

# THE REGISTRATION ACT, 1908

## CONTENTS

	Page
<i>Introduction</i>	1
<b>PART I PRELIMINARY</b>	
<b>Sections</b>	
1. Short title, extent and commencement	3
2. Definitions	3
<b>PART II OF THE REGISTRATION-ESTABLISHMENT</b>	
3. Inspector-General of Registration	5
4. [Repealed]	5
5. Districts and sub-districts	5
6. Registrars and Sub-Registrars	6
7. Offices of Registrar and Sub-Registrar	6
8. Inspectors of Registration offices	7
9. [Repealed]	7
10. Absence of Registrar or vacancy in his office	7
11. Absence of Registrar on duty in his district	8
12. Absence of Sub-Registrar or vacancy in his office	8
13. Report to State Government of appointments under sections 10, 11 and 12	8
14. Establishments of registering officers	8
15. Seal of registering officers	8
16. Register-books and fire-proof boxes	8
16A. Keeping of books in computer floppies, diskettes, etc.	9
<b>PART III OF REGISTRABLE DOCUMENTS</b>	
17. Documents of which registration is compulsory	9
18. Documents of which registration is optional	14
19. Documents in language not understood by registering officer	16
20. Documents containing interlineations, blanks, erasures or alterations	17
21. Description of property and maps or plans	18
22. Description of houses and land by reference to Government maps or surveys	19
<b>PART IV OF THE TIME OF PRESENTATION</b>	
23. Time for presenting documents	21
23A. Re-registration of certain documents	21

Sections	Page
24. Documents executed by several persons at different times . . . .	23
25. Provision where delay in presentation is unavoidable . . . .	23
26. Documents executed out of India . . . .	23
27. Wills may be presented or deposited at any time . . . .	23
<b>PART V</b>	
<b>OF THE PLACE OF REGISTRATION</b>	
28. Place for registering documents relating to land . . . .	24
29. Place for registering other documents . . . .	25
30. Registration by Registrars in certain cases . . . .	25
31. <u>Registration or acceptance for deposit at private residence</u> . . . .	26
<b>PART VI</b>	
<b>OF PRESENTING DOCUMENTS FOR REGISTRATION</b>	
32. Persons to present documents for registration . . . .	27
32A. Compulsory affixing of photograph, etc. . . .	28
33. Power-of-attorney recognizable for purposes of section 32 . . . .	28
34. Enquiry before registration by registering officer . . . .	29
35. Procedure on admission and denial of execution respectively . . . .	30
<b>PART VII</b>	
<b>OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES</b>	
36. Procedure where appearance of executant or witness is desired . . . .	30
37. Officer or Court to issue and cause service of summons . . . .	31
38. Persons exempt from appearance at registration-office . . . .	31
39. Law as to summonses, commissions and witnesses . . . .	31
<b>PART VIII</b>	
<b>OF PRESENTING WILLS AND AUTHORITIES TO ADOPT</b>	
40. Persons entitled to present wills and authorities to adopt . . . .	31
41. Registration of wills and authorities to adopt . . . .	32
<b>PART IX</b>	
<b>OF THE DEPOSIT OF WILLS</b>	
42. Deposit of wills . . . .	32
43. Procedure on deposit of wills . . . .	32
44. Withdrawal of sealed cover deposited under section 42 . . . .	32
45. Proceedings on death of depositor . . . .	32
46. Saving of certain enactments and powers of Courts . . . .	33
<b>PART X</b>	
<b>OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION</b>	
47. Time from which registered document operates . . . .	34
48. Registered documents relating to property when to take effect against oral agreements . . . .	34
<u>49</u> . Effect of non-registration of documents required to be registered . . . .	35
50. Certain registered documents relating to land to take effect against unregistered documents . . . .	35

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 . . . . .	36
52.	Duties of registering officers when document presented . . . . .	40
53.	Entries to be numbered consecutively . . . . .	42
54.	Current indexes and entries therein . . . . .	43
55.	Indexes to be made by registering officers, and their contents . . . . .	44
56.	Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.—[ <i>Rep. by the Indian Registration (Amendment) Act, 1929 (15 of 1929), sec. 2.</i> ] . . . . .	46
57.	Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries . . . . .	46

*(B) As to the procedure on admitting to Registration*

58.	Particulars to be endorsed on documents admitted to registration . . . . .	47
59.	Endorsements to be dated and signed by registering officer . . . . .	48
60.	Certificate of registration . . . . .	48
61.	Endorsements and certificate to be copied and document returned . . . . .	49
62.	Procedure on presenting document in language unknown to registering officer . . . . .	50
63.	Power to administer oaths and record of substance of statements . . . . .	52

*(C) Special duties of Sub-Registrar*

64.	Procedure where document relates to land in several sub-districts . . . . .	52
65.	Procedure where document relates to land in several districts . . . . .	53

*(D) Special duties of Registrar*

66.	Procedure after registration of documents relating to land . . . . .	53
67.	[ <i>Repealed</i> ] . . . . .	54

*(E) Of the controlling powers of Registrars and Inspector-General*

68.	Power of Registrars to superintend and control Sub-Registrars . . . . .	54
69.	Power of Inspector-General to superintend registration offices and make rules . . . . .	55
70.	Power of Inspector-General to remit fines . . . . .	59

PART XII

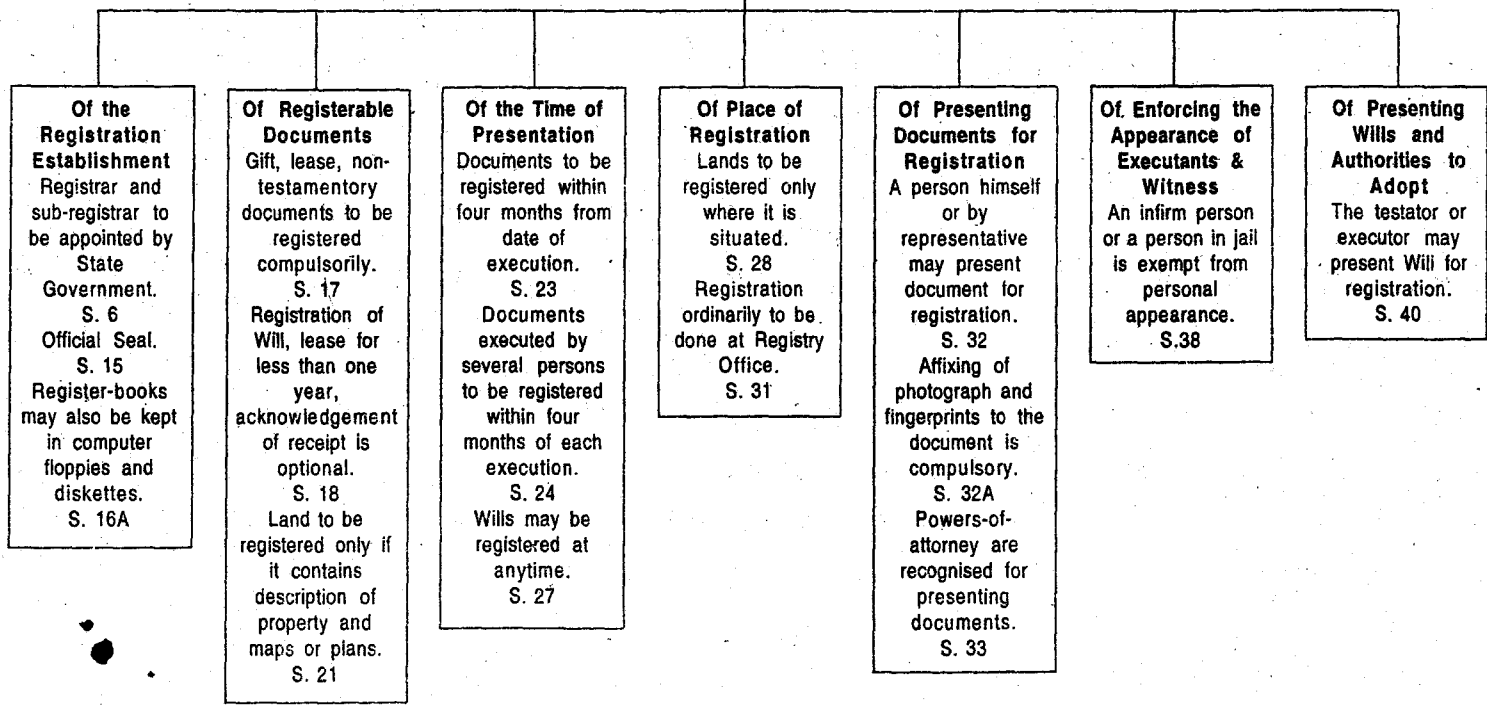
OF REFUSAL TO REGISTER

71.	Reasons for refusal to register to be recorded . . . . .	64
72.	Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution . . . . .	64
73.	Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution . . . . .	65
74.	Procedure of Registrar on such application . . . . .	65
75.	Order by Registrar to register and procedure thereon . . . . .	65
76.	Order of refusal by Registrar . . . . .	65
77.	Suit in case of order of refusal by Registrar . . . . .	66

Sections	Page
<b>PART XIII</b>	
<b>OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES</b>	
78. Fees to be fixed by State Government . . . . .	66
79. Publication of fees . . . . .	68
80. Fees payable on presentation . . . . .	68
<b>PART XIV</b>	
<b>OF PENALTIES</b>	
81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure . . . . .	75
82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment . . . . .	76
83. Registering officers may commence prosecutions . . . . .	78
84. Registering officers to be deemed public servants . . . . .	78
<b>PART XV</b>	
<b>MISCELLANEOUS</b>	
85. Destruction of unclaimed documents . . . . .	79
86. Registering officer not liable for thing <i>bona fide</i> done or refused in his official capacity . . . . .	79
87. Nothing so done invalidated by defect in appointment or procedure . . . . .	79
88. Registration of documents executed by Government officers or certain public functionaries . . . . .	79
89. Copies of certain orders, certificates and instruments to be sent to registering officers and filed . . . . .	80
<i>Exemptions from Act</i>	
90. Exemption of certain documents executed by or in favour of Government . . . . .	87
91. Inspection and copies of such documents . . . . .	87
92. [ <i>Repealed</i> ] . . . . .	88
<i>Repeals</i>	
93. [ <i>Repealed</i> ] . . . . .	88
THE SCHEDULE.—[ <i>Repealed</i> ] . . . . .	88

66  
68  
68  
75  
76  
78  
78  
79  
79  
79  
80  
87  
87  
88  
88

**THE REGISTRATION ACT, 1908**



**THE REGISTRATION ACT, 1908**

**Of Deposits of Will**  
A Will may be deposited by testator or his agent in sealed cover.  
S. 42  
A Will may be withdrawn by the testator at anytime.  
S. 44  
Registrar will open Will after the death of testator.  
S. 45

**Of the Effect of Registration and non-Registration**  
A registered document operates from date of its execution and not from date of registration.  
S. 47  
No document, required to be registered, shall affect immovable property or be received as evidence unless registered.  
S. 49

**Of Duties and powers of Registering Officer**  
Registration Officer will give receipt for documents.  
S. 52  
Registration Officer shall allow inspection of books and give certified copy, subject to payment of fee.  
S. 57  
Certificate of registration shall be issued by Registration Officer.  
S. 60  
Translation of documents of unknown language shall be treated as original.  
S. 62

**Of Refusal to Register**  
Order of refusal and reason thereof shall be put on record.  
S. 71  
An appeal shall lie against such order of refusal.  
S. 72  
Order of refusal by Registrar and reason thereof shall be put on record.  
S. 76  
Suit may be filed within thirty days after the order of refusal by Registrar.  
S. 77

**Of the Fees for Registration, Searches and Copies**  
Fees for registration, searches and copies to be fixed by State Government.  
S. 78  
Fees for registration shall be payable on presentation of Documents.  
S. 80

**Of Penalties**  
A Registration Officer who incorrectly copies, translates or registers documents shall be punished with imprisonment of 7 years or fine or both.  
S. 81  
A person making false statement, delivering false copies or translation, false representation, abetment shall be punished with imprisonment of 7 years or fine or both.  
S. 82

# THE REGISTRATION ACT, 1908

## INTRODUCTION

The Registry laws relating to registration of documents were to be found in West Bengal Regulation (36 of 1793), Bombay Regulation (1 of 1800) and Madras Regulation (17 of 1802). Bombay Regulation (1 of 1800) was replaced by Bombay Regulation (4 of 1802), which was replaced by Bombay Regulation (1 of 1827) and was substituted by Bombay Regulation (9 of 1827). Later Act 1 of 1843 was enacted but it was repealed by Act 19 of 1843 as some doubts arose about the true meaning and construction of Act 1 of 1843. In 1864 the Indian Registration Act, 1864 (16 of 1864) was enacted. This Act came into force on 1st January, 1865. It was amended by Act 9 of 1865. Act 16 of 1864 was replaced by Act 20 of 1866. A new enactment the Indian Registration Act, 1871 (8 of 1871) was brought into force but it was replaced by the Indian Registration Act, 1877 (3 of 1877). Act 3 of 1877 was amended by Acts 12 of 1879, 19 of 1883, 7 of 1886, 7 of 1888, 13 of 1889, 12 of 1891 and 17 of 1899. The need was felt to consolidate the enactments relating to the registration of documents. Accordingly the Indian Registration Bill was introduced in the Legislature. The Bill was referred to the Select Committee. The recommendations of the Select Committee were incorporated in the Bill.

## STATEMENT OF OBJECTS AND REASONS

This is a pure consolidating Bill. The provisions relating to the registration of documents are now scattered about in seven enactments. The object of the present Bill is to collect these provisions and to incorporate them in one Act. This will make the law more easily ascertainable. It will further clear the Statute-book of three entire acts and will enable two more Acts to be entirely removed from it on the coming into force of the Code of Civil Procedure, 1908, and of the Indian Limitation Bill, now before Council.

The fact that the General Clauses Act, 1897, will apply to the Bill when passed has rendered it unnecessary to retain some provisions of the present Acts. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. The numbering of the sections of the Act of 1877 has been preserved.

It has been found that the mere process of consolidation might result in the law being changed in some respects. To avoid this some few amendments appear to be necessary.

## ACT 16 OF 1908

The Indian Registration Bill after having been passed by the Legislature received the assent of the Governor-General on 18th December, 1908, and it came on the Statute Book as the Indian Registration Act, 1908 (16 of 1908). By section 2(a) of the Indian Registration (Amendment) Act, 1969 (45 of 1969) the word "Indian" has been omitted (w.e.f. 26-12-1969) and now it stands as THE REGISTRATION ACT, 1908 (16 of 1908).

**LIST OF AMENDING ACTS AND ADAPTATION ORDERS**

1. The Decentralisation Act, 1914 (4 of 1914).
2. The Destruction of Records Act, 1917 (5 of 1917).
3. The Indian Registration (Amendment) Act, 1917 (15 of 1917).
4. The Indian Registration (Amendment) Act, 1920 (38 of 1920).
5. The Indian Registration (Amendment) Act, 1926 (13 of 1926).
6. The Indian Registration (Amendment) Act, 1927 (2 of 1927).
7. The Repealing and Amending Act, 1927 (10 of 1927).
8. The Indian Registration (Amendment) Act, 1929 (15 of 1929).
9. The Transfer of Property (Amendment) Supplementary Act, 1929 (21 of 1929).
10. The Government of India (Adaptation of Indian Laws) Order, 1937.
11. The Repealing Act, 1938 (1 of 1938).
12. The Indian Registration (Amendment) Act, 1940 (33 of 1940).
13. The Indian Registration (Amendment) Act, 1948 (39 of 1948).
14. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
15. The Adaptation of Laws Order, 1950.
16. The Part B States (Laws) Act, 1951 (3 of 1951).
17. The Indian Registration (Amendment) Act, 1956 (17 of 1956).
18. The Indian Registration (Amendment) Act, 1969 (45 of 1969).
19. The Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983).
20. The Registration and Other Related Laws (Amendment) Act, 2001 (48 of 2001).