

THE INDIAN REGISTRATION ACT, 1866.

ARRANGEMENT OF SECTIONS.

PART I.

Preliminary.

1. Short Title.
2. Interpretation clause.
3. Laws repealed.
4. Power to invest Head Executive Officer of Territories under immediate administration of Government of India with authority vested by this Act in Local Governments.

PART II.

Of the Registration Establishment.

5. General Registry Office.
Branch General Registry Office.
6. Formation and alteration of Districts and Sub-Districts.
7. Establishment of Registry and Sub-Registry Offices.
8. Appointment of Registrars and Sub-Registrars.
9. Appointment of Deputy Registrar General to perform duties of Registrar General, except those mentioned in Sections 80 and 83, during his absence on duty.
10. Provision for cases of absence of a Registrar from his District or vacancy in his Office.
11. Provision for case of Registrar's absence from Office on duty in his District.
12. Provision for cases of absence of Sub-Registrar or vacancy in his Office.
13. Appointments under Section 9, 10, 11 or 12 to be reported to Local Government
Local Government may suspend, remove or dismiss any person appointed under this Act.
14. Remuneration and establishments of Registering Officers.
15. Seals of Registering Officers.
16. Register Books—Forms—Fire-proof boxes.

PRICE NINE ANNAS.

PART III.

Of registrable Documents.

17. Instruments of which the registration is compulsory.
Exception of composition-deeds.
And of transfers of shares and debentures in Land Companies.
18. Documents of which the registration is optional.
19. Documents in language not understood by Registering Officer.
20. Documents containing interlineations, blanks, erasures or alterations.
21. Description of parcels in instruments relating to immoveables.
Documents containing maps or plans.

PART IV.

Of the Time of Registration.

22. Time for registering instruments of which the registration is compulsory.
23. Time for registering documents of which the registration is optional.
24. Provision where delay in registering is unavoidable.
25. Provision for last day of period for registration falling on a holiday.
26. Wills or Authorities to adopt may be registered or deposited at any time.
27. Alteration of Act No. XIV of 1859, Section 1, Clause 10.
28. Saving of time prescribed by Statute for registration of instruments.

PART V.

Of the Place of Registration.

29. Place for registering instruments relating to immoveables.
30. Place for registering other instruments.
31. Registration by Registrar General of instruments referred to in Section 29.
32. Registration by Registrar.
33. Registration or acceptance for deposit at private residence.

PART VI.

Of the Presentation of Instruments for Registration.

34. Persons to present documents for registration.
35. Powers of Attorney recognizable for purposes of Section 34.
Proviso as to persons infirm, or in jail, or exempt from appearing in Court.
36. Enquiry before registration by the Registering Officer.

PART VII.

Of the Enforcement of Attendance of Executants and Witnesses.

37. Procedure where attendance of executant or witness is desired.
38. Revenue Officer to issue and cause service of summons.
39. Persons exempt from attendance at Registration Office.
40. Law as to summonses, Commissions and witnesses in Civil suits to apply to summonses, Commissions and witnesses under this Act.

PART VIII.

Of sending to a Registry Office Memoranda of Decrees and Orders affecting Immoveable Property.

41. Memorandum of decree affecting registered document relating to immoveable property to be sent to Registrar within whose District the document was originally registered.
42. Memorandum of decree affecting immoveable property to be sent to Registrar in whose District such property is situate.
43. Costs of registration of memoranda of decrees and orders.

PART IX.

Of the Presentation and Deposit of Wills and Authorities to adopt.

44. Persons entitled to present for registration Wills and Authorities to adopt.
Presentation or deposit of Wills and Authorities to adopt.
45. Withdrawal of sealed cover deposited under Section 44.
46. Proceedings on death of depositor.
Re-deposit:

PART X.

Of the Effects of Registration and Non-Registration.

47. Time from which registered document operates.
48. Registered instruments relating to property to take effect against oral agreements.
49. Effect of non-registration of documents required to be registered.
50. Registered instruments relating to immoveables, of which the registration is optional, to take effect against unregistered instruments.
51. Period of limitation in suits under a registered written contract for money lent, or interest, or breach of contract.

Special Registration of Obligations for Payment of Money.

52. Record of agreement that amount secured by an obligation may be recovered summarily.
53. Enforcement of such agreement. Stamp on petition. Decree.
54. Power to order obligation to be deposited in Court.
55. Court may, under special circumstances, set aside decree.

PART XI.

*Of the Duties and Powers of Registering Officers.**(A) As to the Register Books and Indexes.*

56. Register Books to be kept in the several Offices.
57. Documents to be copied according to order of presentation.
58. Entries to be numbered consecutively.
59. Current Indexes and entries therein.
60. Indexes to be made by Registering Officers.
Extra particulars in Indexes.
61. Two copies of entries in Indexes Nos. I and II to be sent by Sub-Registrar to Registrar.
62. One of each pair of copies received by Registrar from Sub-Registrar to be filed in Registrar's Indexes, and the other to be sent to General Registry Office with a copy of entries in Registrar's Indexes.
63. Copies sent by Registrar to be filed in Indexes of General Registry Office.
64. Annual alphabetical Index to entries in Indexes.
65. Registering Officers to allow inspection of certain Books and Indexes, and to give certified copies of entries.

(B) As to the Procedure on admitting to Registration.

66. Particulars to be endorsed on documents admitted to registration.
67. Such endorsements to be dated and signed by Registering Officer.
68. Certificate showing that document has been registered, and number and page of book in which it has been copied.
69. Endorsements and certificate to be copied.
Document to be returned.
70. Procedure on presentation of a document in a language unknown to the Registering Officer.

71. Power to administer oaths.
Record of substance of statements.

(C) Special Duties of Sub-Registrar.

72. Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Sub-Districts.
73. Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Districts.

(D) Special Duties of Registrar.

74. Procedure on registering instruments under Section 32.
75. Procedure on receipt of memorandum under Section 41.
Procedure on receipt of memorandum under Section 42.
76. Registration of Wills and Authorities to adopt.
77. Procedure on deposit of Wills or Authorities to adopt.

(E) Of the Registrar General.

78. Procedure on registration in General Registry Office.

(F) Of the Controlling Powers of Registrars and Registrars General.

79. Registrar to superintend and control Sub-Registrars.
80. Powers of Registrar General.
Power to frame Rules.
81. No order to cancel registration.

PART XII.

Of refusal to Register.

82. Reasons for refusal to register to be recorded by Registrar or Sub-Registrar.
83. Registrar may alter or revise orders of Sub-Registrar refusing registration.
84. Procedure where Registrar or Registrar General refuses to register or direct registration of documents falling under Section 17 or Section 18, Clauses 1, 2, 3 and 4.

Petition.

To be verified and stamped.

Document admissible in evidence.

Court to fix day for hearing petition and copy thereof to be served.

Court may order document to be registered.

Provision for case in which the Judge is the Registering Officer.

85. Registering Officer not to be liable for any thing *bona fide* done or refused in his official capacity.

PART XIII.

Of the Fees for Registration, Searches and Copies.

86. Fees for registration, searches and copies to be fixed by Local Government.
Table of Fees.
87. Fees and penalties to be credited to Government.

PART XIV.

Miscellaneous.

88. Nothing done by Registering Officer to be invalidated by defect in his appointment or procedure.
89. Registration of instruments executed by Government Officers or certain public functionaries.
90. Penalty for incorrectly copying, endorsing, translating or registering documents with intent to injure.
91. Penalty for making false statements before Registering Officer.
92. Penalty for delivering false copy or translation.
93. Penalty for false personation.
94. Penalty for abetment of offences under this Act.
95. Registering Officer may institute prosecutions.
96. Registering Officers to be deemed Public Servants.
97. References to Act No. XVI of 1864 to be read as if made to this Act.
98. Commencement of Act where Act No. XVI of 1864 is in force.
Power to extend Act to other Territories.
99. Repeal of Rules relating to registration in certain Territories.
100. Time for registering instruments executed in such Territories before extension of this Act.
101. Recognition, in Territories in which Act No. XVI of 1864 is not in force, for three months, of powers of attorney not duly executed.
102. Registers kept under former enactments to be transferred to Registrar of the District.

SCHEDULE. Form of petition under Section 84.

Form of verification.

ACT No. XX OF 1866.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor-General on the 2nd April 1866.)

An Act to provide for the Registration of Assurances.

Preamble. Whereas it is expedient to consolidate and amend the laws relating to the Registration of Assurances; It is enacted as follows:—

PART I.

Preliminary.

Short title. 1. This Act shall be called "The Indian Registration Act, 1866."

Interpretation clause. 2. In this Act—unless there be something repugnant in the subject or context—

"British India" denotes the Territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106, entitled "An Act for the better Government of India," except the Settlement of Prince of Wales' Island, Singapore and Malacca:

"Year" and "Month." "Year" and "Month" respectively mean a year or month reckoned according to the British Calendar:

"Section." "Section" denotes a Section of this Act:

"Lease" includes a counterpart, a kabúliyat, an undertaking to cultivate or occupy, and an agreement to lease; but not a pattá or muchalká, as respectively defined in Section 3 of Act No. VIII of 1865 of the Governor of Fort St. George in Council, executed in the Madras Presidency:

"Will." "Will" includes a codicil and every writing making a voluntary posthumous disposition of property:
"Instrument"

ACT No. XX OF 1866.

“Instrument.” “Instrument” does not include a Will nor an Authority to adopt :

“Obligation.” “Obligation” denotes any instrument by which one person (hereinafter called the obligor) binds himself absolutely or conditionally to pay money to another person (hereinafter called the obligee), and includes a Bond, a Bill of Exchange, a Hundí and a Promissory Note :

“Signature.” “Signed.” “Signature” and “signed” include and apply to the affixing of a mark :

“Immoveable Property.” “Immoveable Property” includes land, buildings, 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 :

“Moveable Property.” “Moveable Property” includes standing timber, growing crops, grass, fruit upon trees, and property of every other description, except immoveable property :

“Book.” “Book” includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book :

“Endorsement.” “Endorsed.” “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 :

“Representative.” “Representative” includes the guardian of an infant and the Committee or other legal curator of a Lunatic or Idiot :

“Oath.” “Oath” includes a solemn affirmation :

“Imprisonment.” “Imprisonment” means imprisonment of either description as defined in the Indian Penal Code :

“Person.” “Person” includes any Company or association or body of persons whether incorporated or not :

“Addition”

ACT No. XX OF 1866.

"Addition."

"Addition" means the place of residence, and the profession, trade, rank or title (if any) of a person described :

Number.

Gender.

Words in the singular number include the plural ; words in the plural number include the singular, and words importing the masculine gender include females ;

"Local Government."

"High Court."

"District Court."

"Civil Court."

And in any part of British India in which this Act operates, "Local Government" denotes the person authorized by law to administer the Executive Government in such part : "High Court" denotes the highest Civil Court of appeal therein : "District Court" means the principal Civil Court of original jurisdiction in a District, and includes the High Court in its ordinary original Civil jurisdiction ; and "Civil Court" includes a Revenue Court, but not a Court for the relief of insolvent debtors :

"General Registry Office."

"General Registry Office" includes a Branch General Registry Office :

"District." "Sub-District."

"District" and "Sub-District" respectively mean a District and Sub-District formed under this Act.

Laws repealed.

3. Acts No. XVI of 1864 and No. IX of 1865 are hereby repealed, except in so far as the former Act rescinds other Acts or Regulations, and except as regards things duly done and penalties incurred under the Acts hereby repealed or either of them. And all things duly done under the same Acts or either of them shall be considered as having been done under this Act.

Power to invest Head Executive Officer of Territories under immediate administration of Government of India with authority vested by this Act in Local Governments.

4. It shall be lawful for the Governor-General of India in Council, by an order to be published in the *Gazette of India*, to declare that in any Territory under the immediate administration of the Government of India, the Head Executive Officer of such Territory shall exercise all or any of the powers vested by this Act in the Local Governments ; and thereupon such Officer shall, for the purposes of this Act, be the Local Government of such Territory.

PART

B

ACT No. XX OF 1866.

PART II.

Of the Registration Establishment.

5. The Local Government shall establish within the Territories subject to such Government, at such place as it shall think fit, an Office to be called the General Registry Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar General of the Territories for which he is appointed. The Local Government may also, with the previous sanction of the Governor-General of India in Council, establish a Branch General Registry Office and appoint a Branch Registrar General; and every act done by or before any Branch Registrar General so appointed shall have the same effect as if done by or before a Registrar General: provided that such Branch Registrar General shall not exercise the power to frame Rules conferred on the Registrar General by Section 80. Any Registrar General or Branch Registrar General may hold simultaneously any other office under Government.

6. For the purposes of this Act the Local Government shall form Districts and Sub-Districts, and shall prescribe and from time to time may alter the limits of such Districts and Sub-Districts. A Sub-District may be conterminous with a District, or may be situate partly in one District and partly in another.

The Districts and Sub-Districts formed under this Section, together with the limits thereof and every alteration of such limits, shall be notified by the Local Government in the official Gazette immediately after every such formation or alteration. Every such alteration shall take effect on such day after the notification as shall be mentioned therein.

7. The Local Government shall establish in every District an Office to be styled the Registry Office, and in every Sub-District an Office to be styled the Sub-Registry Office.

8. The Local Government may appoint such persons, whether Public Officers or not, as it may think proper, to be Registrars of the several Districts, and to be Sub-Registrars of the several Sub-Districts, formed as aforesaid respectively.

9. During

ACT No. XX OF 1866.

9. During the absence on duty of the Registrar General or Branch

Appointment of Deputy Registrar General to perform duties of Registrar General, except those mentioned in Sections 80 and 83, during his absence on duty.

Registrar General from the place where the General Registry Office is established, it shall be lawful for him to appoint the Registrar of such place, or with the previous sanction of the Local Government such other person as he shall think fit, to perform the duties of the Registrar General, except those mentioned in Sections 80 and 83. A Registrar so appointed shall perform such duties in addition to his own duties as Registrar. During such absence the Registrar or other person so appointed as aforesaid shall be styled the Deputy Registrar General or Deputy Branch Registrar General, as the case may be, and may use the seal of the Registrar General or Branch Registrar General, as the case may be.

10. In case of the absence from his District or of a vacancy occurring

Provision for cases of absence of a Registrar from his District or vacancy in his Office.

in the Office of any Registrar other than the Registrar of a District including a Presidency Town, any person whom the Registrar General shall appoint in this behalf, or, in default of such appointment, the Judge of the District Court, shall during such absence or vacancy be the Registrar. In case of the absence of the Registrar of a District including a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar General to appoint any person whom he may think proper to conduct the duties of the Office of such Registrar.

11. In case of the absence of any Registrar from his Office on duty in his

Provision for case of Registrar's absence from Office on duty in his District.

District, it shall be lawful for him to appoint any Sub-Registrar in his District to perform, during such absence, all the duties of a Registrar except those mentioned in Sections 79 and 83.

12. In case of the absence of any Sub-Registrar, or of a vacancy occurring

Provision for cases of absence of Sub-Registrar or vacancy in his Office.

in the Office of any Sub-Registrar, any person whom the Registrar of the District shall appoint in this behalf shall, during such absence or vacancy, be Sub-Registrar.

13. All appointments made under Section 9, 10, 11 or 12 shall be reported

Appointments under Section 9, 10, 11 or 12 to be reported to Local Government.

to the Local Government by the Registrar General or Branch Registrar General, as the case may be. Such report shall be either special or general, as the Local Government shall

ACT No. XX of 1866.

Local Government may suspend, remove or dismiss any person appointed under this Act.

shall direct ; and the Local Government shall have power to suspend, remove or dismiss any persons appointed under the provisions of this Act, and to appoint other persons in their stead.

Remuneration and establishments of Registering Officers.

14. It shall be lawful for the Local Government, with the previous sanction of the Governor-General of India in Council, to assign such salaries as such Government may from time to time deem proper, to the Registering Officers appointed under this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the Local Government, with the like sanction, to allow such establishments for the several Registration Offices as may be necessary for the purposes of this Act.

Seals of Registering Officers.

15. The Registrar General, Branch Registrar General, and the several Registrars and Sub-Registrars, shall use a seal bearing the following inscription in English and in such other language as the Local Government shall direct : "The Seal of the Registrar General (*or* of the Branch Registrar General, *or* of the Registrar, *or* of the Sub-Registrar) of . . ."

Register-Books.

16. The Local Government shall provide for the Office of every Registering Officer such Books as may be necessary for the purposes of this Act. The Books so provided shall contain such forms as shall from time to time be prescribed by the Registrar General, with the sanction of the Local 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 shall be issued. The Local Government shall further supply the Office of every Registrar with a fire-proof box.

Forms.

Fire-proof boxes.

PART III.

Of registrable Documents.

Instruments of which the registration is compulsory.

17. The instruments next hereinafter mentioned shall be registered, provided the property to which they relate shall be situate in a District in which, and provided they shall have been executed on or after the date on which the said Act No. XVI of

ACT No. XX of 1866.

1864 or this Act shall have come or shall come into operation ; (that is to say) :—

1. Instruments of gift of immoveable property :
2. Instruments (other than an instrument of gift) 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 immoveable property :
3. 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, and
4. Leases of immoveable property for any term exceeding one year :

Provided that the former part of this Section shall not apply to any
Exception of Composition-deeds. Composition-deed nor to any instrument relating to shares
And of transfers of shares and debentures in Land Companies. of such Company shall consist in whole or in part of immoveable property, nor to any endorsement upon or transfer of any debenture issued by any such Company : Provided also that, so far only as regards the Territories respectively under the Governments of the Lieutenant Governors of Bengal and the North-West Provinces, the Local Government may, by order published in the official Gazette, exempt from the operation of the former part of this Section any leases of immoveable property, executed in any particular District or part of a District, the terms granted by which shall not exceed two years and the annual rents reserved by which shall not exceed fifty rupees.

Documents of which the registration is optional.

18. Any of the documents next hereinafter mentioned may be registered under this Act ; (that is to say):—

1. 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 a value less than one hundred rupees to or in immoveable property :
2. 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 :

3. Leases

C

ACT No. XX of 1866.

3. Leases of immoveable property for any term not exceeding one year, and the pattás and muchalkás referred to in Section 2 :

4. Awards relating to immoveable property :

5. Instruments which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property :

6. Wills or Authorities to adopt a son :

7. Acknowledgments, Agreements, Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Conditions of Sale, Contracts, Covenants, Grants, Instruments of Dissolution of Partnership, Instruments of Partition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

19. 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 a true translation into a language commonly used in the District and also by a true copy.

Documents in language not understood by Registering Officer.

20. It shall be in the discretion of the Registering Officer to refuse to accept for registration any document in which any interlineation, blank, erasure or alteration shall appear, unless the persons executing the document shall attest with their signatures or initials such interlineation, blank, erasure or alteration ; and it shall be the duty of the Officer registering such document, at the time of registering the same, to make a note in the Register of such interlineation, blank, erasure or alteration.

Documents containing interlineations, blanks, erasures or alterations.

21. No instrument relating to immoveable property shall be accepted for registration unless it shall contain a description of such property sufficient to identify the same. Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name,

Description of parcels in instruments relating to immoveables.

if

ACT No. XX OF 1866.

if any, and as being in the territorial division in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their occupancies, and also, whenever it is practicable, by reference to a

Documents containing maps or plans. Government map or survey. No document containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan, or, in case such property shall be situate in several Sub-Districts, by such number of true copies of the map or plan as shall be equal to the number of such Sub-Districts, and, in case the property shall be also situate in several Districts, by such further number of true copies of the map or plan as shall be equal to the number of such Districts.

PART IV.

Of the Time of Registration.

Time for registering instruments of which the registration is compulsory. 22. Subject to the provision contained in Section 24, no instrument of the kinds mentioned in Section 17, Clauses 1, 2, 3 and 4, 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, where there are several persons executing it at different times, the instrument may be presented for registration and re-registration within four months from the date of each execution.

Time for registering documents of which the registration is optional. 23. Subject to the provision contained in Section 24, no document of any of the kinds mentioned in Section 18 (other than a Will or Authority to adopt a son), shall be accepted for registration unless presented for that purpose to the proper Officer within two months from the date of its execution; provided that, where there are several persons executing it at different times, the document may be presented for registration and re-registration within two months from the date of each execution.

Explanation.—The date of execution of a document means the day on which it purports to have been executed.

Provision where delay in registering is unavoidable. 24. If any instrument shall, owing to urgent necessity or unavoidable accident, not have been presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, it shall be lawful for the Registrar, in cases where the delay

ACT No. XX OF 1866.

delay in presentation shall not exceed four months, to direct that on payment as a penalty of a sum not exceeding twenty times the amount of the proper registration fee, such instrument shall be accepted for registration.

25. Whenever the last day of any period hereinbefore provided for the registration of any document shall fall on a Sunday or other holiday declared as hereinafter mentioned, such last day shall, for the purposes of this Act, be deemed to be the day immediately following such Sunday or other holiday.

Provision for last day of period for registration falling on a holiday.

Wills or Authorities to adopt may be registered or deposited at any time.

26. Any Will or Authority to adopt a son may at any time be registered or deposited in manner hereinafter provided.

27. In Act No. XIV of 1859, Section 1, Clause 10, the last Clause shall be read as if for the words "within six months from the date thereof" the words "within the time prescribed in that behalf by 'The Indian Registration Act, 1866,' " were substituted.

Alteration of Act No. XIV of 1859, Section 1, Clause 10.

28. Nothing in this Act shall be taken to alter the time within which any certificate or other document must be registered under the provisions of "The Bankrupt Law Consolidation Act, 1849," Section 143, or any other Act of the Parliament of the United Kingdom of Great Britain and Ireland.

Saving of time prescribed by Statute for registration of instruments.

PART V.

Of the Place of Registration.

29. Save as in this Act otherwise provided, every instrument mentioned in Section 17, Clauses 1, 2, 3 and 4, and Section 18, Clauses 1, 2, 3 and 4, 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 instrument relates is situate.

Place for registering instruments relating to immoveables.

30. Every instrument other than an instrument referred to in the last preceding Section, may be presented for registration in the Office of the Sub-Registrar in whose Sub-District the instrument was executed, or in the Office of any Sub-Registrar under the Local Government at which all the persons executing and claiming under the instrument shall desire the same to be registered.

Place for registering other instruments.

31. The

ACT No. XX of 1866.

31. The Registrar General may in his discretion receive and register any instrument referred to in Section 29, without regard to the situation in any part of British India of the property to which the instrument relates.

Registration by Registrar General of instruments referred to in Section 29.

32. Any Registrar may in his discretion receive and register any instrument which might be registered by any Sub-Registrar subordinate to him. He shall also register Wills and Authorities to adopt. The Registrar of a District including a Presidency Town shall be deemed to be a Sub-Registrar within the meaning of this Act for such portion of his District (if any) as shall not have been formed into a Sub-District.

Registration by Registrar.

33. In ordinary cases the registration or deposit of documents under this Act shall be made only at the public Office of the Officer whose duty it shall be to register the same: but any such Officer may on special cause being shown attend at the residence of any person intending to register any document, or of any person desiring to deposit a Will or Authority to adopt a son, and register or accept for registration or deposit such document, Will or Authority. Every Sub-Registrar so attending shall within twenty-four hours report to the Registrar to whom he is subordinate the fact of the attendance and his reason therefore.

Registration or acceptance for deposit at private residence.

PART VI.

Of the Presentation of Instruments for Registration.

34. Subject to the provisions of the last preceding Section, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper Registration Office by some person executing or claiming under the same, or by the representative or assign of such person, or by the agent of such person, representative or assign, duly authorized by power of attorney executed and authenticated in manner hereinafter mentioned.

Persons to present documents for registration.

35. For the purposes of the last preceding Section, the powers of attorney next hereinafter mentioned shall alone be recognized; (that is to say):—

Powers of attorney recognizable for purposes of Section 34.

(a.) If the principal at the time of executing the power of attorney resides in any part of British India in which this Act operates, a power of attorney executed

ACT No. XX OF 1866.

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 other part of British India, a power of attorney executed before and authenticated by the Judge of the District Court within the local limits of whose jurisdiction the principal resides :

(c.) If the principal at the time aforesaid does not reside in British India, a power of attorney executed before and authenticated by a Notary Public or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India.

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.

Provided that persons who by reason of bodily infirmity are unable without risk or serious inconvenience to attend as next hereinafter mentioned, and persons who are in jail under civil or criminal process, and persons exempt by law from personal appearance in Court, shall not be required to attend at the Office of the Registrar or Sub-Registrar, or in the Court of the Judge, for the purpose of executing any such power of attorney as is mentioned in Clauses (a) and (b) of this Section; but in every such case the Registrar or Sub-Registrar or Judge (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. To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Judge 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 the examination of such person.

Proviso as to persons infirm, or in jail, or exempt from appearing in Court.

36. Subject to the provisions contained in this Section and in Sections 76, 80, 84 and 89, no document shall be registered under this Act unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the Registering Officer. He shall thereupon enquire whether

Enquiry before registration by the Registering Officer.

ACT No. XX OF 1866.

ther or not such document was executed by the persons by whom it purports to have been executed, and, in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

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, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent shall admit the execution;

Or, if the person executing the document shall be dead, and his representative, assign or agent shall not appear before the Registering Officer, or shall refuse to admit the fact of execution, but such Officer shall nevertheless be satisfied of the fact of execution;

The Registering Officer shall register the document as directed in Section 68.

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, whether summoned or not under Section 37, present in his office.

PART VII.

Of the Enforcement of Attendance of Executants and Witnesses.

37. If any person presenting any document for registration shall desire the attendance of any person whose presence or testimony is necessary for the registration of such document, the Registering Officer may, in his discretion, call upon the Revenue Officer in whose jurisdiction the person whose attendance is so desired may be, to issue and serve a summons requiring him to attend at the Registration Office, either in person or by duly authorised agent, as in the summons may be mentioned and at a time named in such summons.

Procedure where attendance of executant or witness is desired.

38. The Revenue Officer, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause the same to be served upon the person whose attendance is so required.

Revenue Officer to issue and cause service of summons.

39. Any

ACT No. XX of 1866.

39. Any person who by reason of bodily infirmity is unable without risk or serious inconvenience to attend in the Registration Office, and any person who is in jail under civil or criminal process, and any person exempt by law from personal appearance in Court and who would but for the provision next hereinafter contained be required to attend in person at the Registration Office, shall not be required so to attend; but in every such case, 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.

Persons exempt from attendance at Registration Office.

Law as to summonses, Commissions and witnesses in civil suits to apply to summonses, Commissions and witnesses under this Act.

40. 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 sending to a Registry Office Memoranda of Decrees and Orders affecting Immoveable Property.

41. When any Civil Court shall by a decree or order declare any document relating to immoveable property, which shall have been registered under this Act, to be invalid, or when any Civil Court shall pass a decree or order affecting any such document, and such last mentioned decree or order shall create, declare, transfer, limit or extinguish any right, title or interest under such document to or in the immoveable property to which it relates, such Courts shall cause a memorandum of the decree or order to be sent to the Registrar within whose District the document was originally registered.

Memorandum of decree affecting registered document relating to immoveable property to be sent to Registrar within whose District the document was originally registered.

42. When any Civil Court shall, by a decree or order create, declare, transfer, limit or extinguish any right, title or interest of any person to or in any immoveable property situate in any part of British India in which this Act shall operate, such Court shall cause a memorandum of the said decree or order to be sent to the Registrar or to every Registrar within whose District the whole or any part of such immoveable property is situate, and such memorandum

Memorandum of decree affecting immoveable property to be sent to Registrar in whose District such property is situate.

ACT No. XX OF 1866.

randum shall so far as may be practicable describe the property in manner required by Section 21.

43. The costs of and attending the registration under Sections 41 and 42 of any memorandum of a decree or order shall be costs in the cause, and shall be paid by the Court to the Registrar or to such other person and in such way as the Local Government shall direct in that behalf.

Costs of registration of memoranda of decrees and orders.

PART IX.

Of the Presentation and Deposit of Wills and Authorities to adopt.

44. The testator or any person claiming as executor or otherwise under a Will, may present to any Registrar for registration such Will, and the donor or donee of any Authority to adopt, or the adoptive son, may present to any Registrar for registration such Authority. Any person entitled to present for registration any such Will or Authority may either personally or by a duly authorized agent present to a Registrar such Will or Authority open, and any testator or donor of such Authority may either personally or by duly authorized agent deposit with any Registrar the Will or Authority in a sealed cover superscribed with the name of the depositor and the nature of the document.

Persons entitled to present for registration Wills and Authorities to adopt.

Presentation or deposit of Wills and Authorities to adopt.

45. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply to the Registrar in whose Office such cover shall have been deposited, that the same be delivered to him; and the Registrar, if he shall be satisfied as to the identity of the depositor with the applicant, shall deliver the cover accordingly.

Withdrawal of sealed cover deposited under Section 44.

46. If on the death of the depositor of a sealed cover under Section 44, application be made to the Registrar in whose Office such cover was deposited to open the same, the Registrar, if he shall be satisfied that the depositor is dead, shall, in the presence of the person making such application, open the cover, and shall copy at the expense of the applicant the contents thereof in his Book No. 4. When such copy shall have been made, the Registrar shall re-deposit the original Will or Authority.

Proceedings on death of depositor.

Re-deposit.

PART

ACT No. XX OF 1866.

PART X.

Of the Effects of Registration and Non-Registration.

47. 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.

Time from which registered document operates.

48. All instruments duly registered under this Act and relating to any moveable or immoveable property, shall take effect against any oral agreement or declaration relating to the same property.

Registered instruments relating to property to take effect against oral agreements.

49. No instrument required by Section 17 to be registered shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Servant as defined in the Indian Penal Code, or shall affect any property comprised therein, unless it shall have been registered in accordance with the provisions of this Act.

Effect of non-registration of documents required to be registered.

50. Every instrument of the kinds mentioned in Clauses 1, 2 and 3 of Section 18 shall, if duly registered, take effect, as regards the property comprised therein, against every unregistered instrument relating to the same property, whether such other instrument be of the same nature as the registered instrument or not.

Registered instruments relating to immoveables, of which the registration is optional, to take effect against unregistered instruments.

51. Suits to recover money lent or interest, or for the breach of any contract, may be brought within six years from the time when the cause of suit arose, in every case in which there is an engagement or contract in writing, provided that such engagement or contract be duly registered under this Act.

Period of limitation in suits under a registered written contract for money lent, or interest, or breach of contract.

Special Registration of Obligations for Payment of Money.

52. Whenever the obligor and obligee of an obligation shall agree that, in the event of the obligation not being duly satisfied, the amount secured thereby may be recovered in a summary way, and shall at the time of registering the said obligation apply to the Registering Officer to record the said agreement, the

Record of agreement that amount secured by an obligation may be recovered summarily.

ACT No. XX OF 1866.

the Registering Officer, after making such enquiries as he may think proper, shall record such agreement at the foot of the endorsement and certificate required by Sections 66 and 68, and such record shall be signed by him and by the obligor, and shall be copied into the Register Book No. 1 or No 6, as the case may be, and shall be *prima facie* evidence of the said agreement.

53. Within one year from the date on which the amount becomes payable, or, where the amount is payable by instalments, within one year from the date on which any instalment becomes payable, the obligee of any such obligation registered with such agreement as aforesaid, whether under the said Act No. XVI of 1864 or under this Act, may present a petition to any Court which would have had jurisdiction to try a regular suit on such obligation for the amount secured thereby, or for the instalment sought to be recovered.

The petition shall, where a stamp is required by law, bear a stamp of one-fourth the value prescribed for a plaint in such a suit, and may be amended by permission of the Court, and the statements in the petition shall be verified by the petitioner in manner required by law for the verification of plaints.

On production in Court of the obligation and of the said record signed as aforesaid, the petitioner shall be entitled to a decree for any sum not exceeding the sum mentioned in the petition together with interest at the rate specified (if any) to the date of the decree, and a sum for costs to be fixed by the Court.

Such decree may be enforced forthwith under the provisions for the enforcement of decrees contained in the Code of Civil Procedure.

54. In any proceedings under this Part of this Act, the Court may order the obligation sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and may further order that all proceedings shall be stayed until the petitioner shall have given security for costs thereof.

55. After decree, the Court may under special circumstances set aside the decree, and if necessary stay or set aside execution; but there shall be no appeal against any decree or order made under Section 53, Section 54, or this Section.

PART

ACT No. XX OF 1866.

PART XI.

Of the Duties and powers of Registering Officers.

(A.) As to the Register Books and Indexes.

Register Books to
be kept in the several
Offices.

56. The following Books shall be kept in the several Offices hereinafter named; (that is to say) :—

In all Registration Offices :—

Book 1.—“ Register of Instruments relating to immoveable property.”

Book 2.—“ Record of reasons for refusal to register.”

In the Offices of Registrars :—

Book 3.—“ Register of deposits of Wills and Authorities to adopt,” and

Book 4.—“ Register of Wills and Authorities to adopt.”

In the Offices of Registrars and of Sub-Registrars :—

Book 5.—“ Register of Decrees and Orders.”

Book 6.—“ Miscellaneous Register.

In Book 1 shall be entered all documents registered under Section 17 and the first four clauses of Section 18, and all other documents mentioned in Section 18, Clause 7, which relate to immoveable property. In Book 5 shall be filed all Memoranda of Decrees and Orders sent under Section 42. In Book 6 shall be entered all documents registered under Clauses 5 and 7 of Section 18, and not entered in Book 1 or in Book 5 : Provided that, if the Registrar General shall so direct, wherever Act No. XVI of 1864 is now in force, down to the thirty-first day of December 1866 and no longer, the Books directed to be kept by Section 56 of the same Act shall be kept, and the rules relating to the entries made therein and the Indexes to be made therefor shall be observed, anything in this Act contained to the contrary notwithstanding.

57. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting the same ; and, subject to the provisions contained in Section 70, every such document shall without unnecessary delay be copied in the Book appropriated therefor according to the order of its presentation, and a receipt for such document shall be given by the Registering Officer to the person presenting the same.

Documents to be
copied according to
order of presentation.

58. All

ACT No. XX OF 1866.

Entries to be numbered consecutively.

58. All entries in each Book shall be numbered in a consecutive series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

59. In every Office in which any of the Books next hereinafter 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, in alphabetical order and immediately after the document to which it relates shall have been copied by the Registering Officer.

60. Two such Indexes shall be made in all Registration Offices, and shall be named respectively Index No. I and Index No. II. Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Books Nos. 1, 3 or 4, and the name of the first plaintiff and first defendant in the suit in the case of all memoranda filed in Book No. 5. Index No. II shall contain such particulars mentioned in Section 21, relating to every such document, as the Registrar General may from time to time direct in that behalf. A third Index to be called Index No. III shall be made by Registrars and Sub-Registrars, and shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 6. Indexes Nos. I, II and III shall also contain such other particulars, and shall be prepared in such form, as the Registrar General shall from time to time direct.

Indexes to be made by Registering Officers.

Extra particulars in Indexes.

61. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals not exceeding one month as the Registrar General shall from time to time direct, two copies of all entries made by such Sub-Registrar during the last of such intervals in Indexes Nos. I and II.

Two copies of entries in Indexes Nos. I and II to be sent by Sub-Registrar to Registrar.

62. Every Registrar receiving such two copies shall in every month file one of such copies in his Indexes Nos. I and II respectively; and, at such intervals as the Registrar General shall from time to time direct, shall send the other of such copies to the General Registry Office. Every Registrar shall also send to the General Registry Office a copy of all the entries which he shall have made in his Indexes Nos. I and II respectively during the last of such intervals.

One of each pair of copies received by Registrar from Sub-Registrar to be filed in Registrar's Indexes, and the other to be sent to General Registry Office with a copy of entries in Registrar's Indexes.

63. On

ACT No. XX OF 1866.

Copies sent by Registrar to be filed in Indexes of General Registry Office.

63. On the receipt in the General Registry Office of the copies so sent by the Registrar, they shall be filed in the Indexes Nos. I and II respectively kept in such Office.

Annual alphabetical Index to entries in Indexes.

64. If the Registrar General shall so direct, an alphabetical Index shall be prepared in every Registration Office at the end of each year of all entries made during the past year in the current Indexes in such Office; and in every Office in which Book No. 2 shall be kept, an alphabetical Index shall be prepared at the end of each year to the entries made in such Book during the past year.

Registering Officers to allow inspection of certain Books and Indexes and to give certified copies of entries.

65. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1, 2 and 5 and the Indexes relating to such Books shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of Section 70, copies of entries in such Books shall be given to all persons applying for such copies. Subject to the same provision, copies of entries in Books Nos. 3, 4 and 6 and in the Indexes relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer; but the requisite search for such entries shall be made only by the Registering Officer. Such copies shall be signed and sealed by the Registering Officer, and shall be *prima facie* evidence of the contents of the original documents.

(B.) *As to the Procedure on admitting to Registration.*

Particulars to be endorsed on documents admitted to Registration.

66. On every document admitted to registration, there shall be endorsed from time to time the following particulars; (that is to say) :—

1. The signature and addition of every person admitting the execution of the document; and, if such execution shall have been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent :

2. The signature and addition of every person who may have been examined in reference to such document under any of the provisions of this Act; and

3. 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

ACT No. XX OF 1866.

any admission of receipt of consideration made in his presence in reference to such execution.

67. The Registering Officer shall affix the date and his signature to all endorsements mentioned in the last preceding Section, relating to the same document and made in his presence on the same day.

Such endorsements to be dated and signed by Registering Officer.

68. After the provisions of Sections 36, 66 and 67 shall have been complied with, the Registering Officer shall endorse on the document a certificate containing the word "Registered," together with the number and page of the Book in which the document shall have been copied. Such certificate shall be signed, sealed and dated by the Registering Officer and shall then be *prima facie* evidence that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsement referred to in the last preceding Section have occurred as therein mentioned.

Certificate showing that document has been registered, and number and page of Book in which it has been copied.

69. The endorsements and certificate mentioned in Sections 67 and 68 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. The registration of the document shall thereupon be considered to be complete, and the document shall then be returned to the person who shall have presented the same for registration, or to such other person (if any) as he shall have nominated in writing in that behalf on the receipt mentioned in Section 57.

Endorsements and certificate to be copied.

Document to be returned.

70. When a document is presented for registration under Section 19, the translation shall be transcribed in the Register of instruments of the nature of the original, and, together with the copy referred to in Section 19, shall be filed in the Registration Office; and the endorsements and certificate respectively mentioned in Sections 67 and 68 shall be made on the original, and for the purpose of making the other copies required by any Section other than Section 65, the translation shall be treated as if it were the original.

Procedure on presentation of a document in a language unknown to the Registering Officer.

71. It

ACT No. XX of 1866.

71. It shall be lawful for every Registering Officer at his discretion to administer an oath to any person examined by him under the provisions of this Act. He 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 shall admit the correctness of such note, it shall be signed by the Registering Officer.

Power to administer oaths.

Record of substance of statements.

(C.) *Special Duties of Sub-Registrar.*

72. Every Sub-Registrar on registering a document relating to immovable property which is not wholly situate in his own Sub-District, shall forward a copy thereof and of the endorsement and certificate thereon, and of the map or plan (if any) mentioned in Section 21, to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate; and every such Sub-Registrar shall file such copies in his Book No. 1.

Procedure on Sub-Registrar's registration of document relating to immovable property situate in several Sub-Districts.

73. Every Sub-Registrar on registering a document relating to immovable property situate in more Districts than one, shall also forward a copy thereof and of the endorsement and certificate thereon, together with such number of copies of the map or plan (if any) mentioned in Section 21 as may be necessary, 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. The Registrar on receiving the same shall enter in his Book No. 1 the copy of the document and one of the copies of the map or plan (if any), and shall forward a copy of the document together with a copy of the map or plan (if any) 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 copies shall file the same in his Book No. 1.

Procedure on Sub-Registrar's registration of document relating to immovable property situate in several Districts.

(D.) *Special Duties of Registrar.*

74. On registering any instrument relating to immovable property under Section 32, the Registrar shall forward a copy of such instrument, together with a copy of the map or plan (if any) mentioned in Section 21, to each Sub-Registrar subordinate

Procedure on registering instruments under Section 32.

ACT No. XX OF 1866.

ordinate to himself in whose Sub-District any part of such property is situate, and he shall also forward a copy of such instrument, together with such number of copies of the map or plan (if any) mentioned in Section 21, as may be necessary, to any other Registrar in whose District any part of such property is situate; and every Sub-Registrar and Registrar, on receiving any such copy or copies, shall follow the procedure prescribed for them respectively in Section 73.

75. Every memorandum received under Section 41 shall be copied in the margin of the part of the Book in which the document affected by such memorandum is registered; and for this purpose the Registrar shall send a copy of such memorandum to every Sub-Registrar in his District in whose Office the said document is registered, who shall copy such memorandum in the margin of the copy of the document registered in his Office. When any such memorandum shall relate to immoveable property situate in more Districts than one, the Registrar receiving the same shall also send a copy thereof to every other Registrar within whose District any part of such property is situate, who shall on receiving such copy follow the procedure prescribed for a Registrar in the first clause of this Section. Every memorandum received by a Registrar under Section 42 shall be filed by him in his Register Book No. 5, and he shall then send a copy thereof to every Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate, and every such Sub-Registrar shall file it in his Register Book No. 5.

76. A Will and an Authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document. A Will or Authority to adopt presented for registration by any person entitled to present the same, other than the testator or donor, shall be registered if the Registrar shall be satisfied that the person so presenting the same is the person he represents himself to be, and that the Will or Authority was executed by the testator or donor, as the case may be.

77. On receiving for deposit a sealed cover under Section 44, the Registrar, if he shall be satisfied that the depositor is the testator or donor, as the case may be, or his duly authorized agent, shall transcribe in his Register Book No 3 the

ACT No. XX of 1866.

the superscription on such sealed cover, and note in the Register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the cover. The Registrar shall then place and retain the sealed cover in his fire-proof box.

(E.) Of the Registrar General.

78. On any instrument being registered in the General Registry Office under Section 31, a copy of such instrument and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose District any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in Section 73.

Procedure on registration in General Registry Office.

(F.) Of the Controlling Powers of Registrars and Registrars General.

79. 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; and every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he may consider 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 or the Office in which any document shall have been registered.

Registrar to superintend and control Sub-Registrars.

80. The Registrar General shall exercise a general superintendence over all the Registry Offices in the Territories administered by the Local Government, and shall have power from time to time to frame Rules consistent with this Act—

Powers of Registrar General.
Power to frame Rules.

For providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

For declaring the languages in which and the materials on, in and with which documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon;

For

ACT No. XX of 1866.

For declaring what territorial divisions shall be recognized under Section 21 ;

For regulating the amount of penalties imposed under Section 24 ;

For the exercise of the discretion reposed in the Registering Officer by Sections 52 and 71 ;

For declaring the particulars to be contained in Indexes No. I, II and III respectively ;

For declaring the holidays that shall be observed in the Registration Offices ;

And, generally, for regulating the proceedings of the Registrars and Sub-Registrars under him.

The rules so framed shall be submitted to the Local Government for approval, and after they shall have been approved, they shall be published in the official Gazette, and shall then have the same force as if they were inserted in this Act.

No order to cancel registration. **81.** No order shall be made to cancel the registration of any document under this Act or under Act No. XVI of 1864.

PART XII.

Of Refusal to register.

Reasons for refusal to register to be recorded by Registrar or Sub-Registrar. **82.** Every Registering Officer who shall refuse to register a document, except one which he has a discretion to refuse to accept for registration, or except one which he has refused to register solely because the property to which it relates is not situate within his District or 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 and on his furnishing a stamped paper of the value of eight annas, shall without unnecessary delay give him a copy of the reasons so recorded. No Registering Officer shall accept for registration a document so endorsed unless and until an appeal shall have been presented under the provisions herein contained and decided in favour of the appellant.

83. An

ACT No. XX OF 1866.

83. An appeal shall lie against an order of a 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: Provided that, whenever the Registrar shall himself as Sub-Registrar have passed the order appealed against, the appeal shall lie to the Registrar General. Any Registrar or Registrar General who shall refuse to direct the registration of any document 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 and on his furnishing a stamped paper of the value of eight annas, shall without unnecessary delay give him a copy of the reasons so recorded.

Registrar may alter or revise orders of Sub-Registrar refusing registration.

84. If a Registrar or Registrar General shall under Section 82 make an order of refusal to register any document referred to in Section 29, or if a refusal to register shall have been made under Section 15 of Act XVI of 1864, or if he shall under Section 83 on appeal make an order of refusal to direct the registration of such document, it shall be lawful for any person claiming thereunder, his representative, assign or agent authorized as aforesaid, within thirty days after the making of such order of refusal, to apply by petition to the District Court, in order to establish his right to have such document registered.

Procedure where Registrar or Registrar General refuses to register or direct registration of documents falling under Section 17 or Section 18, Clauses 1, 2, 3 and 4.

The petition shall be in the form contained in the Schedule to this Act or as near thereto as circumstances will permit, and shall be accompanied by copies of the reasons recorded under Sections 82 and 83, and the statements in the petition shall be verified by the petitioner in manner required by law for the verification of complaints, and the petition shall, where a stamp is required by law, bear a stamp of eight annas, and may be amended by permission of the Court.

Petition.

To be verified and stamped.

The document shall be admissible in evidence on the presentation and hearing of the petition, anything hereinbefore contained to the contrary notwithstanding.

Document admissible in evidence.

The

ACT No. XX OF 1866.

The Court shall fix a day for the hearing of the petition not less than two days after the service next hereinafter mentioned, and shall direct a copy of the petition, with a notice at the foot thereof of the day so fixed, to be served on the Registering Officer and on such other persons (if any) as the Court shall think fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to copies of petitions under this Section.

Court to fix day for hearing petition and copy thereof to be served.

On the day so fixed as aforesaid, the Court may, if it shall think proper, and if the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration, order such Registrar or Registrar General to register the document, or to direct its registration in the proper manner, and he shall thereupon obey such order, and shall, so far as may be practicable, follow the procedure prescribed in Sections 66, 67 and 68, and (provided the document be duly presented for registration within thirty days after the making of such order) the registration pursuant to such order shall take effect as if the document had been registered when it was duly presented for registration to the Officer so refusing as aforesaid.

Court may order document to be registered.

Provided that when the Officer presiding over the District Court shall himself as Registering Officer have made any order appealed against under this Section, the petition shall within sixty days after the making of such order be presented to the High Court, and the provisions contained in the former part of this Section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

Provision for case in which the Judge is the Registering Officer.

Registering Officer not to be liable for anything *bond fide* done or refused in his official capacity.

85. No Registering Officer shall be liable to any suit, claim or demand by reason of anything *bond fide* done or refused in his official capacity.

PART XIII.

Of the Fees for Registration, Searches and Copies.

Fees for registration, searches and copies to be fixed by Local Government.

86. Subject to the approval of the Governor-General of India in Council, the Local Government shall prepare a Table of Fees payable—

For

ACT No. XX of 1866.

For the registration of documents :

For searching the Registers :

For making or granting copies of reasons, entries or documents,
before, on or after registration ;

And of extra or additional Fees payable—

For every registration by a Registrar General under Section 31, or
by a Registrar under Section 32 :

For special registration under Section 52 :

For the issue of Commissions :

For filing translations :

For attending at private residences :

And for such other matters as shall to the Local Government appear
necessary to effect the purposes of this Act.

The Local Government may from time to time, subject to the like approval,
alter such Table. 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.

Table of Fees.

87. All fees for the registration of documents under this Act shall be
payable on presentation, and all fees received under the pro-
visions of this Act (not being fees payable under Section 14
to Officers who are paid wholly or in part by fees), and all
penalties received under Section 24, shall be remitted to the Treasury of the
District or Sub-District or to such other Treasury as the Local Government
shall from time to time direct, and shall be credited to Government.

Fees and penalties to
be credited to Govern-
ment.

PART XIV.

Miscellaneous.

88. Nothing done in good faith pursuant to the said Act No. XVI
of 1864 or this Act by any Registering Officer, shall be
deemed invalid merely by reason of any defect in his
appointment or procedure.

Nothing done by Re-
gistering Officer to be
invalidated by defect in
his appointment or pro-
cedure.

89. Notwithstanding

ACT No. XX OF 1866.

89. Notwithstanding anything herein contained, it shall not be necessary for any Officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any Registration Office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in Section 66 ; but when any instrument is so executed, the Registering Officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary of Government or to such Officer of Government, Administrator General, Official Trustee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof , shall register the instrument.

Registration of instruments executed by Government Officers, or certain public functionaries.

90. Every Registering Officer appointed under this Act and every person employed in his Office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under the provisions of this Act, shall endorse, copy, translate or register such document 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 punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for incorrectly copying, endorsing, translating or registering documents with intent to injure.

91. Whoever shall intentionally make any false statement, whether on oath or not, and whether it shall have been recorded or not, before any Officer acting in execution of this Act, in any proceeding or enquiry under this Act, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Penalty for making false statements before Registering Officer.

92. Whoever shall intentionally deliver to a Registering Officer in any proceeding under Section 19 or 21 a false copy or translation of a document, or a false copy of a map or plan, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Penalty for delivering false copy or translation.

93. Whoever

ACT No. XX OF 1866.

93. Whoever 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 under this Act, shall be punished with imprisonment for a term which may extend three years or with fine, or with both.

Penalty for false personation.

94. Whoever abets within the meaning of the Indian Penal Code anything made punishable by this Act shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for abetment of offences under this Act.

95. A prosecution for any offence under this Act coming to the knowledge of a Registering Officer in his official capacity may be instituted by the Registrar General, the Branch Registrar General, the Registrar or (with the sanction of the Registrar to whom he is subordinate) the Sub-Registrar in whose Territories, District or Sub-District, as the case may be, the offence has been committed. All prosecutions under this Act shall be instituted before a person exercising the powers of a Magistrate or subordinate Magistrate of the first Class; and all fines imposed under this Act may be recovered in the manner prescribed in Section 61 of the Code of Criminal Procedure.

Registering Officer may institute prosecutions.

96. Every Registering Officer appointed under this Act shall be deemed a Public Servant within the meaning of the Indian Penal Code, and every person shall be legally bound to furnish information to such Registering Officer when required by him to do so. And in Section 228 of the Indian Penal Code the words "judicial proceeding" shall be taken to include any proceeding under this Act.

Registering Officers to be deemed Public Servants.

97. All references to the said Act No. XVI of 1864 in Acts passed previous to the date of this Act coming into operation shall be read as if made to this Act.

References to Act No. XVI of 1864 to be read as if made to this Act.

98. This Act shall come into operation on the first day of May 1866 wherever Act No. XVI of 1864 is now in force. This Act shall come into operation on the same day in the Territories under the Bombay Government known as the Panch Maháls and attached to the Collectorate of Kaira, and on the first day of July 1866 in the Province of Sind; and Act No. XVI of 1864 shall not be deemed to have

Commencement of Act where Act No. XVI of 1864 is in force.

come

ACT No. XX OF 1866.

SCHEDULE.

Form of petition under Section 84.



To the Judge of the District Court of

The day of 186 .

The petition of A. B. of

Sheweth :—

1. That by an instrument dated the day of and made between C. D. of the one part and your petitioner of the other part, certain lands were conveyed to your petitioner absolutely.

2. That such instrument was executed by the said C. D. on the day of 186 .

3. That the property to which such instrument relates is situate in the Sub-District of the Sub-Registrar of and in the District of

4. That on the day of your petitioner presented the said instrument for registration under "The Indian Registration Act, 1866," in the Office of the said Sub-Registrar, and on such presentation the said C. D. appeared personally before the said Sub-Registrar, and admitted the execution of the said instrument [*or* and falsely denied the execution of the said instrument].

5. That the said C. D. is personally known to the said Sub-Registrar [*or* adduced evidence that he was the person he represented himself to be, *or* that your petitioner adduced evidence that the said C. D. was the person he represented himself to be].

6. That the said Sub-Registrar thereupon made an order of refusal, dated the day of 186 , to register the said instrument, and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

7. That your petitioner on the day of appealed to the Registrar of , against such order.

8. That the said Registrar thereupon made an order of refusal, dated the day of to direct the registration of the said instrument, and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

9. That the reasons referred to in paragraphs 6 and 8 are, as your petitioner submits, insufficient, [*or* That your petitioner has complied with the requirements of the said Act so far as it has been possible for him to do so].

Your petitioner therefore prays that your Honour will order the said Sub-Registrar to register the said instrument.

A. B.

Form of verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) A. B.

ACT No. XX OF 1866.

come into operation in such Territories or Province, any notification of the Local Government to the contrary notwithstanding. This Act may be extended to any other part of British India by an order of the Local Government, to be notified in the official Gazette; and such order may, at any time before such extension shall come into operation, be altered or cancelled.

Power to extend Act to other Territories.

99. From the date on which this Act shall be extended as hereinbefore provided to any part of British India in which the Acts hereinbefore mentioned are not in force, all Rules and Regulations relating to the registration of assurances in force in such part of British India shall cease to have effect, except as regards documents duly registered under any of such Rules or Regulations.

Repeal of Rules relating to registration in certain Territories.

100. Anything contained in this Act to the contrary notwithstanding, every instrument of the kinds mentioned in Sections 17 and 18, which shall have been executed in any such part of British India before the date on which this Act shall come into operation therein, shall be accepted for registration if it be duly presented for registration within twelve months from such date.

Time for registering instruments executed in such Territories before extension of this Act.

101. For three months after the date on which this Act shall come into operation in any part of India in which Act No. XVI of 1864 has not come into operation, a power of attorney not duly executed according to the provisions of Section 35, anything therein contained to the contrary notwithstanding, shall be deemed to have been duly executed under the provisions of the same Section, if the Registering Officer shall be satisfied that it has been executed in good faith, and if a power of attorney attested under the provisions of this Act cannot be obtained within the period during which the document sought to be registered can, under such provisions, be accepted for registration.

Recognition, in Territories in which Act XVI of 1864 is not in force, for three months, of powers of attorney not duly executed.

102. All or any of the Register Books and Indexes kept under this Act or the said Act No. XVI of 1864, or any Act, Rule or Regulation repealed by either of them, may be transferred to the custody of the Registrar of the District in which they are now preserved, or to such other Officer in that or any other District as the Local Government shall from time to time direct, and all Rules contained in or made pursuant to this Act shall, so far as they may be applicable, apply to the Books and Indexes so transferred as aforesaid.

Registers kept under former enactments to be transferred to Registrar of the District.

SCHEDULE.