

# THE REGISTRATION ACT, 1908<sup>1</sup>

(16 of 1908)

[18th December, 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, extent and commencement.**—(1) This Act may be called the <sup>2</sup>[\*\*\*] Registration Act, 1908.

<sup>3</sup>(2) 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 country from its operation.]

(3) 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 <sup>4</sup>[an Indian], <sup>5</sup>[\*\*\*] 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 also any number of sheets connected together with a view of forming a book or portion of a book;
- (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;

1. For Statement of Objects and Reasons, see Gazette of India, 1908, Pt. V, p. 325; for Report of Select Committee, see Gazette of India, 1908, Pt. V, p. 387; and for Proceedings in Council, see Gazette of India, 1908, Pt. VI, pp. 148, 154 and 182.

This Act has been extended to Berar by Berar Laws Act, 1941 (4 of 1941); to Dadra and Nagar Haveli by Reg. 6 of 1963, sec. 2 and Sch. I; to Goa, Daman and Diu by Reg. 11 of 1963, sec. 3 and Sch.; to Lakshadweep by Reg. 8 of 1965, sec. 3 and Sch., to Pondicherry by Act 26 of 1968, sec. 3 and Sch.

It has been declared to be in force in Panth Piploda by the Panth Piploda Laws Regulation, 1929 (1 of 1929), sec. 2; in the Khondmals District by the Khondmals Laws Regulation, 1936 (5 of 1936), sec. 3 and Sch.

It has been applied with modifications to certain taluks of the East Godavari Agency, see Notification No. F. 128/29, dated the 29th April, 1929, Gazette of India, 1929, Pt. I, p. 662.

2. The word “Indian” omitted by Act 45 of 1969, sec. 2 (w.e.f. 26-12-1969).

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

4. Subs. by the A.O. 1950, for “a Native of India” (w.e.f. 26-1-1950).

5. The words “his caste (if any) and” omitted by Act 17 of 1956, sec. 2 (w.e.f. 6-4-1956).

- (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, buildings, 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;
- <sup>1</sup>[(6A) "India" means the territory of India excluding the State of Jammu and Kashmir;]
- (7) "lease" includes a counterpart, *kabuliyat*, and 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.
- <sup>2</sup>[\*\*\*]

#### STATE AMENDMENTS

##### Andhra Pradesh:

In section 2, in sub-section (2), after the words "includes a portion of book", add the words "and the information storage devices like floppy disk, hard disk, compact disk".  
[Vide Andhra Pradesh Act 16 of 1999, sec. 2 (w.e.f. 31-12-1998).]

##### Goa, Daman and Diu:

In section 2, in clause (1), before the words "his father's name", insert the words "his marital status, and".  
[Vide Goa, Daman and Diu Act 2 of 1968, sec. 2.]

##### Tamil Nadu:

In section 2,—

- (i) in clause (9), at the end, omit the word "and";
- (ii) in clause (10), at the end, add the word "and";
- (iii) after clause (10), add the following clause, namely:—

(11) "tout" means a person who habitually frequents the precincts of a registration office, for the purpose of employment for himself or for any other person in connection with any registration business and who is so declared as a tout under Part XIII A.

[Vide Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 18-1-1988).]

In section 2, in clause (2), at the end, add the following expression, namely:—

"and the information storage devices like floppy disk, hard disk or compact disk or any other electronic media".

[Vide Tamil Nadu Act 50 of 2000, sec. 2 (w.e.f. 25-7-2000).]

##### Uttar Pradesh:

In section 2,—

(1) in clause (2), for the words "or portion of book", substitute the words "or portion of a book and also includes a book in electronic form".

(2) after clause (10), insert the following clauses, namely:—

"(10A) true copy includes a true photostap copy;

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

2. Clause (11) omitted by Act 3 of 1951, sec. 3 and Sch (w.e.f. 1-4-1951). Earlier clause (11) was inserted by the A.O. 1950.

- (10B) the words and expressions used but not defined in this Act and defined in the Information Technology Act, 2000, shall have the respective meaning assigned to them in that Act."

[Vide Uttar Pradesh Act 36 of 2001, sec. 2 (w.e.f. 20-5-2002).]

**West Bengal:**

In section 2,—

- (1) in clause (9), at the end, omit the word "and", and
- (2) after clause (10), add the following word and clause, namely:—

'and

- (11) "tout" means a person—

- (a) who habitually frequents the precincts of a registration office, without a licence granted to him under the rules made under section 80G, for the purpose of obtaining employment for himself or any other person in connection with any registration business; or
- (b) who is declared to be deemed to be a tout for the purposes of this Act by rules made under section 80G.'

[Vide West Bengal Act 5 of 1942, sec. 8 (w.e.f. 1-11-1943).]