

PART VI
OF PRESENTING DOCUMENTS FOR REGISTRATION

32. Persons to present documents for registration.—Except in the cases mentioned in ¹[sections 31, 88 and 89], every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—

- (a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or
- (b) by the representative or assign of such a person, or
- (c) by the agent of such a person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.

STATE AMENDMENT

Section 32A

Bihar:

After section 32, insert the following section, namely:—

"32A. Giving of duplicate copies of documents presented for registration.—

(1) Notwithstanding anything contained in this Act, in such areas as may be notified by the State Government, every document or any transaction of documents referred to in section 19 presented for registration shall be accompanied by such number of duplicate copies thereof as may be prescribed by rules under section 69.

(2) The duplicate copy shall—

- (a) be neat and legibly typed or handwritten, as the case may be, on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;
- (c) be compared and verified by such official as may be directed by the Registering Officer;
- (d) be separately bound and permanently kept in such manner as may be prescribed by rules under section 69."

[Vide Bihar Ordinance 7 of 1997, sec. 2 (w.e.f. 11-8-1997).]

Uttar Pradesh:

After section 32, insert the following section, namely:—

*"32A. Giving of true *[*] copies of documents prescribed for registration.—*

Notwithstanding anything contained in this Act *[*] every document or any translation of documents referred to in section 19 presented for registration shall be accompanied by such number of true *[*] copies thereof, as may be prescribed by rules under section 69.

(2) The *[*] copy shall,—

- (a) be neat and legible, prepared on paper of such specification as may be notified by the State Government from time to time;
- (b) contain a declaration that the same is a true copy of the document to be registered in such manner as may be prescribed by rules under section 69;
- **[(c) be compared and verified by such official as may be directed by the registering officer;]

1. Subs. by Act 39 of 1948, sec. 3, for "section 31 and section 89" (w.e.f. 3-9-1948).

@[***]
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[Vide Uttar Pradesh Act 29 of 1989, sec. 2 (w.e.f. 11-5-1989).]

- * The word "photostat" omitted by Uttar Pradesh Act 36 of 2001, sec. 7 (w.e.f. 20-5-2002).
- † The words, "in such areas as may be notified by the State Government," omitted by Uttar Pradesh Act 36 of 2001, sec. 7 (w.e.f. 20-5-2002).
- †† Subs. by Uttar Pradesh Act 36 of 2001, sec. 7(b), for clauses (c) and (d) (w.e.f. 20-5-2001).
- @ Sub-section (3) omitted by Uttar Pradesh Act 36 of 2001, sec. 7(c) (w.e.f. 20-5-2001).
- @@ Section 32B, as inserted by Uttar Pradesh Act 27 of 1994, sec. 5, omitted by Uttar Pradesh Act 36 of 2001, sec. 8 (w.e.f. 20-5-2001).

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

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document.]

33. Power-of-attorney recognizable for purposes of section 32.—(1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely:—

- (a) if the principal at the time of executing the power-of-attorney resides in any part of ²[India] in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;
- (b) if the principal at the time aforesaid ³[resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by any Magistrate;
- (c) if the principal at the time aforesaid does not reside in ²[India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, ⁴[Indian] Consul or Vice-Consul, or representative ⁵[***] of the Central Government:

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

- (i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;
- (ii) persons who are in jail under civil or criminal process; and
- (iii) persons exempt by law from personal appearance in Court.

1. Ins. by Act 48 of 2001, sec. 5 (w.e.f. 24-9-2001).
 2. Subs. by Act 3 of 1951, sec. 3 and Sch., for "the States" (w.e.f. 1-4-1951).
 3. Subs. by Act 3 of 1951, sec. 3 and Sch., for "resides in any other part of the States" (w.e.f. 1-4-1951).
 4. Subs. by the A.O. 1950, for "British".
 5. The words "of His Majesty or" omitted by the A.O. 1950.

¹[*Explanation.*—In this sub-section "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (10 of 1897).]

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

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

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

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

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

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

(3) The registering officer shall thereupon—

- (a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;
- (b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and
- (c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

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

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

STATE AMENDMENTS

Tamil Nadu:

In section 34,—

- (1) in sub-section (1), after the expression "persons executing such document", insert the expression "and in the case of document for sale of property, the persons claiming under that document";

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

(2) in sub-section (3), in clause (b), after the expression "executed the document", insert the expression "or they are claiming under the document".

[Vide Tamil Nadu Act 28 of 2000, sec. 3.]

Section 34A

After section 34, insert the following section, namely:—

"34A. Person claiming under document for sale of property also to sign document.—
Subject to the provisions of this Act, no document for sale of property shall be registered under this Act, unless the person claiming under the document has also signed such document."

[Vide Tamil Nadu Act 28 of 2000, sec. 4.]

35. Procedure on admission and denial of execution respectively.—

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

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

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61 inclusive.

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

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

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

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

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

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

¹[Provided further that the ²[State Government] may, by notification in the ³[Official Gazette], declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.]