one of the beneficiaries under the will and is entitled to present the will under Section 40.

5) He shall verify the petition obtained from the presentant whether it contains the following details required under Registration Rule 71 i.e.,

- a) The village or villages and district in which the testator lived and died.
- b) The village or villages in which the property of the deceased is situated
- c) The village or villages in which the interested parties may reside
- d) List of interested persons with their full postal addresses to whom, in the opinion of the Sub Registrar, special notice shall be given and the relationship with the testator. The Sub-Registrar shall ascertain as to who are the surviving heirs of the testator and his near relations to whom the testator might be interested to make provision in the will. If the presentant states that there are no interested persons to the testator and if the Sub Registrar is not satisfied that the presentant has not furnished

correct list, the matter may be referred to the Village Officer concerned. The reply of the Village Officer, if there are interested persons, shall contain the full addresses of those persons so as to enable the Sub Registrar to serve the notice on them.

e) The presentant shall also furnish a list of persons together with their full postal addresses whom he wishes to be examined in connection with the enquiry. The list should invariably contain the names of all attesting witnesses as well as the scribe.

f) If the presentant wishes to give up any of the witnesses he should show satisfactory cause for the same. It is essential to examine atleast two attesting witnesses. If the Sub Registrar thinks that the presentant is omitting to examine any attesting witness with malafide intention, he is at liberty to call him as a "court witness" and examine him. The process fee, T.A., Batta etc., to the court witness shall be levied from the presentant.

6) A preliminary deposition on loose sheets from the presentant of the will shall be recorded furnishing the details regarding

- i) The fact of death of the testator
- ii) How the presentant is entitled to present the will
- iii) The details required under rules 71 (Vide Para 5 infra)

Note:- Care shall be taken that the Genealogy of the testator is clearly recorded so as to fix as to who are the interested persons of the testator. These are the only details that are to be recorded in the preliminary enquiry. The details such as the execution of the will by the testator are to be examined during the course of the enquiry.

iv) A date shall then be fixed for the enquiry to be held under Registration Rule 71 keeping in view the time required for publication of the will notice in the Daily Newspaper indicated by the Sub Registrar on the petition of the presentant. The Sub Registrar shall prepare the intended notice of enquiry and entrust the same to the presentant of the will for getting it published in the daily newspaper specified by the Sub Registrar. An acknowledgement of the presentant shall be obtained in token of having received the will notice for getting it published in the concerned daily newspaper and for filing a copy thereof after publication.

7)(a)(i) Process fee and

(ii) The fee for serving notices on heirs shall be levied as per rules for levying process fees for summoning witnesses. No T.A. and Batta need be collected and paid to the heirs. (Para 2(b)(v) infra).

(b) Where processes have to be issued to the heirs and witnesses residing

.....

in the same village fee at the enhanced rate shall be levied in respect of the first heir as well as the first witness under clause 1(a) of the schedule of process fee rates (Note under S.O.609).

8)(a) Copies of notices with big seal affixed shall be served on all the heirs. The notices shall be sent in duplicate to each Village Officer with instructions to publish the notice in the Village Chavadi and endorse the fact of such publication on the duplicate copy and sent it back with his reply "service unpaid". The amount collected for the replies of the Village Officer shall be paid when the cover containing the replies is received "service unpaid".

(b) The summons shall be issued to all the witnesses expeditiously.

9) The Sub Registrar shall carefully watch whether the notices/ summonses are served on all the heirs and the witnesses, the will notices have been duly published in all the concerned villages and also published in the specified News paper ***before the date fixed for the enquiry. If any of these have not been completed the enquiry has to be adjourned*** till all these formalities have been duly observed. It shall be borne in mind that the whole enquiry will be vitiated if any of these vital preliminaries have not been fulfilled.

10) If the Sub Registrar is satisfied that all the preliminaries have been complied with by the date fixed for the enquiry he shall take up the enquiry on the date fixed in the presence of the presentant and the objector or their advocates if any under proper Vakalat.

11) The presentant of the will shall first be examined and then the presentant's witnesses in the order the presentant chooses, then the objector and then his witnesses. The following are the salient points about which the witness should be examined.

- a) The death of the testator
- b) The scene of the execution of the will
- c) The order of the arriving of the attesting witnesses
- d) Whether the testator gave out the various bequests out of his own free will and whether they have been duly incorporated in the will by the scribe.
- e) Whether the will, after completion, was read over to the testator in the presence of the witnesses present and the contents approved by the testator.
- f) Whether the testator signed the will in the immediate presence of the witnesses and the witnesses witnessed the execution of the will by the testator

Note:- *Execution of will need not be proved* when it is admitted by the other side and when counter is only on legal aspects as to validity of bequeathing certain properties covered by will (Evidence Act 1872 – Section 58 & 59)

g) Whether the attesting witness attested the will in the presence of the testator and on his express request.

Note:-Attestation: When a person puts his signature or mark on the document in token of attestation he can be said to have attested.

Attesting witnesses to a will *cannot* authorize any one else to sign or put the mark on his behalf. (Section 63(c) read with General Clauses Act 1897 – Section 3 (56) and Evidence Act Section 68 (1988(1) ALT 508 DB)

h) Whether the testator was in sound disposing state of mind all along.

i) A detailed description of the scene of execution and attestation.

j) The date of actual execution of the will

k) The interestedness or otherwise of the witnesses.

l) Whether the provisions in the will are natural

m) The reason for not getting the will registered during the life time of the testator.

n) The reasons for the delay if any, in presenting the will after death of the testator

Note: - Secondary Evidence is not admissible when the original will is destroyed or lost during the life time of the testator (1988 (1) ALT 909 DB).

o) Any other salient features peculiar to the enquiry

12)(a) After all the witnesses on the side of the presentant and the objectors are examined, a date, as early as possible, shall be fixed up for hearing arguments of the advocates if any.

(b) (i) Then i.e., after hearing the arguments of the advocates if any, the enquiry stands closed and a day shall be fixed for pronouncing the judgement, which shall be as immediately as possible.

(ii) After the conclusion of the examination of the witnesses and after hearing the arguments if any, if the registering officer decides to register the will, an endorsement in the following form shall be made on the will and its registration shall be completed (R.R.73 (ii)).

“I am satisfied from the evidence of the witnesses whose signatures appears above

a) That the will was executed by the testator

- b) That the testator is dead
- c) That the person presenting the will is entitled to present the same.

Date

Signature of the Registering Officer”

(d) If the Registering Officer decides to refuse registration, the usual endorsement of refusal shall be entered on the will (R.R.73(iii)).

(e) The refusal order to be entered in Book 2 shall be a reproduction of the memorandum containing a summary of the evidence and the reasons for refusal prepared and placed on record (R.R.74(i)).

(f) The summary of evidence shall be prepared, and signed by the Sub Registrar and then pronounced in open court on the day fixed which ***should not be a holiday.***

13) *Summary of Evidence* : (Judgement)

- i) The heading of summary of evidence shall contain
 - a) The name of the court and the officer together with the date
 - b) The case number of the enquiry (will case No _____)
 - c) The name of the presentant of the will
 - d) The name of the advocate for the presentant, if any
 - e) The name of the objector or objectors
 - f) and their advocates if any
- ii) a) Para 1 shall contain the details as to who presented the document, as to how he is entitled to present the document under section 40 and that the presentation of the will was accepted after the death of the testator which has been duly proved.
- b) Para 2 shall contain in detail the Preliminaries that have been attended to under Rule 71 and then
 - c) The evidence of the witnesses
 - d) The findings of the Sub Registrar
 - e) Conclusion
 - f) Date and Signature of the Sub Registrar.

14) The Inspector General of Registration is empowered to transfer a will enquiry from the file of one Sub-Registrar to that of another (RR18)

CASE LAW

1) What constitutes a valid will:-

(a) The term “Will” as defined under Section 2 (h) of the Indian Succession Act means the legal declaration of the intention of a testator with respect

to his property which he desires to take effect after his death. Where certain formalities are required by statute for making a declaration regarding his intentions, then, where those formalities are not complied with, the document cannot constitute a valid will (AIR 1966 MP 251).

(b) By a mere reading of the heading, the document can not be treated as a will. Contents of the document must indicate it is intended to come into effect after death of testator and that is revocable or variable at any time prior to his death (APHC Judgment dt.3-3-2004 in CRP Nos.3982 of 2003 and No.4349 of 2003 = 2004(3) ALT 829)

(c) **Tests of valid will :** (S.O. 372)

- a) Existence of intention to take effect after the death of the testator
- b) Executed in accordance with the formalities prescribed by law
- c) Revocability
- d) Existence of some disposition of property

2) Attestation of will : - (Section 63 of the Indian Succession Act)

a) The will shall be attested by two or more witnesses, each of whom has seen the testator sign or affix his mark or seen some other person sign the will in the presence and by the directions of the testator or has received from the testator a personal acknowledgement of his signature or mark or of the signature of such other person and each of the witnesses shall sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time and no particular form of attestation is necessary.

If any of the above conditions are not satisfied, the attestation is bad and the will is invalid.

But so long as there is no attestation, the will cannot be said to have been duly executed because execution of a will includes the signature by the testator and the attestation by the witnesses (26.1.C 547 (549)).

b) A mere assertion by witnesses that the testator was in full possession of his senses is of little value unless supported by good reasons founded on facts which warrant then.(27.1.C 276 (279)).

c) The evidence will be at its best if the propounder calls into the box, as may as possible of the persons who attested the will, the doctor who attended on the deceased (30 MLJ 555 (556) – PC), the writer who wrote and the Lawyer who prepared the will, producing the draft so prepared by him (44 MLJ 699:1922 PC 409 at P.411). The evidence of the Doctor is by far the most valuable one in the case by reason of his competency to speak with authority not only on the physical but also on the mental condition of the deceased.

3) Proving of a will – principles :

(a) The principles which govern the proving of a will are well settled. The mode of proving any other document except as to the special requirement of attestation prescribed in the case of a will by section 63 of the Indian Succession Act. The onus of proving a will is on the propounder and in the absence of suspicious circumstances surrounding the execution of the will, proof of testamentary capacity and the signature of the testator as required by law is sufficient to discharge the onus. Where however, there are suspicious circumstances, the onus is on the propounder to explain them to the satisfaction of the court before the court accepts the will as genuine.

(b) The suspicious circumstances may be as to the genuineness of the signature of the testator, the condition of the testator's mind, the disposition made in the will being unnatural, improbable or unfair in the light of relevant circumstances or there might be other indications in the will to show that the testator's mind was not free. If the propounder himself takes part in the execution of the will which confers a substantial benefit on him, that is also a circumstance to be taken into account and the propounder is required to remove the doubts by clear and satisfactory evidence.

(c) It is the duty of the party propounding a will to prove the due execution of it. Due execution in relation to a will has three aspects.

First, that it was signed by the testator

Second, that the testator was of sound disposing state of mind at the time of execution of the will and the third aspect is that he understood the effect of the dispositions made.

(d) The Supreme Court in "H.Venkatachala Versus B.N.Thimmajamma (AIR 1959 SC 443) case observed that ordinarily, when the evidence adduced in support of the will is disinterested, satisfactory and sufficient to prove the sound and disposing state of the testator's mind and his signature as required by law, courts would be justified in making a finding in favour of the propounder. If there are any suspicious circumstances surrounding the execution of the will, the propounder must remove the said suspicion from the mind of the court. The evidence adduced has to be viewed in the light of these principles.

4) When there is no contest:-

Where there is no contest it is sufficient if the will is proved in the common form (Vide note to section 283 of the Indian Succession Act – Panindra Versus Nagendra 1925 Cal. 75 at P.77). It is a fundamental principle of

Law that a will must be proved in some form or other even though the matter is compromised after coming to court (Vide Notes to Section 268 of Indian Succession Act under heading “compromise”. Proof of the testator’s signature is all that is needed. (Ramgopal versus Apnakunwar - 44 All 495 AIR 1922 PC 366 at P.369) Also vide item (6) supra

5) When there is contest:-

(a) In case of doubt or dispute, it is a serious defect, though it may be fatal if the best evidence procurable is not furnished.

(b) Where a will is contested, the quantum of proof necessary depends upon various circumstances. On a consideration of the numerous decided cases on the point, the following analysis can be made.

The amount of proof that is necessary to satisfy a court depends upon .

1)The capacity of the testator

- (a) mental fitness (b) physical fitness
- (c) illiterate testator (d) Pardanashin lady

2)The nature of the will itself

- (a) Oral will (b) written but unregistered
- (c) written by testator but unregistered
- (d) written and registered

3) Language of the will unknown to the testator

4) Nature of the signature and attestation.

- (a) 'mark' when testator could sign
- (b) shaky signature
- (c) social position of attestors

5) Provisions of the will

- (a) INOFFICIOUS (B) Natural

6) Existence of the suspicious circumstance which may be due to

- (a) doubt regarding testamentary capacity
- (b) exercise of undue influence or fraud etc.,
- (c) By reason of benefit taken under the will
 - i) Solicitor – executor ii) Executor
 - iii) Propounder iv) Legatee
 - v) Writer vi) Spiritual guide
 - vii) Persons giving instructions for the will.
- (d) Delay coupled with one or other of
 - i) Non-registration ii) Inofficious nature of will

- iii) When testator illiterate
- iv) When due execution is doubtful
- v) When oral evidence of contents is sought to be given

Note : Evidence Act 1872:-

Sections 58 and 59 :- Execution of will need not be proved when it is admitted by the other side and the contest is only on legal aspects as to validity of bequeathing certain properties covered by will (1994 (1) ALT 217).

7) Two wills in a short time:-

When there exist very material difference between two wills alleged to have been executed within a short interval of time, that is a circumstance calls for an explanation. The latter will be looked upon with suspicion and very strong and cogent proof about the execution and validity will be required to sustain the same.

8) Will-authenticity and evidence of witnesses:-

- i) Authenticity of a will cannot be doubted only on the ground of absence of registration.
- ii) Evidence of witnesses showing that testator readout the contents of the will and signed his name on each page in their presence – all the witnesses testified their attestation of the will – No discrepancies or inconsistencies in their evidence. Their evidence showing that testator was in a fit condition, both physically and mentally when he executed the will – None of the witnesses are chance witnesses – Will is held proved.
- iii) Will – Proof of :- need not be with mathematical certainty – Test to be applied would be the usual test of satisfaction of a prudent man as in the case of other documents – will executed one day before death bequeathing all properties only in favour of one of his heirs of equal degree without giving reasons for exclusion of others or will containing only thumb mark even though testator could sign warrant stricter scrutiny.(1994 (1) ALT 673)

9) Admissibility of a document marked in evidence :-

Once a document is marked in evidence without any objection by other side, appellate authority cannot go into the admissibility of the said document – Raising objection in written statement does not give any right to question admissibility after document is marked (1994 (2) ALT 589).

10) Attestation of a will :-

Only when a person puts his signature or mark on the document, he can be said to have attested – Simply because his name figures as a witness, the will cannot be said to have been attested in the absence of his signature or mark on the document. Attesting witness to a will cannot authorize any one else to sign or put the mark on his behalf (1988 (1) ALT 508 DB).

Difference In Procedure Between Enquiry Under
Rule 71 And Enquiry Under Rule 61

RULE 61
(Section 35(1)(c))

Non Testamentary Documents

- 1) There is time limit for presentation of the document and for appearance of the representatives of the deceased executant.
- 2) The notice of intended enquiry should be proclaimed by way of Tom-Tom in the village or villages concerned.
- 3) The statement of the witness should be recorded in the office Deposition Book.
- 4) The document should be presented only to the Sub-Registrar or Registrar having jurisdiction over the immovable property affected by the document.
- 5) There is no provision for transfer of the enquiry on the file of the Sub Registrar

RULE 71
(Section 41(2))

Testamentary Documents

- There is no such time limit
- The notice of intended enquiry should be published in a daily News Paper specified by the Registering officer.
- The Statement of the witness should be recorded on loose sheets.
- The document can be presented to any Sub-Registrar or Registrar
- The Inspector General of Registration is empowered to transfer the enquiry on the file of one Sub-Registrar to that of another (RR181)

CHAPTER - 25

REFUSAL TO REGISTER DOCUMENT

- 1)i) Section 35(3) of the Indian Registration Act, 1908 provides when
 - a) The alleged executant denies its execution
 - b) The alleged executant appears to be a minor, an idiot or a lunatic or
 - c) The alleged executant is dead and his representative or assign denies its execution by the deceased, the registering officer **shall refuse** to register the document as to the person so denying, appearing or dead.
- ii) The term "executant" includes persons specified in sub-Paras 1 and 2 of Registration Rule 56 i.e.,

Any person who becomes a surety affixes his signature to a document in that capacity

Any person who endorses a negotiable document

Any person who signs a receipt or a discharge endorsed on a document

Any person who signs a document as an executant in token of his assent to the transaction and not merely as a witness.

Note:- Persons who affix their signature to a document in token of assent to the terms of the document are called “Executing Parties”.

- 2) If the **Sub-Registrar is invested with the powers of a Registrar** under the second provision to Section 35(3) of the Act or if he is the Joint SubRegistrar I of the Registrar’s office, he shall instead of refusing registration, conduct an enquiry as to the fact of execution converting the case into an “Original Enquiry” under Section 74 of the Act (Vide chapter 27.)
- 3) **Protest Petitions :** It is not necessary to enquire into the validity of the document or to attend to any written or verbal protest against the registration of a document but he is bound to consider objections raised on any of the grounds stated below (R.R.58).
 - (a) That the parties appearing or about to appear before him are not the persons they profess to be.
 - (b) That the document is forged.
 - (c) That the person appearing as a representative, assign or agent has no right to appear in that capacity
 - (d) That the executing party is not really dead as alleged by the party applying for registration
 - (e) That the executing party is a minor or an idiot or a lunatic
- 4) The registering officer should form his own opinion as to whether a party appearing before him as executant of a document is **a minor, a lunatic or an idiot**. He is not expected to hold an elaborate enquiry although, if he so desires, he may examine on the spot, any one present in the office (RR.60) by recording a deposition from the persons examined [RR 151(i) (g)]
- 5)(a) Registration should not be refused merely on the objection of a person **who is not a party to the document** stating that his interests would be affected prejudicially if the document is registered. However, after levying the prescribed fee for the objection petition under article 10(k) of the Table of Fees, the objector should be informed in writing that he may seek redress in a court of law, if he so desires.
 - (b) **Return of Documents Unregistered :** Documents kept pending for appearance of the executant, their representative, assigns or agents can alone be returned unregistered at the request of the presentant provided

there is no request by any person entitled to present the document for registration. When the presentant of such document applies for the return of the document unregistered, the registering officer shall send notices by registered post acknowledgment due to all the other parties who are entitled to present it for registration fixing a reasonable date calling upon them to state whether they desire that the registration of the document should be proceeded with or not. Should any one of them express his desire that the registration of the document should be proceeded with, the registering officer shall not comply with the request of the presentant but shall proceed with the registration of the document. If no reply is received from the parties to whom notices were issued or that all of them desire to withdraw the document from registration the registering officer shall return the document unregistered to the presentant. The notices shall be sent at state expense.

However a document which is **deficitly stamped** or alleged to have **been forged** shall not be returned unregistered at the request of the presentant. When the document is deficitly stamped, the deficit stamp duty will have to be recovered and the adjudication process completed. After adjudication only, the document can be returned unregistered.

In the case of **forged document**, action under Indian penal Code and the Registration Act is to be initiated (SO 230(a)(b)&(c))

- 6) Whenever registration of a document is refused, any fee or fine (excepting the fee for summons, attendances and T.A. treated as earned) which may have been levied **shall be** refunded (R.R.183).
- 7) **When the document is refused registration**, reasons for refusal shall be recorded in Book 2. The reasons for refusal will usually come under one or more of the heads mentioned below (R.R.161).Vide Annexure below.
 - i) Section 19:- That the document is written in a language which the registering officer does not understand and which is not commonly used in the district and that it is unaccompanied by a true translation and a true copy.
 - ii) Section 20: That it contains unattested interlineations, blanks, erasures, or alternations which in the opinion of the registering officer require to be attested.
 - iii) Sections 21(1) to (3) & Section 22:That the description of the property is insufficient to identify it or does not contain the information required by rule 20.
 - iv) Section 21(4): That the document is unaccompanied by a copy or copies of any map or plan which it contains
 - v) Rule 36: That the date of execution is not stated in the document or that the correct date is not ascertainable
 - vi) Sections 23, 24, 25, 26, 72, 75 and 77:

That it is presented after the prescribed time.

vii) Sections 32, 33, 40 and 43:

That it is presented by a person who has no right to present it.

viii) Section 34: That the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time.

ix) Sections 34 and 43: That the registering officer is not satisfied as to the identity of a person appearing before him who alleges that he has executed the document.

x) Sections 34 and 40: That the registering officer is not satisfied as to the right of the person, appearing as a representative, assign, or agent so to appear.

xi) Section 35: That execution is denied by the person purporting to be an executing party or by his agent.

Note:- When a registering officer is satisfied that an executant is purposely keeping out of the way with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within the prescribed time, registration may be refused, the non-appearance being treated as tantamount to denial of execution.

xii) Section 35: That the person purporting to have executed the document is a minor, an idiot or a lunatic.

Note:- When the executant of a document who is examined under a commission under Section 38 is reported by the Commissioner to be a minor, an idiot or a lunatic, registration may be refused, and it is not necessary that the registering officer should personally examine the executant to satisfy himself as to the existence of the disqualification.

xiii) Section 35: That execution is denied by the representative or assign of the deceased person by whom the document purports to have been executed.

Note:- When some of the representatives of a deceased executant admit and others deny execution, the registration of the document shall be refused in toto the persons interested being left to apply to the Registrar for an enquiry into the fact of execution.

xiv) Section 35 and 41: That the alleged death of a person by whom the document purports to have been executed has not been proved.

xv) Section 41: That the registering officer is not satisfied as to the fact of execution in the case of a will or of an authority to adopt presented after the death of the testator or donor.

xvi) Sections 25, 34 and 80: That the prescribed fee or fine has not been paid.

xvii) Cancellation Deeds : See R.R.26 K also

Note:- Documents relating to any property in respect of which the Government have issued a notification under rule 3 of the A.P.Registration (Prohibition of certain documents opposed to public policy) Rules, 1999 (Vide chapter 3 supra) shall not be

accepted for registration or if presentation of the document is already accepted shall be refused registration.

- 8) When the document is refused registration, the Sub-Registrar shall pass an order of refusal and record reason in Book 2.(Vide Annexure after para(17) infra for model refusal orders). He shall also intimate the fact of refusal as soon as the order is passed, to the parties concerned as well as their advocates or agents etc., on the same day duly indicating reasons for refusal in the form as follows.
- 9) **Refusals :** All refusals under section 22-A(3) and invalidations under section 22-A(3/5) **shall be entered in Book 2** Volume, and an extract of the entry shall be furnished to the person presenting the documents after duly recording the reasons for the refusal or the invalidation in the endorsement. The endorsement of the refusal orders should disclose the details of intimation / notification through which the subject properties are liable for refusal of registration (C&IGRS Circular Memo No. G1/19131/05, dated 14-09-2007)

Intimation Of Refusal

It is hereby informed that the document executed on by in favour of and presented before the undersigned and admitted as P.No..... 20..... on has been refused registration for the following reason.

- i) Failure to produce clearance issued by the Special Officer and Competent Authority. Urban Land Ceilings
- ii) Failure to produce permission from the Wakf Board / Endowment Department / Commissioner, Commercial Taxes / Commissioner, Excise, within reasonable period (Subject to latest orders on the subject)
- iii) Failure to obtain and produce permission of the District Collector, who is the "Agent" as required under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959
- iv) Failure to present the document within the prescribed time.
- v) Failure of the executing parties to appear within the prescribed time.
- vi) Execution is denied by the purported executant.
- vii) Failure to pay the prescribed fee / fine
- viii) Description of the property is insufficient to identify it.

The refusal order has been passed by the undersigned on
A copy of it will be granted to the party upon application to the undersigned with the note as under

Note: An appeal against the refusal order lies to the District Registrar, within thirty days from the date of refusal order. The intimation shall be sent by Registered Post with acknowledgment due

To. _____ Signature of the Sub-Registrar and date: Seal.
Sri

.....

9) **Book 2 Volume In Registrar's Office:-**

Two Volumes of Book 2 shall be maintained in a Registrar's Office. One for the Registrar and the other for the Joint Sub-Registrar I (S.O.731(a)). The numbering of the entries in both the books shall be in the same series by a reference to the second volume of Book 2 while assigning serial number to the refusal order (S.O.731(b)).

- 10) When a document is **partially registered and partially refused** registration, a reference to the partial registration should be entered as a further note under the order of partial refusal as follows (S.O.738(a)) and attested by the Sub-Registrar's initial with date (S.O.738(b)).

"Registered as No.....of 20..... Book Volume
Page as regards"

Similarly the partial refusal shall be endorsed after the document is registered (R.R.163).

- 11) When a document is executed by several persons at the same time and they appear at different times, the order of refusal shall be passed after all the executants appear and admit or deny execution as the case may be within the maximum time allowed (R.R.162). When the executant fails to appear after personal service of summons on him, his failure to appear shall be treated as tantamount to denial of execution. In such a case the registration of the document shall be refused immediately without waiting for the appearance of the claimant or for the lapse of the statutory period of twelve months from the date of execution.

- 12) **Refusal order shall be recorded in Book 2 in English and in the handwriting of the Sub-Registrar. (S.O.733).**

- 13) Will accepted for registration **but returned unregistered at the request of the presentant** need not be entered in Book 2 (S.O.735(2)). There is no objection for the return of the document unregistered at the request of the presentant as regards the executant who fails to appear after issuing notice by registered post with acknowledgement due, at state expense, to all other parties who are entitled to present it for registration calling upon them to state whether they desire that the registration of the document should be proceeded with or not. If any one of them expresses his desire that the registration of the document should be proceeded with request for return of the document shall not be complied with but the registering officer should proceed with registration. If no reply is received from the parties or if all of them desire to withdraw the document from registration the document may be returned unregistered to the presentant.

- 14) Copies of refusal orders shall be granted without delay with a notice showing the time within which an appeal may be lodged and the authority to which the appeal lies (S.O.737).

- 15) Copies on first occasion shall be granted to the executant and the claimant without payment (Section 71 and S.O.975).
- 16) In IG's Memo No.G1/11695-A/1987, dt.23-5-1987 it was instructed that requests received from the commissioner of Commercial Taxes and from the Commissioner of Excise not to register any document executed by defaulters, such document should be kept pending until clearance is given by the concerned officers.
- 17) In Government Memo No.12159/Reg-1, dt.25-7-2003, the Government instructed all the District Collectors not to issue any instructions to the registering officers to stop registration of documents relating to the plots in unauthorised / unapproved layouts as the registering officers are not barred from registering such plots as the Town Planning Act etc. have no overriding effect on the Registration Act.

ANNEXURE

Book – 2 Record Of Reasons For Refusal To Register

MODEL REFUSAL ORDER – 1

(When Executant appeared and denied execution)

| | | | | |
|----|-------------------------------------|--------------------|---------------------------------|--|
| 1. | No.1 of 2002 of SRO Ramapuram | Stamp Rs.1100/- | Date of document 9-1-2002 | Date and hour of presentation 18-3-2002 between 1 and 2 PM. |
|----|-------------------------------------|--------------------|---------------------------------|--|

2. *Name and addition of the Presentant:* M.Krishnudu Son of M.Ramudu,agriculture, Kamalapuram Village, Ramapuram Mandal
3. *Name and addition of the executant* B.Ramayya Son of B.Laskshmayya, Merchant, Kamalapuram Village.
4. *Name and addition of persons examined:*
 i) B.Ramaiah son of Lakshmaiah, merchant, Kamalapuram Village
 ii) Md.Ibrahim son of Ghani Saheb, Milk Vendor, Kamalapuram Village.
- Reasons for refusal* (Document No.P1 of 2002)
 The document purporting to be a sale for a consideration of Rs.10000/- of dry land having the same market value was presented for registration on 18-03-2002 by M.Krishnudu, the claimant under the document with an application requesting enforcement of the appearance of the executant Viz., B.Ramayya, at Kamalapuram Village which is at a distance of 4 KM from the office (Ramapuram) on the ground that the executant is evading registration of the document. The registration fee, Process Fee and other fees were levied on 18-03-2002.

- iii) A.RamaBrahmmam son of A.Ramadevudu, kirana Shop, Kamalapuram Village.
5. *Abstract of the document together with the names of all claimants and all attesting witnesses:*

Sale deed for Rs.10000/- of dry land Ac. 1.50 Cents equivalent to 0.607020 hectares bearing Survey No. 473 of Kamalapuram Village of Ramapuram mandal and sub-district of Gopalapuram district.

Name of the Claimant

M.Krishnudu

Name of attestors

- 1) Dada Saheb
- 2) A.Sahadevudu

The executant is a Signatory

xxx
Initials of SR 26-03-2002

xxx xxx
Sub Registrar

Summons to the executant were entrusted to the Process server on the same day fixing 26-03-2002 as the date for the appearance of the executant. The summons were served on the executant on 19-03-2002. The executant appeared on 26-03-2002 and denied the execution of the document in question. The executant was identified by two witnesses Viz., Md.Ibrahim and A.Ramabrahmmam

I therefore refuse registration of the document under Section 35(3)(a) of the Registration Act, 1908.

MODAL REFUSAL ORDER – 2

(When non-appearance of the executant is treated as tantamount to denial of execution)

| | | | | |
|----|------------------------------------|-----------------|----------------------------|---|
| 1. | No.1 of 2002 of SRO Nagarjunapalem | Stamp Rs.2200/- | Date of document 19-1-2002 | Date and hour of presentation 28-3-2002 between 2 and 3 PM. |
|----|------------------------------------|-----------------|----------------------------|---|

2. *Name and addition of the presentant.* : M.Madar Saheb, son of M.Asadullah Saheb, agriculture, Chintakunta village, Nagarjunapalem Mandal.

3. *Name and addition of the executant:* A.Janardhana Rao son of A.Srinivasa Rao, business, Chintakunta Village Nagarjunapalem Mandal.

Reasons for refusal (Document No.P.2 of 2002)

The document purporting to be a sale for a consideration of Rs.20000/- of a House site (Plot No.44) having market value also of Rs.20000/- in Survey No.826 of Chintakunta village was presented for registration on 28-03-2002 by M.Madarsaheb, the claimant under the document

4. *Name and addition of persons examined:*

K.Madar Saheb son of
M.Asabullah Saheb
agriculture, Chintakunta village,
Nagarjunapalem Mandal.

5. *Abstract of the document together with the name of all the claimants and all attesting witnesses:*

Sale deed for Rs.20000/- of house site measuring 202.34 Sq.mts (5 Cents) in S.No.826 of Chintakunta village of Nagarjunapalem Mandal and sub district.

Name of the Claimant

M.Madar Saheb

Name of attestors

1. Dada Saheb

2. A.Sahadevudu

The Executant is a marks man

xx

Initials of SR

with an application requesting to enforce the appearance of the executant viz.,A.Janardhana Rao, who is residing at Chintakunta village which is at a distance of 6km from the office (Nagarjunapalem) on the ground that the executant is evading registration of the deed. The Registration fee, process fee etc., were collected on 28-03-2002.

Accordingly, summons to the executant were entrusted to the process server on 29-03-2002 for service fixing 10-04-2002 as the date for the appearance of the executant. But the summons were returned by the process server on 30-03-2002 unserved on the ground that the party summoned was not available in the village. On 10-04-2002, the claimant presented another application to issue summons again to the executant. Process fee etc., were collected on 10-04-2002. Summons to the executant were again sent through process server on 10-04-2002 fixing the date of appearance as 17-04-2002. The Process server returned on 11-04-2002 stating that the executant was evading receipt of the summons in person and the summons were affixed to the outer door of the residence of the executant on 11-04-2002. The executant did not turn up on 17-04-2002 the date fixed for appearance. The claimant, who appeared on the same date, deposed that the executant was wilfully keeping out of the way to evade registration of the document.

The executant is a marksman

xx
Initials of SR

I am satisfied that the executant is purposely keeping out of the way with a view to evade registration of the document. I therefore refuse registration of the document under Section 35(3)(a) of the Registration Act 1908, treating the non – appearance of the executant as tantamount to denial of execution.

(Sd) x x x x x x
Sub Registrar.

17-04-2002

MODAL REFUSAL ORDER – 3
(Partial Refusal and Registration)

| | | | | |
|----|----------------------------------|-------------------|-----------------------------------|--|
| 1. | No.1 of 2002 of SRO Yadiki | Stamp Rs.600/- | Date of document 31-12-2002 | Date and hour of presentation 20-3-2002 between 2 and 3 PM. |
|----|----------------------------------|-------------------|-----------------------------------|--|

2. *Name and addition of the Presentant:*

D.Lakshmana Rao,
S/o D.Bhima Rao, Wine shop,
Yadiki, Anantapur Dist.

3. *Names and additions of executants:*

i) N.Ganganna,
S/o N.Lakshmaiah,
Business
H.No.4-3-151,
Sanjeevinagar,
Anantapur.

ii) N.Ramappa,
S/o N.Lakshmaiah,
School Teacher,
H.No. 14-6-152,
Station Road,
Anantapur.

Reasons for refusal (Document No. P3 of 2002)

The document purporting to be a simple mortgage deed for Rs.20000/ was presented for registration on 20-03-2002 by the claimant D.Lakshmana Rao with an application requesting to issue summons to the three executants who are stated to be residing at Anantapur, on the ground that the executants are evading registration of the document. Necessary Registration and process fee etc., were levied on 20-03-2002.

Summons to the executants were issued on 21-03-2002 by Registered Post acknowledgement due to all the executants fixing 02-04-2002 as the date of appearance of the executants. The executants viz.,

- iii) N.Subba Rao,
S/o N.Lakshmaiah,
H.No. 9-7-112,
Clerk, Rama Talkies
Anantapur.
4. *Name and addition of the persons examined.* D.Lakshmana Rao (Claimant)
5. Abstract of the document together with names of all claimants and all attesting witnesses. Simple mortgage deed for Rs.20,000/- executed on 31-12-2001
- 1)D.LakshmanaRao (Claimant)
2)M.Appa Rao(Attestor)
3)C.Rama Rao(Attestor)
Registered as No.333 of 2002 as regards N.Ganganna and N.Ramappa

The executants are signatories

xx xx

Initials of SR.

N.Ganganna and N. Ramappa received the summons on 22-03-2002 and the cover containing the summons to the executant viz., N.Subba Rao was returned on 25-03-2002 undelivered . On 02-04-2002, the executants viz., N.Gaganna and N.Ramappa appeared in the office and admitted execution of the document. They were identified by two witnesses, viz., M.Appa Rao and C.Rama Rao (Attestors to the document). The claimant viz., D.Lakshmana Rao presented again on application on 02-04-2002 to summon the executant N.Subba Rao through process server. Requisite process fee etc., were levied on 02-04-2002. Summons to the said executant Viz., N.Subba Rao were issued in 03-04-2002 through the Registrar (Joint Sub Registrar I) Anantapur fixing the date of appearance as 12-04-2002, but the summons were reported to have not been served in person as he was not in town and that the summons were however affixed to the outer door of the residence of the said executant on 06-04-2002.

On 12-04-2002, the said executant did not appear in the office. However the claimant pleaded in his recorded deposition that the said executant N.Subba Rao is wilfully keeping out of the way with a view to evade registration of the document. I therefore refuse registration of the document as regards N.Subba Rao under Section 35(3)(a) of the Registration

Act, 1908, treating the non-appearance of the said N.subba Rao as tantamount to denial of execution. Resigtered as No.333 of 2002, Book1 VolumePagesas regards N.Gangannaand N.Ramappa
(Initials)

12-04-2002 xx xx xx
Sub Registrar

MODAL REFUSAL ORDER – 4

(One of the executants is minor)

| | | | | |
|----|----------------------------------|-------------------|-----------------------------------|--|
| 1. | No.4 of 2002 of SRO Jatial | Stamp Rs.900/- | Date of document 10-05-2002 | Date and hour of presentation 18-5-2002 between 1 and 2 PM. |
|----|----------------------------------|-------------------|-----------------------------------|--|

2) *Name and addition of the presentant*

R.Rajamurthy son of R. Bharagava murthy, Businee, Sripuram Colony, Karimnagar.

3) *Name and addition of the executants*

- i) R.Rajamurthy
 - ii) R.Kesavamurthy
- Sons of R.Bhargava murthy, Business, Sripuram Colony, Karim nagar

4) *Name and addition of the person examined*

K.Prakashram
S/o K.Kodandaram,
Padma Hotel,
Ramlayam Street,
Karimnagar.
G.Bhupathi Rao,
S/o Lakshimapthi Rao
Building Contractor
Sripuram Colony,
Karimnagar.

Reasons for refusal.

The document purporting to be a deed of partition into two unequal shares for property worth Rs.35000/ and Rs.30000/-respectively was presented for registration on 18-05-2002 by R.Rajamurthy one of the two executants who also admitted execution after being identified by C.Siva Rao and B.Kondandaram. The other executant R.Kesavamurthy who also appeared along with R.Rajamurthy was found doubtful whether he is a major. On this point, two witnesses K.Parakasham and Bhupathi Rao who were present in the office were examined. Both of them deposed that R.Kesavamurthy was aged not more than 17 years

I am therefore satisfied that R.Kesavamurthy who appeared before me as second executant of the document in question is a minor. I

- (b) The appeal or the application shall be presented in writing to the Registrar of the district accompanied by a copy of the refusal order appealed against and the original document in respect of which the refusal order was passed (R.R.165(i)).
- (c) If the suit document is stated to be in possession of some person other than the appellant or the applicant as the case may be and if time to obtain and produce it or to issue summons for its production is desired by the appellant or the applicant as the case may be the request may be complied with after admitting the appeal or the application pending receipt of the suit document(R.R.165(ii)).

4) Presentation (R.R.166):-

- (a) The appeal under Section 72 shall be presented in person either by the appellant or by an Advocate duly authorized by a Vakalat in accordance with rules applicable to Muffasal Courts or by an Agent holding a Power of attorney authenticated as laid down in Section 33 of the Act.(R.R.166(i)).
- (b) The application under Section 73 shall be presented in person by the party or by an agent holding authenticated power of attorney.(R.R.166(ii)).

Note:- Appeal or application shall not be accepted if sent by post (R.R.166(iii)).

5) Private Vakils (R.R.167):-

Private Vakils or persons not qualified under the legal practitioners Act shall not be allowed to appear in enquiries under Section 72 or Section 73 unless they are authorized by a duly authenticated power of attorney.

6) Procedure:-

N.B:- The procedure is the same for an enquiry into an appeal under Section 72 or an application under Section 73.

- (a) **Place of hearing:-** The appeal under Section 72 or an application under Section 73 shall be posted for hearing at the Headquarters of the Registrar. It may also be posted at any Sub Registrar's station if convenient to the parties when the Registrar is on tour in his district (R.R.169).
- (b) (i) **Date of hearing:-** Date fixed for the hearing of appeal under Section 72 or an application under Section 73 shall be informed to the appellant or the applicant as the case may be and also published on the notice board of the Registrar's office. Date of hearing shall also be communicated to the Sub Registrar concerned without delay.(R.R 170, 174 and 178).

Note : - Adjournment applications should bear a court fee stamp of Rupee one

- (c) **Minor, Idiot or a lunatic(S.O.754):-** If the refusal order was based

on the ground that the executant is a minor, an idiot, or a lunatic the Registrar, when ordering the registration of such document, on finding that the executant is a major, or of sound mind as the case may be, direct the suit document to be registered if the executant appears before the registering officer again and admits execution of the said document.

(d) In cases where the refusal order of a Sub Registrar was based on the ground that the executant did not appear even after expiry of the time allowed.

- i) the case falls under Section 72 if the **presentant had taken** no steps to enforce the appearance of the executant (R.R.178(i) and
- ii) the case falls under Section 73 if steps taken and process issued although abortively (R.R.178(ii)).

Note:- There is no time limit per the appearance of the executants in the enquiries under Section 72 & 73. But the enquiry should not be unduly prolonged without sufficient grounds

(e) Fee leviable:- The following fees are leviable for enquiry in connection with an appeal under Section 72 or applicable under Section 73.

- i) Enquiry fee of Rs.100/-(Art 2(xvii) of the Table of Fees)
- ii) Process fee for issue of summons to the attestating witnesses and the scribe of the suit document (Vide Chapter 16 for process fees)
- iii) Notice fee to the opposite party
- iv) T.A. to the witnesses and the scribe (actual bus or rail fare to and fro)
- v) Batta to the witnesses and the scribe
- vi) T.A. to the process server (Minimum one rupee)
- vii) Postal charges if summons or notices are to be sent by registered post acknowledgement due
- viii) Money Order Commission for sending T.A. and Batta to the Witnesses and the Scribe if the Summons are sent by post.

Note:- i) Vide Chapter 16 for **process fee rules.**

- ii) In the case of a refusal order on account of insufficient description of property, the Registrar has no power to call for fuller description of the property.

7) Process Fees:-

- (a) Process fee for issue of Summons or notices to the opposite parties and witnesses and the scribe of the suit document shall be paid by the applicant within one week of the date of publication for hearing or within such extended time on sufficient grounds(R.R.170(iv)).

- (b) If on the date of hearing, the opposite party does not appear due to non-service of notice in consequence of the failure of the applicant to pay the requisite fee for such service, the Registrar shall make an order refusing to direct registration of the suit document. But it is open to the Registrar to adjourn the enquiry from time to time for sufficient cause. (R.R.170(v)(c)).

8) Judgement :-

i) When registration is ordered:

- (a) If the Registrar finds that the document has been executed and that the requirements have been complied with, he shall order the document to be registered. If the document is duly presented for registration to the registering officer **within thirty days** after making of such order, the registering officer shall proceed to register the documents after following the procedure prescribed in Sections 58, 59 and 60 so far as may be practicable.
- (b) Such registration shall take effect as if the document was registered when it was first duly presented for registration (Sections 75(1), (2) and (3)).
- (c) i) When, after refusal to register by a registering officer the village in which the property affected by the document is situated is transferred, whilst the document is on appeal or in a suit before a Civil Court, to the jurisdiction of another Sub-Registrar if the Registrar or the Court orders that it shall be registered, shall be re-presented for registration to the Sub-Registrar to whose sub-district the village has been transferred (R.R.24).

ii) When registration is refused:

- (a) The Registrar shall make an order of refusal and record the reasons for such order in his Book No.2
- (b) No appeal lies from any order by a Registrar under Section 76 or 72 (Section 76(2)).

- 9)** When the office in which a document is ordered to be registered is different from the office in which its registration was refused, a copy of the order directing the registration shall be sent by the Registrar to both the offices (R.R.174 (ii)).

10) Book 2 – Entries:-

- (i) When a document refused registration is ordered to be registered either by a Registrar or by a Court, a note to the following effect shall be entered in Book 2 under the refusal order originally passed by the Sub-Registrar and at foot of the copy of the Registrar's order or decree of the Court.

.....
 “Registered under the orders of the Registrar/Court as
 No. _____ of 20 _____ Book _____ Volume
 _____ Pages _____.

- ii) When the Registrar decides to refuse registration of a document, under Section 72 or 75, the order passed by him may be copied in Book 2 by a Clerk, the copy so made being treated as the original and signed by the Registrar himself without the addition of the words “true copy”. The Registrar’s draft from which copy is made shall be filed in the file of appeal orders and judgements (R.R.176).

11) Document withdrawn at request – No appeal:-

No appeal lies to the Registrar in respect of a document which is not refused registration but is withdrawn from Registration i.e., “Returned to the presentant at his request” (R.R.179).

12) Costs:-

The Registrar may direct by whom the whole or any part ;of the costs of an appeal under Section 72 shall be paid and such costs are recoverable as if they had been awarded in a suit under the code of Civil procedure 1908 (R.R. 180)

13) Transfer of Enquiry - Powers of the IGR&S

The Inspector General of Registration is empowered to transfer any enquiry under section 41(2) (will enquiries) from the file of the one Sub Registrar to that of another and any appeal under Section 72 or application under Section 73 or original enquiry under Section 74 from the file of one District Registrar to that of another, and any original enquiry under Section 74 from the file of the Senior Joint Sub Registrar in Registrar’s office or Grade 1 Sub Registrars who are invested with the powers of a Registrar under second proviso to Section 35 (3) to that of the Registrar, to whom such Sub Registrar is a subordinate provided the Inspector General of Registration is satisfied that there are grounds for so doing (R.R.181)

14) Register of Appeals:-

- (i) A Register called “Register of Appeals “ shall be maintained in every Registrar’s office (Form Regn. II-50). Particulars regarding appeals filed under Section 72 and applications under Section 73 of the Act shall be entered in this register (S.O. 740 (a)).
- (ii) Appeals and Applications under Section 72 and 73 shall be numbered in one series and original enquiries (Section 74) in another, commencing and terminating in each case with the Calendar year (S.O. 740 (b))
- (iii) **Time Barred Appeals:** All time barred appeals and applications rejected by the Registrar shall also be entered in this register [S.O. 740

(c)]

- (iv) When on an appeal under section 72 the Registrar passes a refusal order, particulars as to the book, volume and page in which the refusal order has been copied and also the number of the refusal order shall be entered in Column 16 of this register, after the substance of the decision itself (S.O. 740 (d)).
 - (v) After the particulars in all columns have been filled in they shall be attested by the Registrar with date (S.O. 740 (e)).
 - (vi) The Register shall be checked by the Registrar once in every month and record the fact in the Register with dated signature (S.O. 740 (f))
 - (vii) Outstanding entries of previous years shall be brought forward in this register at the beginning of each calendar year (S.O. 740 (g)).
- 15) Case Diary;-**
A case diary (Form Regn. II-87) shall be maintained for each appeal under Section 72 or application under Section 73 and prefixed to the records of the case, entries being made therein at each stage of the proceedings (S.O. 742)
- 16) Depositions;-**
Depositions shall be in English and taken down by the Registrar or the Sub-Registrar invested with powers of the Registrar as the case may be in his own handwriting on loose sheets and kept with the records of the case (S.O. 743)
- 17) Decree;-**
- (a) Every decree in form No.1 (Appendix D to CPC (S.O. 745 (a)) shall be drawn up within nine days from the date on which the Judgement is pronounced (S.O. 745 (b)). This period of nine days may be extended for the filing of pleader's certificate of receipt of fees and the statement of costs (S.O. 745 (c) (iv))
 - (b) The Scale of Pleader's fee to be adopted is left to the discretion of the Registrar subject to a minimum of Rupees five and a maximum of Rupees One hundred (S.O. 745 (c) (ii))
 - (c) The production of the Pleader's Certificate of receipt of his fees and the statements of costs shall be insisted. If the Certificate is not filed, decree shall be drawn up without Pleader's fee (S.O. 745 (c) (iii))
- 18)** In case where an appeal under Section 72 or application under Section 73 is withdrawn by the party or an original enquiry under Section 74 is stopped at the instance of the party, an order shall be briefly recorded stating the circumstances in which the document was returned to the party but no entry need be made in Book 2. Copies of such orders need not also be forwarded to the Sub Registrar concerned (S.O. 748)
- 19)(a)**The records connected with each appeal, application or original enquiry

.....
 shall be filed together chronologically in two parts, the papers in each part being numbered in a separate series and the whole record being preceded by a list (Form Regn. II-51) and the case diary.

- (b) Para I shall contain the appeal petition, suit document, a copy of the refusal order, protest petitions, depositions, exhibits filed, copies of the judgement and of the decree, memo of costs and all other papers of importance bearing on the case. The suit document should not be stitched.
- (c) Part II shall contain the papers relating to list of witnesses and batta memorandum, list of records to be produced, summonses and notices vakalats, petitions for adjournments, Petitions for return of exhibits, receipts for documents and money and all other records of minor importance.
- (d) In the remarks column of the list (Form Regn. II-51) the return of the suit document and other exhibits shall be noted (S.O. 751)

20) Case Laws;-

The Registrar is guided by the rulings ‘A’ to ‘Q’ incorporated under S.O756 – Vide Registration Manual – Part II

21) On Completion Of Enquiry;-

After the enquiry is completed, orders of the Registrar directing or refusing registration should not be endorsed on the suit document, when registration is ordered, Orders shall be recorded separately and filed in the file of appeal orders and judgements but the orders have to be endorsed on the petition of appeal or application which shall be kept with the records of the case.

CHAPTER - 27

ORIGINAL ENQUIRY (SECTION 74)

- 1) When a document (**except wills and authorities to adopt**) is presented by the claimant to a Registrar or to the senior Sub Registrar (Joint Sub Registrar I) in a Registrar’s office or to a SubRegistrar (Grade 1) invested with the powers of the District Registrar under proviso to Section 35(3) of the Registration Act, for registration, and the person by whom the document purports to have been executed denies its execution (Section 35(3)(a)) or if any person by whom the document is stated to have been executed is dead and his representatives or assigns, deny its execution by the alleged executant (Section 35(3)(c)), such registering officer, instead of refusing registration of the document as to the person so denying, shall invoke Section 74 of the Registration Act and **convert** the case into ORIGINAL ENQUIRY under Section 74 of the Registration Act by obtaining an application from the presentant of the document for such conversion and proceed further with the enquiry.

2) Enquiry Scope:-

- i) The enquiry shall be confined to
 - (a) Whether the document has been executed
 - (b) Whether the requirement of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.
- ii) The enquiry shall be conducted keeping in view the following ruling (S.O.756).

It is hardly possible, in the absence of judicial decision, to lay down what is to be the nature of the enquiry, which a Registrar is empowered to hold under Section 74 of the Act. The duty of a Registrar is to enquire whether the document was executed and upon this question he may deem himself entitled to receive all relevant evidence offered by the parties. At the same time, a Registrar would exercise a sound discretion if he confined the enquiry as closely as possible to the question of execution or non-execution (G.O.No.1004, Judicial, 19th May 1881 – Ruling ‘H’ under S.O.756).

3) Fees Leviable:- The following fee shall be levied

- i) Enquiry fee of Rs.100/- (Art.2(xviii) of the Table of fees
- ii) Process fee for issue of summons to the attesting witnesses and the scribe of the suit document (vide chapter 16 for process fee rules)
- iii) Notice fee to the counter petitioner(s)
- iv) T.A. to the witnesses and the scribe (actual bus or rail fare to and fro)
- v) Batta to the attesting witnesses and the scribe
- vi) T.A. to the Process Server (Minimum Rupee one)
- vii) Postal charges if summons are to be sent by registered post acknowledgement due
- viii) Money Order Commission for sending T.A. and Batta to attesting witnesses and the scribe if the summons are sent by post.

Note: Vide Chapter 16 for process fee rates.

4) Procedure:-

- i) (a) The application for the original enquiry shall be appended with a separate certificate of verification by the applicant to the effect that the contents of the petition are true and correct to the best of his knowledge and signed by him.
(b) Private Vakils or persons not qualified under the legal practitioners Act (Advocates Act) shall not be allowed to appear unless authorized to act as agent on behalf of the presentant of the application for the enquiry by a duly authenticated power of attorney.(R.R167).
- ii) Scale of process fee leviable is that leviable for suits in sub-courts and district courts as the case may be, as specified in the Schedule of process

fee rates appended to the process fee rules (Chapter 16)

- iii) The date fixed for the hearing of the enquiry shall be published on the Office Notice Board.
- iv) Notices and summonses and the communications in the enquiry sent by Sub Registrars exercising the powers of District Registrar shall be signed by them as "Sub Registrar or" Joint Sub Registrar I exercising power of registration as the case may be.
- v) Depositions shall be recorded in english on loose sheets.
- vi) Applications for adjournment of the hearing should bear a court fee of rupee one.

Note : - There is no time limit for the appearance of the executing parties when the case is converted into original enquiry under section 74

- vii) **Final orders:-** The Officer shall draft the final orders (Whether to register or to refuse) and file the same in the file of Appeal orders and judgements retaining a copy of it with the case records. If it is a Refusal order by a Sub Registrar it should however be copied in Book 2 by a Clerk (Assistant) and signed by the officer as "Sub Registrar or the Joint Sub Registrar I (as the case may be) exercising powers of the District Registrar" without the addition of the words "True Copy".
- viii) (a) If it is decided to admit the document to registration, the officer shall add the following note on the document in lieu of the endorsement of admission of execution (R.R.99).

" I am satisfied from the evidence adduced in the enquiry held under Section 74 of the Registration Act that the document was executed by

.....
Date :

(Signature)

Sub Registrar exercising
Powers of District Registrar "

(b) In the case of refusal, "Registration refused" shall be endorsed on the document.

- ix) **Intimation to parties:-** Final orders passed *and not copy of the judgement* shall be intimated in writing to both the parties to the enquiry and their advocates if any.
- x) When , after refusal to register by a Registrar or a Sub Registrar exercising powers of Registrar, the village in which the property affected by the document is situated **is transferred, whilst the document is on appeal** in a suit before a civil court, to the jurisdiction of another Sub Registrar, if the court orders that it shall be registered, shall be re-presented for registration to the Sub Registrar to whose sub district the village has been transferred (R.R.24).

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- 5) **Withdrawal:-** If the enquiry is withdrawn by the party, an order shall be briefly recorded stating the circumstances in which the document was returned to the party but entry need not be made in Book 2. No appeal lies in such cases.
- 6) **Judgement:-** (a) In the judgement order, it shall be specified whether the requirements of Sections 19, 20, 21, 23 and 32 have been complied with.
- (b) If the Joint Sub Registrar I in a Registrar's Office or the Sub Registrar invested with the powers of the District Registrar under proviso to Section 35(3) or the Registrar decides to register the document, it shall be mentioned in the judgement as
 "I therefore decide to admit the document to registration as No..... of 20..... of Book Volume.....".
- 7) **Decree:-**
- (a) The decree shall be drawn up within nine days from the date on which the judgement is pronounced. It shall bear the date of the judgement. If however it could not be drawn up on the date of judgement owing to delay in getting the full information regarding the costs, it shall be dated with the date of the judgement and shall also show the date on which it was actually signed.
- (b) The Scale of Advocate's fee to be adopted is left to the discretion of the officer passing the decree subject to a minimum of Rupees five and a maximum of rupees one hundred. The production of the Advocate's Certificate of receipt of fees shall be insisted upon. If the certificate is not filed within one week from the date of the order, the decree shall be drawn up without advocate's fee.
- (c) The decree shall be drawn up even in cases where each party is ordered to bear his own costs. The decree should specify the costs included in the decree viz., enquiry fee, Fees for the issue of Notices and Summonses, Batta and Traveling allowances, Pleaders Fee (If certificate by the pleader is produced within time) etc.
- d) The Registrars have power to demand for production of civil prisoners in enquiries under Section 74 of the Registration Act. In such cases, Registrars shall provide for the escort of such prisoners who are summoned to appear before them. (S.O.757).
- e) When the registration of a document is refused and the party obtains a decree from the civil court ordering its registration, a copy of the judgement delivered by the court shall be obtained from the court and submitted to the Inspector General (S.O.760).
- f) The signatures of witnesses examined in the course of an enquiry under Section 74, whether in reference to an appeal case or as regards a document the execution of which has been denied need not be endorsed

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- on the document in respect of which the enquiry is made (RR 98)
- 8) **Transfer of enquiry to other offices:** The Inspector General is empowered to transfer the enquiry under Section 74 from the file of one Sub Registrar exercising powers conferred under the second proviso to Section 35(3) to that of the District Registrar to whom such Sub Registrar is subordinate (R.R.181).
- 9) Particulars regarding enquiries under Section 74 shall be entered in the **Register of appeals**. A serial number commencing and terminating with each calendar year shall be assigned in respect of each enquiry under Section 74 as soon as an enquiry is decided upon [S.O.740(b)]
- 10) A brief abstract of the final orders passed shall be endorsed on **application for the enquiry**.
- 11) **Maintenance of Records:**
- i) The records connected with the enquiry should be filed together chronologically in two parts, Part I and Part II with a case diary (Form Regn.II-117) prefixed to them, preceded by a list of records (Form Regn. 11-84).
 - ii) Part I and Part II should be page numbered in separate series.
 - iii) In Part I, important records such as Application for enquiry, Suit document, Counter petition, depositions, Exhibits filed, a copy of the judgement, a copy of the decree passed, execution petition, memo of costs etc., should be filed. The suit document should not be stitched
 - iv) Part II should contain records of minor importance Viz., list of witnesses, summonses and notices issued, vakalats, petitions for adjournments, petitions for return of exhibits, receipts for documents, money order receipts, acknowledgements etc.,
 - v) In the remarks column of the list of records, the fact of return of the suit document or exhibits should be noted and signed by the officer.
 - vi) The case diary should contain the minute entries pertaining to the day or days on which the proceedings of the enquiry have taken place. Each entry should be attested with the officer's initials and date.

SAMPLE ENTRIES

- | | |
|------------|---|
| 02-04-2002 | Examined two attesting witnesses and the scribe and adjourned the case to 10-04-2002 for the examination of the Counter-petitioner and witnesses. (Initial) 02-04-2002 |
| 10-04-2002 | Examined the counter petitioner and adjourned to 12-04-2002 at the request of the C.P. for further proceedings. (Initial) 10-04-2002 |

CHAPTER - 28

FILE OF APPEAL ORDERS AND JUDGEMENTS – PAPERS TO BE FILED

The following papers are to be filed in this file.

- i) Final orders of the Registrar in Appeals, Applications and Original Enquiries when Registration is ordered (R.R.172).
- ii) Draft prepared by the Registrar relating to Refusal order under Section 72 or 75 of the Act.(R.R. 176 & S.O.747).
- iii) Copies of Registrar's final orders under Sections 72, 75 and 76 of the Act communicated to Sub-Registrars(R.R.174).
- iv) Copies of orders or decrees of Courts filed by the parties for registration of documents and copies of orders and decrees received from Courts cancelling the registration of documents or declaring documents to be benami transactions.(i) to (iv) – Vide S.O.746).
- v) Copies of Judgements of Criminal Courts received from courts or copies thereof prepared departmentally (S.O.1043)
- vi) Registrar's orders passed under Sections 25 and 34 of the Act for delays in presentation of documents or appearance of executing parties as the case may be.
- vii) A memorandum received from the former office, when a document registered in one of the joint offices affects also property situated in a village assigned to another, for indexing of the document in the indexes of the latter office, (S.O.895).
- viii) Memorandum received when a document cancels or rectifies an error in or makes any change in the terms of a document previously registered in Book 3 or Book 4 in another office or a document registered under section 30 or when a document affecting immovable properties in two or more districts is registered in one district (S.O>899(a), (b) and (c)).

CHAPTER - 29

ERRORS IN REGISTRATION

- 1) REGISTRATION IN WRONG OFFICE:**
 - i) Where by inadvertence, a document is registered in a wrong office, the registering officer shall inform the executing and claiming parties of the fact and advise them to apply to the District Registrar for exercise of his powers under Section 68 of the Registration Act, 1908 and issue of a direction for its registration afresh in the proper office (RR 159 (1)).
 - ii) When the proper office is in a different district, the application shall be made to the Registrar of that District (RR 159(ii).
 - iii) When the direction is so issued the sub-registrar shall register the document

without the levy of any fee. The endorsement of presentation shall refer to the orders of the Registrar (RR 159 (iii)).

- iv) The Registering Officer in whose office the document was originally registered shall forward to the proper office free of charge a copy of a memorandum of the document in accordance with the procedure prescribed by Section 64 to 66 and the receiving officer shall file the copy of memorandum in his file book –1 (RR 159 (iv)).
- 2) REGISTRATION IN WRONG REGISTER BOOK :**
- (i) In the event of a document registered in a wrong register book, the registration shall stand but the District Registrar will direct that that requisite particulars regarding the document should be entered in the appropriate place in the indexes relating to the proper book with a reference to the volume and page of the book in which the document has been copied.(R.R.158 (i)).
- (ii) Corresponding notes shall also be entered in the entry in the wrong book as well as in the indexes relating thereto (RR 158 (ii)).
- (iii) In case in which copy and Memorandum under Section 64 to 66 has been forwarded at the time of registration in wrong book and in case in which the forwarding of such copy and memorandum becomes necessary for rectifying the errors, the requisite notice of the error in the former and the requisite copy and memorandum in the latter shall be forwarded free of cost (RR 158(iii)).
- 3) REGISTRATION WHEN PRESENTED BY WRONG PERSON:**
The defect of presentation for registration of a document by wrong persons is not curable under Section 87 of the Registration Act. It is not a mere defect in procedure. The Registration is void. The presentation of a document for registration by proper person (Section 32 and 33) is indispensable foundation to register a document under the Registration Act 1908 (Vide rulings II, III , IV and VI under S.O.214).
- 4) REGISTRATION WHEN PERSENTED AFTER PRESCRIBED TIME :**
- (i) (a) The accepting of a document for registration after the expiration of the prescribed time mentioned in the Registration Act has been held to be not a mere defect in procedure with in the meaning of Section 87 of the Act. The Registering Officer who registers a document so presented acts without authority (S.O.240).
(b) The maximum time for presentation of document (Vide sub paras (ii), (iv) and (v) below) for registration under section 23 read with sections 24, 25 and 26 is **Eight months** from the date of its execution.
- (ii) In the case of documents executed out of India, the time for presentation is four months **after its arrival in India** (Section 26). The Registration is invalid.

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- (iii) The finding of the Sub Registrar or the Registrar about the arrival of the document in India is **one of fact**. The propriety of the Sub Registrar cannot be questioned in a suit under Section 77 of the Registration Act, 1908.
 - (iv) Copy of Court decree or order: - Time for presentation of a copy of court decree or order is four months from the day on which the decree or order was made or where it is appealable, within four months from the day on which it becomes final.(Proviso under Section 23). The Registration is invalid
 - (v) Certificate of sale by a Civil or Revenue Court: - The day on which a certificate of sale by a civil or revenue court was signed by the court shall be taken as the date of execution for registration purposes. (RR 36 (ii)). The Registration is invalid.
 - (vi) The Registration of documents, copies of decrees or orders and certificates of sale by a civil or Revenue Court presented for registration after the maximum time prescribed therefor (as stated above) is invalid and the defect is not curable.
- 5) REGISTRATION WHEN APPEARANCE OF EXECUTING PARTIES IS AFTER PRESCRIBED TIME :**
- The Registration of a document whose executing parties appear and admit execution after the maximum period prescribed for appearance is invalid and the defect is not curable under Section 87 of the Registration Act and the Registration of the document is VOID. The maximum time for appearance of the executing parties subject to the provisions under Section 34 read with sections 23, 24, 25 and 26 is twelve months from the date of execution of the document.
- 6) REGISTRATION OMITTING ADMISSION OF EXECUTION BY ONE OF THE EXECUTANTS:**
- It is an irregularity on the part of the registering officer who registered the document. Such a document may be registered again on the admission of execution by the remaining executants without the levy of a second registration fee. The Registering officer should report the irregularity to the District Registrar (S.O.423). The remaining executant should however appear within the maximum time allowed (Vide para 5 above).
- 7) REGISTRATION WITHOUT SUFFICIENT DESCRIPTION OF PROPERTY IN DOCUMENT :**
- The Registration of a document without sufficient description of property therein, as required by section 21 of the Act, renders registration INVALID so far as the property is concerned on the ground that mere fact of registration is not sufficient to cure the defect arising from non-observance of the requirement of section 21 so as to effect property not sufficiently described (S.O. 226 (g)).

8) **REGISTRATION WITH FICTITIOUS PROPERTY INCLUDED IN DOCUMENT:**

Where in a deed, a fictitious item of property is included to effect its registration in a particular office so as to suit the convenience of the presentant, the privy council held that, as there was no property really forming the subject matter of the document lay within the jurisdiction of that office, the registration of such document is INVALID. The irregularity is not curable under Section 87 of the Registration Act (S.O 226 (k) to (m) and (o)).

9) **REGISTRATION WITH DEFICIT REGISTRATION FEE:**

The registering officer shall be held liable for any loss to Government which may arise from neglect on his part in the registration of a document. However, if the registering officer, before the document is returned to the party, detects that the fee levied on such document was deficit he may collect from the party the amount required to make up the deficiency. A report of every such collection shall forthwith be submitted by the registering officer to the Registrar of the district (RR 160).

10) **REGISTRATION ON DEFICIT STAMP DUTY :**

- (i) The registering officer who registers a document on deficit stamp duty is liable to be required to make good the stamp duty lost to the Government (S.O.461 (c)).
- (ii) **Documents registered but not duly stamped will not be acted upon for purpose of marking such documents as exhibits in a court unless validated. Under the provision of the Stamp Act (S.O.461(d)).**

CHAPTER - 30

RE-REGISTRATION OF CERTAIN DOCUMENTS

1) **Proper Office for Re-Registration:-**

Section 23A of the Registration Act, 1908 provides for re-registration of a document accepted for registration by a Registrar or a Sub Registrar from a person not duly empowered to present the same and has been registered. In such a case, any person claiming under such document may, within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be re-registration in the office of the Registrar of the district in which the document was originally registered and the Registrar, after being satisfied that the document was so presented earlier by a wrong person, should proceed to re-register the document as if it has not been previously registered and as if such presentation for re-registration was a presentation for registration within the time allowed therefor. Such document, if duly

re-registered should be deemed to have been duly registered for all purposes from the date of its original registration.

- 2) **Documents requiring Re-Registration:** -
Section 24 of the Registration act provides for re-registration of the under mentioned documents also.
- (a) Documents executed by several persons at different times, presented within four months from the date of each execution for registration and re-registration. Full fee shall be levied for re-registration in such case (S.O.422).
 - (b) Documents executed by tow persons registered inadvertently on the admission of execution by only one of the executants its registration again on the admission of the remaining executant. No second fee is leviable but the fact should be reported to the Registrar (S.O.423).
 - (c) Document executed by several persons and registered as regards some of the executants and refused registration as regards others, its Re-Registration as regards the latter on directions from the Registrar on appeal when such document is presented again for registration (s.o.424). In such cases only copying fee of Rupees fifty (Article 12 of the Table of fees) shall be levied.
 - (d) Document inadvertently registered in a wrong sub-registry office due to the act or omission of the office establishment, re-registration of such document under orders of the Registrar consistent with Sections 23 to 26 of the Registration Act regarding the period prescribed for presentation of documents for registration. (ILR (1948)2 Cal.252=AIR 1949 Cal 220).

CHAPTER – 31

ENDORSEMENTS AND CERTIFICATES ON DOCUMENTS

- 1) It is as essential as the document itself that all endorsements and certificated to be made at every stage on the documents is completed then and there simultaneously with the event taking place.
- 2) (a) All endorsements on the document relating to presentation , admission of execution , identifying witnesses, Registration Certificates, sheet, endorsements shall be endorsed on every document.
 - (b) In respect of documents registered under the CARD system, the endorsements and certificates required to be made under Section 58, 59 and 60 have to be made on such documents as specified in R.Rs.228, 229 and 230.
- 3) The prescribed endorsements are to be added on the following documents also
 - (1) A public functionary
 - (2) Court decrees or copies thereof
 - (3) A Gosha Lady and presented through a hamamnee

- (4) Document presented at a Private Residence
 (5) Document presented through an agent or messenger
 (6) When consideration paid before the registering officer
 (7) When statements recorded from the witnesses in enquiries under R.R.61 and 71
 (8) When registration of a document refused
 (9) When sealed covers containing wills are deposited, withdrawn or opened etc., as specified in Section 52,58,59 and 60 and RRs 85 to 100A
- 4) Every Registering Authority shall make endorsement on the back of first page of the document as follows(C&IGRS Cir. MemoNo.G1/17763/2007, dated 10-10-2007)
 ENDORSEMENT
 Certified that the following amounts have been paid in respect of this document
- | | |
|--|-----|
| I. Stamp Duty | |
| 1. in the shape of stamp papers | Rs. |
| 2. in the shape of challan (u/s 41of I.S.Act, 1899) | Rs. |
| 3. in the shape of cash (u/s 41of I.S.Act, 1899) | Rs. |
| 4. adjustment of stamp duty u/s 16 of I.S.Act, 1899 if any | Rs. |
| II Transfer Duty | |
| 1. in the shape of challan | Rs. |
| 2. in the shape of cash | Rs. |
| III Registration fees | |
| 1. in the shape of challan | Rs. |
| 2. in the shape of cash | Rs. |
| IV User charges | |
| 1. in the shape of challan | Rs. |
| 2. in the shape of cash | Rs. |
| Total | Rs. |
- 5) Any omission or irregularity in adding endorsements on documents may lead to serious consequences and litigation.

CHAPTER - 32

THUMB IMPRESSIONS AND PHOTOGRAPHS

1) Thumb Impressions - Necessity

General 1. (i) The signatures on registered documents are some times contested as forgeries. The parties resort to the law Courts to establish their claim or right. In such cases it is the thumb impression which offers proof or disproof of the allegation of forgery or FALSE PERSONATION. In many cases, there will be no evidence other than the thumb impression itself to prove or disprove such claim. The Registration Act, Rules and the standing orders of the department have therefore provided a system for obtaining thumb impressions of the parties

pertaining to the documents at the time of their registration on documents and in a register called "Thumb Impression Register" and its custody and preservation permanently. The thumb impressions of the parties on the document and in the thumb impressions register taken at the time of registration of documents facilitates for study and comparison of the ridges with the sample impressions for establishing identification of persons and for presentation as evidence in court if necessity should arise later on.

- (ii) Despite this system of obtaining Thumb or finger impressions of persons, registration of documents through false personation have come to light. The Government of Indian have, therefore and with a view to afford further safe guard to detect forgeries and false personations, amended the Registration Act, 1908 by inserting a new section 32-A through Act No. 48 of 2001 dated 24-09-2001 brought into force in Andhra Pradesh State from 01-05-2002. According to the said section 32-A, every person presenting any document and in the case of documents relating to transfer of ownership of immovable property, the executants and claimants under such documents shall affix his/her/their finger prints and passport size photograph in the proforma prescribed therefor (Vide Annexure after para 4 infra) and attach the filled in proforma to the document presented for registration as part of the document.
 - (iii) The buyer or his authorised representative should affix the thumb impression in Thumb impression Register. However the photo and thumb impression of the buyer in the format prescribed under section 32-A have also to be furnished by the authorised representative when buyer is not present along with the document to be registered (vide G.O.Ms.No.1046 Rev (Reg I) department, dt.16-10-2003 given effect from 01-11-2004 as per C&IGRS Memo.No.G1/8538/98, dt.28-10-2004
- 2) Thumb impressions (Registration Rules 63 to 69) Procedures:-**
- The procedure for obtaining thumb impressions, finger prints and for affixing photographs on documents prescribed under the Registration Act, Rules and standing Orders are detailed in the following paragraphs
- (i) Registration Rules 63 enjoins that the registering officer shall require any executant or claimant or identifying or other witness whose identity he has to satisfy himself but who is not personally known to him, to affix in his presence, whether such person can write his name or not, the impression of the bulb of his left thumb(Vide para (iv) also) in the Register of thumb impressions maintained in each registration office and on the document presented for registration.
 - (ii) Such impression shall invariably be taken in the case of marksman and illiterate females.

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- (iii) A messenger presenting a document with a covering letter under R.R.25 (ii) need not be required to prove his identity but shall unless known personally to the registering officer, be required to sign and affix his thumb impression to the endorsement of presentation on the document.
 - (iv) If the left thumb does not give clear impression or is non-existent, the impression of any finger of the left hand failing this also, the impression of the right thumb or if that also non-existent or deformed, of any finger of the right hand shall be taken. The digit and the hand used shall be specified next to each impression taken on the document in cases where a digit, other than the left thumb, is used and the digit from which the impression is taken and the hand shall be specified below the impression in the Thumb impression Register with a note explaining why the impression of that particular digit was taken.
 - (v) Thumb impression shall be dispensed with in the case of a person suffering from leprosy or contagious disease. In such a cases a note shall be entered in the Register of Thumb Impressions explaining the circumstances under which the impression has not been obtained e.g., "Person suffering from Leprosy". However the signature of identifying witnesses shall be obtained in the Thumb impression Register.
 - (vi) The signature of every person shall be taken next to his impression in the Register of thumb impressions. In the case of a marksman, the registering officer himself shall write the name against the mark.
 - (vii) The registering officer shall add a certificate at the foot of each page of the Thumb Impression Register to the effect that each impression on the page has been affixed in his presence and under his supervision by the person whose name is entered next to it. The certificate shall be signed and dated by the registering officer when the page is closed.
 - (viii) Thumb Impression Registers as many as there are number of registering officers i.e., separate register for each registering officer shall be maintained in every registration office.
 - (ix) A separate Thumb Impression Register shall be maintained for obtaining impressions in connection with registration of documents at private residences. Neither this register nor the other register maintained in the officer shall be taken out by the registering office when attending at a private residence. Thumb impressions *at private residence* shall be obtained in separate slip of paper and the slip shall be pasted with the dated initials of the registering officer added on the slip in the appropriate page in the separate thumb impression register maintained for use at the private residence. The slip shall contain a certificate as shown below.
"The impression on this slip or each impression on this slip was affixed in my presence and under my personal supervision by the person whose name is entered next to it".

3) Thumb impressions - Instructions (Standing Orders 538 to 555)

- (x) The impressions shall be clear and distinct. Rolled impressions are always preferable. In the case of women, plain impressions are sufficient.
- (xi) The Registering Officer shall invariably obtain the signatures of the persons concerned in the Thumb Impression Register whether finger impression is obtained or not.
- (xii) When the finger impression of a person is dispensed with, signatures of the identifying witnesses shall be obtained in the Thumb impression Register suffixing the letters "I.W.1" or "I.W.2" as the case may be.
- (xiii) The impressions shall be taken under the personal supervision and in the immediate presence of the registering officer himself as he should be able to depose to that effect before a court when necessary. The duty shall not be delegated.
- (xiv) The impressions shall be obtained in the Thumb Impression Register in the serial order of the document numbers. Against each impression, the number, book and year of the document to which it related shall be entered. In the case of **an attested power of attorney**, the number assigned to the power attested and the date of execution or attestation as the case may be should be entered in the column provided for the purpose.
- (xv) In the case of **deposit of Sealed Cover**, the thumb impression of the depositor shall be taken both on the sealed cover and in the Thumb Impression Register when the depositor is not known personally to the Registrar. If the depositor is known personally, a note to that effect shall be entered both on the cover and in the Thumb impression register.
- (xvi) If the signature in the Thumb impression Register is in a language not commonly used in the sub district and not understood by the registering officer, he shall ascertain from the signatory what letters the signature contains and transliterate them into English in the Thumb impression Register immediately below the signature.
- (xvii) When an impression other than the thumb is obtained, the digit and the hand from which the impression is obtained shall be specified wherever such impression is taken.
- (xviii) If the impression taken is not clear, a second or third impression shall be obtained. The indistinct impression shall not be cancelled but noted as "First impression" "Second impression" and so on, all such impressions being bracketed together.
- (xix) When a person executes a document in different capacities and affixes more than one signature to the document, only one impression need to be taken in the endorsement made on the document and in the Thumb impression register.

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- (xx) When the same person is the executant of more than one document, only one impression shall be obtained in the register and the number of all the documents shall be noted against the impression in the column intended for the purposes.
- (xxi) When a document is executed by more than one person bearing the same name, the name of the father also shall be entered against the impression of each document.
- (xxii) Thumb impressions of persons other than the executants shall be distinguished by the symbol "IW" for identifying witness, "Ct" for claimant and so forth against the impression.
- (xxiii) When impression appearing on the same page have been obtained by more than one registering officer the impressions on that page shall be numbered in roman figures as (I) (II) and so on and each officer shall add a separate certificate at foot of the page of the Register in the following form
- "Impressions on this page have been affixed in my presence and under my supervisions by the persons whose names are entered next to them
- Dated: (Signature)
Sub Registrar.
- (xxiv) If a person whose impression is taken bears personal marks of identity such as natural deformities or other permanent peculiarities visible and found without any enquiry, a brief note should be made as additional marks of identity below the signature or name of the person concerned. For example "Right eye blind" "handicapped with polio (left leg)" "Six fingers in left hand" and likewise
- (xxv) When an executant refuses to affix his signature in the endorsement made on the document, his thumb impression shall be obtained against his signature in the deposition book containing his statement regarding his refusal to affix his signature.
- (xxvi) When there are more executants than one, the thumb impressions obtained from each shall be numbered with Arabic numbers in brackets, thus (1),(2) and so on in the endorsement on the back of the document and in the thumb impression register.
- (xxvii) The impression taken for office record by a Commissioner shall be on separate slip and forwarded to the registering officer who issued the commission along with the commissioner's report.
- (c) (i) When an impression of any person in respect of any document is **obtained elsewhere** in the same register or in the Private attendance Thumb impression register is not obtained in accordance with its serial number a reference to that document or executant should be made as indicated below in the ordinary Thumb impression register in the

appropriate place.

- 903 personally known
- 1415 person suffering from Leprosy
- 1624 Ramarao - personally known
- 2116 Vide page of P.A.book volume
- 2400 Krishna Rao – Vide Page of this Volume
- 2020 Commissioner, Corporation of (Warangal) – exempted from personal appearance.

(ii) The completed volume of Thumb impression register shall be kept in locked record receptacle containing the completed register volumes. The CURRENT volume shall be kept either in the iron safe or in the cash box of the registering officer.

(iii) (a) When a Thumb impression register which is in current use is forwarded to a Court, a note signed and dated by the registering officer shall be made under the last impression as follows.,

“Sent to Court on”.

(b) Where such partially used register is sent to court another register shall be brought into use in its place. The register partially used shall, on return by the court, be used for taking impressions subsequent to the closing of the register then current, with a note signed and dated by the registering officer showing where the intervening impressions are to be found.

(c) The system of obtaining finger impressions for the identification of the parties shall be worked with tact so as not to cause unnecessary offence or annoyance to the persons whose finger impressions are obtained.

(d) Police Officers should not be given Thumb Impression Register with them under any circumstances. They can persue the same in the office and in the presence of Sub-Registrar. If Courts require only underreceipt they should be forwarded (IG’s Memo No.G1/9158/91,dt.24-4-91)

4) Photographs and Finger Prints :- (Section 32-A effective from 01-05-2002, G.O.Ms.No.673 Rev (Reg.I) dated 31-8-2004)

(a) The Inspector General of Registration and Stamps, Hyderabad in his circular memo No. G1/8538/99 dated 19-04-2002 issued orders to the effect that the

(i) Photographs to be affixed on the prescribed proforma shall be of recent passport size taken in black and white colour.

(ii) Finger prints shall be that of the left hand taken in black ink in the proforma prescribed

- (b) Proforma filled in by photographs and finger prints shall be enclosed to the concerned document (which forms part of the document).
- (c) The Inspector General of Registration and Stamps, in the said circular memo issued the following procedural instructions for being followed.

5) Procedure:-

- (a) It shall be ensured that the person presenting the document has affixed his recent passport size photograph (black and white) and finger prints at the appropriate place in the prescribed proforma.(Vide annexure).
- (b) In the case of documents relating to transfer of ownership of immovable property. The photographs of the buyer and seller, (Executant/s and claimant/s) separately for each shall be affixed to the document in the proforma prescribed along with the finger prints as aforesaid
- (c) (i) If the executant or the claimant is represented through power of attorney holder(s) they should produce his/her/their recent photographs and also affix finger prints as aforesaid in the prescribed proforma together with the recent photograph of the executant(s) and the claimants(s) along with their finger prints as aforesaid in the said proforma. The buyer or his authorised representative should affix thumb impression in Thumb Impression Register (G.O.Ms.No.1046 Rev (Regn I) dated 16-10-2003)

(ii) But, to get over the difficulty in registration of documents presented by General Power of attorney holders under General Power of attorney registered before 24-09-2001 and between 24-09-2001, the Government, through their G.O.Ms.No.384 Revenue (Registration – I) Department dated 28-06-2002, exempted affixure of the photographs and finger prints of the PRINCIPAL OWNERS, by the General Power of attorney holders upto 30-09-2003 and again up to 31-12-2003 (G.O.Ms.No.985, dated 27-9-2003 and again up to 31-5-2004 (G.O.Ms.No.1367 Rev (Regn 1) dated 27-12-2003 and again from 1-6-2004 to 31-3-2005 (G.O.Ms.No.425 Rev(Regn 1)dt.3-6-2004 and again up to 31.3.2006 (G.O.Ms.No.397 Rev (Regn -1) dt.31-3-2005, up to 31.3.2007 (G.O.Ms.No.1604 Rev (Regn-1) dt.2-11-2006 and through C& IGRS endt.No.G1/8538/98 dt.30.5.2007, the same procedure extended upto 30-6-2007 and again till 30-9-2007 or until further orders,which ever is earlier (G&IGRS Memo No.8538/1998, dated 4-7-2007) on condition that the General Power of attorney holder executes a declaration stating that the Principal is alive and that the General Power of attorney is still in force

The C & IGRS in his Cir.Memo No.G1/8538/98, dated 01-11-2007 has issued the following further instructions

The exemption from affixure of photographs and finger prints of the sellers in the case of sale deeds executed by the agents lapsed on

30-09-2007 (Unless exempted further). Therefore the affixture of photographs and finger prints of the seller/sellers must be ensured with the provisions of the Section 32-A of Registration Act, 1908, in toto without any exemption in the case of **sale deeds executed by the agents** irrespective of the fact whether the GPAs were executed before or after enactment of section 32A (i.e. from 01-05-2002)

An affidavit must be obtained invariably from the **agents** that the principal(s) are alive and that the GPA is in force, in the case of **sale deeds executed by the agents** beside affixture of photograph and thumb impression of the principal(s) The **stamp duty** payable on special power of attorney through which the buyer authorises the representative to submit the format with photograph along with his finger prints under Section 32A of the Registration Act 1908 is **remitted in full** with effect from 1-11-2004 (G.O.Ms.No.297 Rev (Regn 1) dept, dt. 25-03-2004)

The **buyer or his representative** shall present before the registering officer using the forms mentioned in C&IGRS Cir.Memo No.G1/8538/99, dt.19-04-2002 (Annexure I below) or C&IGRS Memo No.G1/8538/99, dt.08-11-2004 (Annexure II below) as the case may be, shall be utilised.

In Circular instructions in reference No.G1/8538/98, dated 1-11-2007 and 7-11-2007, the exemption granted by the Government up to 30-9-2007 was further exempted up to 15-12-2007 if the power was registered between 19-4-2002 and 7-11-2007 and wherein photographs and thumb impression of the principals were affixed.

On a report of the C&IGRS that where a power of attorney is coupled with interest, the same is not revokable. Section 202 of Contract Act provides that where the Agent has himself interest in the property which form the subject matter of the agency, cannot, in the absense of an express contract, be terminated to the prejudice of such deposit. It is also settled law that where the agency is created for consideration and authority is given to effectuate a security or to secure interest of the agent, the authority cannot be revoked. In case of GPAs coupled with Sale Agreement or Development Agreement undoubtedly interest is being created in favour of the agent since in both the cases either he pays the consideration or incurs expenditure for development / construction of property in the capacity of Agreement Purchaser or developer as the case may be.

In view of the above, Government after careful consideration in G.O.Ms. No.246 Rev (Regn.I) dept. dated 27-02-2008 = C&IGRS file G1/8538/98 issued orders as follows

1) Where an Agreement of Sale or Development Agreement / Construction Agreement is coupled with GPA in one document and **photographs and**

thumb impressions of principals had been affixed at the time of registration of such document, there is no need to insist for affixture of photographs and thumb impressions of the principals on the subsequent documents executed by the agent. The G.P.A.Holder will also execute a declaration on Non Judicial Stamp paper that the principal owner is alive and that the G.P.A is still in force.

2) However, in case of simple GPAs not coupled with Sale Agreement or Development Agreement / Construction Agreement, wherein no interest was created in favour of the agent, **it is necessary that the photographs and thumb impressions of the Principal are affixed on the Sale Deeds** subsequently executed by the GPA holder. The GPA Holder will also execute a declaration on Non-judicial stamp paper that the principal owner is alive that the G.P.A is still in force.

In pursuance of the orders issued in G.O.Ms.No.384, Revenue (Regn-I) Department, dated 28-6-2002, in both the situations above, the G.P.A.Holder in every subsequent transaction effected by him would attach a copy of registered G.P.A /AGPA / DAGPA document apart from affixing his passport size photograph(s) and thumb impressions of the buyers(s) shall also be affixed on the document

- (d) The photographs shall be affixed only on one side of the prescribed proforma.
- (e) The page or pages of the document which are affixed with photos and finger prints shall be scanned through FLATBED along with scanner settings as GRAYSCALE which is provided in the RESCAN feature of PREVIEW option of IMAGING and ARCHIVAL system.

Note: If the buyer(s) is/are not present before the Sub-Registrar the following request should be signed

“ I / We send herewith my / our photograph(s) and finger prints in the form prescribed, through my representative Sri.
as I /we cannot appear personally before the Registering Officer in the office of the Sub-Registrar of Assurances of

xx xx xx

Signature of the Representative

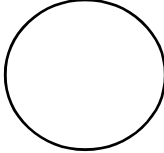
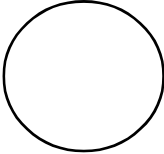
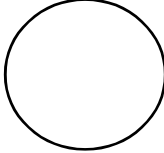
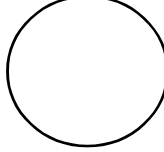
xx xx xx

Signature of the Buyer(s)

- (g) In case of mortgage / Reconveyance deed if the mortgagor presents the deed it is sufficient if the recent photo and T.I of the mortgagor are affixed to the document. The photo and T.I of the officer so exempted under section 88(1) are not necessary to be affixed to the deeds. If the exempted officer chooses to present the deed either by himself or through messenger the recent photo and T.I of the officer so exempted is essential (C& IGRS Memo No.G1/8538/99 dt.19-6-2002.

ANNEXURE
PHOTOGRAPHS AND FINGERPRINTS AS PER SECTION
32A OF REGISTRATION ACT, 1908.

(Cir.Memo No.G1/8538/99 Dated 19-04-2002 of the C&IGR&S)
Vide also Chapter 32 Para (iii) (In case of Sale Deeds)

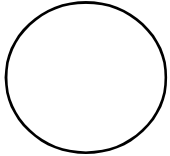

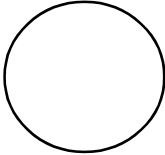

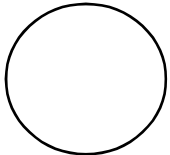

| FINGERPRINT SL.No. IN BLACK INK (LEFT THUMB) | PASSPORT SIZE PHOTOGRAPH (BLACK & WHITE) | NAME & PERMANENT POSTAL ADDRESS OF PRESENTANT/SELLER/ BUYER |
|---|---|--|
|  | PHOTO | |
|  | PHOTO | |
|  | PHOTO | |
|  | PHOTO | |

SIGNATURE OF THE WITNESS

SIGNATURE OF THE EXECUTANT/S

**ANNEXURE
PHOTOGRAPHS AND FINGERPRINTS AS PER SECTION
32A OF REGISTRATION ACT, 1908.**

(IGR&S Cir.Memo No.G1/8538/98 Dt. 08-11-2004)(In case of Sale Deeds)

| FINGERPRINT SLNo. IN BLACK INK (LEFT THUMB) | PASSPORT SIZE PHOTOGRAPH (BLACK & WHITE) | NAME & PERMANENT POSTAL ADDRESS OF PRESENTANT/SELLER/ BUYER |
|---|--|--|
|  | PHOTO  | |
|  | PHOTO  | |
|  | PHOTO  | |

SIGNATURE OF THE WITNESS

SIGNATURE OF THE BUYER

I am / we residing at and unable to present either myself / ourselves or send a representative at the time of registration in SRO / RO I/We may be exempted from appearance in person or through representative under section 32-A of Registration Act. Proof of Residence / Identity is enclosed herewith.

Signature of the Buyer (s)

Note: As residential proof true copy of Ration Card / Driving License / Identity Card issued by the employer / PAN Card issued by the I.T. Department, Residential Certificate / attested by any Gazetted Officer / Notary / Consulate / Embassy Official shall invariably be produced at the time of registration

CHAPTER - 33
DEPOSITION BOOK

- 1) Two Deposition Books, one called “**Office Deposition Book**” and the other called “**Private Residence Deposition Book**” shall be maintained in **every registration office (R.R.151 (i) and (vi))**.
- 2) **In the office deposition book**, deposition shall be recorded on the following occasions (R.R.151(i)).
 - (a) When execution is denied the statements of the identifying witnesses to prove the identity of the alleged executant (S.O.534).
 - (b) When a person admitting execution refused to sign the endorsement.
 - (c) When a person refuses to affix his thumb impression when required by the Registering officer
 - (d) When a person admits execution on protest or with a reservation
 - (e) When an enquiry is held under rule 61 as to the alleged death of an executing party.
 - (f) When an enquiry under rule 71 is held as to the right of the person to appear as the executor, administrator, or heir of a deceased person or as the Guardian of an infant or as the curator of an idiot, or an lunatic.
 - (g) When any person is examined as to the age of a party who appears to be a minor or as to the sanity of a party who appears to be an idiot or a lunatic.
 - (h) When an explanation is taken regarding the cause of delay in the presentation of document or in the appearance of executing parties.
 - (i) When the addition of any person, or the description of a property has to be ascertained owing to the addition or the description not appearing either in the document or in the endorsement.
 - (j) Depositions from the representatives or assigns in enquiry under Registration Rule 61 (Non-Testamentary documents (S.O.574).
 - (k) When an executant has signed in the document at the time of execution but unable to sign owing to any special cause and Vice Versa(S.O.687(b)).
 - (l) Generally, in all cases in which a record may seem necessary.
- 3) In the following cases, the deposition shall be obtained **on loose sheets** (R.R.151(ii)).
 - (a) When an enquiry is held under Section 41(2) in respect of a will or an authority to adopt presented for registration after the death of the testator or the donor as the case may be (R.R.151(i)(j)).
 - (b) When an enquiry is held under Section 74 as to the fact of the execution of a document(R.R.151(i)(k)).
 - (c) Depositions in false personation cases (S.O.1040(b)).
- 4) The deposition books shall be **bound books and paged** throughout in ink before it is brought into use and the number of pages contained in each book shall be certified on the fly leaf by the registering officer

(S.O.533).

- 5) **Deposition taken by a Registrar or by a Sub Registrar empowered to exercise any of the powers of a Registrar shall be recorded in English and by the other Sub-Registrars in the language of the Sub-district or in the language used by the deponent (R.R.151(iii)).**
- 6) Deposition shall be recorded **separately in respect of each witness or a party**, in the first person and the signature of the person from whom the deposition is recorded shall be obtained. A certificate shall be appended to each deposition to the effect that it has been read over or interpreted to the deponent and acknowledged by him to be correct (R.R.151(iv)).
- 7) At the head of each deposition, the document number with book, volume and year shall be noted.
- 8) The office deposition book shall not be carried to a private residence. All statements to be recorded at the private residence shall be recorded in a separate book i.e., in the private attendance deposition book. On return to office from the private residence the deposition recorded in the private attendance deposition book should be got copied in the office deposition book by an assistant in the office and examined by another assistant and shall be authenticated by the registering officer with date (R.R.151(vi)).

CHAPTER - 34

MINUTE BOOK

- 1) **Maintenance:-**
 - a) A minute book shall be maintained in every registration office. It is a record wherein a brief record of each days proceedings in respect of every document on which a presentation endorsement is made and which is neither admitted to registration nor refused registration on the day of presentation, is entered. But no such record is necessary in respect of will or authority to adopt presented under Section 41(2) or of documents presented after the death of the executant or the executant dies before recording admission of execution. Each entry should be attested with the dated initials of the registering officer.(R.R. 35, S.O.s 233 and 234).
 - b) In a Registrars officer **two minute books** shall be maintained one for the Registrar and the other for the Joint Sub-Registrars (S.O.234(b)).
- 2) **Recording of Entries:-** A record shall be maintained (R.R.35).
 - a) When a document is returned for correction under Rule 31(ii) (if any impediments for acceptance of the document for registration are discov-

ered after presentation endorsements made).

- b) When a document is put aside pending appearance of parties and witnesses.
 - c) When a document is kept pending reference to the Registrar.
 - d) When a document is returned at the request of the presentant.
 - e) When a sealed cover containing a will is returned on the ground that it is not sealed or that the superscription on the cover is not in the form as required under Section 42 i.e., Seal and superscription with the name of the testator and that of his agent (if any) and the nature of the document.
 - f) When a document presented in a different office and returned after presentation endorsement is made for presentation in the proper office (S.O.233(b)(i)).
 - g) When a document is presented by wrong person and returned after presentation endorsement is made for presentation by the proper person.(S.O.233(b)(ii)).
 - h) When appeals, applications and original enquiries withdrawn at the request of the party (S.O.233(b)(iii)).
- 3) **Grant of Copies:-** Copies of the entries in the minute book may be granted to the parties of the concerned document and other interested parties in affirming or denying the truth of such facts recorded (S.O.235).

Note:- In column 1 of the minute book serial numbers should be assigned in a separate series for each calendar year (S.O.236).

In column 5, the minute entered shall be brief with adequate description of the document i.e., nature, value, date of execution, names of the executants and claimants (S.O.237) Vide appendix XVI of Registration Manual Part II (**Old**) for specimen entries in minute book

CHAPTER - 35

I . SEARCHES, II . FEES, III . ENCUMBRANCES

CERTIFICATES AND

IV. CERTIFIED COPIES

Sections, Registration rules and standing orders and procedure (before introduction of CARD system.)

I.SEARCHES

- 1) S.57(1) Books 1&2 Any person is entitled to apply in writing for search
 Indexes I &II in books Nos 1 & 2, and indexes Nos. I &II and
 for grant of copies of entries of documents regis-
 tered in book No.1 or of documents refused reg-
 istration and recorded in book No.2

-
- 2) S.57(2) Book 3 and Index III
- i) The executant (Testator) or his agent is entitled to apply in writing for a search in book No.3 and Index No.III and for grant of copies of entries of documents registered in book No.3
- ii) *After death of the executant* (Testator) (but not before) and on proof of his beath, any person is entitled to apply in writing for a search in book No.3 and Index No.3 and for grant of copies of entries of documents registered in Book No.3
- 3) S.57 (3) Book4 & Index IV
- Persons executing or claiming under the document or their agents or representatives are entitled to apply in writing for a search in Book No.4 and the Index No.IV and for grant of copies of entries of documents registered in book No.4.
- 4) S.57(4) Search in Books 3&4 by registering officer
- The registering officer himself (and not any staff member) should conduct the search in Book No.3 and 4 and index No.III and IV in connection with the applications for grant of entries of documents registered in Books No.3 & 4.
- 5) RR 130 search in books transferred to Registrar office
- Applications for a search or for a copy of an entry in a book which has been transferred to District Registrar's office may be made either to such Registrar direct or through the Sub-Registrar in whose office the entry was originally made. In the latter case along with the application the requisite stamp and other papers if any and money sufficient towards search fee, application fee and copying fee together with postage should be sent.

II.FEES

- 6) RR 131 Adjustment of fee in Treasury accounts
- In the following cases, the fees may be adjusted in the Treasury accounts when the requisition for an Encumbrance Certificate is received from a public servant in his official capacity.
- a) Searches on property offered as security for loans under the Agricultural Loans Acts and
- b) Searches on property pledged as security for the due performance of their duties by public servants.
- Note:-** The term "Public Servant" should be interpreted to mean an officer serving directly under Government.

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- 7) RR 132 – Requisitions received from Courts
When a requisition from a court involving search or preparation of a copy of any document is received the registering officer should forward to the court a memorandum of fees payable for being collected and remitted to the registering officer. vide also S.No.2 *sinfra*
- 8) RR 133- Fruitless Searches
i) When a search for grant of a copy of a document proves fruitless, the search fee collected should not be refunded but, the applicant, if so desired, may be granted a certificate to that effect
ii) In the case of fruitless search in Book 1, search should be continued in Book 3 & 4. If the requisite entry is found, existence of such an entry should not be revealed. The applicant should be called upon to furnish proof of his title to have those books searched.
iii) In the case of fruitless single searches, Index I also should be searched and a note to this effect made on the back of the application.
- 9) RR 134 when search fee is not leviable
In the following cases, *no search fee* is payable for the grant of a copy of a
a) Document admitted to registration but not transcribed into the Register or scanned
b) Document presented but not yet admitted to registration or
c) Document the registration of which has been refused. Vide also S.No.15 *supra*.
- 10) RR 135-Search fee for search in more offices due to transfer of villages from one sub-dist. To another.
Only ONE SEARCH FEE is leviable for
a) making a search in respect of a single document or acts and encumbrances on one and the same property in two or more offices because of the transfer of village from one sub-district to another.
b) making a general search in respect of one and the same property in the records of an office once in existence, abolished and revived.
c) making a search in the indexes of more than one village on account of splitting up or grouping together of villages due to survey and settlement operations, for acts and encumbrances in respect of one and the same property.

- 11) RR 136- Search fee for more than one entry or document executed by or in favour of one and the same individual
Search fee is leviable separately for each office in which the nominal indexes have to be searched when the search related to more than one entry or for document executed by or in favour of one and the same individual
- 12) SO 962 - Levy of fees for additional properties
Additional search fees is leviable for each property. When a search disclose more than one property, search fee leviable is as many fees as there are number of ownerships determinated as per the definition of one and the same property (S.O.960)
- 13) SO 972 – Fee for search in office with concurrent jurisdiction
The nominal search in an office with concurrent jurisdiction should be treated as a separate search in each office and charged accordingly.
- 14) SO 974 –Fee for continued search
The fee leviable for continued search is as per instructions in SO 418 and second para of the note under SO238.
- 15) S.O.975 & 976 Fee leviable for copies of Refusal orders
i) Search fee and copying fee are ***not leviable on the occasion of the first application*** from the Ext., or claimant whether for purpose of appeal or not. Application fee is however leviable.
ii) Search fee is not leviable for copies of refusal orders *passed U/S 76* and
iii) for copies of documents refused registration.

III . ENCUMBRANCE CERTIFICATES

- 16) RR 141 EC for documents executed by or in favour of a particular individual
The EC relating to a list of documents executed by or in favour of a specified individual should be granted in the same form of EC mentioning villages name only without description of property affected by the document. The list should not include documents registered in Books Nos 3 or 4 unless the applicant is entitled to copies of the entries (Section 57).
- 17) RR 144 & SO 964 Search in more than one office
When a search is made in the records of more than one office, the various certificates prepared in each office should be granted to the party and not a consolidated certificate.

- 18) RR 145(ii) Search made by the applicant himself
- When the party himself makes the search, he should be required to furnish a signed note of the results of his search which should be verified by a member of the office establishment.
- 19) RR146 & 147 and SO 967 (Note) Numbering of the EC's R.R.235
- Each EC should be numbered consequitively for each Calendar year. All notes furnished by parties (RR145(ii) and S.No.18 infra) and all duplicates of the certificates received from other offices (RR 144) S.No.17 infra should be filed in the same file of ECs. The EC should be assigned as many numbers as are assigned to the application concerned for the General Search. EC to be generated and issued under the CARD system conducting search of the data base electronically.
- 20) SO 960 (a) & (b) Determination of one and the same property
- The determination of “**one and the same property**” shall be with reference to the ownership of the property at the time of the application for E.C. The following may, in each case, be treated as “one and the same property”
- a) A single survey field (used for cultivation) or a house owned by more than one person.
 - b) Lands used for wet and dry cultivation situated in the same village and owned by one person or jointly by two or more persons whether the parcels be contiguous to one another or not.
 - c) A field or a Guardian and the house situated in it (Cultivable land with outhouse or cattle sheds or a house in open space enclosed by a compound within four boundaries.
 - d) Building or houses described as being situated within the same four boundaries and forming together one property
- Note:-** Vacant house sites each lying within separate boundaries should be treated as separate properties.
- 21) SO 960 (e) Joint Ownership and ownership with district matters
- Joint ownership** should be treated as one and the same property and ownership with distinct matters as “**Several properties**”.

- 22) SO 984(i) Criteria for inclusion of entries in EC
- i) Date of registration of a document is criteria for its inclusion in the EC.
ii) Total number of entries of documents contained in every E.C .should be indicated by means of a note below the last entry in the following form and initialled by the SR. "Total number of entries in this **E.C. one / two / three and so on.**
- 23) SO 986(c) Duplicate copies of ECs received from other offices
- The duplicate copies of certificates received from other offices U/RR 144 should be paged along with the certificates prepared in the receiving office.
- 24) SO987(b) grant of E.C to public offices.
- The note regarding inaccuracy or omission entered at foot of the certificate should be omitted in the E.C **granted to public offices.**
- 25) SO 988 Correction of EC after issue
- An encumbrance certificate once issued, under any circumstances, should not be corrected or revised without prior permission of the District Registrar.

IV . CERTIFIED COPIES

- 26)SO 959(d) & 977 (a)-copies of entries in Book Nos.3&4
- Applicants for grant of copies of entries in Book 3 or Book 4 should be required to specify his title for grant of the copies. If the search in Book 3 or Book 4 proves fruitless, the search should be made in Books 1 and 4 or Books 1 ad 3 as the case may be.
- 27)R.R.132. Fee for copies granted to courts.
- When a requisition from a court involving preparation of a copy of any document is received, the registering officer should forward to the court a memorandum of fees payable for being collected and remitted to the registering officer.vide also S.No.7 supra
- 28) RR 137 – Entry after readout not required by the party
- When an applicant does not require a copy after the entry of document was readout, a note to that effect should be made under the signature of the applicant.
- 29)SO 992- Grant of extract & portion of entries of documents.
- When a copy of an extract of portions of an entry of a registered document is granted, all the endorsements, the certificates, the entries relating to stamp, the foot notes pertaining to the portion extracted, and the names of the copyist, the reader and the examiner of that entry should be included

-
- in the copy of the extract which should be certified as
 “True Extract from the entry of document No..... of of book”
- 30) SO 994 – Grant of copies of entries in Books Nos. 3&4 to an Agent
 When an Agent who is not a “qualified legal practitioner” applies for a copy of an entry in book No.3 or book No.4 he should be required to produce a power of attorney stamped u/art 42 of sch.1A to the stamp act duly attested by an officer or a person authorised under the Indian Oaths Act 1873 or Civil Rules of Practice. (eg. Judicial Functionary, Gazetted Officer, Notary Public etc.)
- 31) SO 995(a) – unauthenticated or unattested corrections in entries in Register Books
 When granting copies of entries of a document in a register book which was left unauthenticated or containing unattested correction, a Note should be added at foot of the copy to the effect that the entry in the Register book has not been signed by the registering officer or specifying the unattested correction as the case may be
- 32) SO 995(b) – Inclusion of notes of cancellation rectification etc., in the copy
 Notes of cancellation, modification or rectification entered u/RR 118(a) and 119, 158(ii) SO 843, 482(14)(b) SO 1011 and notes of defects appertaining to (1) words or phrases appearing as written over erased or scratched surfaces (2) omission of field numbers, extents etc., in the entry (3) Portion of document omitted to be copied (4) Words or letter underlined without symbols over them (5) footnotes not corresponding to the symbols (6) Portions with letter or figures underlined without any indication and note added relative to refund of stamp duty paid (BSO 100A) and the fact that the document has been cancelled on receipt of intimation from the officer granting refund of stamp duty should be included in the copy.
- 33) SO 996-Copies of faded or illegible portions recopied.
 a) When an application is made for a copy of an entry which has been recopied, the copy should be prepared from the original register, the faded or illegible portions entered within brackets marked or numbered in RED INK and also a footnote explaining that the copy has been made out with the help of a copy, which when made

- originally, was compared with the original entry in the register.
- b) If the pages in which the original document has been copied have been damaged beyond recognition, the applicant should be informed that a certified copy of the entry cannot be granted from the damaged register, that, if the copy is required for Production of the reproduced copy kept in the office and that the entry of the document will be read out to him from the copy and that he may take notes for his private information.
- 34) SO 997(a)- Copies of appeal orders, depositions, document receipts, Petitions etc. Copies of appeal orders, depositions, document receipts, Petitions and applications., on payment of copying fess, may be granted to any person concerned with them or who shows to the satisfaction of the registering officer that he is entitled to obtain a copy thereof.
- 35) SO 997(b) – grant of copy of EC to the applicant for E.C Copies of Encumbrance Certificates, on payment of copying and application fees, may be granted on white paper to the applicant at whose instance the E.C was prepared.
- 36) SO 997(c) –Copy of plan attached to document Copies of plans attached to documents may be granted whether or not a copy of the document is granted. If the copy cannot be prepared in the office, the copying fee levied may be paid to the person who makes the copy.
- 37) SO 997(d) – copy of fee receipts Copies of fee receipts should not be granted on the ground of loss of the original receipt. In such cases a certificate for the receipt of fee, prepared in English and sealed, may be granted on payment of **Rupees Five** which should be ledgered in Account B. If the certificate is lying unclaimed it should be shown in Col.12 of Account G by a plus entry with a suitable footnote.
- 38) SO 999(a)-Copies to be supplied to other depts.. Copies of orders or records (other than the entries in the register books, or indexes copies of which are liable to stamp duty subject to the exemptions under exemption (a) to the Art.21 of Sch.1A of the Stamp Act) which are proposed to be supplied to other departments of the Government, on application, should be made on plain unstamped paper by the ordinary staff.

- 39)SO1000(b) Number of corrections in the copy to be specified In all copies granted, the number of corrections on each page should be entered at the bottom of the page and also the total number of corrections in the copy at foot of the last page.
- 40) SO 1001(a) Date of receipt of application etc., to be noted on each copy or the certificate On each copy or the certificate granted, the dates (1) of the receipt of application (2) of the completion of the search (3) on which the applicant has to produce stamp and other papers (4) on which the stamp and other papers are produced (5) on which the copy or the certificate was made ready and (6) of delivery or despatch by post of the copy or the certificate should be noted.
- 41) **Pending documents - Grant of certified copies** In Circular Memo No.G1/19001/02,dt. 19-9-2002, the IG of Registration and Stamps has ordered not to grant any copy of the pending documents to the parties except in the Court Cases, after ensuring in writing that the copy is required for Court purpose. Further, a foot note in red ink should be added clearly stating that the copy relates to a **pending unregistered document only** and it can be used only for the purpose of production in a Court and not for any other purpose

CHAPTER - 36

RE-COPYING OF ENTRIES IN DAMAGED PAGES AND FADING ENTRIES IN REGISTER BOOKS (R.R.196)

- (1) When a page in a register book shows signs of **crumbling** or an entry signs of **fading**, the page or entry as the case may be shall, with previous sanction of the District Registrar, be recopied.
- (2) **The sheets containing reproduced entries shall be preserved in a cover** under the seal and signature of the Sub-Registrar with a slip pasted over the cover to show its contents.
- (3) When an entry is recopied, a note of the fact shall be made at foot of the entry in the original register.
- (4) **When an entire volume is recopied**, a note to that effect shall be entered in RED INK on the label pasted in the back of the original volume as well as on the title page and also on the book or the volume containing the reproduced entries.
- (5) The original shall be faithfully reproduced as it is found in the register. Any missing or undecipherable letters, words or figures shall not be filled

up by guessing from the context. A note shall be made as regards portions not legible or visible.

- (6) The reproduced entries shall be compared and authenticated as a "True Copy" with date and seal. The signature of the assistants who copy and compare shall be affixed above the signature of the registering officer authenticating the copy.
- (7) Initialed interlineations etc., in the original shall be noted above the signature of the Assistant who copy and compare and attested by the Sub-Registrar. The interlineations etc., in the copies of entries shall be noted by the copying assistant and initialed by the Sub-Registrar.

CHAPTER - 37

PRODUCTION OF REGISTER BOOKS IN COURTS

- 1) The following procedure is prescribed when a requisition is received from a court for production of Register books Viz.,
 - (i) **Book 1 or Book 2:-** The Sub-Registrar has to ascertain whether it is absolutely necessary that the book itself shall be produced or whether a certified copy of the entry in the register required in evidence will not suffice. When it is absolutely necessary to produce the book itself, *or when the requisition is for the production of Register Book 3 or 4 or a register of Thumb impression*, the book concerned shall be forwarded in a sealed packet through a clerk along with a covering letter inviting attention of the court to rule 76(4) of the Civil Rules of Practice and requesting for the speedy return of the book. The clerk shall be instructed to bring the packet back to the office unless the court considers detention of the book/ register to be necessary.
 - (ii) **Copy of entry:-** When a certified copy of an entry is to be forwarded the copy shall be sent in a sealed cover addressed by name to the officer presiding over the court (R.R.148 and S.O.1175).
 - (iii) **Procedure when Government Servant is summoned to produce official documents:-** [sub para 8 below S.O.1175(d)].

The Government servant who is summoned to produce official documents in respect of which privilege under Section 124 of the Indian Evidence Act has to be claimed will make an affidavit in Form No.11 (Vide Annexure).

When the government Servant is not attending the court himself to give evidence, he shall send the affidavit along with the concerned documents through a person who should submit the affidavit to the court when called upon to produce the documents. He shall not handover the documents to

the court unless the court directs him to do so. They shall not be made known to the opposite party.

- 2) **Register of records other than wills sent to court :** - Particulars of records sent to court shall be entered in this register. If the record is not received back within six months, the court shall be reminded and be continued reminding till the record is received back.(S.O.1175 (b) & (c)).
- 3) A Register of Wills sent to Court shall be maintained in Form-C in which the particulars regarding wills sent to Court shall be entered (S.O. 651)

ANNEXURE

Affidavit in Form No.II

In the Court of

Suit No..... of 20

I, * do hereby solemnly affirm and state as follows:-

A summons bearing No..... dated issued by the Court of in suit No..... of 20

(.....Vs.....) has been served on me on20..... requiring production in the said court on

20..... of the documents stated below. I have carefully considered them and have come to the conclusion that they contain communications made in official confidence and I consider that the public interest would suffer by their disclosure for the following reasons:-

x x x x x

* (Here insert the name, designation and address of the person making the affidavit)

LIST OF DOCUMENTS SUMMONED

x x x x x

I, therefore, claim privilege under Section 124 of the Indian Evidence Act, 1872.

Solemnly affirmed atday of 20

Signature of the person with name,
Designation and address.

CHAPTER -38

RECORDS – DUTIES AND RESPONSIBILITIES OF RECORD KEEPER OF REGISTRAR’S OFFICE

(IG’s Proogs. No. G1/24170/77, dated 12-09-1977)

Sub:- RECORDS – Custody of Records in Registrar Offices – Duties and responsibilities of Record keepers of Register’s Offices – Instructions – Issued.

O R D E R :-

- 1) The measures to lessen the burden of the Joint Sub-Registrars of Registrar's Offices whose duties and responsibilities have increased of late, have been engaging the attention of the Inspector-General of Regn & Stamps for some time past.
- 2) In Registrar's Offices, it is the Record Keeper who sits in the Record room and actually handles the records. Hence, after careful consideration, it has been decided to relieve the Joint Sub-Registrars of the responsibility of custody of the old records of the Registrar's Offices, Accordingly the following instructions are issued to come into force with immediate effect.
- 3) The record keeper shall be responsible for the custody of the completed records of Registrar's Office except the sealed covers containing wills (opened as well as unopened) and the correspondence and records relating thereto and the Birth & Death Registers if any in the office. The keys of the receptacles containing the said old records shall remain with the Record Keeper but the keys of the Record room shall be with the Joint Sub Registrar. The Joint Sub Registrar will continue to be in charge of the current records, Birth and Death Registers if any and records relating to sealed covers. The cash chest shall be deposited in the iron safe which will be under the charge of the Joint Sub-Registrar. The instructions already issued regarding the safe custody of Birth and Death Registers in separate receptacles continue to be in force.

Note: All birth and death registers were since transferred to the MROs / Executive Officers of Panchayat / Commissioners of Municipalities as the case may be for safe custody and grant of extracts there from to the public.

- 4) The Record keeper shall be under the direct control of the Joint Sub-Registrar or the Senior Joint Sub-Registrar as the case may be.
- 5) In view of the responsible work entrusted to the Record keeper, the Registrar shall appoint a senior and reliable U.D. Clerk (other than the Senior Clerk) as Record Keeper.
- 6) In casual leave vacancies of short duration, no substitute need be appointed. The record keeper shall deposit the keys of the receptacles containing old records in a sealed bag and deposit it with the Joint Sub-Registrar who shall not open it except in an emergency. If the sealed bag has to be opened in the case of emergency, the necessary record alone shall be taken out after making an entry in the sealed bag register and Record issue Register, and replaced after done with. Thereafter the keys shall be redeposited in the sealed bag: On return from leave, the Record keeper shall satisfy himself that the record is in fact.
- 7) In the case of other vacancies, the Registrar shall appoint a substitute who shall take charge of the records after due verification.
- 8) The standing orders and other instructions regarding the verification of

records at the time of transfer of Joint Sub-Registrar shall apply in the case of transfer of charge by Record keeper mutatis mutandis. The annual verification of records shall be done by Record Keeper alone.

- 9) The Record Keeper should be changed atleast once in three years.
- 10) The registrars and Joint Sub-Registrars in assumption of charge and on the occasion of Annual Verification of records, conduct a test check of the records in the custody of the Record Keeper. The extent of check shall depend upon the results of the test check.
- 11) The quarterly examination of the Records and Record receptacles shall be done by the Record Keeper himself. But the examination of the completed and old register books and Thumb impression Registers shall continue to be done by the Registering officers themselves.
- 12) These instructions apply mutatis mutandis to books, forms, stationery and furniture.

Note: The Record keeper should maintain a REcord Issue Register (vide Appendix (8) showing the record issued and received back by him (SO 1149)

ACB Officials - Identity Cards : - Identity Cards can be from the ACB Officials (Govt.Memo NO.1905/SCD/84-1 GAD, dt.15-6-85 IG endorsement No.XI/5868/85 dt.13-3-1985)

Record Supply to ACB Officials : - Records may be supplied by the Heads of Departments without delay (GAD (Sc-D) dept Memo No.2381/SCD//2-1, dt.18-12-1992)

CHAPTER - 39

EXAMINATION OF BLANK AND COMPLETED REGISTER BOOKS AND FILE BOOKS

- 1) **Blank Books INCLUDING File Books:-** (S.Os 1153 to 1157).
 - (i) The SubRegistrars soon after receipt of supply should examine blank register books and file books and submit a report to the Registrar on their condition.
 - (ii) If any defect such as damage or incomplete or otherwise unfit for use is discovered, the book or file as the case may be should be put aside with a memorandum in Form G1 (Vide annexure) submitting a copy thereof to the Registrar.
 - (iii) The Sub-Registrar shall follow the directions of the Registrar issued on such memorandum. He shall add a *note* on the title page of the book/register/file as envisaged in S.O.1153 (c) (ii), (iii) and (iv).
 - (iv) If any part of the surface of a page is found to be scratched or damaged, that portion shall be enclosed in a rectangle with the initials of the Sub-Registrar at each corner and should not be utilized for transcription.

- (v) The Sub-Registrar shall add the following certificate on the back of the fly leaf or on the back of the title page of the blank Register Book and File Book.

“Certified that this register/file book has been examined by me and that it contains no / the following defects.

a) .

b) .

c) .

etc.,

of these defects those shown under (a) or (b) or (c) etc., have been rectified under the orders of the Registrar No. dated the 20

Note:- Petty defects such as the soiling or creasing of a page need not be noted.

- (vi) The Register books and Thumb Impression Registers in addition to their examination under (v) above, shall be examined **once again** and a **certificate** as mentioned under item(v) above shall be added just before they are brought into use.
- (vii) Where there is no certificate printed in the file book by the Director of Printing and Stationary the S.R. can add certificate when the District Registrar visits the office he can counter sign it.(IG.Progs No.G5/30337/82, dt.7-4-84)

2) Completed Books INCLUDING FILE BOOKS: (S.Os 1157 & 1158)

- (i) The Sub-Registrar after complete utilization of a register book, thumb impression Register or a file book 1 or 4, shall examine them again minutely within a FORTNIGHT of the date of the last entry.
- (ii) Any defect or error noticed shall be reported to the Registrar immediately and certificate in the following form shall be entered in the concerned Register or file book on the back of the fly leaf or on the back of the title page. If there is no sufficient space at foot of the entry for noting the defects they shall be entered either on the back of the fly leaf or on the back of the title page with a cross reference at the foot of the entry thus “For defects etc., see back of the fly leaf/title page”
“Certified that I have examined this registrar/File Book after completion and that, it contains no defects/ a report of the defects has been made to the Registrar..... in No.....dated the 20
- (iii) On receipt of Registrar’s orders directing rectification or noting of the defects reported by the Sub-Registrar, the following certificate shall be added below the certificate referred to at para (ii) above.
“The following defects are noted hereunder the order of the Inspector General/Registrar No..... dated 20.....
“For defects which have been noted at foot of the copy of the document

under the orders of the Inspector General/ Registrar No..... dated 20 see pages.....”

3) Periodical Examination of Completed Register Books and File Books:(S.O.1158):

- (i) The completed volumes of **register books 1, 3, & 4 and file books 1 and thumb impression registers** shall be examined at regular intervals. The number of volumes under each category for examination in the succeeding financial year shall be fixed by the Registrar at the time of the annual inspection of the registration office.
- (ii) An assistant, acting for a Sub-Registrar in short vacancies shall not undertake periodical examination of old volumes (S.O.1158 (d)).

4) Ledger of Detailed Examination of Completed Register Books:(S.O.1160 to 1170):-

- (i) In each registration office, a *Ledger of detailed examination of completed Register books* (Form Regn.87) allotting atleast half a page for each volume of Register book/Register file book, in serial order of the volume number shall be **maintained**.
- (ii) A table of contents shall be prefixed to the ledger specifying the pages from which the entries regarding each description of register commence(S.O1160(c)).
- (iii) The date of completion of the register/file book should be entered against Volume Number (S.O.1157(a)).
- (iv) The fact of every examination of Register book or file book shall be recorded in the Ledger under the Volume Number concerned as explained in S.O.1164.
- (v) Whenever no defects are discovered, the word ‘NIL’ shall be noted in Column 2 of the ledger along with the date of examination in Column 1 and the signature and designation of the examining officer in column 3 (S.O.1164(b)).
- (vi) If there is no sufficient space at the foot of an entry in a Register book for noting the defects (S.O.1163), they shall be entered either on the back of the fly leaf or on the back of the title page with a cross reference at the foot of the entry thus (S.O.1165).
“For defects, etc., see back of the fly leaf/title page”.

5) Rectification of defects appertaining to entries in register books

(a) To be reported to the Registrar and orders obtained.

- 1) The Registrar’s direction regarding rectification should generally follow the instructions given here, even if the officer responsible for the defect is in charge of the office and the omission can be supplied or the defect remedied.
- 2) The absence of authentication signatures, attesting initials to erasures and interlineations or page initials of registering officers in register books relating to the period prior to July 1871 should not be considered as defects,

as the rule requiring such signatures and initials came into force for the first time only on the 1st July 1871.

3) When an erasure and an interlineation appear at the same place in an entry prior to 1st January 1894 and only the reassurance or the interlineations is attested no notice need be taken of the omission. Similarly in entries subsequent to the 1st January 1894 and prior to 1st January 1900, if such an erasure or interlineation is enclosed by brackets but not attested with initials or if the erasure or interlineation is initialed on both sides without being bracketed no notice need to be taken on the omission. But if neither the brackets nor the initials exist the omission should be noted.

| NATURE OF DEFECT | MODE OF RECTIFICATION |
|---|---|
| Unattested erasure Unattested interlineations Unattested alterations in entries of 1893 and subsequent years. Unattested corrections in footnotes Footnotes incorrect, such a erasures appearing as interlineations and the like. Words or phrases which appear to be written over erased or scratched surfaces. | Note at foot of the entry concerned |
| Pages noted in the registration Certificated different from the Pages on which the entry is actually written. Entries not authenticated. | Note the error both on the original document and at foot of the entry. “The omission shall be supplied by the present officer after satisfying himself, that the entry is in tact and a suitable note shall be added at foot of the entry concerned or on the fly leaf with necessary cross reference; (Progs G1/1895/62, Dated 01-02-63 of IG). |
| Omission of field numbers, extent etc., in the entry of document in the register discovered while searching or examining the indexes in which the same omission does not exist. Portion of documents omitted to be copied (Discovered while granting copies or making searches.) | Verify with the original document, if practicable and supply the omission by a footnote otherwise leave intact. |

(b) **Defects which do not require the orders of the Registrar but may be dealtwith by the Sub-Registrar himself in the manner indicated and, in the same manner indicated, if the officer responsible is in charge.**

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> 1) Words or letters underlined but with no symbols over them 2) No footnotes corresponding to the symbols found in the entry 3) Portion with letters or figures to indicate that they are interlineations, etc., not underlined. | } | <p>(a) "City" includes any town with a population of one lakh and more</p> <p>Note at foot of the entry concerned</p> |
| <ul style="list-style-type: none"> 4) Patches not attested 5) Footnote not attested 6) Small seal omitted | } | <p>Enter on the fly-leaf</p> |
| <ul style="list-style-type: none"> 7) Books not completely written but with no certificate to that effect. | } | <p>Note and certify at foot of the last entry in the book</p> |
| <ul style="list-style-type: none"> 8) Book containing more than 500 Pages without a note to that effect | } | <p>Note on the title page.</p> |

Defects regarding which no action is required.

- 1. Unattested alterations in entries prior to 1893
- 2. Reader's signature wanting.
- 3. Examiner's signature wanting
- 4. Copyist's signature wanting
- 5. Designation of the Sub-Registrar omitted.
- 6. Designation of the reader omitted.
- 7. Designation of the examiner omitted.
- 8. Designation of the copyist omitted.
- 9. The word's "copied by" omitted.
- 10. The word's "reader and examiner" omitted
- 11. The word's "Examined by" omitted
- 12. Authenticated or initialed by an officer other than the one who has signed the registration certificate.
- 13. Ink spots not attested.
- 14. Date omitted in the registration certificate
- 15. Date of execution prior to date of stamp.
- 16. Omissions to ink alternations in the entry of figures or letters in pencil.

6) THUMB IMPRESSION REGISTERS (I.G.'s Progs No.29018/63, dated 18-10-63)

Nothing is gained by nothing the existence of these defects in old

entries in the Thumb Impression Register. As regards recent entries, the requisite check is afforded by the examination prescribed by Order 983, the instructions in which provide for the prompt rectification of the defects after report to the Registrar. In the case of item 15, an additional check is afforded by the monthly examination of Account A and by the annual examination of indexes with that account, in Registrar's offices or at the time of internal audit.

Class (a):- To be reported to the Registrar and orders obtained.

Note:- The Registrar's direction regarding rectification should generally follow the instructions given here even if the officer responsible for the defect is in charge and the omission can be supplied or the defect remedied.

NATURE OF DEFECT:

(T.I.Registers)

- 1) Omission to note the date or to add initials of the Registering officer against the thumb or finger impressions (R.R.66).
- 2) Omission to affix the dated signature to the certificate added at foot of the page (R.R.67).
- 3) Omission to write in full the name of the marks-man against the mark (R.R.66)
- 4) Omission to note the reason for not obtaining the impression of the left thumb (R.R.64).

MODE OF RECTIFICATION

Enter on the fly-leaf or on the inner side of the cover of the thumb impression register if it does not contain the fly-leaf

Class (b):-

Defects which do not require the orders of the Registrar but may be dealt with by the Sub-Registrar himself in the manner indicated whether the officer responsible is in charge or not.

NATURE OF DEFECT

(T.I.Registers)

1. Omission to note the number, year and book of document or the number and date of the Power in connection with which the impression was taken.

MODE OF RECTIFICATIONS

The Omissions may be supplied by the Registering officer who detects them under his initials.

- 2.. Omission to note the letter “Witness” or “Claimant” or “Agent” or “Messenger” against the impression of a person other than the executant (S.O.603). The Omissions may be supplied by the Registering officer who detects them under his initials.
3. Omission to assign Arabic number to impressions obtained from more than one executant (S.O.607). The Omissions may be supplied by the Registering officer who detects them under his initials.
4. Omission to note cross reference as required by (S.O.609). - Do-

(c) Defects regarding which no action is required:-

- 1) Failure to affix dated initials to the slip on which the impression of a person examined at a private residence was obtained (R.R.,69).
- 2) Omission to note the name of the father in the case of two or more executants bearing the same name.
- 3) The defects appertaining to the entries in the Thumb impression Register shall be rectified in the manner prescribed in A/op XXV-A the note on the flyleaf shall be entered in English and attested with the dated signature of the Registering Officer (SO 932 old)

CHAPTER - 40

REGSITERS, BOOKS INCLUDING FILE BOOKS TO BE MAINTAINED

- 1) **The following register books, file books, and also the information storage devices specified in Section 16(1) i.e., the information processing and storage devises like computers and scanners along with the SOFTWARE prescribed BY THE INSPECTOR GENERAL FROM TIME TO TIME shall be kept in all Registration Offices (Section 51).**
 - (i) (a) Book 1 “Register of non-testamentary documents relating to immovable property”.
 - (b) Where necessary more than one volume of Book1 may be used simultaneously for the registration of the same class of documents(R.R.12(1)).
 - (c) One or more Special Volumes in addition to the usual number of volumes maintained may be opened with the sanction of the Registrar for the transcription of exceptionally lengthy documents(S.O.830(b)).

(d) A special volume prescribed under Note below the Registration Rule 233(4)(e).

(e) Additional pages should not on any account be inserted in any volume (S.O.833).

(ii) Book 2 “Record of reasons for refusal to register”. In this book the particulars of documents refused registration and reasons for refusal shall be recorded. In the case partial refusals also entries shall be made in this book.

(iii) Book 3 “Register of wills and authorities to adopt”

(a) Wills and authorities to adopt registered shall be transcribed in this book.

(b) A revocation or cancellation of will or of an Authority to adopt including Codicils shall be treated as a document of testamentary character and registered in this book.

(i) Book 4 “Miscellaneous Register”

In this book, documents involving only movable property shall be entered.

(ii) Book 5 “Register of deposits of wills “ in the offices of the District Registrar only.

In this book, particulars of sealed covers containing wills deposited in Registrar’s office will be entered.

2) The following file books shall also be maintained in every Registration Office.

(a) **File Book 1** corresponding with Book 1(R.R.13(i)) for filing

(i) Copies of maps and plans mentioned in Section 21

(ii) Copies and memorandum of registered instruments received under Section 64 to 66

(iii)Copies of Certificates and orders received under Section 89

(iv)Return of land acquired under the land acquisition Act.

(v)Communications received from officers of other departments intimating cancellation, modification or rectification of transactions evidenced by papers previously filed

(vi)Copies of instruments of collateral security executed under the Land Improvement Act received from Revenue officers.

(b) File Book 1.B. In this file, copies of documents which are prepared on forms printed on such paper and in such form approved by the Inspector general (S.O.837)(b)(ii)).

(c) Separate File under RR 13(ii) for filing copies and translations prescribed under Sections 19 and 62 of the Act or under Rule 17 (i) (R.R13(iii)).

3) In addition to the Register Books specified in sub para 1 (1) above, the following books and records shall be maintained.

- (i) Deposition books (Office and Private Attendance)(R.R.151(i) and (vi).
 - (ii) Register of records (Temporary and Permanent)
 - (iii) Register of Wills and Sealed Covers (In Registrar's office only).
 - (iv) Thumb impression Registers (Separate Registers for each registering officer and another for private attendances)
 - (v) Registration Statistics Register (Registrations, Collections, Expenditure, Searches etc.,)
 - (vi) Register showing registration and receipts
 - (vii) Document and fee receipt books
 - (viii) Minute Book (S.O.232)
 - (ix) Register of revocations of Powers of Attorney (vide Appendix 2)
 - (x) Register of unclaimed documents.
- 4)(i) In addition to the file books specified above, Two File Books of which one file book designated as File Book 1-B (S.O.837(b)(ii) vide para 2(b) supra and one file book 4 shall be maintained (R.R.115(i)).
- (ii) Files maintained in Registration Offices other than file books prescribed by the Registration Act and the Rules framed there under are as follows (Vide Appendix XXX of the Registration Manual-Old Edition).
- 1) File of Circulars issued by Registrars, Commissioner and I.G. Regn. & Stamps and other officers
 - 2) File of correspondence relating to rectification of defects in entries in Register books.
 - 3) File of Applications for General Searches
 - 4) File of Index III
 - 5) File of Index IV
 - 6) File of intimations of addresses of officers on leave.
 - 7) File of invoices
 - 8) File of Lists of half yearly changes in Street names, Door Nos., etc., received from Municipalities and Panchayat Boards
 - 9) File of Lists of records transferred from one office to another and acknowledgements therefor and list of document and records destroyed.
 - 10) File of applications for Miscellaneous copies
 - 11) File of Petitions
 - 12) File of Postal receipts and acknowledgments other than for Money orders in Registrar's office and acknowledgement of documents returned by post.
 - 13) File of duplicates of refund vouchers
 - 14) File of applications for single searches and copies

- 15)File of Specimen forms
 16)File of sub-divisions of Survey fields
 17)File of Accountant General's Circulars
 18)File of Certificate of transfer of charge
 19)File of Government orders
 20)File of IG's Circulars to Registrars
 21)File of reports of Private Attendace
 22)File of intimation of collection of Transfer Duty.
 23)File of Correspondence in Registrar's offices relating to instruments certified U/Secs 31 & 32
 24)File of Correspondence relating to Instruments certified U/S 41.
 25)File of Encumbrance Certificates.
 26)File of Powers of Attorney.

CHAPTER - 41

REGISTERS AND STOCK BOOKS – VERIFICATION CERTIFICATES

1) Register of Contents of Records Receptable :-

A Certificate in the following form shall be appended to the last page of the Register and on every occasion of transfer of charge, the officer assuming charge shall sign the certificate with date (1125).

“Certified that the contents of record receptacles have been verified with the entries on every page of this register and found to be correct, that all the records are duly accounted for and that all the alterations etc., in the entries made in this register have been attested.

| Date of Verification (1) | Signature and Designation of the officer verifying (2) | Remarks (3) |
|-----------------------------|---|----------------|
| | | |

2) Stock Books (S.O.1623):-

Separate Stock Books shall be maintained for *each* of the following

- (i) Stationery
- (ii) Registration forms and Common covers (1) supplied on annual basis (ii) supplied on a triennial basis and (iii) on quinquennial basis *separately* for each

(iii) Common forms and Financial, Treasury and Account Code forms.

3) (a) Certificate of Verification of Stock in stock books (S.O.1626):-

- (i) A Note of check shall be added and initialed by the officer concerned against the balance under each item entered in the stock book.
- (ii) At the beginning of each stock book, verification certificate as shown below should be entered for each quarter in form 'U' and for each year in form "T" and signed by the Sub Registrar.

(a) Quarterly Verification Certificate (in respect of stationery articles shall be added as follows (Form U).

I here by Certify

(i) That each and every item of Stationery received during the quarter ending with either from the Stationery Office or from any other source finds a place in the Stock book.

(ii) That every article of stationery in stock has a page or pages allotted to it in the stock book and that the stock actually agrees with the quantity shown as balance in the stock book.

(iii) That no officer or other government servant has been supplied during the quarter with any article in excess of the scale sanctioned for him in respect of periodical articles and in respect of all articles that he has not been supplied in excess of actual requirements.

(iv) That every issue has been acknowledged by the recipient in the stock book and has been made only on demand.

(v) That acknowledgement has been duly obtained for each and every article issued to other offices.

(vi) That all balances shown in old stock book have been correctly brought forward in the new stock book.

(vii) That paper is duly accounted for in the stock books in reams of 500 sheets

(viii) That no article liable to deterioration have been kept in stock for long period without issue.

| | | | |
|--|--|---|---|
| For the Quarter ending. (1) | Date of verification of Stock (2) | Signature and designation of the verifying officer (3) | Reference to reports to Registrar or Inspector General (4) |
|--|--|---|---|

b) Annual Verification Certificate:-

Stock books of Registration forms and common covers supplied on annual, triennial and quinquennial basis and of common forms and Financial, Treasury and Account Code forms.

At the beginning of each stock book the following certificate (Form T) shall be entered and signed and dated by the verifying officer in token of annual verification of stock balance under each item entered in the stock books of Registrar's office.

"Certified that I have verified the actual balance in my own office and that I have examined the stock books in my own office and I have satisfied myself that the issues during the year were not in excess of actual requirements and have been properly accounted for (and further that I have received similar certificated from all Sub-Registrar's).*

| For the Year ending (1) | Date of verification of Stock (2) | Signature and designation of the verifying officer (3) | Reference to reports to Registrar or Inspector General (4) |
|----------------------------|--------------------------------------|---|---|
|----------------------------|--------------------------------------|---|---|

*Applicable to Registrar's office only)

CHAPTER - 42

OFFENCES UNDER REGISTRATION LAW AND PROSECTIONS

(Sections 81, 82, 83, RRs 188 to 190 and S.O.s 1037 to 1046)

- 1) The offences punishable under the Registration Act 1908 are categorized into two i.e.,
 - (a) Offences committed by the registering officer and persons employed in his office in relation to a document (Section 81).
 - (b) Offences committed by private parties in relation to a document (Section 82).

2)(a) Offences falling under Section 81:-

Knowingly or believingly, to cause or likely to cause any "harm" what so ever illegally to any person in BODY, MIND, REPUTATION or PROPERTY by endorsing, copying, translating or registering of any document presented or deposited.

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- (b) **Offences falling under Section 82:-**
- (i) Making false statement intentionally before any officer in any proceeding or inquiry under the Act, whether on oath or not and whether it has been recorded or not
 - (ii) Intentionally delivering false copy or translation in any proceeding under Section 19 or false copy of a map or plan in any proceeding under Section 21 to a registering officer.
 - (iii) False personating for presentation of any document or making of any admission or statement or for causing any summons or commissions to be issued or does any other act in any proceeding or inquiry under the Act.
 - (iv) Abatement of anything made punishable under the Act.
- 3) **Penalty:-** The PENALTY for the offences falling under both the Sections 81 and 82 is “Imprisonment for a term upto Seven Years or with fine or both”
- 4) **Prosecutions:-** Sub_Registrars, with the previous sanction of the Registrar may institute a prosecution against the offender. If the circumstances demand immediate prosecution, the Sub-Registrar may institute prosecution and shall submit a report to the Registrar within 24 hours of the institution of the prosecution. The Registrar shall report the fact of institution of a prosecution by a Sub-Registrar or by himself to the Inspector General (Section 83, R.R.190 and S.O.1038)
- Rules relating to legal assistance to public officers are contained in G.O.Ms.No.61 legal dated 16-03-1937 incorporated on pages 91 to 94 of Registration Gazette 1938 (Volume XXIV) and amendment to the rules published on pages 7, 50, 169 of R.G.1940 (Volume XXVI) on page 78 of Registration Gazette 1943 (Volume XXIX) Page 76 of Registration Gazette 1949 (Volume XXXV) and page 78 of RG 1952 (Volume XXVIII)
- 5) **False personation (S.O.1040):-** When a complaint of false personation in respect of a document registered is received, the registering officer is bound to satisfy himself as to the truth of the complaint. If the complaint is well founded, he shall take action to prosecute the offenders.
- 6) **Depositions:-** Depositions in the false personation cases should be taken on loose sheets and preserved with the connected records of the case. They need not be copied in any deposition book.
- 7) The Registrar shall report the result of every prosecution, to the Inspector General, accompanied by a copy of the calendar and the judgement (S.O.1043).

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- (a) The Registrar shall also obtain a copy of the judgement of the court whenever a registered document is declared by a court to be a *forgery* or registered on admission of execution made by a person who *falsely personated* the executant (S.O.1044).
- (b) Copies of judgements received from courts or copies made departmentally shall be preserved in the file of appeal orders and judgements of the office where the offence was committed.(S.O.1043).
- 8) **Compitent Court:-** Offences punishable under the Indian Registration Act,1908 shall be tried by any court or officer exercising powers not less than those of a Magistrate of the Second Class (Section 82(2)).
- 9) **Public Servant:-** The registering officers are public servants (Section 84)

CHAPTER - 43

DESTRUCTION OF UNCLAIMED DOCUMENTS, ENCUMBRANCE CERTIFICATES, CERTIFIED COPIES, WILLS AND UNOPENED COVERS CONTAINING WILLS AND OTHER RECORDS RECEIVED BY POST

1) Unclaimed Documents, ECs and CCs:-

- (a) Documents (other than wills) remaining unclaimed for a period exceeding two years from the date of registration or refusal to registration including certified copies and encumbrance certificates as the case may be unclaimed for over two years are **destroyable** with prior sanction of the Registrar and after a notice (issued soon after receipt of sanction orders) in writing to the person entitled to receive the document, EC or CC as the case may be informing him of the destruction that it is to take place. The destruction shall be done after 30 days from the date of issue of the notice and it shall take place in the presence of the registering officer. (Section 85, S.Os 1006 to 1012)
- (b) Unclaimed wills - vide para 4 (i) infra

2) Submission of list to Registrar:-

A List of unclaimed documents liable to be destroyed should be submitted (Form J-1 Vide Appendix 13) by each Sub registrar to the Registrar on the 15th October each year.

Certified copies, Encumbrance certificate and copies of wills and authorities to adopt lying unclaimed for over two years shall be included in the list (S.O.1008).

3) Note of destruction to be entered in the registers and accounts:-

A note recording the fact of destruction under the sanction of the Registrar and after notice duly issued to the party concerned shall be entered

and initialed with date by the registering officer in the case of

- i. Registered document, in the register book at foot of copy of the document and also in Account A in the column "Date or return" as "destroyed on"
 - ii. Document refused registration – In Book No.2
 - ii. Attested Power of Attorney – At foot of the abstract of the attested power of attorney filed in the power of attorney file.
 - iv. Certified copy or
 - v. Endumbrance Certifi-
cate
-] In Account 'D' in the column "delivered or dispatched by post" and on the office copy of the EC also.

Note: Office copy of the encumbrance certificate is not maintained under CARD system

- vi. Wills and unopened covers Against the concerned entry in the remarks containing wills in Regis- column of the Register of wills and un- trars Office (S.O. opened covers containing wills received by 1015(b)). post.(Appendix3)

4) UNCLAIMED Wills and unopened covers containing wills in Registrar's Office:-

- i. Wills and unopened covers containing wills and lying unclaimed in Registrar's office are destroyable in the presence of the registering officer in the same manner as documents etc., destroyed, with the previous sanction of the Registrar but after the expiry of a period of FIVE years from the date of receipt in the Registrar's office(S.O.1015)
- ii. List of such wills and covers shall with the available information be exhibited on the office notice board.
- iii. Soon after receipt of the sanction orders of the Registrar, a notice shall be issued to the party or parties concerned in writing informing him of the destruction that it is to take place.

5) Register of wills and unopened covers received by post in Registrar's office:-

A registrar designated "Register of wills and unopened covers containing wills received by post" shall be maintained in each *Registrar's Office* in form K1 (See Appendix 3) so as to facilitate the observance of the formalities preliminary to the destruction.(SS.O.1015(c)).

OTHER RECORDS

6) Period of preservation of records and files (S.O.1119):-

The period and method of preservation of records in both the offices of the Registrars and the Sub Registrars are detailed in Appendices XXVIII

of the Registration Manual Part II (Old Edition). Also the name of the record and the period of its preservation is incorporated in Chapter 44.

7) Destruction of records and calculation of period of preservation (S.O.1172):-

- i. The period of preservation shall be calculated with reference to the date of last paper or entry in a book or file. Registrars are authorized to sanction each year the destruction of records after the expiry of the period prescribed for their preservation.
- ii. The destroyable records shall be destroyed within the first month of each year.
- iii. Each Sub Registrar shall submit to the District Registrar on the 1st October each year a list in *duplicate* (Form 1 - Vide Appendix 14) of records destroyable in the succeeding month of January. A portion of a book or a file should not be proposed for destruction.
- iv. The Registrar, after the list has been checked, will return the original with his orders entered therein. The destruction shall not take place until receipt of the Registrar's orders sanctioning the destruction. A note of destruction signed and dated by the Sub Registrar should be entered in the list.

An Assistant acting for the Sub Registrar in a short vacancy shall not destroy the records. The destruction shall be deferred until a regular sub registrar or a probationary sub Registrar assumes charges.

Documents dealt with under Section 47-A of I.S.Act : - Documents kept aside due to nonrecovery of deficit duty even after coercive process under section 48 of the I S Act are to be destroyed after five years from the date of Collectors orders under sub section 2 of Section 47A (Rule 7 (4) of the 46 Stamp (POU) Rules 1975

(b) "District Court" includes the court of the Chief Judge and the Additional Chief Judge of the City Civil Court at Hyderabad.

(c) "District Munsiff's Court" includes the court of a Munsiff Magistrate and the Court of an Assistant Judge of the City Civil Court at Hyderabad.

(d) "Sub-Court" includes the Court of the Additional Judge of the City Civil Court at Hyderabad.

(e) "Suit" includes all proceedings including proceeding in executing arising therefrom.

3. (1) Fees shall be levied at the rate specified in the Schedule below for serving and executing process issued by the High Court and the Civil

CHAPTER - 44
PERIOD OF PRESERVATION OF RECORDS ETC (S.O.s 1172 & 1173)
AND RECORD UNDER OTHER ENACTMENTS

| Sl.No. | Name of the Record Records under Registration Act and Rules | Period of Preservation |
|--------|---|---------------------------|
| 1 | Document and Fee Receipt Books | 3 Years |
| 2 | Minute Book | 30 Years |
| 3 | Register of revocations of Power of Attorney | 30 Years |
| 4 | Register of unclaimed documents | 3 Years |
| 5 | File of commission orders with interrogetories | 30 Years |
| 6 | File of Encumbrance Certificates | 12 Years |
| 7 | File of Powers of Attorney | 30 Years |
| 8 | Account –A | 20 Years |
| 9 | Account –B | 12 Years |
| 10 | Account –C | 12 Years |
| 11 | Account –D | 12 Years |
| 12 | Account -E (old volumes) | 6 Years |
| 13 | Account -F (old volumes) | 6 Years |
| 14 | Account –G | 3 Years |
| 15 | Account –H | 3 Years |
| 16 | Auquittance rolls (Pay bill register) | 45 Years |
| 17 | Annexure to A/cs- A,B,D - (office copies) (OLD) | 6 Years |
| 18 | Challan Books | 3 Years |
| 19 | Contingent Register | 5 Years |
| 20 | Register of advances | 3 Years |
| 21 | Register of casual leaves | 3 Years |
| 22 | Treasury Bill Book | 3 Years |
| 23 | Cartificate of transfer of charge and reports of joining and relief by Dt. Registrars, subregistrars, clerks and Attendors. | 3 Years |
| 24 | Contingent Vouchers | 3 Years |
| 25 | Refund Vouchers (Duplicates of) | 3 Years |

| | | |
|----|--|----------|
| 26 | Copies of A/cs A,B,C,D and all other connected annexures submitted by the S.R s to the DRS | 3 Years |
| 27 | Annual Returns(Statements) submitted by the SRs and DRs | 6 Years |
| 28 | Budget statements | 5 Years |
| 29 | Contingent bills | 3 Years |
| 30 | Monthly Statements IV (a) & IV (b) | 3 Years |
| 31 | Registers of increments | 3 Years |
| 32 | Travelling allowances Bills | 3Ys (RO) |
| 33 | Increment Certificates (Office copies) | 12 Years |
| 34 | Office copies of Fees foregone statements | 6 Years |
| 35 | Appointment order Books | 6Ys (RO) |
| 36 | Attendance Register | 1 Year |
| 37 | Call books | 3Ys (RO) |
| 38 | Communal rotation Register (Establishment) | 12Ys(RO) |
| 39 | Current Register | 12 Years |
| 40 | Default Register | 12 Years |
| 41 | Dispatch Register | 6 Years |
| 42 | Diaries of clerks | 3 Years |
| 43 | General search result slips | 3 Years |
| 44 | Ledger of acting clerks | 2ys(RO) |
| 45 | List of clerks who appear for departmental tests | 30Ys(RO) |
| 46 | Local delivery book | 6 Years |
| 47 | Inventory of furniture and stores | 30 Years |
| 48 | Invoices file | 1 Year |
| 49 | Memo forwarding & acknowledging copies & Memoranda | 3 Years |
| 50 | Memo forwarding and acknowledging patta transfer application and M.Notices | 3 Years |
| 51 | Office orders Book | 3 Years |
| 52 | Patrol register | 1 Year |
| 53 | Record Issue Register [S.O.1149 (d)] | 12 Years |

| | | |
|----|--|--------------|
| 54 | Register of appeals | 12 Years |
| 55 | Register of contents of record receptacles | 6 Years |
| 56 | Register of despatch of reviews of indexes | 3 Years |
| 57 | Register of documents adjudicated upon by Registrar | See Sl.No.99 |
| 58 | Register showing particulars regarding documents undervalued and action taken there on | 12 Years |
| 59 | Register of examination of record and record receptacles | 3 Years |
| 60 | Register of impounded documents (Appindix 9) | 3 Years |
| 61 | Register of periodical reports and returns | 3 Years |
| 62 | Register of points noted during the examination of Register Books | 3 Years |
| 63 | Register of preparation and examination of Indexes | 12 Years |
| 64 | Register of probationers | 45 Ys(RO) |
| 65 | Register of receipt and disposal of copies and Memoranda | 1 Year |
| 66 | Register relating to sealed bags containing keys | 3 Years |
| 67 | Files of compounding orders for the offences of undervaluation of documents | 12 Years |
| 68 | Files connected with the enquiry of cases of undervaluation of documents | 12 Ys(RO) |
| 69 | Stock account of books and forms | 6 Years |
| 70 | Stock account of furniture | 6 Ys (RO) |
| 71 | Stock account of Stationery artciles | 6 Years |
| 72 | Stock of circulars issued by the Reegistrar and other officers | 12 Years |
| 73 | Local audit reports (original) by the A.G,A.P | 8 Years |
| 74 | Inspection reports by the Registrar (Annual) | 25 Years |
| 75 | Inspection reports of chits by the Inspection officer of chits | 12 Years |
| 76 | File of applications for General searches | 12 Years |
| 77 | File of applications for Miscellaneous search, copies of records | 3 Years |
| 78 | File of applications for single searches and copies | 3 Years |
| 79 | File of petitions (with all allied portions of it) | 3 Years |
| 80 | Inspection notes by the I.G.(R&S) | 20 Years |

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|-----|--|----------------------------------|
| 81 | Postal receipts and acknowledgements | 1 Year |
| 82 | Reports of private attendance | 3 Years |
| 83 | Files of corsespondance relating to production of records in courts | 20 Years |
| 84 | Records of original enquiries and will enquiries Rule61 | 30 Years |
| 85 | Reports of progress of work under Section 74 | 3 Years |
| 86 | Tour programmes of Register | 3 Years |
| 87 | Personal files (S.O.107) | 5 years |
| 88 | Inspection notes of administration branch of R.O. by the D.I.G. (R&S) | 20 Years |
| 89 | Pay Bill Register | 45 Years |
| 90 | Surprise inspection reports by the D.I.G.(R&S) of S.R.O's | 12 Years |
| 91 | Surprise Inspection reports of Vigilance Officers | 25 Years |
| 92 | Account of Transfer Duty | 12 Years |
| 93 | Inspection notes by the Special Officer for surcharge | 12 Years |
| 94 | Intimation of collection of transfer duty | 12 Years |
| 95 | All records relating to the collection of transfer duty payable to local authorities | 12 Years |
| 96 | All files maintained under ceiling Acts | 12 Years |
| 97 | Register showing the receipt of the Records from the Stamp vendors | 12 Years |
| 98 | (A) Extracts of Basic Registers (preservable for 5 years from the date of introduction of revised Market values)(IG's MV/1130/75 dt.8-8-1975) (B) Basic Registers (S.O.523) (C) File of Annexures 1A (S.O.525) | 5 Years Permanent 12 years |
| 99 | Register of documents adjudicated upon by Registrar under I.S Act (C & I.G R&S progs. G1/14928/2K dated 14-12-2000 | 10 Years |
| 100 | Files relating to adjudication under Section 18,31,32 40 & 42 under I.S Act (same progs as at 99 above). | 3 years |
| 101 | File of statements or affidavits of postal addresses of the parties to the documents (IG's Progs No.MV/122259/85 Dated 22.1.86) | 3 years |

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|-----|---|-----------------------|
| 102 | Adjudication files which involves Government Money or any other important matter (vide CSSLR/U3/3211/77, dated 4-9-1978 - IGRS Endt.No.S1/23260/78, dated 18-10-1978) | 10 years |
| 103 | Pre-registration spot inspection File(500 pages) (vide C&IGRS Cir.Memo No.MV1/14529/2007, dated March 2008) | 10 years |
| 104 | Prohibited property watch Register | Permanent |
| 105 | File of Intimations /Notifications of Prohibited properties under Section 22 /A(i) [Sl.Nos.104 & 105 (vide C&IGRS Cir.Memo No. G1/19131/2005, dated 14-9-2007)] | Permnet |
| 106 | File of correspondece relating to instruments certified under Sections 31 &32 [S.O.469 (ix)] | Permnet |
| 107 | File of correspondece relating to instruments certified under Sections 41 &42 [S.O.469 (ix)] | Permnet |
| 108 | Stamp counter Registers (Vide I.G's No. Gso 2/2948 dt 2-8-1982 as modified in I.G's No Gso 2/4814/84 dt 18-12-1984 and dated 20-12-1984) | Period of Presevation |
| | (i) Indent Register | 12 Years |
| | (ii) Sales Registers | 12 Years |
| | (iii) Ledgers | 12 Years |
| | (iv) Cash Book | 12 Years |
| | (v) Remittance Register | 12 Years |
| | (vi) Plus and minus statements | 6 Years |
| | (vii) Reconciliation certificates. | 6 Years |
| | (viii) Stamp issue Register | 6 Years |
| | (ix) Files of Challans | 6 Years |
| | (x). Files of indents | 6 Years |
| | (xi). Indents of Parties | 2 Years |

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|-----|---|---|
| 109 | <p>Chit Records</p> <p>(a) As per Rule 48 of the A.P.Chit Fund Act 1971, the records of a chit including registers and books of account shall be preserved in the office of the Registrar</p> <p>i) From the date of release of security in the case of chits terminated and</p> <p>ii) From the date when the affairs of the chit are completely wound up and in the cases dealtwith in chapter IX of the Act and if orders passed under that chapter are appealable from the date of disposal of such appeal.</p> <p>(b) As per Rule 49 of A.P.C.F Act 1971, every Registrar shall keep a separate register in which shall be entered particulars of all records relating to chits registered in his office.</p> <p>(c) Other records (Registers and Books of account in Registrar's office).</p> <p>Note : - Regarding destruction of records, the instructions in S.O.S 1172 & 1173 should be followed</p> | <p>12 years</p> <p>Perment</p> <p>12years</p> |
| 110 | Records under Special Marriage Act,1954 | Vide Synopsis 2 |
| 111 | Records under Hindu Marriage Act,1955 | Vide Synopsis 3 |

Note:

I) A portion of a book or a file shall not be proposed for destruction [S.O.1172 (e)]

II) The period of preservation shall be calculated with reference to the date of the last paper or entry in the book or File [S.O.1172 (f)]

CHAPTER - 45
TRANSFER OF CHARGE ON ASSUMPTION OF
NEW OFFICE (S.Os 1371 TO 1398)

(A) Sub Registrar:- (Sub Registrar's Office)

- 1) On receipt of orders of promotion or transfer as Sub Registrar, one has to proceed to his new station after relief from his old station. Ordinarily the transfer of charge of the office shall be completed before the expiry of the joining time of the relieving officer who shall arrive at the place of transfer within time to complete the transfer of charge of the office. The Government, in their G.O.Ms.No.1353 Revenue Dated 02-07-1958 have allowed not exceeding three (working) days extra for verification of records etc., as most of the records of the registration office are valuable titles to property which are preserved permanently on account of their importance. The extra time allowed is in addition to the joining time wherever admissible. Vide Para 12 supra. The District Registrar shall fix the number of extra days ranging from one to three to each registration office in his jurisdiction taking into consideration the quantum of records existing in each office. Both the relieving and relieved officers are entitled to duty pay for the extra days allowed and taken for verification of the records etc.
- 2) During the period of verification of records by the relieving officer, the officer to be relieved continues to hold the office and attends to the usual registration of documents etc., After completion of the verification of the records etc., both the relieving and the relieved officers have to sign the certificate of transfer of charge indicating therein the details of any missing records and other valuables etc.
- 3) The relieving officer shall examine the furniture, books, indexes, stock accounts of books and forms and of stationery periodically and occasionally issued and all other records included reference books and all keys original and duplicate office, Seals with the entries made in the permanent and temporary records registers, the Register of records and record receptacles and the inventory of Furniture and Stores. The Relieving officer will be responsible for the entire contents of the office once the certificate of transfer of charge has been signed by him.
- 4) He shall submit to the Registrar detailed report regarding the condition of the records generally, the office building and the furniture and shall state whether the collections and cash on hand have been checked and found to be correct and whether the balance of stock of books and forms was checked with stock books and found to be correct and also whether the stock account of stationery articles periodically and occasionally

issued were also checked. He shall also verify Accounts G and H and satisfy himself that the documents (Pending registration, unclaimed etc) and encumbrance certificates, certificates, certified copies and cash including permanent advance as per contingent register exist as per those accounts.

- 5) He shall appraise himself of the prompt action required on documents pending, impounded or to be impounded, enquiries if any relating to wills, documents presented after death of the executant and original enquiries.
- 6) He shall also verify with the entries in the Stock register, the stock on hand, of stamps of all denominations (both judicial and non-judicial) and whether cash balance tallys with the cash accounts in the stamp counter,
- 7) He shall satisfy himself whether district copies and memoranda required to be sent to other offices, if any, were duly sent and acknowledgements obtained and that no pendency is noticed.
- 8) Verification shall also be made of the securities if any offered by the Foremen under the Chit Fund Act and whether they are in existence. if the SubRegistrar is also the Chit Registrar of that station.
- 9) He shall, on assumption of charge, sign the certificate appended to each of the following registers.
 - 1) Permanent Record Register
 - 2) Temporary Record Register
 - 3) Register of records and record receptacles
 - 4) Inventory of Furniture and stores
 - 5) Stock Books of stationery, Books and forms.
- 10) Both the relieved and relieving officers have to sign with date in the Accounts of A, B, C and D before the transfer of charge is effected and a certificate of transfer of charge of the office (form APTC 2) signed by the officers, assuming and handing over charge, shall be submitted to the Registrar and a copy thereof to the Deputy Inspector General concerned on the same day. An acknowledgement of the permanent advance and a certificate that all collections on hand were checked with account H and other Cash books maintained under Hindu Marriage and Special Marriage Acts and Chit Fund Act and that all documents etc., on hand were checked with account G and found correct should be recorded at foot of the certificate and signed by the relieving officer. Any discrepancies noticed, should be incorporated in the certificate.
- 11) Office copy of the detailed report on assumption of charge submitted to the Registrar by the relieving officer shall be filed in the "File of reports of assumption of charge" maintained in every Registration Office.

- 12) The extra days allowed for verification of records etc., (Vide Para 1 infra) in Registration Offices (G.O.Ms.No.1363/Revenue Dt.02-07-1958) apply to the following cases as well as those where no joining time is admissible (S.O.1373).
- 1) Sub-Registrar returning from leave to the same station
 - 2) Probationary Sub-Registrars promoted as Sub-Registrars taking charge of Sub-Registry Offices.
 - 3) Assistants promoted as Sub-Registrars taking charge of Sub-Registry Offices and
 - 4) Joint Sub Registrar II taking charge as Joint Sub-Registrar I of Registrars Office. This analogy may be applied to the Temporary Joint Sub-Registrar posted as Regular Sub Registrar in the same office.
- 13) Sub-Registrars can take charge in the presence of a Senior clerk (IG's Progs No.CF/5/1972 dt 16-2-1972

B) District Registrars Office:-

- 1) The District Registrar and the Joint Sub Registrar I attached to a Registrar's office, before assuming charge of his post, shall conduct a test check of the records in the custody of the Record Keeper. The extent of this examination will depend upon the nature and period of the vacancy but the relieving officer will be responsible for the entire contents of the office once the certificate of transfer of charge has been signed by him.
- 2) He shall also examine the sealed covers etc, with the entries in Book 5 and with the Register of sealed covers and state whether seals on the covers are in tact or otherwise. The joint SubRegistrar I shall include a note on the condition of the sealed covers in his detailed report submitted to the registrar on assuming his office. (RR 80 (vi) vide para (f) of Chapter 20
- 3) He shall also verify Accounts G and H and satisfy himself that the documents, encumbrance certificates etc., and cash exist as per those accounts. He shall apprise himself of the prompt action required on documents pending, impounded and to be impounded, enquiries relating to "Wills" and documents presented after the death of the executant, original enquiries etc.,(S.O.1378(d)).
- 4) He shall also verify the stock of stamps of all denominations and cash on hand in the Stamp Counter. He shall verify all other cash collected under the Societies Registration Act, Hindu Marriage Act, Special Marriage Act and Chit Fund Act with the concerned account books and satisfy himself that the total cash on hand tally with the aggregate of the balances shown in these accounts.

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- 5) He shall also satisfy himself whether district copies and memorandum required to be sent to other offices were duly sent and their acknowledgements obtained and that no pendency is noticed (S.O.1378(f)).
 - 6) He shall also verify (When there is no Chit Registrar), the securities offered by the Foremen under the Chit Fund Act and satisfy himself that they are in existence under safe custody. (S.O.1378(g)).
 - 7) Both the relieving and relieved Joint Sub Registrars have to sign with date in the Accounts of A,B,C and D before the transfer of charge is effected.
 - 8) After assuming charge of the post of Joint Sub-Registrar I, he shall, on the same day, submit to the Registrar a detailed report regarding the condition of the records generally, the office building and the furniture and state whether the collections and cash on hand under various accounts have been checked and found correct, whether the balance of stock books and forms was test checked with stock books and found correct and whether the stock accounts of stationery periodically and occasionally issued were also test checked. This report shall include a detailed note on the volume and items of pending work handedover to him by his predecessor.(S.O.1378(b)).
 - 9) The instructions contained under 'A' above for the transfer of charge in the case of Sub-Registrar's office shall be followed mutates mutandis and keeping in view the responsibilities of the Record Keeper (Vide Chapter 38)by the Joint Sub Registrar I assuming charge of the post.
 - 10) When the Joint Sub-Registrar I proceeds on Casual Leave or Leaves the station on a holiday, the Joint Sub-Registrar II shall be placed in charge and necessary sealed bags shall be entrusted to him (S.O.1398(b)).
- C) The DUPLICATE KEY** of the Iron-Safe shall be placed in a sealed packet and deposited in the Treasury for safe custody under proper acknowledgement. On each occasion when a transfer of charge due to transfer or promotion takes place the sealed packet shall be got back from the treasury, verified and redeposited in the Treasury after oiling under proper acknowledgement. The acknowledgements for the deposit or redeposit of the packet in the Treasury shall be filed in the file of correspondence relating to the reports of assumption of charge and annual verification (S.O.1392).

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CHAPTER - 46
MISCELLANEOUS

**1) Transfer Of Revenue And House (Local Bodies) Registry
(Agricultural and Non-agricultural)**

(a) Agricultural Properties (S.O. 698 to 707):-

i) The Registering Officer, in every case of *absolute* transfer of agricultural property by a deed registered in his office, shall obtain from the party presenting the instrument, an application duly filled in the prescribed form for each holding or Patta separately for each village for the transfer of revenue registry of the land conveyed or transferred by the document. If the party is not willing to furnish the application, the registering officer shall himself prepare a notice in one of the forms CF 217 to 220 with the information available with him

ii) All applications whether presented to the registering officer or notices prepared by himself shall be transmitted to the Mandaladhkari of the Mandal (Mandal Revenue Officer) in which the property is situate.

iii) If a document in respect of which an application or a notice already transmitted to the Revenue department is cancelled by a court or cancelled by a subsequently registered document, the registering officer shall send an intimation of the fact to the Revenue officer concerned. The intimation shall be conveyed in one of the Forms CF 217 to 220 and shall set out the names of the parties and the particulars of land affected by such cancellation with the superscription to the effect that the concerned registered document has been cancelled by the court or by such and such a document. In the case of Hyderabad City, the particulars shall be furnished in Form Regn – II – 36.

iv) Applications for transfer of Revenue Registry in the Revenue accounts, except in the case of ryotwari holdings, should be stamped under the Court Fee Act, the fee being Rupee one. These stamps shall be cancelled or defaced by the Registering Officer on presentation of the applications.

v) The application and the notices shall be assigned serial numbers commencing and terminating with the calendar year in separate series with the letter 'A' or 'Z' respectively which should be noted in column 8 of Account A.

(b) Non Agriculture Properties :- (S.O.s 708 to 713)

i) Every Registering officer shall obtain and furnish to the executive authority of each corporation, Municipality and Panchayat levying house tax in his jurisdiction, notices in the prescribed form numbered in 'M'

series commencing and terminating with each calendar year with particulars of all the transfers registered in his officer of titles to or over land and house properties in the case of a corporation or Municipality and to over house properties in the case of a Panchayat. ('M' Notices)

ii) (a) **Fee for transmission of 'M' notices.** To cover the cost of postage and clerical work the registering officer shall collect from every Panchayat levying house tax with an annual income exceeding Rupees two hundred, an annual fee of Rupees five and from every Municipal Council (including coroporation) an annual fee according to the following scale.

(b) (i) The Scale of fee was Revised with effect from the Year 1963 vide para (ii) below

| Population as per last census | Annual fee payable |
|--|---------------------------|
| Up to 1962-63 | |
| 1) 30,000 and less | Rs. 22-50 |
| 2) Over 30,000 and less than 1,00,000 (One Lakh) | Rs. 45-00 |
| 3) 1,00,000 (One Lakh) and above | Rs. 135-00 |

(ii) The annual fee for transmission of 'M' notices to the local bodies prescribed under SO 708(d) have been revised as follows and made applicable from the year 1963-64 [G.O.Ms.No.1062 M.A (Panchayat Raj) Department Dated. 29-10-1963) and G.O.Ms.No.1020 (Panchayat Raj) Department Dated. 18-10-1969]

| | |
|--|------------------------|
| Municipalities below one lakh population | Rs. 100/- per year (a) |
| Municipalities above one lakh population | Rs. 300/- per year (a) |
| Class I Panchayats | Rs. 20/- per year (b) |
| Class II Panchayat | Rs. 10/- per year (b) |

The C&IGRS, AP, Hyderabad in Circular Memo No.G1/1778/99, dt.15-2-1999 instructed that the **'M' Notice annual fee due to the department from the local bodies shall be recovered by adjustment from the transfer duty payable to the concerned local bodies.**

iii) (a) The Registering officer shall send all applications, notices etc., to the officers concerned on such dates and in such manner as prescribed in separate proceedings of the Inspector General of Registration and Stamps. A note regarding the dispatch of all applications, notices etc., shall be entered in Account A on the day on which they are dispatched, the entry being initialed and dated by the Sub Registrar.

(b) It was instructed to transmission PTA & M notices received with documents to the competent authorities under proper acknowledgment

obtained from them within a week from the date of registration (C&IGRS in Memo No.G1/32167/96, dt.19-11-1996)

iv) Registering officer shall collect the prescribed annual fee due from the Corporations, Municipalities and Panchayats before 15th January of each year and report the fact to the Registrar on the 15th January of each year.

2) History of Office:- (S.O.1370)

In each Registration office, a register called "History of Office" shall be maintained. The Register shall contain different statements showing particulars such as opening of the office, establishment details, building particulars, receipts and expenditure and the number of documents registered pertaining to each village, year wise, list of names of villages in the jurisdiction of the office with the distance from the office, dates of inspection of the office by inspecting officers etc., In these statements, entries shall be made as and when events occur or Government orders issued. The Register shall be maintained with the entries made upto date.

3) Public Charitable Endowments:- (S.O.1409)

Whenever any document creating public charitable endowment is registered by a Registering officer, he shall forward to the Mandaladhikaris or Mandal Revenue officer concerned, a copy of the registered document, prepared on plain paper(S.O.1409).

4) Hindu Religious Endowments:- (S.O.1410)

- (a) Whenever any document including partition and wills creating an endowment in favour of Hindu religious or charitable institution is registered under Registration Act, 1908 and also in respect of every society which created endowments and registered under the Societies Registration Act for the time being in force, (S.O.1410(a)) the registering officer concerned shall send an intimation thereof prepared serially numbered as **R.1, R.2 and so on in a memorandum form** with a covering memorandum to the trustee concerned in case the endowment is in favour of an institution under the control of the endowments Department and in other cases to the Endowments department.
- (b) Intimation of cancellation of endowments previously made shall also be similarly sent.
- (c) Acknowledgments of the intimations shall be pasted to the office copies of the concerned memorandum as soon as they are received.
- (d) A note shall be added in Account A below the entry of the document concerned as follows.
"Intimation to the Trustee of temple at or the Endowments document despatched on"
- (e) The serial number assigned to the intimation sent shall be submitted by Sub Registrar to the Registrar on the 10th of January, April, July and October of each year. Similarly a consolidated statement *in duplicate*

APPENDIX - 1

LANGUAGES COMMONLY USED IN DISTRICTS AND
SUB DISTRICTS (Sec.19)

The following languages are deemed to be languages commonly used in the districts and sub districts named thereunder:-

(i) English (ii) Telugu

All registration districts and Sub-Districts

(iii) Hindi

Registration Districts of Hyderabad, Rangareddy, Nizamabad and Warangal.

(iv) Urdu

Registration Districts of Hyderabad, Rangareddy, Nizamabad and Warangal and Sub-Districts of Jammalamadugu, Proddatur, Badvel, Vempalle, Kamalapuram, Cuddapah, Rayachoti and Pullampeta in the Registration District of Cuddapah.

Sub-District of Guntakal, Hindupur, Kadiri, Urvakonda, Gooty, Dharmavaram, Penukonda, Madakasira and Rayadurg in the Registration District of Anantapur.

Sub-District of Kodumur, Gudur, Adoni, Yemmiganur, Atmakur, Pattikonda, Dhone, Nandyal, Banaganapalli, Koilakuntla and kurnool in the Registration District of Kurnool.

Sub-District of Markapur, Giddalur and Cumbum in the Registration District of Narasaraopet.

(v) Tamil

Sub districts of Chittoor, Satyaveedu, karvetinagar and Pisatur, Kuppam, Pakala, Tirupathi, Puttur in the Registration district of Chittoor or Tirupati as the case may be.

(vi) Oriya

Sub-District of Ichhapuram, Sompeta, Patapatnam, Mandasa, Kasibugga and Tekkali in the Registraion District of Srikakulam

Sub-District of Kurupam and Srungavarapukota in the Registration District of Visakhapatnam.

(vii) Marathi

Sub-District of Bhainsa and Mancherial in the Registration District of Nizamabad.

(viii) Kannada

Sub District of Madakasira and Rayadurg in the Registration District of Anantapur.

Sub-District of Alur and Yemmiganur in the Registration District of Kurnool

Sub-District of Medak, Zahirabad, Sangareddy and Siddipet in the Registration District of Nizamabad.

APPENDIX - 2

NOTICE OF RESIDENCE OF REGISTERING OFFICER(R.R.7)

The Sub Registrar Sri..... resides at

N.B:- A registering officer is prohibited from receiving parties, Stamp Vendors and Document Writers at his Private residence except in very urgent cases.

(Here enter a translation of the above in the language of the sub district)

APPENDIX - 3

REGISTER OF AFFIDAVTIS

(S.O.39) (Form E)

Column.

1. Full name of the deponent
2. Father's name
3. Caste
4. Age
5. Profession , Trade, rank and title if any
6. Place of abode
7. Date on which affidavit is taken
8. Place where affidavit is taken
9. Name of Court where affidavit is intended to be filed
10. Person on whose behalf it is intended to be filed
11. Substance of the affidavit

(Sub)Registrar's Office
Date

Signature of
Registering officer

Note: Vide standing orders Nos., 39 to 41 on the subject

.....

APPENDIX - 4

APPLICATION UNDER SECTION 25/34 OF THE REGISTRATION ACT, 1908 (FORM Z) (S.O.239(a))

1. Name of Office
2. Number, nature and value of document
3. Name of executant
4. Name of claimant
5. Date of execution
6. Date of presentation
 Appearance
7. Period of delay and reason therefor with a note whether the application or statement of the party is submitted
8. Fee and fine collected
9. Sub-Registrar's recommendation
10. Registrar's Order

.....Office

Sub-Registrar

Date:

APPENDIX - 5

REGISTER OF REVOCATIONS OF POWERS OF ATTORNEY (S.O.602) (Form B1)

Column

1. Date of receipt of communication or registration of document revoking the authority
2. Name of Principal or grantor of the authority
3. Name of agent or grantee
4. Brief particulars of (a) document revoking the authority and (b) document revoked
5. Date of revocation

Note:

- (i) The entries in this register shall be attested with date by the registering officer(S.O.602(a)).
- (ii) Intimations of revocations of powers of attorney shall be filed in the File of Petitions after they are noted in this register (S.O.602(b)).

APPENDIX - 6
REGISTER OF WILLS SENT TO COURTS (S.O.651)

Column

1. Number and year of the Sealed Cover
2. Name of the court and number and date of the requisition from the court with number of the case if any
3. Date of removal to court with number and date of covering letter
4. Date of reminder, if any
5. Date of receipt from Court
6. Remarks

Note: In respect of Will not received back within six months from the date on which it was sent, the Registrar will remind the Court for its return and continue reminding till it is got back or information is received that it is permanently retained by the Court (S.O.652).

APPENDIX - 7
REGISTER OF DOCUMENTS DISCREDITED BY CIVIL COURTS
(S.O.759) (Form E1)

1. Name and addition of executant
2. Number and year of the document
3. Nature and value of the document
4. The name of the Court or other authority and the nature and number of the suit or other proceedings canceling the document
5. Reasons for and date of cancellation
6. Date on which cancellation was noted in the Registers
7. Remarks.

.....

APPENDIX - 8

LIST OF DOCUMENTS PROPOSED FOR DESTRUCTION DURING
THE FIRST WORKING WEEK OF JANUARY 20
IN THE SUB REGISTRARS OFFICE OF

(Form J-1, S.O.1008)

1. Serial number
2. Book
3. Document number
4. Date, month and year of registration or refusal or when encumbrance certificate or certified copy was ready for delivery
5. Nature of document
6. Value of document
7. Date of issue of notices to the party entitled to receive the document and last publication of notice in Gazeete and in the office.

Office

Sub Registrar.

Date

APPENDIX - 9

REGISTER OF WILLS AND UNOPENED COVERS
CONTAINING WILLS RECEIVED BY POST

(Form K-1, S.O.1015(C))

1. Serial number
2. Name of Party (if available)
3. Place of residence (if available)
4. Date of receipt (in the Sub Registrar's Office or Registrar's Office as the case may be) of the Will or cover containing Will.
5. Date of issue of notice to the party, if any
6. Date of Publication in the Gazette
7. Date of return or destruction. If destroyed, number and date of Registrar's order sanctioning destruction.
8. Remarks.

APPENDIX - 10

CASH REMITTANCE BOOK (S.O.1025)

Column.

1. Date
2. Serial Number of Challan
3. By Cash
4. By Cheque or Draft etc.
5. Name of the Treasury or Bank in which remittance is to be made.
6. Name and designation of the person to whom the Cash or Cheque is entrusted
7. Signature and designation of the person entrusted with the money in token of his receipt of the amount mentioned in column (3) and (4).
8. Signature of the remitting officer
9. Date of remittance
10. Amount remitted
11. Date of receipt of Challan from the Treasury or Bank
12. Number and date of Challan received after remittance
13. Initials of remitting officer
14. Remarks (reasons for non-remittance if any)

Note: The Sub Registrar in a sub registry office and the Senior Joint Sub Registrar in a Registrars Office as the case may be who arranged for a remittance shall keep a watch for the treasury or Bank receipt or the Challan, and when the original is received back, shall compare it with the entry in the cash remittance book and attest the entry in token of having satisfied himself that the amount has been actually credited into the Treasury or the Bank.

While attesting the entry in the cash remittance book the officer who attests the entry shall also note in the book, the number and date of the Challan received (S.O.1024).

APPENDIX - 11
RECORD ISSUE REGISTER
(S.O.1149)

1. S.No.of requisition and date
2. Description of record required – No. and date of disposal
3. Date of issue of the records
4. Purpose for which taken, Current No., if any to be mentioned.
5. Signature and designation of the Assistant taking
6. Initials of the Record keeper or Assistant delivering
7. Date of return
8. Signature and designation of the Assistant returning
9. Initials of Record keeper or Assistant receiving
10. Remarks

APPENDIX - 12
LIST OF RECORDS PROPOSED TO BE DESTROYED DURING
JANUARY 20..... IN THE OFFICE OF THE SUB REGISTRAR OF

(Form I-1 (S.O.1172(b)))

1. Serial number
2. Nature of record
3. Prescribed period of preservation period to which the records proposed for destruction related
4. From year
5. To year
6. Remarks

Date

Signature

Certified that the records in the list, the destruction of which, was sanctioned were destroyed in my presence on the

Date

Signature

SYNOPSIS - 1

THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950:

1) Application & Commencement :-

The Act extends to the whole of India and also applies to Citizens of India outside India

2) Definitions:-

- i) “Emblem” means any emblem, seal, flag, insignia or Pictorial representation.
- ii) “Name “ The expression ‘name’ includes any abbreviation of a name

3) Object:-

The purpose of the Act is to prevent the improper use of certain emblems and names for professional and commercial purposes.

4) Prohibition of improper use of certain emblems and names:-

Notwithstanding anything contained in any law for the time being in force. no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use or continue to use, for the purpose of any trade, business, calling or profession or in the title of any patent or in any trade mark or design, any name or emblem or any colourable imitation thereof without the previous permission of the Central Government or of such officer or Government as may be authorized in this behalf.

5) Prohibition of registration of certain companies etc.:-

Notwithstanding anything contained in any law for the time being in force, no competent authority shall register any company, firm or other body of persons which bears any name of improper use or register a trade mark or design which bears any emblem or name

| | | | | |
|---|---|---|---|---|
| x | x | x | x | x |
| x | x | x | x | x |

6) Guidelines:-

The name will attract the provisions of Emblems and Names (Prevention of Improper use) Act, 1950 if

- i) It is identical with name of any society/corporation of local body which has been setup by the Government of India or State Government under any law for the time being in force.
- ii) It gives the impression of the patronage of central Government or State Government, For example, Indian Council of Agricultural Research (ICRD) is a registered body under the Ministry of Agricultural and

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Cooperation. Any name beginning with the words “Indian Council of “ may mislead the public that it is patronized by the Government.

- iii) It, too nearly resembled a name of body or corporation of local authority set up by the Government under any law for the time being in force. For example “Indian Institute of Mass Communications: is an autonomous body under Ministry of Communication. Name like “Institute of Mass Communication” may give the impression that the said society is also patronized by the Central Government. Here, it shall be kept in view whether any other body carrying same kind of activities with similar name is in existence.
- iv) It connotes government’s participation / patronage unless circumstances justify it. Certain words in a name may give the impression of Government’s patronage. Such words are National, Institute of National Council of University, Indian Institute of, Indian Council of etc. This list is illustrative and not exhaustive.

a a a a a

SYNOPSIS - 2
THE SPECIAL MARRIAGE ACT, 1954 AND RULES THERE
UNDER (ACT 43 OF 1954)

1) Introduction:-

(a) The Act extends to the whole of India except the State of Jammu and Kashmir and applies also to citizens of India domiciled in the territories to which this Act extends and who are in the state of Jammu and Kashmir.

2) Marriage Officer :-

The Sub Registrars of Registration and stamps department are empowered to function as “Marriage Officer” for the purposes of this Act in the state of Andhra Pradesh within their respective jurisdictions.

3) The following are said to be within the degrees of prohibited relationship (Section 2(b))

A man and any of the person mentioned in Part I of the Schedule appended below and a woman and any of the persons mentioned in Part II of the said schedule are within the degrees of prohibited relationship.

Explanation : I) Relationship includes

- a) Relationship by HALF or UTERINE blood as well as by full blood
- b) Legitimate blood relationship as well as illegitimate
- c) Relationship by adoption as well as by blood

Explanation II: “Full blood and HALF blood” Two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half-blood when they are descended from a common ancestor but by different wives.

Explanation III:- “UTERINE BLOOD” Two persons are said to be related to each other by Uterine blood when they are descended from a common ancestress but by different husbands.

Explanations IV:- In explanations II and III “ancestor” includes the father and “ancestress” the mother.

Note: Solemnisation of marriage under this Act between INDIAN CITIZEN and a FOREIGN NATIONAL can be done (C& IGRS Memo No.BDM/10735/2003, dated 15-7-2005) issued in pursuance of Government Memo No,3478/WD/1/2004-1,dated 19-11-2004 (Judgment of the APHC on section 4 of the Act referred

4) Conditions relating to Solemnization of Special Marriage (Section 4)

- i) Neither party has a spouse living
- ii) Neither party is an idiot or lunatic
- iii) The male has completed the age of 21 years and the female, the age of 18years.

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- iv) The parties are not within the degree of prohibited relationship provided that where a custom governing at least one of the parties permits a marriage between them, such marriage may be solemnized

Note:- Solemnisation of marriage under this Act between INDIAN CITIZEN and a FOREIGN NATIONAL can be done.(C&IGRS Memo No. BDM/10735/03 dt 15-7-2005 issued in pursuance of Government Memo No. 3478/wd/1/2004 dt 19-11-2004 (Judgement of the APHC on section 4 of the Act referred)

5) Notice of Intended Marriage:-

if the above conditions are satisfied, a notice of intended marriage signed by the parties, in the form specified in the second schedule appended, shall be given either in person or by registered post to the Marriage officer in whose jurisdiction one of the parties to the marriage has resided for a period of not less than 30 days immediately preceding the date on which such notice is given.

6) Procedure on Receipt of such Notice:-

The Marriage officer shall assign a distinctive serial number on the notice and such number and date of receipt of notice should be attested by the signature of the Marriage Officer. If the notice is not in order i.e., in conformity with the provisions of the Act, it may be got corrected and duly attested by the parties to the marriage present. If not, it may be returned for correction and resubmission before a date to be fixed. Such notice shall be kept in a separate file and a true copy of every such notice should be entered immediately in a book called "*Marriage Notice Book*".

- i) **Such book shall be opened for inspection at all reasonable times without fee, by any person desirous of inspecting the same.**
- ii) A copy of such notice shall be published forthwith in a conspicuous place on his office Notice board.
- iii) If either of the parties is not residing within the jurisdiction of the Marriage Officer to whom a notice has been given, such Marriage Officer shall also send a copy of such notice to the Marriage Officer in whose jurisdiction such party is permanently residing and such Marriage officer should cause the copy to be published on his office notice board. The requisite postal charges for sending a copy of the Notice to the other Marriage officer and for the latter's reply shall be collected from the party.

7) Objections:-

Any person may, before the expiration of thirty days from the date on

which such notice has been published, object to the Marriage on the ground that it would contravene one or more conditions given in Para(4) above.

After the expiry of thirty days from the date on which notice of an intended marriage has been published on the notice board of the office of the Marriage officer, the marriage may be solemnized, if no objection has been filed.

8) Declaration by Parties and witnesses:-

Before the marriage is solemnized both the parties and three witnesses shall in the presence of the marriage officer, sign a declaration in the form specified in the third schedule to the Act and the declarations shall be **counter-signed** by the marriage officer.

9) Place and form of solemnization:-

The marriage after such declaration, shall be solemnized on payment of a **fee of Rs.10/-** at the office of the Marriage Officer. If so desired by the parties, the marriage may be solemnized at such other place within a reasonable distance therefrom upon payment of an additional fee of **Rs.15-00** which may be appropriated by the Marriage Officer without levying any traveling allowance for his journey to and fro. The marriage may be solemnized in any form which the parties may choose to adopt but it shall not be completed and binding on the parties unless each party says to the other in the presence of the Marriage officer and the witnesses in any language understood by the parties as 1” (AB) take (CD) to be my lawful wife/husband”.

10) Certificate of Marriage:-

When the marriage has been solemnized, the marriage officer shall enter a certificate thereof in the form specified in the fourth schedule to the Act in the MARRIAGE CERTIFICATE BOOK and such certificate should be signed by the parties to the marriage and three witnesses. The certificate shall be deemed to be conclusive evidence of the fact that the marriage has been solemnized under the Act.

11) Fresh Notice to be given when Marriage is not Solemnized within Three Months:-

Whenever a marriage is not solemnized within three calendar months from the date on which the notice for the intended marriage was given to the marriage officer, a fresh notice shall be given. A fee of **rupee one** is leviable for the fresh notice (Vide Section 14).

12) Procedure on Receipt of Objections:-

- i) If any objection in writing with the requisite fee of **Rs.50/-** before the expiration of 30 days from the date on which the notice of intended marriage has been published, the marriage officer shall not solemnize the marriage until he has enquired into the matter until he is satisfied himself that the objection ought not to prevent the solemnization of the marriage or until the objection is withdrawn.

- ii) Any objection received by post or without the requisite fee shall not be accepted or acted upon. In case the objection is such that it does not contravene any of the conditions laid down for the solemnization of the marriage, the marriage officer can over-rule the objection straight way and proceed.
- iii) The Marriage officer shall, at the time of recording the objection, ascertain from the objector whether he has any documents on which he relies or whether he desires any witnesses to be examined. If the objector desire examination of witnesses the marriage officer shall fix a day for enquiry which should be completed within 30 days from the date of the objection. If the objector desires that the witnesses should be summoned, the Marriage officer shall levy the requisite fee therefor from the objector and issue the summons through registered post or process server.(vide Chapter 16 under “Procedures” for process fee rules and item 4 of the Schedule of fees - Rule 14)
- iv) If, within the prescribed period, the documents are not produced or the witnesses do not appear as the case may be before the Marriage officer, shall take a decision without waiting for the production of such documents or appearance of such witnesses. The statements shall be recorded in English or the language of the District, on loose sheets of paper and kept with the record of Enquiry. He shall record in his own hand his decision on the objection and the reason therefor. If the Marriage Officer upholds the objection and refuses to solemnize the marriage, either party to the intended marriage, with in thirty days from the date of such refusal, may prefer an appeal to the District Court within whose limits the office of the marriage officer is located and the decision of the District Court on such appeal is final and the Marriage officer shall act in conformity with the decision of the Court.

13) Registration of Marriage:-

- a) Any marriage celebrated whether before or after the commencement of the Act, other than marriage solemnized under the Special Marriage Act 1872 (Act III of 1872) or under this Act, may be registered by a Marriage officer if the following conditions are fulfilled.
 - i) That a ceremony of marriage has been performed between the parties and they have been living together as husband and wife ever since.
 - ii) That neither party has at the time of registration more than one spouse living
 - iii) That neither party is an idiot or a lunatic at the time of registration.

- iv) That the parties have completed the age of twenty one years at the time of registration.
- v) That the parties are not within the degree of prohibited relationship provided that in the case of marriage celebrated between the commencement of this act, this condition shall be subject to any law, custom or usage having the force of law governing each of them which permits a marriage between the two and
- vi) (a) That the parties have been residing within the jurisdiction of the marriage officer for a period of not less than 30 days immediately preceeding the date on which the application is made to him for registration of the marriage.
- (a) APPLICATION (Rule 7): An application for the registration of marriage under Section 16 shall be presented in person or sent by registered post by either of the parties to the marriage, to the Marriage officer during office hours in Form III. The fee for application is **Rs.2-00/-**
- (b) A true copy of such application shall be entered in a book to be kept for that purpose. A true copy of the application under the signature and seal of the Marriage officer shall be exhibited in a conspicuous place on his office notice board and also cause its publication by affixure in a conspicuous place by the village officer in the village in which the parties reside. The notice shall also state that objections if any, to the registration of the marriage, should be preferred by the objector in person orally or in writing to the Marriage officer within thirty days from the date on which the notice is exhibited. The cost for transmission to the village officer of a copy of the application for affixure and other incidental charges if any, shall be levied from the parties to the marriage.
- (c) If no objection is received within the said period, the Marriage officer shall proceed with the registration of the marriage. In case any objection is received, he shall proceed with the enquiry just as in the case of an enquiry regarding objection raised for the solemnization as detailed in Para (12) above
- (d) The fee for registration of a marriage is Rs.10/-.
- b) The following books and files shall be maintained:-**
 - i) File of notices of intended marriages (Section 5, Second Schedule to the Act)
 - ii) Marriage Notice Book (Section 6).
 - iii) Record of enquiry (Section 8)
 - iv) Register of enquiry (Section 8 and Form VII)
 - v) File of declaration by parties and witnesses (Section II, Third Schedule to the Act)

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- vi) Marriage Certificate Book (Section 13, Fourth Schedule to the Act).
- vii) File of applications presented under Section 16
- viii) Register of Copies of application (Section 16)
- ix) Marriage Certificate Book(Section 16, Fifth Schedule to the Act)
- x) File of Application for certified copies(Section 47(2))
- xi) Register of fees levied (Rule 9)
- xii) Fee receipt book (Rule 10).

c) The following books and files shall be preserved permanently:-

- i) File of notices of intended marriages (Section 5, Second Schedule to the Act)
- ii) Marriage Notice Book (Section 6)
- iii) Record of enquiry (Section 8)
- iv) Register of enquiry (Section 8 and Form VIII)
- v) File of declaration by parties and witnesses (Section II, Third Schedule to the Act)
- vi) Marriage Certificate Book (Section 13, Fourth Schedule to the Act).
- vii) File of applications presented under Section 16
- viii) Register of Copies of application (Section 16)
- ix) Marriage Certificate Book(Section 16, Fifth Schedule to the Act)

THE SPECIAL MARRIAGE ACT, 1954

THE SCHEDULE OF FEES

(SEE RULE 14)

| S.No. | Particulars | Amount Rs. P |
|-------|---|-----------------|
| (1) | For every notice of intended marriage or application for the registration of marriage (to be paid by the parties to the marriage) | 2-00 |
| (2) | For recording an objection (to be paid by the objection) | 2-00 |
| (3) | For every enquiry into an objection (to be paid by the objector). | 50-00 |
| (4) | For every notice and for every summons to a witness to appear and give evidence or produce a document (to be paid by the objector). | 0-50 |
| (5) | For solemnizing or registering a marriage (to be paid by the parties to the marriage) | 10-00 |
| (6) | For notice of marriage under section 14 | 1-00 |
| (7) | For inspection of Marriage Certificate Book | |

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- i) For the first year 1-00
- ii) For every additional year (to be paid by the Applicant). 0-50
- (8) (i) For granting a certified copy of an entry 2-00
- (ii) For a certified copy or extract of any entry in other records (to be paid by the applicant) 1-00
- (9) For solemnizing or registering a marriage at any place. This fee may be outside the office of the marriage officer in addition to appropriated by the fee in entry(5) (to be paid by the parties to the the marriage marriage.). *15-00
- (* This fee may be appropriated by the marriage officer)

Contd ...

THE FIRST SCHEDULE.

See Section 2(b)

“DEGREES OF PROHIBITED RELATIONSHIP”*PART - I*

1. Mother
2. Father's widow (step-mother)
3. Mother's Mother
4. Mother's Father widow (step grand-mother)
5. Mother's mother's mother
6. Mother's mother's father's widow (step grand-mother)
7. Mother's father's mother's
8. Mother's father's father's widow (step great grand-mother)
9. Father's mother
10. Father's Father widow (step grand-mother)
11. Father's mother's mother
12. Father's mother's Father's widow (step great grand-mother)
13. Father's father's mother
14. Father's father's father's widow (step great grand-mother)
15. Daughter
16. Son's widow
17. Daughter's daughter
18. Daughter 's son's widow
19. Son's daughter
20. Son's son's widow
21. Daughter's daughter's daughter
22. Daughter's daughter's son's widow
23. Daughter's son's daughter
24. Daughter's son's son's widow
25. Son's daughter's daughter
26. Son's daughter's son's widow
27. Son's son's daughter
28. Son's son's son's widow
29. Sister
30. Sister daughter

- 31. Brother's daughter
- 32. Mother's sister
- 33. Father's sister
- 34. Father's brother's daughter
- 35. Father's sister's daughter
- 36. Mother's sister's daughter
- 37. Mother's brother's daughter

Explanation: - For the purpose of this part, the expression "widow" includes a divorced wife.

PART – II

- 1. Father
- 2. Mother's husband (step – Father)
- 3. Father's Father
- 4. Father's Mother's husband (step grand-Father)
- 5. Father's Father's Father
- 6. Father's Father's Mother's husband (step great grand-Father)
- 7. Father's Mother's Father
- 8. Father's Mother's Mother's husband (step great grand-Father)
- 9. Mother's Father
- 10. Mother's Mother's husband (step grand-father)
- 11. Mother's Father's Father
- 12. Mother's Father's Mother's husband (step great grand-father)
- 13. Mother's Mother's Father
- 14. Mother's Mother's Mother's husband (step great grand-father)
- 15. Son
- 16. Daughter's husband
- 17. Son's Son
- 18. Son's Daughter's husband
- 19. Daughter's Son
- 20. Daughter's Daughter's husband
- 21. Son's Son's Son
- 22. Son's Son's Daughter's husband
- 23. Son's Daughter's Son
- 24. Son's Daughter's Daughter's husband
- 25. Daughter's Son's Son
- 26. Daughter's Son's Daughter's husband
- 27. Daughter's Daughter's Son
- 28. Daughter's Daughter's Daughter's husband
- 29. Brother
- 30. Brother's Son

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- 31. Sister's Son
- 32. Mother's Brother
- 33. Father's Brother
- 34. Father's Brother's Son
- 35. Father's Sister's Son
- 36. Mother's Sister's Son
- 37. Mother's Brother's Son

Explanation:- For the purposes of this part, the expression "husband" includes a divorced husband.

THE SECOND SCHEDULE

(See Section 5)

NOTICE OF INTENDED MARRIAGE

To

Marriage Officer for the District

We hereby give you notice that a marriage under the Special Marriage Act, 1954, is intended to be solemnized between us within three calendar months from the date hereof.

| Name | Condition | Occupation | Age | Dwelling place | Permanent dwelling place if present dwelling place not permanent | Length of residence |
|------|-----------|------------|-----|----------------|--|---------------------|
|------|-----------|------------|-----|----------------|--|---------------------|

- A.B.Unmarried
- Widower
- C.D.Divorcee
- Unmarried
- Widow
- Divorce

Witness our hands thisday of20.....

(Sd) A.B
(Sd) C.D

THE THIRD SCHEDULE

(See Section 11)

DECLARATION TO BE MADE BY THE BRIDEGROOM

- I) I, A.B., hereby declare as follows
 - 1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).
 - 2. I have completed years of age.
 - 3. I am not related to C.D.(the bride) within the degrees of prohibited relationship
 - 4. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.)A.B.(the Bridegroom).

DECLARATION TO BE MADE BY THE BRIDE

- I) I, C.D., hereby declare as follows :-
 - 1. I am at the present time unmarried (or a widow or a divorcee, as the case may be).
 - 2. I have completed Years of age.
 - 3. I am not related to A.B. the (bridegroom) within the degrees of prohibited relationship
 - 4. I am aware that, if any statement in this declaration false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.)C.D.(the Bride).

Signed in our presence by the above-named A.B. and C.D. So far as we are aware there is no lawful impediment to the marriage.

(Sd.)G.H

(Sd.)I.J

(Sd.)K.L

Three witnesses

Countersigned E.F.
Marriage Officer.

Dated the day of20

THE FOURTH SCHEDULE

(See Section 13)

CERTIFICATE OF MARRIAGE

I.E.F., hereby certify that on the day of.....20..... A.B., and C.D* appeared before me and that each of them., in my presence and in the presence of three witnesses who have signed thereunder made the declarations required by Section 11 and that a marriage under this Act was solemnized between them in my presence.

(Sd.)E.F.,

Marriage Officer for.....District

(Sd.) A.B.,

Bridegroom

(Sd.) C.D.,

Bride

Three witnesses

(Sd.)G.H

(Sd.)I.J

(Sd.)K.L

*Herein give particulars of the parties

THE FIFTH SCHEDULE

(See Section 16)

CERTIFICATE OF MARRIAGE CELEBRATED IN OTHER FORMS

I.E.F., hereby certify that A. . B. and C. .D. appeared before me this..... Day of 20..... and that each of them, in my presence and in the presence of three witnesses who have signed here-under have declared that a ceremony of marriage has been performed between them and that they have been living together as husband and wife since the time of their marriage, and that in accordance with their desire to have their marriage registered under this Act, the said marriage has, this..... day of 20 been registered under this Act, having effect as from

(Sd.) E.F.,
Marriage Officer for
(Sd. A.B.,
Husband.
(Sd.)C.D.,
Wife

(Sd.)G.H

Three witnesses

(Sd.)I.J

(Sd.)K.L

Dated theday of.....20.....

SYNOPSIS - 3**THE HINDU MARRIAGES ACT, 1955 AND RULES THEREUNDER
(Act XXV of 1955)****1) Introduction :-**

- (a) (i) The Hindu Marriage Act, 1955 extends to the whole of India except the state of Jammu and Kashmir.
 - (ii) The Hindu Marriage Rules, 1965 have come into force from 1-12-1970
 - (iii) The Hindu Marriage Rules, 1965 have come into force from 1-12-1970
 - (b) The Act applies to any person who is a Hindu by religion including a Virashiva, a Lingayat or a follower of Brahm Prarthana or Aryasamaj and also to a Bhuddhist, Jain, or sikh by religion and to any other person domiciled in India except the State of Jammu and Kashmir, who is not a Muslim, Christian, Parsi or Jew by religion (Section 1 and 2)
- 2) The following are said to be within the degrees of prohibited relationship (Section 2(g))
- (i) If one is a LINEAL descendant of the other, or
 - (ii) If one was the wife or husband of a lineal ascendant or descendant of the other, or
 - (iii) If one was the wife of the brother or of the father's or mother's brother or of the Grand father's or grand mother's brother of the other or
 - (iv) If the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters.

Relationship:- Relationship includes

- (i) Relationship by HALF UTERINE blood as well as by FULL blood.
 - (ii) Illegitimate blood relationship as well as legitimate
 - (iii) Relationship by adoption as well as by blood
 - (iv) Sapinda relationship
- 3) The Sub Registrars are empowered to function as "Hindu Marriage Registrar" to register marriage under Section 8 of the Hindu Marriage Act, 1955 within their respective jurisdictions.
- 4) Marriage between two Hindus which has been solemnized may be registered by the Hindu Marriage Registrar appointed under the Act., in the Hindu Marriage Register which shall be maintained in Form 'B'. The Marriage Register shall be a bound volume of one hundred leaves, the

pages having been machine numbered consecutively.

Note: This Act does not require that the husband and wife must be citizens of India. Even if the persons are not citizens of India, if they satisfy other requirements of Hindu Marriage Act for a valid Marriage is entitled for registration (C&IGRS Cir.Memo No.BDM/10735/2003,dt.15-7-2005)

5) Conditions of a marriage (Section 5):-

A marriage may be solemnized between any two Hindus if the following conditions are fulfilled.

- i) Neither party has a spouse living at the time of the marriage
- ii) At the time of the marriage neither party
 - (a) Is incapable of giving a valid consent to it in consequence of unsoundness of mind or
 - (b) Though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children
 - (c) Has been subject to recurrent attack of insanity or epilepsy
- iii) The bridegroom has completed the age of twenty one years and the bride the age of eighteen years at the time of the marriage
- iv) The parties are not within the degree of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two.
- v) The parties are not SAPINDAS of each other, unless the custom or usage governing each of them permits of a marriage between the two.

6) **Application for Registration:-**

(a) An application for the registration of a Hindu Marriage shall be in FORM 'A' (Vide Annexure supra) and shall be signed by each party to the marriage. It shall be presented in person *within one month from the date of solemnization of the marriage* before the Hindu Marriage Registrar in whose jurisdiction the marriage is Solemnized or before such Registrar in whose jurisdiction the marriage is either party to the marriage has resided for *at least six months immediately preceding* the date of marriage.

Clarification :- Where the husband and wife are not citizens of India, if they satisfy the requirements of the Act for a valid marriage, the marriage will be valid and is entitled for registration under the Act. The Act does not require that the husband and wife must be citizens of India. (Rulings of the High Court of Calcutta and Supreme Court referred vide C&IGRS Cir. Memo No. BDM/10735/03, dt.15-7-2005 issued in pursuance of the Government Memo No. 3478/UD-1/2004-1, dt.19-11-2004

(b) If the marriage was solemnized beyond the territories of India excluding the state of Jammu and Kashmir, the application for registration may

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be presented before any Hindu Marriage registrar in the State of Andhra Pradesh within one month from the date on which the parties arrive in the state of Andhra Pradesh.

(c) If the applicant is illiterate, the application shall be attested by any one of the following persons:

- a) A village Munsiff
- b) A Magistrate including a Honorary Magistrate
- c) A Government Servant whose emoluments are not less than Rs.50/P.M
- d) A Government Pensioner whose pension is not less than Rs.25/a month.
- e) A member of Zilla Parishad, Panchayat Samithi or Grama Panchayat.
- f) A member of Municipal Council or Committee
- g) Any person authorised to solemnize marriages under the Special Marriages Act. 1954
- h) A medical officer of Government, Local Fund or Municipality or a private Practitioner, holding a University diploma or degree recognized by Government.
- i) A Member of Parliament or A.P.Legislature.

7) Procedure if the application is made after one month:-

If the application for registration of the marriage is made after the expiry of the prescribed period of one month, the Hindu Marriage Registrar may condone the delay not exceeding five years. If the *delay is more than five years* the Registrar General and also the District Registrar of Assurances of concerned district may condone the delay beyond the period of five years vide G.O.R.T.No.95 Child Welfare and disabled Welfare (WPI) department dated 29-3-2007 = C&IGRS Endt No. BDM/3583/95, dated 24-5-2007 for condonation of delay (Vide proceedings No.BD&M/3583/95 dated 09-02-1995 of the Registrar General of Births,Deaths and Marriages,Hyderabad).A fee of Rs.5/ for each calendar year shall be levied for condonation of delay.

Note:- Marriages performed after the Act came into force i.e. on 1-12-70 can be registered under Rule 5 the Hindu Marriage Rules 1965 after condoning the delay. Also Hindu Marriages performed after 1955 can be condoned and registered (C&IGRS Memo No.BDM/25590/2000, dt 1-11-2000)

8) Registration of the Marriage:-

The Registrar may, in order to satisfy himself that the marriage has already been solemnized, let in any evidence which should be taken by him on oath. On being satisfied about the marriage, the Registrar shall enter the particulars of the marriage in his own hand in the Hindu Marriage Register. Every entry relating to such particulars shall be signed by both the parties to the marriage. The Registrar may require one or more witnesses also to sign in the register.

The fee for the registration of a marriage is Rs.5/-.

9) Registration at a place other than the office of the Registrar:-

The registration of a marriage, can be done at a place other than the office of the Hindu Marriage Registrar at the written request of the parties, on payment of an additional fee of Rs.10/- which will be appropriated by the Registrar. In such cases, the parties have to provide a conveyance for the to and fro journey of the Registrar at his convenient hour.

10) Entry in the Marriage Register:-

- a) The Registrar shall attest every erasure or interlineations occurred in making entries in the Hindu Marriages Register and enter a note of such erasures etc., in his own hand and attest it with his initials. He shall finally authenticate the entry with his signature and date.
- b) No correction or alteration in material particulars like name, age, date or place of marriage shall be made in the Hindu Marriage Register without obtaining the sanction of the Registrar-General or the District Registrar concerned (G.O.R.T.No.95 Child Welfare and disabled Welfare (WPI) department dated 29-3-2007 = C&IGRS Endt No. BDM/3583/95, dated 24-5-2007). Every correction made after obtaining the required sanction shall be made by the Registrar by a note at foot of the entry without alteration in the original entry, The note shall be signed and dated by him

11) Refusal to Register:-

In case the Registrar is not satisfied about the fact of the marriage, he shall pass an order of refusal to register the marriage and also record there in, the reasons for his decision.

12) Index to the Marriage Registered:-

Every Registrar shall cause the Indexes prepared in FORM 'C' (Vide Annexure) of all entries in the Hindu Marriage Register in alphabetical order with reference to the surname of the party wherever it is given and in other cases, with reference to the name of the party.

13) Grant of Copies:-

- a) Application for grant of copies of records or for an extract from the Hindu Marriage register may be made in person or by post with a court fee label of one rupee duly affixed to the application.
- b) Fee for grant of an extract from the Hindu Marriage register is Rs.5/- No search fee is leviable if it is applied for at the time of registration of the marriage. Fee for a certified copy of any other record is Rs.2. Postal charges for transmission by post shall be levied from the application

14) (Corrections in Hindu Marriage Register)

As per Rule 8(2) of Hindu Marriage Act, 1955, corrections or alterations in material particulars such as name, age, date or place should not be made in the Hindu Marriage Register without obtaining the sanction of the Registrar General (C&IGRS Cir.Memo No.BDM/6016/2006, Dt.15-6-2006).

In the same circular, Marriage Officers were directed to be more careful in entering the particulars such as date of birth, name, surname, last name etc.in the marriage register and in the marriage certificates and that they should take disciplinary action against the concerned staff and to take steps for remedial measures

| 15) Schedule of Fee (Rules 15(1) and (3)):- | Rs. P. |
|---|--------|
| i) For grant of an extract from the Hindu Marriage Register [Rule 15(1)] | 5-00 |
| ii) For the registration of a marriage exclusive of any other fees levied by temple authorities for marriage in temple (Vide Note 4 below) | 5-00 |
| iii) For Making search in any record relating to | |
| a) The current year | 1-00 |
| b) Any other year or years (for each such year) | 1-00 |
| iv) For a certified copy of any record (other than the certified copy of an extract from Hindu Marriage register.(Application requires CF of Re. One) | 2-00 |
| v) For registering a marriage at any place outside the Office of the Marriage Registrar | 10-00 |
| vi) For condonation of delays for each calendar year or Part thereof (W.E.fr 30-09-1993). | 5-00 |

Notes : -

- (1) Certified extracts and copies should be granted under the official seal of the Registrar.
- (2) In the case of intercaste marriages under the Act, no fee shall be charged (G.O.Ms.No.1175 Home (General – A) dept., Dated 05-10-1976).
- (3) The applications for a search and certified copy should be affixed with necessary court fee labels- No searchfee shall be levied for granting a certified extract from the Hindu Marriage Register of application at the time of Registration of the Marriage.

RECORDS TO BE MAINTAINED UNDER HINDU MARRIAGE ACT, 1955

- 1) The following records shall be maintained by the Marriage Registrar (Rule 18(1))
 - a) Applications made for registration of Hindu Marriage or for correction thereof together with concerned records.
 - b) Hindu Marriage Register
 - c) File of Applications for certified copies
 - d) Register of fees
 - e) Challans for the money remitted into the Treasury - vide procs. No.159 BDM/23,dt.5.3.1974 of Registrar General of B.D&M)
 - f) Fee receipt book
 - g) General Correspondence (Preservable for 12 years - vide prog. No.159 BDM/23,dt. 5.3.1974 of Registrar General of B.D&M)
 - h) File of G.O.s and Circulars
 - i) Indices

2) **Preservation of records:-**

All the records referred to in clauses (a) to (f), (h)and (i) above should be preserved permanently (Rule 18(2))(Procs No.159/BD& M/23 dt.5-3-1974

ANNEXURE

To

The Registrar of Hindu Marriages
..... (Place)
.....District.

FORM - A
See Rule (5) I

Application for registration of Hindu Marriage.

Sir, Date of receipt

We request you to register the particulars relating to our marriage solemnized onat village/town..... taluk

- 1. Full name of parties
- 1a. Religion and Caste of the parties
- 2. Age at the solemnization of the marriage:
- 3. (RANK) or Profession:
- 4. Permanent place of residence
- 5. Date of Birth (before solemnization of marriage)
- 6. Place with name of Taluk and District at which the marriage was solemnized:

- 7. Date of solemnization of the marriage:
- 8. Father:
- 9. Mother:
- 10. Guardian if any of the wife with relationship (See Section6)
- 11. Address of the Guardian:
- 12. Date of the decree in the court of the first instance.

Information to be
furnished in case
of divorced
persons who may
marry again (See
Section15)

- 13. Whether the period of one year has elapsed from the date noted in the column (10) to the date of the application (See Section 15)
- 14. Remarks.

We hereby declare that the particulars mentioned above are correct to the best of our knowledge and belief, that our marriage is one to which the Hindu Marriage Act, 1955 (Central Act XXV of 1955), applies and that we have fulfilled the conditions, laid in Section 5, 6 or 15 wherever necessary.

If the wife is a minor,
Signature of the guar-
dian in marriage at
the time of marriage

Station signature with
Date Date.....

Husband

Wife

Witnesses :

- | | | |
|------------|------------|------------|
| 1) Name: | 2)Name: | 3) Name: |
| Address: | Address: | Address: |
| Signature: | Signature: | Signature: |

Signature of the Registrar
with date

FORM 'B'
Hindu Marriage Register (See Rule 40)

| SI.No. | 2 | 2-A | 3 | 4 | 5 | 6 | 7 | 8 | Name in Full of | | | | Information to be furnished in case of Divorced persons, who may marry again (See Sec 15). | |
|--------|---|-----|---|---|---|---|---|---|-----------------|--------|---|-------------------------|--|---|
| | | | | | | | | | Father | Mother | Guardian if any of the wife with relationship (See Sec.6) | Address of the Guardian | Date of the decree in the court of the first instances | Whether the period of one year has elapsed from the date noted in column (13) to the date of the application (See proviso to Sec. 15) |
| 1 | | | | | | | | | 9 | 10 | 11 | 12 | 13 | 14 |

We hereby declare that the particulars mentioned above are correct to the best of our knowledge and belief, that our marriage is one to which the Hindu Marriage Act, 1955 (Central Act XXV of 1955), applies and that we have fulfilled the conditions laid in Section 5, 6 or 15, wherever necessary.

Signature of three witnesses
With addresses

1.] Signature of [HUSBAND :
2.] WIFE :
3.] day of 19.....
The marriage between the above parties has this.....day of 19.....
been registered under the Hindu Marriage Act, 1955 (Central Act XXV of 1955) as No.....
of 19.....

If the wife is a minor signature of the legal
Guardian in marriage at the time of marriage

Station: Signature of the Registrar.
Date : Date :

(FOR OFFICEAL USE ONLY)
(No of the application of year)

1. Date and hour of presentation.
2. Date of Registration.
3. Page and volume of the Register at which the particulars of marriage have been Registered.

Signature of the Registrar.

INDEX REGISTER (FORM-C)
(See Rule 10)

Office of the Registrar.....

| Name of husband or wife | Date of solemnization of marriage | Place at which solemnized | Reference to entry in the Hindu Marriage Register | Initial of the Registrar |
|-------------------------|-----------------------------------|---------------------------|---|--------------------------|
| 1 | 2 | 3 | 4 | 5 |

REGISTER OF FESS (FORM-D)
(See Rule 16)

| Date | Particulars | Amount | Remarks |
|------|-------------|--------|---------|
| 1 | 2 | 3 | 4 |

RECEIPT IN DUPLICATE (FORM-E)
(See Rule 17)

1. Serial Number:
2. Date of Receipt:
3. From whom received:
4. On what account received:
5. Provisions of the Act or the rules under Which chargeable :
6. Amount of Fees:

Signature of Registrar.

NOTICE (FORM-F)

(See Rule 6(1))

Before the Marriage Registrar (Place)
In the matter of Hindu Marriage Registration Rules, 1965

In the matter of application to register marriage between.

A B

And

(GIVE NAMES AND ADDRESSES)

C D

To

Whereas an application for the Registration of the marriage between **A B** and **C D** has been received by the Marriage Registrar on you are hereby required to appear in person before the undersigned at.....onin his office along-with the under mentioned witnesses who have signed in the application for registration and also the guardian in marriage, if any, for the purpose of signing the entries in the Marriage Register.

Date:

Place:

(SEAL)

(Signature)

Marriage Registrar

Name and address of the witnesses :

- 1.
- 2.
- 3.

Name and address of the guardian in Marriage.

PARTICULARS TO BE ENDORSED ON EVERY APPLICATION FOR SEARCH OR COPY (FORM-G)

1. S.No./(Year):
2. C.No...../(Year):
3. Date of receipt of application :
4. (a) Amount of fees collected :
- (b) Date of collection of fees:
5. Records searched and years searched:
6. Particulars of entries found :
7. Date of completion of search:
8. (a) Signature of searcher:
- (b) Signature of verifier
9. Date of completion of preparation of copy :
- 10.(a) Signature of preparer of copy:
- (b) Signature of examiner of copy:
- 11.Date of delivery or despatch of copy :
- 12.Signature of applicant in token of receipt of copy or in cases in which the copy or in cases in which the copy is sent by registered post, postal receipt number and date.

Note:- The above entries shall be closed with the Marriage Registrar's initials with date.

**PARTICULARS TO BE ENDORSED ON APPLICATIONS
FOR PRIVATE ATTENDANCE (FORM-H)**

(in connection with Marriage Registration)

1. Private attendance application
Number...../(Year)
2. Number of application for
Marriage to which private
Attendance related.
3. Fees collected.
4. Date and time of receipt of
Application
5. Date and time at which the private
Attendance was made.
6. Marriage Number.
7. Date of appropriation of private
attendance fee by Marriage
Registrar.

Note :-The above endorsements should be endorsed with the Marriage Registrar's initials and date. The receipt of the private attendance fee of Rs.10/- should also be acknowledged by the Marriage Registrar by means of an endorsement signed and dated by him.

SYNOPSIS - 4
THE A.P. SCHEDULED AREAS LAND TRANSFER
REGULATION, 1959

1) Preamble :-

- a) The regulation was enacted as No.1 of 1959. The regulation is applicable to the transfer of agriculture land in the Scheduled Areas of the East Godavari, West Godavari, Visakhapatnam, Srikakulam, Adilabad, Warangal;, Khammam and Mahaboobnagar District of Andhra Pradesh
- b) The Regulation came into force on 04-03-1959 in the Scheduled areas of Andhra region and on 01-12-1963 in Telangana area.
- c) **This Act as amended upto date is applicable to sites and houses also on par with agricultural lands (I.G.Memo No.G1/21683/88, dt.15-9-1988**

2) Definitions:-

- a) **“Agency Tracts”** has been defined to mean the areas in the districts of East Godavari, West Godavari, Visakhapatnam, Srikakulam, Adilabad, Warangal;, Khammam and Mahaboobnagar and areas declared from time to time as Scheduled areas by the President under sub-paragraph 6 of the Fifth Schedule to the constitution (R.2(a)).
- b) **Immovable property** has been defined to include standing crops, timber and trees but not growing grass (R.2(d)).
- c) **“Scheduled Tribe”** has been defined to mean any tribe or tribal community or part of or group within any tribe or tribal community and specified as such in relation to the State of Andhra Pradesh by a public notification by the President under Clause (1) of Article 342 of the constitution (R.2(f)).
- d) **“Transfer”** has been defined to mean a mortgage with or without possession, lease, sale, gift, exchange or any other dealing with immovable property not being a testamentary disposition and including a charge on such property or a contract relating to such property in respect of such mortgage, lease, sale, gift, exchange or other dealing (R.2(g)).

3) Transfer of immovable property by a member of Scheduled Tribe:-

Notwithstanding anything contained in any enactment, rule or law in force in the Agency tracts, any transfer of immovable property situated in the Agency tracts, by a person, whether or not such person is a member of a scheduled tribe, shall be absolutely null and void, unless such transfer is made in favour of a person who is a member of a Scheduled Tribe or a society registered under the Andhra Pradesh Co-operative

Societies Act, 1964 which is composed solely of members of the Scheduled Tribes (R.3(1)(a)).

- 4) When a person intending to sell his land is not able to effect such sale by reason of the fact that no member of a Scheduled Tribe is willing to purchase the lands on the terms offered by such person, then, such person shall apply to the Agent to the government or Agency Divisional Officer designated by the government or any other prescribed officer for the acquisition of such land by the State Government and the Agent to the Government, Agency Divisional Officer or the prescribed officer as the case may be, shall, by order, take over such land on payment of compensation calculated in the manner prescribed by the regulation and such land shall thereupon vest in the State Government free from all encumbrances and shall be disposed of in favour of members of the Scheduled Tribes or a Society registered or deemed to be registered under the Andhra Pradesh Co-Operative Societies Act, 1964 composed solely of members of the Scheduled Tribes or in such other manner and subject to such conditions as may be prescribed (R.3(1)(c)).

5) ***Special provision in respect of mortgage without Possession:***

Notwithstanding anything contained in this regulation or in any regulation, rule or law in force in the Agency tracts, any person, whether or not such person is a member of a Scheduled Tribe, may (Subject to such action for default prescribed in the Regulation) mortgage without possession, any immovable property situated in the Agency tracts to any Co-operative Society including a Land Mortgage Bank or to a Bank or Other Financial institution approved by the State Government (R.3-A(1)).

6) ***Restriction on registration of documents :***

Notwithstanding anything contained in the *Registration Act, 1908*, no document relating to transfer of immovable property situated in the Agency tracts shall be registered by any Registering officer appointed under the said Act, unless the person presenting the document furnishes a declaration by the transferee in the prescribed manner that the transferee is a member of a Scheduled Tribe or a Society registered or deemed to be registered under the Andhra Pradesh Co-operative Societies Act, 1964 which is composed solely of members of the Schedule Tribes.

This Act regulates the transfer of law in the Schedule Areas of the East Godavari, West Godavari, Vishkhapatnam, Srikakulam, Adilabad, Warrangal, Khammam, Nalgonda of A.P to protect land regulations in Agency tracts (1995 Dairy Page 351 to 374)

SYNOPSIS -5
CO OPERATIVE SOCIETIES ACT, 1964
(ACT NO.7 OF 1964)

1) Registration of Declarations creating charge:-

- (i) The Registering officer shall accept for registration the Declarations creating charge on immovable property executed by the member Loanees received by post and the registration fee therefor within four months from the date of execution.(S.O.457(i) and Sec.34 of C.S Act).
- (ii) There is no provision either in the Indian Registration Act or in the Co-operative Societies Act entitling the Sub-Registrar to call for the fee from the Society when it has not been received along with the declarations. Therefore, in cases of return of documents without registration, the fact of non-receipt of the fee, if not exempted, may be intimated. If the requisite fee, if not exempted, is not received along with the declaration or within fifteen days after receipt of the declaration, it may be returned unregistered. There is no provision for refusal in such cases (S.O.457(ii)).
- (iii) The fee, received shall be noted in the first instance in the separate register mentioned in the following paragraph and subsequently credited to Account A on the date on which the declaration is admitted to registration (S.O.457(v)).
- (iv) A separate register called the “Register showing the particulars of declarations received under Section 36 of the Co-operative Societies Act 1964 shall be opened (Vide Appendix 3) and all the declarations received should be accounted for in the first instance in this register before making entries in Account A(S.O.457(iii)).
- (v) The registering officer shall add the following endorsement on the declarations.
 “Received by Post and also a fee of Rs..... from the Co-operative Society in the office of the Sub-Registrar/Registrar on (date)

xxx xxx xxx
 Signature of the Registering officer
- (vi) The registration certificate shall be added on the declaration as usual (S.O.457(vi)).
- (vii) Receipts should be drawn up and issued as soon as the declaration is admitted to registration i.e., after it is entered in Account ‘A’ (S.O.457(vii))

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(viii) The declaration, after registration shall be returned by post if the requisite cost of postage is received from the Society or from the person sending the declaration to the Registering officer. If the cost of postage is not received it may be returned by post “Service unpaid” (SO.457(viii)).

2) Documents relating to Agricultural Development Banks:-

According to Section 111(3) of the Co-operative Societies Act, 1964 as amended, only the registration of the mortgages relating to Agricultural Development Banks is exempted but copies of the instruments are required to be filed in the books maintained under Section 31 of the Registration Act. Therefore indexes have to be prepared for documents of Land Mortgage Banks as in the case of Loan Orders etc.

SYNOPSIS - 6**THE A.P. RIGHTS IN LAND AND PATTADAR PASS BOOK ACT, 1971****(ACT NO.26 OF 1971)**

- 1) **Section 1 - Extent:-** The act extends to the whole of Andhra Pradesh and relates to the rights in Land and Pattadar Pass books in the state.
- 2) **Section 2 - Definitions :-**
 - “**Collector**” includes Joint Collector of a District
 - “**Land**” means Land used for agricultural purpose including horticulture and does not include land used exclusively for non-agriculture purposes.
 - “**Occupant**” means a person in actual possession of land other than a tenant or a usufructuary mortgagee.
 - “**Owner**” means a person who has permanent and heritable rights of possession on the land which can be alienated and includes the holder of a Patta issued to him as a landless poor person.
 - “**Pattadar**” includes every person who holds land directly under the Government under a patta, whose name is registered in the land revenue accounts of the Government as pattadar and who is liable to pay land revenue.
 - “**Record of rights**” means records prepared and maintained under the provisions or for the purposes of the Act.
 - “**Tenant**” means (i) a lessee under a tenancy agreement expressed or implied.
(ii) A person who is, or is deemed to be a tenant under any law for the time being in force.
- 3) **Section 4(2) and Rule 18:-**

Notwithstanding anything contained in the Registration Act, 1908 every registering officer, registering a document relating to a transaction in land, such as sale, mortgage, gift, lease or otherwise shall intimate the Mandal Revenue Officer of the Mandal in which the property is situated of such transaction within a week of the date of registration in Form VI - B.
- 4) **Section 6B(1) Pass book holder to have entries of alienation etc., recorded in pass book:-**

Notwithstanding anything contained in the Registration Act 1908, every Pass –book holder presenting a document of title deed before a registering officer relating to a transaction in land, such as purchase or sale, mortgage, gift, lease or other wise shall, get the necessary entries in respect of such transaction recorded in the title deed and pass book by such registering officer.

Note : - Production of Pattadar Pass Book / Title Deeds at the time of registration was exempted from time to time and for a further period of one year from 1-4-2005 to 31.3.2006 (Govt Rev (Regn-1) dept. Memo No.13965 Regn 1/05 dated 11-4-2005 = C&IGRS Memo No.G1/13480/96 dt.13-4-2005 and again from 1-4-2006 to 31-3-2007 in Government Memo No.1360/2006 (Regn-1) dt.20-4-2006 and again from 1-4-2007 to 31-3-2008 in Government Memo No.20708//2007 (Regn-1) dt.4-5-2007) Again exempted for the period from 1-4-2008 to 31-3-2009 in Government Memo No.17310/Regn.I/2008, dated 10-4-2008 = C&IGRS End.No.G1/17480/96 dated 10-4-2008

5) Registering authority to make entries in the pass book:-

(1) It is obligatory on the part of any person having interest or right in land to produce the title deed and Pass book before the registering officer along with the documents proposed to get registered and it shall be obligatory on the part of such registering officer to make entry of every transaction of sale, gift, purchase, mortgage, lease or exchange in such title deed and pass book at the appropriate place or places under his signature and official seal (Section 6-1).

(2) Notwithstanding anything contained in the Registration Act ,1908 the registering authority should not register any document relating to a transaction of the nature referred to in Para (1) above *without the production* of the title deed and pass book by both the parties to the transaction.

Provided that in the case of landless person including a tenant or a mortgagee who becomes a owner of land for the first time by purchase of land through a registered sale deed, the registering officer shall obtain a declaration from him in the form prescribed (Form XIV) and send the same to the Mandal Revenue Officer to enable him to issue a Particular pass book in the owner category to such purchaser.

6) The Mandal Revenue officer, after completion of the enquiry for registration of certain alienations or transfers of land (Rule 22) under Section 5-A(4), a copy of the certificate issued by him in form XIII(B) shall be communicated in form XIII-C to the Sub Registrar having jurisdiction over the area in which the land in respect of which the certificate was granted is situate. The sub Registrar shall file them after ensuring collection of registration fee and stamp duty from the party by the Mandal Revenue officer as required by Clause (i) of Rule 22(5)(1) of the A.P.Rights in land and Pattadar pass book Rules, 1989.

7) The following instructions are issued by the Commissioner and Inspector General of Registration and Stamps.

i) Pattadar pass books are necessary for registration of mortgage

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declarations and that they are not required for filing copies of mortgage Bonds and issue of encumbrance certificates in respect of Primary Agricultural Credit Cooperative Society (Commissioner & Inspector General's Memo No. G1/31844/96 Dated 11-06-1997)

- ii) Documents Viz., Sale, Gift Purchase, Mortgage, lease or exchange shall not be accepted for registration if Pattadar passbooks are not produced along with the document (Commissioner and Inspector General's Proog's. No. G1/17480/86 Dated 24-06-1997).
- iii) In respect of registration of declarations of members of Primary Agricultural Co-operative Societies for loans from such societies, it was instructed not to insist for the Pattadar Pass books (Government Memo.No. 55907/A&R/97-1 Rev. (A&R) Dept., communicated in Commissioner & Inspector General's Endorsement No.G1/24324/97 Dated 29-08-1997).
- iv) The following further instructions were issued by the Government through circular Memo.No. IS/479/Regn –1 (1)/97 Dt.12-8-1997 and Memo No. IS/479/Regn-1(1)/97-2 Rev. (Regn-1) department dated 16-9-1997 (Commissioner & Inspector General Endt.No. G1/17480/96 Dt.25-9-1997)
 - a) When a Pattadar approaches the registering officer with the connected documents without production of the Pattadar Passbook, the registering officer shall maintain a separate register indicating the name of the Pattadar and the various reasons for non-production of the Pattadar Pass books.
 - b) All Mandal Revenue Officers to furnish list of persons who have been issued Pattadar Pass book/Title deeds already to all concern registering officers and additions to the said list shall be furnished by them every week/fortnightly.
 - c) Whenever any party comes to registration, the registering officer shall verify the above stated list and if the names of sellers are found, production of Pattadar Pass Books by him should be insisted.
 - d) After opening a new register, the registering officer shall write a letter to the Mandal Revenue officer – Copy marked to the collector – to issue pattadar Pass book to the Pattadars within a fortnight.
 - e) If the Mandal Revenue officer fails in issuing Pattadar Pass Book within the said time, the registering officer shall bring the fact to the notice of the District Collector and simultaneously pursue the matter with the Collector concerned.
 - f) The District Registrar shall make his persuasion with the Mandal Revenue officer/Collector for the early issue of Pattadar Pass books to the ryots who intended to register their lands.

g) The Registering officer shall not accept the documents and keep pending for want of pass books.

h) In Commissioner & Inspector General's Memo.NoG1/30612/97 dated 17-11-1997 it was clarified that the courts need not produce pattadar pass books and title deeds in respect of the documents executed by them on behalf of the judgement debtors.

8) The Act has no overriding effect on Indian stamp act 1899:-

The Rights in land and Pattadar Pass Books Act 1971 has no overriding effect on *Indian Stamp Act* and that when the information as to the market value etc., by the Sub Registrars in response to the request made by the Mandal Revenue Officers in form XIII(A) under Rule 22(5)(i) of the record of Rights Rules for validation of unregistered sale deeds, the Sub Registrars are discharging the duties of a Collector under Section 31 of the Indian Stamp Act 1899 (Vide Note Below) subject to the condition that satisfactory evidence to prove that all the facts and circumstances affecting chargeability of the instrument with duty are fully and truly set forth in the unregistered document mentioned in the form. If no such satisfactory evidence is produced they can refuse to furnish any information as to the values etc. However they were requested to furnish market values and stamp duty and fees payable on the unregistered document as on the date of reference of Form XIII-A by the Mandal Revenue Officer in the absence of satisfactory evidence to prove the date of alienation as claimed by the applicant (Commissioner & Inspector General's memo No.G1/33817/1995 Dated 24-11-1995)

Note:- Sub Registrars are not appointed to discharge the duties of 'Collector' under Section 31 of the Stamp Act.

SYNOPSIS - 7
THE A.P. VACANT LANDS IN URBAN AREAS
(PROHIBITION OF ALIENATION) ACT 1972 (ACT 12 OF 1972)
REGULATIONS OF TRANSFER AND USE OF URBAN PROPERTY

Note : This Act was modified by the Urban land (Ceeding and Regulations) Act, 1976. (Central Act No. 33/1976) brought into force from 26-2-1976. For Synopsis on this Act (vide Synapsis 8)

25. Definition :- In this Chapter, “Plinth area” in relation to: -

- i) A dwelling unit in a building consisting of only one floor, means the area of the dwelling unit at the floor level and includes the thickness of the outer walls thereof :
- ii) A dwelling unit in a building consisting of two or more floors, means the area of the dwelling unit at the floor level where the dwelling unit is proposed to be situated and includes the thickness of the outer walls thereor and the proportionate area intended for any common service facility at the floor level aforesaid.

Explanation :- For the purposes of this clause, “common service facility”, shall have the same meaning as in sub-clause (ii) of the Explanation below sub-section (3) of section 4. (i.e., includes facility like stair case, balcony and verandah).

26. Notice to be given before transfer of vacant lands:-

- 1) Notwithstanding anything contained in any other law for the time being in force, no person holding vacant land within the ceiling limit shall transfer such land by way of sale, mortgage, gift, lease or otherwise except after giving notice in writing of the intended transfer to the competent authority.

Explanation:- “Competent authority” means any person or authority authorised by the state government notification in the official gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification and different persons or authorities may be authorised to perform different functions.

- 2) Where a notice given under subsection (1) is for the transfer of the land by way of sale, the competent authority shall have the first option to purchase such land on behalf of the State Government at price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force and if such option is not exercised within a period of sixty days from the date of receipt of the notice, it shall be presumed that the competent authority has no intention to purchase such land on behalf of the State

Government and it shall be lawful for such person to transfer the land to whomsoever he may like:

Provided that where the competent authority exercise within the period aforesaid the option to purchase such land the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which option is exercised.

- 3) For the purpose of calculating the price of any vacant land under sub-section (2), it shall be deemed that a notification under sub-section (1) of section 4 of the land Acquisition Act, 1894 or under the relevant provision of any other corresponding law for the time being in force, had been issued for the acquisition of such vacant land on the date on which the notice was given under sub-section (1) of the section.

Scope:- Under this section a person holding vacant land within the ceiling limits also cannot transfer that land without first giving notice of such transfer to the competent authority and such competent authority is given the option of purchase the land at the rate calculated in accordance with the provisions of the Land Acquisition Act. If no intimation is received from the competent authority within a period of sixty days from the date of intimation in shall be presumed that the competent authority has no intention to purchase such land.

- 27. **Prohibition on transfer of Urban property:-** 1) Notwithstanding anything contained in any other law for the time being in force, but subject to the provision of sub-section (3) of section 5 and sub-section (4) of section 10, no person shall transfer by way of sale, mortgage, gift, lease for a period exceeding ten years, or otherwise, any urban or urbanisable land with a building (whether constructed before or after the commencement of this Act) or a portion only of such building for a period of ten years of the commencement or from the date on which the building is constructed. whichever is later except with the previous permission in writing of the competent authority.
- 2) Any person desiring to make a transfer referred to in sub-section (1), may make an application in writing to the competent authority in such form and in such manner as may be prescribed.
- 3) On receipt of an application under sub-section (2), the competent authority may, after making such inquiry as it deems fit, by order in writing grant or refuse to grant the permission applied for:
Provided that the competent authority shall not refuse to grant the permission applied for unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.
- 4) Where, within a period of sixty days of the date of receipt of an applica-

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tion under this section the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent authority shall be deemed to have granted the permission applied for.

- 5) a) Where the permission applied for is for the transfer of the land with the building or, as the case may be, a portion only of such building referred to in sub-section(1) by way of sale, and the competent authority is of the opinion that such permission may be granted, then, the competent authority shall have the first option to purchase such land with building or a portion only of such building on behalf of the State Government at such price as may be agreed upon between the competent authority and the applicant or, in a case where there is no such agreement, at such price calculated in accordance with the provision of the Land Acquisition Act,1894 or of any other corresponding law for the time being in force.

b) If the option referred to in clause (a) is not exercised within a period of sixty days from the date of receipt of the application under this section, it shall be presumed that the competent authority has no “intention to purchase such land with building or a portion only of such building on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like.

Provided that where the competent authority exercise within the period aforesaid the option to purchase such land with building or a portion only of such building, the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such option is exercised.

- 6) For the purpose of calculating the price of the land and building or as the case may be, a portion only of such building under clause(a) of sub-section (5), it shall be deemed that a notification under sub-section (1) of section 4 of the Land Acquisition Act, 1894 or under the relevant provision of any other corresponding law for the time being in force has been issued for the acquisition of that land with a building or, as the case may be, a portion only of such building on the date on which the application was made under sub-section (2).

- 28. Regulation of registration of documents in certain cases:-** Notwithstanding anything contained in any other law for the time being in force, where the documents required to be registered under the provisions of clauses (a) to (e) of sub-section (1) of section 17 of the Registration Act, 1908 , purports to transfer by way of sale, mortgage, gift, lease or otherwise any land or any building (including any portion thereof),

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- a) In the case of any transfer referred to in section 26, no registering officer appointed under that Act, shall register any such document unless that transferor produces before such registering office evidence to show that he has given notice of the intended transfer to the competent authority under that section and, where such transfer is by way of sale, the period of sixty days referred to in sub-section (2) of that section has elapsed :
- b) In the case of any transfer referred to in section 27, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer the permission in writing of the competent authority for such transfer or satisfies the registering officer that the period of sixty days referred to in sub-section (4) of that section has elapsed.

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SYNOPSIS -8**The Urban Land (Ceiling and Regulation) Act, 1976**

(Central Act No.33 of 1976)

The Act provide for the imposition of a ceiling on vacant land in Urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the constructions of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering thereon and with a view to bringing about an equitable distribution of land in urban agglomeration to subserve the common good.

The Act was applied to the whole of the state of Andhra Pradesh with effect from 26-2-1976 which is the date of publication in the A.P.Gazette. Long prior to this Act, the A.P.State had promulgated Ordinance No.3 of 1972 on 5-6-1972 effective from 31-7-1972 prohibiting the alienation of vacant land areas by a person holding in excess of the ceiling limit.

Section 19 of the Act stipulates that the provisions of this Act in respect of ceiling limit do not apply to any vacant land held by

1. Central Government or State Government or any local authority or any corporation established by Central or Provincial or State or any Government Company.
2. Any Military, Naval or Air Force installation
3. Any Bank (Banking Company) including Reserve Bank of India, State Bank of India or its subsidiary bank
4. A corresponding new Bank
5. Any public or charitable trust including WAKF
7. Any cooperative society being a Land Mortgage Bank or Housing Cooperative Society
8. Any society registered under the Societies Registration Act
9. A Foreign state or International Organisation for any official purpose or for the residences of the members or the staff of such organisation

Standing Orders 430 to 447 contains detailed instructions for guidance to the registering officers in respect of registration of vacant lands in urban areas.

SYNOPSIS - 9

THE A.P.ASSIGNED LANDS (PROHIBITION OF TRANSFERS) ACT,1977 (ACTNO.9/1977)

- 1) **Application:-** The Act extends to the whole of the state of Andhra Pradesh
- 2) **Enforcement:-** The Act came into force on the 21st January 1977
- 3) **Objects:** The Act is intended to prohibit alienation of lands assigned to landless poor persons ('D' form Pattas) and provide for resumption of such lands alienated and to regrant to eligible persons. **[This Act does not apply to the lands assigned to Exservice men or political sufferers (Govt.Memo.No.2006/B1/80-2,dt.30-9-1980). Political sufferers or Freedom fighters are one and the same (Govt. Rev. dept Memo. No.6522/Assn-1(i)/2002, dt.4-6-2002. They are not eligible for alienation of Agricultural lands assigned to them (G.O.Ms.No.185, dated 11-3-1977) But they can alienate on expiry of 10 years after assignment. [vide para 9 Also G.O.Ms. No.117 Rev (Assignment) dept dated 11-11-1983)] subject to prior permission by the Collector.**
- 4) **Definitions:**
 - a) **"Assigned Land"** means lands assigned by the State Government to the Landless poor persons subject to the condition of non-alienation by the grantees and includes land allotted or transferred to landless poor persons under the relevant law for the time being in force relating to land ceilings and the word "assigned" shall be constructed accordingly (Section 2(1)).

Explanation :- Mortgage in favour of the following shall not be regarded as an alienation Viz.,

- i) Central or State Government or any local authority
- ii) Any registered Co-operative Society
- iii) Any Bank including Agricultural Development Bank
- iv) Reserve Bank of India
- v) State Bank of India and its subsidiary Banks
- vi) Corresponding new Bank Constituted under Section 3 of the Banking companies (Acquisition and Transfer of undertaking Act 1970(Central Act 5 of 1970)).

Note:- DKT Lands are poramboke lands assigned on Dharaksth by the applicants as per BSO 15. These assigned lands are of four categories

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(a) Project affected lands assigned on market value (b) lands assigned to political sufferers (c) assigned lands in favour of landless poor under 'D' form patta or DKT land as the case may be (d) assignment of surplus land under Land Ceiling Act.

b) **“Landless Poor Person”** means a person who owns land not more than 1.011715 Hectares (two and half acres) of wet land or 2.023430 hectares (five acres) of dry land and such other extent of land as has been or may be specified by the state government in this behalf from time to time and who has no other means of livelihood (Section 2(3)).

c) **“Transfer”** means any sale, gift, exchange, mortgage with or without possession, lease or any other transactions with assigned lands, not being a testamentary disposition and includes a charge on such property or a contract relating to assigned lands in respect of such sale, gift, exchange, mortgage, lease or other transactions.

5) **Prohibition of transfer of assigned land:-**

Any person to whom any land has been assigned shall not transfer such land and should be deemed never to have been transferred and accordingly no right or title to such assigned land will vest in any person acquiring the land by such transfer (Section 3).

Government lands also should not be registered. Sub-Registrars to obtain such lands from the District Collectors (Govt Memo No.1608/U-2/87-1, dt.22-5-1987)

6) **Prohibition of Registration of Assigned Lands:-**

NOTWITHSTANDING ANYTHING CONTAINED IN THE REGISTRATION ACT, 1908, Registering Officer shall not accept for registration, any document relating to the transfer of or the creation of any interest in any assigned land included in a list of assigned lands except under prior permission of the District Collector. The District Collector shall furnish a list of assigned lands in the district to the registering officers concerned (Section 5)

Note:- (i) Assigned Lands and Government Lands :- C &IGRS, in Cir.Memo No.G1/15653/2006, Dt.13-11-2007 instructed that the Sub-Registrars should not register the documents straight away basing on the certificates issued by the Mandal Revenue Officers and refer them to the District Collectors concerned for confirmation. After receipt of such confirmation from the District Collector concerned IN WRITING, then only the registering officer should register such documents

(ii) List of Government and assigned lands is available with only MROs. MRO certificate alone is not confirmation of the satisfaction of Sub-Registrars(IG Memo No.G1/38719/93, dated 13-7-1995)

7) **Act to override other laws:-** The provisions of the A.P. Assigned

Lands (POT) Act 1977 shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage, or contract or decree or order of a Court., Tribunal or other Authority.

Note:- The Sub Registrars, in memo No.G1/32938/92 Dated 20-01-93 of the Inspector General of Registration and Stamps were instructed to obtain upto date list of assigned lands from the Mandal Revenue officers and to ensure that no document affecting assigned land is registered on pain of drastic action against Sub Registrars who contravene the provisions of the Act.

- 8) **Rules :** - The District Collector or the officer authorized by the District Collector shall as soon as an order is passed assigning land to a land less poor person, furnish a copy of the order to the Registration department so as to prevent the department from registering any document relating to the transfer of such land (Rule 4 of the A.P.Assigned Lands (POT) Rules 1977).
- 9) **Land assigned to Ex-Service men:-** The land assigned to the Ex-service men can be alienated on expiry of ten years after assignment (Vide G.O.Ms.No.1117 Revenue Dept. Dated 11-11-1993).
Ex-Service men includes political sufferers and freedom fighters.
- 10) The transfer of any land assigned by the Government to a Landless poor person for cultivation or as a house site is prohibited under the above said Act. Therefore, the registering officer shall satisfy himself that the property involved in a document presented for registration is not an assigned land and also by duly incorporating the fact in the document by the transferor (S.O.459)
Note: (i) The A.P.High Court in W.P.No.4044/1977 dated 9-11-1978 held that Sec.3(1) is retrospective to cover cases of assignments made before the commencement of the Act but not to the transfers made before the commencement of the Act i.e prior to 21-1-1977 (Govt Rev.Dept Momo No.5101-D1/70, dt.6.-.1979)
- 11) **DKT Lands** are poramboke lands assigned on Dharkhast by the applicant as per BSO 15. These assigned Lands are of four categories.
- (1) Project affected Lands assigned on market value.
 - (2) Land assigned to Political sufferers
 - (3) Assigned lands in favour of landless poor under 'D' form Patta or DKT lands as the case may be
 - (4) Assignment of surplus Lands under Land ceiling Act.(Circular no.dt 30-9-2003 of the collector, Kadapa to the Registrar ,Kadapa.
- 12) **Government Lands** should not be registered. Sub Registrars to obtain list of such lands from the Collectors (Government Memo No.1608/U-2/87-1, dated 22-5-1987)