

GOVERNMENT OF PONDICHERRY

REVENUE DEPARTMENT

Pondicherry, 9th January, 1969

NOTIFICATION

G.S.R.No.1 - In exercise of the powers conferred by section 69 of the Indian Registration Act, 1908 (Act No. 16 of 1908), the Inspector-General of Registration, Pondicherry, with the prior approval of the Government, hereby makes the following rules, namely:-

1. (1) These rules may be called the Pondicherry Registration Rules, 1969.

CHAPTER 1

OFFICE HOURS AND HOLIDAYS

2. The Offices of all Registrars and Sub-Registrars shall be open for at least six and a half hours daily, Sundays and holidays excepted. The usual hours shall be from 10 A.M. to 1 P.M. and 2 P.M. to 5.30 P.M. on working days and 10 A.M. to 1 P.M. Saturdays and these shall not be altered except with the approval of the Inspector-General. If an alteration of these hours is sanctioned by the Inspector-General, a notice showing the altered hours shall be affixed in a prominent place in each office for the information of the public.

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

4. The holidays to be observed in registration offices are the holidays notified by Government.

5.(1) A document presented for registration, or a sealed cover purporting to contain a will presented for deposit under section 42, or a power-of-attorney presented for attestation under section 33 shall not be accepted on an authorized holiday, except in a special emergency. He shall immediately make a report to the Registrar explaining the circumstances, when he accepts them in a special emergency.

(2). There is, however on objection to registration at a private residence on a Sunday or other authorized holiday, or to the transcription or return of documents on such days should the registering officer happen to be in his office.

CHAPTER II

(Sections 6 and 7 of the Act)

REGISTRATION OFFICERS

6. A notice stating where the registering officer lives shall be affixed outside each registration office.

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

8.(1) When a Joint Sub-Registrar is appointed, either as a temporary or permanent measure, to assist a Sub-Registrar, he will have not separate office or establishment but will work side by side with the other permanent Sub-Registrar, the documents registered by both Sub-Registrars being entered in the same returns and registers and indexed in the same sheets.

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

(3) The senior of the two Sub-Registrars shall sign and be designated as Sub-Registrar and the other as Joint Sub-Registrar.

CHAPTER III

(Section 15 of the Act)

SEALS

9. (1) The seal shall always remain in the personal custody of the registering officer.

(2) It shall be used in authenticating-

(a) the certificates endorsed on a registered instrument under section 60 ;

(b) powers-of-attorney attested under section 38 ;

(c) summonses and commissions issued under section 33 and 38 ;

(d) certified copies under section 57 ;

and (e) memoranda and copies forwarded under sections 64 to 67 and under rules 22
153 (1) ;

(f) copies of orders of refusal to register granted under sectiona 71 and 76 ;

(g) copies other than those above referred to granted to parties ;

(h) certificates and lists granted to applicants under rule 135 ;

(i) copies of judgments of Registrars in appeal cases ;

(j) reproduced entries of old registers.

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

CHAPTER IV

(Section 16 and 51 of the Act)

BOOKS AND FORMS

11. (1) The registers shall be in the forms shown in Appendix I.

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

12. (1) A file book shall be maintained in each registration office corresponding with Book I. In this shall be filed-

- (a) copies of maps and plans mentioned in section 21;
- (b) copies and memoranda of registered instruments received under section 64 to 67
- (c) copies of certificate and orders received under section 89 ;
- (d) returns of lands acquired under the Land Acquisition Act ;
- (e) communications received from officers of other departments intimating the cancellation, modification or rectification of transactions evidenced by papers previously filed;
- (f) copies of instruments of collateral security executed under the Land Improvement Loans Act received from Revenue Officers.

(2) A separate file shall also be opened for filing copies and translations presented under sections 19 and 62 of the Act or under rule 16(1). The copies and translations placed in this file shall be connected by cross reference with the entry in the register.

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

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

CHAPTER V
(Section 19 of the Act)
LANGUAGES

15. The following languages shall be deemed to be commonly used in the district of Pondicherry and in sub-districts, name thereunder.

I. English

All Sub-districts of Pondicherry District.

II. Telugu

Sub-districts of Yanam.

III. Tamil

Sub-districts of Pondicherry, Villianur, Bahour, Oulgarel, Karaikal, Neravy and Tirunallar.

IV. Malayalam

Sub-district of Mahe.

16. (1) The stamp-vendor's endorsement on a document shall be considered to be a part of the document, and if it is in a language not understood by the registering officer, the part concerned shall be required to file a translation.

(2) When a power-of-attorney is presented for attestation or when an attested power-of-attorney is produced by an agent with, or in connection with, a document presented for registration and the power-of-attorney is written in a language not commonly used in the district, the registering officer may, if he does not understand the language, demand of the presentant a true translation of the power in English or in a language commonly used in the district.

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

(4) No fee is leviable, for filing a translation, if the power-of-attorney is or has been attested by the registering officer.

CHAPTER VI
(Section 21 and 22 (1) of the Act)
DESCRIPTION OF PROPERTY

17. The description of the "territorial division" required by section 21 of the Act shall, as far as practicable, give the following particulars :-

- (a) the registration district,
- (b) the registration sub-district,

(c) the taluk or commune.

(d) the village, hamlet or suburb in which the property referred to in a registrable document is situated.

18. If property is described in a document by a specific reference to an instrument which has been already registered or of which a true copy has been filed under section 65 or 66 in the office in which the document is presented for registration and if that instrument contains the particulars required by rule 17 and such a description of the property as is required by the rules in force, the description need not be repeated in the document.

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

CHAPTER VII

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

PRESENTATION AND EXAMINATION OF DOCUMENTS

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

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

22.(1) A registering officer having jurisdiction to accept a document for registration at the time of its presentation to him shall complete its registration notwithstanding the fact that the village in which the property affected is situated has been transferred from his jurisdiction subsequent to the presentation of the document but before completion of its registration. But when the document affects immovable property, a memorandum shall be sent, without levy of any fee, to the office to whose jurisdiction the village has been transferred for the purpose of being filed in file book I of that office.

(2). When, however, after refusal to register by a registering officer, the village in question is transferred whilst the document is on appeal or in a suit before a civil court, to the jurisdiction of another Sub-Registrar, the document, if the Registrar or the court orders that it shall be registered, shall be re-presented for registration to the officer to whose sub-district the village has been transferred.

23.(1) A document for registration other than a document forwarded under section 89 of the Act shall be presented in person, with the fee payable therefor, direct to the registering officer and not to a clerk or a peon.

(2) A document referred to in section 88 (2) may be presented through a messenger with a covering letter signed by the Government officer or other person concerned referred to in section 88(1) of the Act.

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

24. Every document shall, before acceptance for registration, be examined by the registering officer to ensure that all the requirements prescribed in the Act and in these rules have been complied with. It there is any informality in presentation of a nature such information as may be necessary and return the fees and the document with a view to the document being presented again in due form. For instance, in cases such as those mentioned below he should explain the defect to the presentant. If the document is presented in the working office; if an agent has come without a power of attorney or without such a power as the Act required ; if the description of the property is either insufficient for purposes of identification or does not fulfil the requirements of rules 17 to 19, if the document is not accompanied by a translation or by copy of a map when such translation or copy is necessary ; if there are unattested interlineations, alterations, erasures or blanks, which the registering officer considers should be attested by the initials or signatures of the executants; if the date of execution is not given in the document, or if it is anterior to the date of purchase of the stamp paper on which the document is written, or if the date is given according to both the British and the Indian calendars and these dates do not tally. The action of the registering officer in this respect shall be confined to advice and he shall not himself alter the document in any way.

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

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

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

28.(1) A document which relates to land situated in a district or portion of a district to which the rules framed by the Government under section 22 (1) of the Act has been made applicable shall, before it is accepted for registration, be checked with the survey numbers and sub-divisions in the subsidiary indexes maintained under rule 120 and also, when necessary with the settlement registers in order that the registering officers may cause incorrect or fictitious numbers entered in the document to be rectified.

(2) If a survey number of a sub-division entered in a document is not found in the subsidiary indexes or settlement registers, the registering officer shall, if necessary, make a reference to the Revenue Department.

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

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

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

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

(2) If the document is chargeable with duty under the Indian Stamp Act, 1809, and is not duly stamped, the registering officer shall impound it under section 33 of that Act and forward it to the Collector, registration being suspended.

(3) Pending orders on such references to a Registrar or prior to sending a document to the Collector, the registering Office may, however, record the admission of the execution and the examination of witnesses, if any.

31. If the executant of a document is in doubt about the proper stamp and consults a registering officer on the subject before formal presentation, the required information may be given without impounding the document. It should be explained to the executant at the same time that if he wishes to obtain an authoritative opinion, he must apply to the Collector under section 31 of the Indian Stamp Act, 1890.

32.If a document is dutiable under the Court Fees Act, 1870, and is unstamped or is insufficiently stamped, it shall be returned to the party presenting it (vide section 6 of that Act) in order that the stamp duty or the deficiency in the stamp may be made good.

MINUTE BOOK

33. Every registering officer shall maintain a "Minute Book" in such manner and as a record good proceedings as the Inspector-General of Registration may, from time to time, prescribe.

CHAPTER VIII **(Sections 25 and 34 of the Act)**

DELAY IN PRESENTATION AND APPEARANCE

34. (1) A registering officer may require that the date of execution shall be entered in a document presented for registration whenever it is not found therein.

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

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

(4) An alteration in the date of execution of a document made ostensibly for the purpose of evading payment of the penalty leviable under section 25 and 34 of the Act shall not be recognized and the document shall be treated as having been executed on the date originally entered therein.

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

35. Application for registration on payment of fines under sections 25 and 34 of the Act shall be in writing but require no stamp. A statement in writing from the party concerned shall be regarded as equivalent to an application under those sections.

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

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

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

(2) The term "registration fee", as used in this rule does not include the fees payable for registration under section 30 or for filing a translation under section 19 of the Act, or fees for copies and memoranda or for attendance at a private residence.

37. When a document is presented for registration in duplicate or triplicate the fine leviable under rule 36 shall be calculated as for one document only.

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

39. (1) Whenever an application under section 25 or section 31 is lodged with a Sub-Registrar, he shall forward, the same whether he considers the reason for delay to be satisfactory or not, for the orders of the Registrar but as laid down in rule 30 (3) there is no objection to his recording the admission of execution on such a document before forwarding the application to the Registrar.

(2) When the District Registrar condones the delay either under section 25(1) or under the proviso to section 31 (1) and directs either the acceptance of the document for registration or its registration, as the case may be, the Sub-Registrar, on receipt of order to that effect from the District Registrar shall make an endorsement on the document above the registration certificate in the following form and close the same with his signature and date :-

"Acceptance for registration admission to registration was directed by the District Registrar of.....in his Order No....., dated.....on payment of the fine of Rs.....for a delay of.....under section 25/section 34 of the Indian Registration Act, 1908 .

Dated :

Signature of the Sub-Registrar."

CHAPTER IX

(Section 31, 33 and 38 of the Act)

ATTENDANCE AT PRIVATE RESIDENCES

40. An application for attendance at a private residence shall be in writing and shall, in all possible case, be signed by the person on whose behalf attendance is required. It need not be stamped.

41. A requisition for attendance at a private residence shall be complied with as early as possible. If compliance would interfere with the regular business of the office or involve the closing of the office and if the case does not fall under the proviso to section 31 of the Act, a commission should, if practicable, be issued. Every such attendance by a Sub-Registrar or under his orders shall be reported to the Registrar within 24 hours.

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

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

(a) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, and

(b) Persons of rank especially exempted by the Government.

(2) a list of persons exempted under clause (b) of sub-rule (1) shall be obtained by the Registrar from the High Court or District Court and communicated to every Sub-Registrar in his district.

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

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

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

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

Left thumb impression of executant.

Full signature of the executant.

Signature of witnesses

Commissioner”.

(2) When a power-of-attorney which has not been executed before a registering officer is presented to him for authentication under the proviso to section 33 of the Act, the registering officer shall, if he attends himself at the private residence of the principle appears in the office behind a purdah and is examined with the help of hammannee, adopt the following form of authentication :-

“No.....of 19”

I certify that I have satisfied myself on examining at.....this.....day of.....
19.....(signature of) A.B, who is gosha lady with the aid of (signature of) C.D. hammannee (with addition) that this power-of-attorney has been voluntarily executed by the said A.B. who purports to be the principal and who is personally known to me (or whose identity has been proved by E.F.) (signature with additional) and G.H. (signature with addition).

Date

Seal

Signature of Registering Officer.”

(3) In authenticating a power-of-attorney which occupies more than one sheet of paper, the seal and the signature of the registering officer shall be affixed to each sheet.

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

(5) Interlineations, etc., in the authentication endorsements, shall be initialled by the registering officer.

48.(1) If a document is presented for registration under a special power-of-attorney, the power shall be retained and filed in the office with the following endorsement :-

“ No.....of 19.....”

Presented with document No.....of 19.....of Book Vol.

Date.

Signature of Registering Officer.”

(2) If a document is presented for registration under a general power-of-attorney, the power shall be returned with the following endorsement :-

“Presented with document No.....Of 19.....
of Book.....Vol.....

Date.

Signature of Registering Officer.”

(3) When a document is presented for registration by a person entitled to present it and execution is admitted by in agent under a power-of-attorney, the following endorsement shall be made on the power, which shall be retained and filed, or returned, according as it is a special or a general power :-

*” No.....of 19”

Presented in connection with document No.....of 19.....of Book Vol.

Date.

Signature of Registering Officer.”

*NOTES :- Number required only in the case of a special power.

49. The endorsements prescribed in rules 47 and 48 shall be written in English or Tamil, Telugu or Malayalam as the case may be.

50. A Power-of-attorney may be brought to a registering officer (i) for authentication or (ii) for registration, or (iii) for both authentication and registration. In the first case, he shall merely make the entry prescribed for authentication : in the second case, he shall register the power in the same manner as any other document; and in the third case, he shall first authenticate the power and then admit it to registration in the usual manner.

51. Although a power-of-attorney may be registered like any other instrument, it is not valid for registration purposes unless authenticated. When a power-of-attorney is brought to a registering officer by a person who does not understand the distinction between authentication and registration, the registering officer should explain the difference to him and give him such information as may be necessary.

52. (1) An abstract in the form printed in Appendix III shall be retained of each power-of-attorney authenticated by a registering officer whether such power is general or special, registered or not registered. The abstract shall be signed by the registering officer, and shall be filed in a separate file with a serial number along with other powers retained under rule 18. The notes of interlineations, blanks, erasures and alterations made by the registering officer on the original power shall be copied verbatim in the abstract.

(2) (a) Each registration office shall maintain a register of all revocations of powers-of-attorney registered in, or communicated to it.

(b) When notice of a revocation is given to a registering officer, he shall send an intimation of the same to such other offices as may be specified by the person revoking the power.

CHAPTER XI

(Section 35 of the Act)

EXAMINATION OF PARTIES

Executing Parties

53. (1) The expression “ A person executing a document “ shall be held to include-

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

(b) any person who endorses a negotiable document ;

(c) any person who signs a document as an executant in token of his assent to the transaction and not merely as a witness even though he may not be described as an executant in the body of the document.

(2) In the case of a document purporting to be executed by an attorney, or by a guardian of a minor, such attorney or guardian or curator shall be held to be a person executing the document for the purposes of sections 32, 34, 35 and 58 of the Act, but for the purposes of section 55, the

principal or minor or idiot or lunatic as well as the attorney or guardian or curator shall be considered to be the executing parties.

ENQUIRY BEFORE REGISTRATION

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

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

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

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

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

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

(2) If the persons already examined as representative have admitted execution and if on the notified day the persons summoned appear and admit execution and if any other person claiming to be a representative or an assign who may appear on that day admits execution, the document shall be registered. Should any representative or assign, of whose right to appear as such the registering

officer is satisfied deny execution or wilfully avoid appearance, the document shall be refused registration in toto.

(3) If on the day fixed for the examination, all the representatives who appear admit execution, or if persons, claiming to be representatives have already appeared and have admitted execution and no representatives appear on the day fixed as aforesaid the document shall be registered as regards the deceased executants. But if some of the representatives admit execution and others deny it, the registration shall, where the registering officer is a Sub-Registrar, be refused. A Registrar in such a case will proceed under section 74 to 76 of the Act.

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

IDENTIFICATION OF PARTIES

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

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

(3) A messenger presenting a document under rule 23(2) shall not be required to prove his identity but shall, unless known personally to the registering officer, be required to sign and affix his thumb impression to the endorsement of presentation.

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

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

63. The signature of every person shall be taken next to his impression in the register of thumb-impressions. The registering officer himself shall in the case of a marksman write the name against the mark. He shall add below each signature or mark his initials and the date on which the impression is taken.

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

65. In the case of a gosha woman who does not appear before a registering officer and whose examination in connection with the registration of a document or the attestation of a power-of-attorney is conducted in the officer through a hammannee, the finger impression shall be taken by the hammannee who shall be clearly instructed as to the process. In this case, the certificate mentioned in rule 61 should be altered as shown below :-

“ Each impression on this page excepting that of which was taken by hammannee under instruction has been affixed in my presence, etc.”

66. (1) A separate register shall be maintained in each registry office for thumb-impressions obtained in connection with the registration of documents at private residence. Neither this register nor the ordinary register of thumb-impressions shall be taken with him by a registering officer when attending at a private residence but thumb-impressions at such residence shall be obtained on separate slips of paper and the slips shall be pasted with initials and date of the registering officer added to them, in the appropriate page in the separate impression book. As a further safeguard, the impressions shall be taken also in the last column of the report of private attendance which is finally lodged in the Registrar's Office. The slip as well as the last column of the report shall contain a certificate in the following form :-

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

(2) In the case of a gosha lady, who does not appear before the registering officer, the words “taken under, my instructions from ” shall be substituted for the words “ affixed in my presence and under my personal supervision by” in this certificate .

CHAPTER XII.

(Sections 36, 37, 38 and 39 of the Act)

ENFORCEMENT OF APPEARANCE OF EXECUTANTS AND WITNESSES

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

CHAPTER XIII

(Sections 40 and 41 of the Act)

WILLS AND AUTHORITIES TO ADOPT

68. When a will or an authority to adopt is presented for registration after the death of the testator or the donor, the registering officer shall fix a day for the enquiry contemplated by section 41(2) of the Act and shall cause notice of the enquiry (a) to be served on the persons to whom in his opinion special notice should be given, (b) to be posted in a conspicuous part of the registration office and (c) to be published (i) in the Gazette of the district in which the testator or donor lived, (ii) in the Gazette of the district in which the property of the deceased is situated and (iii) in the villages where the testator or donor lived, where interested parties may reside and where the property of the deceased is situated. The cost of the service of the notice and of its publication shall be levied in advance from the person who presents the document for registration.

69. If a person presenting a will or an authority to adopt, or a person who objects to the registration of such a document on the ground that it was not executed by the testator or donor or that the testator or donor is not dead or that the same under section 40 of the Act, desires that witnesses should be summoned the request shall be complied with and the procedure prescribed in Chapter XII shall be followed.

70. (1) As each person is examined, his signature shall be obtained on the document below the endorsement of presentation in the following form :-

“The witnesses whose signatures are affixed below have been examined under clause (2) of section 11 of the Indian Registration Act, 1908, in reference to the document :-

E.F. with addition.
G.H. with addition.
I.J. with addition.

Date :

Signature of Registering Officer

K.L. with addition.
M.N. with addition.
O.P. with addition.

Date:

Signature of Registering Officer.

Q.R. with addition.
S.T. with addition.

Date :

Signature of Registering Officer.

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

“ I am satisfied from the evidence of the witnesses whose signatures appear above-

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

(b) that the testator (or donor) is dead.

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

Date

Signature of Registering Officer.

(3) Should the registering officer decide to refuse registration, the usual endorsement of refusal shall be entered on the document.

71. (1) A registering officer when enquiring under section 41 (2) into the execution of a will or of an authority to adopt shall invariably before registering the document or refusing registration prepare and place on record a memorandum in english containing a summary of the evidence and the reasons for registration or refusals as the case may be. A copy of any such memorandum prepared by a Sub-Registrar shall be submitted to the District Registrar forthwith.

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

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

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

74.(1) Wills registered or refused registration in a Sub-Registry Office which remain unclaimed for a period of over two years shall be forwarded to the Registrar`s office for safe custody, a note to that effect being entered against the original entry in the office returns.

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

CHAPTER XIV

(Sections 42 to 46 of the Act)

SEALED COVERS CONTAINING WILLS

75. (1) Every entry made under section 43 of the Act in Book 5 shall be dated and signed by the person by whom the withdrawal is made as well as by the Registrar.

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

77. (1) Wills sent by post to a registering officer are not presented for registration or deposited within the meaning of the Act, and section 42 to 46 are, therefore, inapplicable to them.

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

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

(4) A cover purporting to contain a will which may reach a Sub-Registrar by post shall be returned to the sender or, if the address of the sender is not known, shall be forwarded with full particulars to the Registrar who shall deal with it under sub-rule (2) of this rule.

(5) A register shall be maintained in each Registrar's office showing the sealed covers received, withdrawn and opened from time to time. In it shall also be entered will received by post by the District Registrar and retained in the office under sub-rule (2), wills forwarded by Sub-Registrar under sub-rule (4) and under rule 74(1) and wills registered or refused registration in the Registrar's office and lying unclaimed for over two years.

(6) An officer assuming charge of a Registrar's office, either permanently or temporarily shall compare the sealed covers and wills with the entries in Book 5 and in the register prescribed in sub-rule (5) and shall report to the Inspector-General whether they are correct and whether the covers are preserved properly.

78.(1) When a sealed cover containing a will is opened under section 45 of the Act, the following endorsements shall be made on the will :-

“ Having satisfied myself that the testator hereof is dead, the sealed cover containing this will is opened on the application and in the presence of.....(signature and addition) this day of.....19.

Signature of Registrar.

This will has been copied in Book 3 as No.....of 19.....Volume.....pages.

Date :

Signature of Registrar.

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

“Opened and copied in Book 3 as No.....of 19.....Volume.....Page.....and forwarded to the Court pursuant to the order of the Court, dated.....19.

Seal :

Signature of Registrar.”

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

80. When a citation is issued by a Court to produce or forward a will deposited with the Registrar under section 43, it shall be sent either through a clerk in a sealed cover, provided that no payment of travelling allowance to the clerk is involved, or be forwarded by registered post insured for not less than Rs.1,000 addressed to the Officer presiding over the Court or to the Registrar’s office on the Original Side of the High Court of Judicature, Madras, as the case may be.

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

CHAPTER XV

(Section 52, 58, 59 and 60 of the Act)

ENDORSEMENT AND CERTIFICATES

82. (1) The endorsement prescribed by section 52 and 58 of the Act and the certificate prescribed by section 60 shall be written by the registering officer himself in the form prescribed in Appendix V or as near thereto as circumstances permit, unless he has been specially authorised by the Inspector-General to use an endorsement stamp.

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

(3) The name and addition of a party who is required to sign in the endorsements but who is not able to do so, shall be written by the registering officer himself. Where the addition is entered by

the party himself under sub-rule (2), the registering officer shall satisfy himself that the addition as entered is complete and that it corresponds with the statement made by the party.

(4) The endorsement stamps referred to in sub-rule (1), shall be retained in the personal custody of the registering officer and when not in use shall be kept in a sealed bag. The impressions on documents shall be made, the endorsements and certificates shall be signed, and the blank spaces therein filled in by the registering office in his own hand.

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

84.(1) The District Registrar, the Sub-Registrar stationed at the headquarters of the district and such Sub-Registrars as are specially authorised by the Inspector-General shall write the endorsements and certificates in English whether a document presented for registration be in English or in a language of the Union territory.

(2) All other Sub-Registrars shall endorse English documents in English and documents in the language of the sub-district in that language. When, however, a document written in a language other than that of the sub-district is presented for registration to a Sub-Registrar, conversant with that language the endorsement and certificate shall be in that language.

85. If there is not sufficient blank space in the instrument for the endorsements and certificate, they may be entered on a separate slip or sheet of paper which shall be attached to the document, and a note of the fact shall be made on the document itself and signed by the registering officer.

86. When a document occupies more than one sheet of paper, the number of the document of which the sheet forms a part, the total number of sheets of which the document consists, the number of the sheet and the seal and signature of the registering officer shall be endorsed on each sheet.

87. *"Identified by inspection behind the purdah, by A.B. (Signature with addition) who is her (relationship to be stated) and by C.D. Signature with addition....."*. The entry "identified by" shall be made by the registering officer the signature of witnesses examined for purposes of identification, and the entry "witnesses examined" above the signatures of witnesses who are examined for any other purposes. When an executant is a gosha lady and is examined through a hammamnee, a special form of endorsement as in the margin shall be made by the registering officer and the signature of the hammamnee shall be obtained on the document as a witness after the registering officer has recorded a brief deposition from her with reference to the duty she has performed.

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

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

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

90. (1) When the presentation and the admission of execution of a document are made by an agent under a power-of-attorney, reference to the authority under which the agent acts shall be given in the endorsement of admission of execution, the fact that the presenting party is an agent being entered after his signature below the endorsement of presentation.

(2) The endorsement of presentation made on a document present under rule 23(2) shall mention the number and date of the covering letter with which it is presented and the designation of the Government officer or other person concerned.

91. (1) When the amount of consideration in a document presented for registration is paid before the registering officer, the signatures of the payer and of the payee shall be obtained below the endorsement of payment.

(2) When the consideration is paid before the registering officer in currency notes and any party to the transaction desires that the numbers of the notes shall be noted in the endorsement, the request shall be complied with.

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

92. The certificate of registration shall be added by the registering officer only after the document has been copied and the entry compared.

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

"Duplicate (or triplicate)"

Difference between the original and the duplicate (or triplicate)

Interlineations, blanks, alterations and erasures in this,

Compared by -----	[Reader.
		Examiner.

Date :

Signature of Registering Officer."

A note shall also be entered on the original as regards the number of copies registered with the original.

(2) In entering notes of interlineations, blanks, alterations and erasures on the duplicate and triplicate, the particular letter or work or figure interlined altered or erased shall be specified, e.g. "in line 12, the word 'Currency' interlined": letter 'a' or figure '2' altered, in line 10, the word 'Money' erased and so on. When an erased letter or word cannot be deciphered, the note shall run as follows:-

"A word occurring after ' the ' in line 5 erased".

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

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

(2) Similarly, a document affecting property wholly situate within the areas to which the Indian Registration Act applies but registered as regards a portion only of such property shall bear two distinct endorsements one of registration and the other of refusal.

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

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

“I am satisfied from the evidence adduced in the inquiry held under section 74, of the Registration Act that the document was executed by A.B.

Date :

Signature of Registrar.”

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

CHAPTER XVI

(Sections 52 and 61 of the Act)

RECEIPTS FOR DOCUMENTS AND FOR FEES AND RETURN OF DOCUMENTS

98. (1) A receipt shall be granted for each document presented for registration, for each power-of-attorney presented for authentication and for each sealed cover deposited and for every fees or fines levied by a registering officer.

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

(3) When the fees consists of several items, each item shall be separately entered both in the receipt and in the counterfoil so as to admit of any overcharge being traced. In the case of copying fees, the number of words shall be entered and in the case of mileage, the number of miles.

99. The receipt for a document shall be handed to the person presenting the document or to his nominee, after obtaining in the counterfoil the signature of presentant to the endorsement of nomination, and also the signature of the nominee, if he can write, for the purpose of comparison when the nominee appears to take back the document.

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

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

(3) Corresponding entries and corrections shall be made in the counterfoil.

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

102. In order to obtain delivery of a document the person entitled to claim back the same shall produce the receipt, and the registering officer shall thereupon obtain his signature to the acknowledgment in the counterfoil and return both the document and the receipt after endorsing on the latter the date of its return and initialling this entry. A person entitled to claim back a document who is known to the registering officer may obtain the return of a document by sending the receipt to the registering officer through a messenger with a requisition endorsed on the receipt and signed by himself for the delivery of the document to the messenger. The document may then be handed over to the messenger after his acknowledgment and thumb-impression have been taken in the counterfoil of the receipt being retained in the office and pasted to the counterfoil.

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

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

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

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

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

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

(i) The presentant or his nominee shall sign an endorsement on the counterfoil of the receipt authorizing the return of the document or documents by registered post to an address to be specified and shall deposit therefor (a) the actual cost of postage, the postal registration fee, and the fee for obtaining the acknowledgment of the addressee and (b) a fixed sum or 0-20 P. to meet the incidental charges such as stationery for the covers used.

(ii) The amount paid shall be included in the receipt granted to the party.

(iii) When registration has been completed, the registering officer shall despatch the document or documents in a sealed cover under registered service postage to the address specified and shall note the fact on the counterfoil of the receipt.

(iv) The acknowledgment of the addressee shall be pasted to the counterfoil.

CHAPTER XVII

(Section 52 of the Act)

REGISTER BOOKS

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

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

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

112. (1) With the previous sanction of the Inspector-General, a special volume of Register Book I or of Book 4 in the form of a file book with numbered butts may be opened in any office for the registration of documents of a temporary character and leases, whatever their term, which are prepared on form printed on such paper and in such form as may be approved by the Inspector-General.

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

(3) The copy thus prepared shall be duly examined in the manner in which copies made by hand in the ordinary register books are required to be examined and shall be filed in the file book mentioned in sub-rule(1). When a map or plan is attached to a document, a copy of the map or plan shall be filed in the same file as the document.

(4) After it has been so filed, the registering officer shall authenticate the copy by his signature with date and shall also affix to it the seal of his office. He shall write his signature and affix the seal in such a manner that the signature and the impression of the seal shall appear partly upon the butt and partly on the sheet fasted thereto.

(5) When a copy consists of more than one sheet, each sheet shall be pasted to a separate butt and the registering officer shall endorse on it the number of the sheet and the number of the document of which it forms part and shall affix his signature, with date and the seal of his office to such endorsement in the manner laid down in sub-rule (4), the seal being dispensed with in the case of the sheet on which the authentication seal has already been affixed.

(6) Documents registrable in Book 1 and Book 4 shall be filed in separate file books.

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

(8) Every document accepted for registration under sub-rule (1) shall be numbered in the same series as document copied in the ordinary register books.

(9) When a document is registered under this rule, a note of its registration in the file book shall be entered in the register book in which it would otherwise have been registered thus; "No....., filed in file book, volume....."

(10) The file book shall be kept in the personal custody of the registering officer until they are completely filled when they shall be placed among other completed volumes of register books.

113. No document shall be returned to a party before the entry of it in the register has been

authenticated by the registering officer.

114. (1) On the registration of a document which revokes, or cancels, or rectifies an error in, or modifies the terms of, a document previously registered in the same class of register book or of a return or lands acquired under the Land Acquisition Act or of a document received and filed under section 80 of the Act (vide rule 12 supra), or on the receipt of a communication from a revenue officer or from a court which intimates a similar revocation, cancellation, rectification or modification, a note shall be entered at foot of the entry of the latter document or communication as under :-

document
 “ This----- revokes (cancels, rectifies or modifies)
Communication

document No..... of copied
the document filed at pages volume of Book of File Book “
 the return filed volume File Book I

and at foot of the previous entry or of the document previously registered or filed a note shall be entered as shown below :-

document
 This document has been revoked (cancelled, rectified or
 return

modified) by, document No. _____ of copied at paes volume of Book
the document filed File Book
 the return filed File Book I

(2) When the revocation, cancellation, rectification or modification is of a document relating to immovable property, a corresponding note shall also be entered in Index No.11 and when it relates to the rectification of any particular entered in index I,II,III or IV a note of rectification shall also be entered in the respective index against the particular item rectified.

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

CHAPTER XVII

(Sections 54 to 56 of the Act)

INDEXES

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

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

116. The column "Nature and value of transaction " shall also contain :-

- (a) information regarding the movable property to which a document relates ;
- (b) the share assigned to each part to a partition deed ;
- (c) concise details in the case of a document such as a release, maintenance deed, or rectification deed ; and
- (d) in the case of mortgage the rate of interest, if any, and the term.

119. (1) When a loan order is received with a security bond under sub-section (1) and (3) of section 80 of the Act, the order and the bond shall be indexed as separate documents, although the property specified in both may be the same.

(2) The Registering Officers on registering non-testamentary documents relating to immovable properties situated in cantonments shall forward to cantonment magistrates the necessary information in English in the form prescribed for the purpose.

SUBSIDIARY INDEX

120. In districts and sub-districts to which a rule made by the Government under section 22(1) of the Act is applicable, registering officers shall maintain a subsidiary index to Index No. II in the form printed in Appendix VI in order to show at a glance all transactions affecting each survey number or subdivision.

INDEX TO BOOK 5

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

CHAPTER XIV

(Section 57 of the Act)

SEARCHES

122. Every application to a registering officer for an inspection, a search, or a copy shall be made in writing. Forms for such applications shall be furnished by registration officers free of cost. These applications need not be stamped.

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

124. An application for a search in respect of property situated in more sub-districts than one

or in a village which has been transferred from one sub-district to another may be presented at any of the Sub-Registry Offices in which the property or any portion of it is situated or to which the village is or has been attached. In such cases, the procedure prescribed in rule 125 (2) may be followed if the party so desires.

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

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

(3) When an applicant has paid the prescribed fees for search in indexes of a Sub-Registrar's Office in respect of a document which has been registered in another office or in a book transferred to the Registrar's Office, no further search fee shall be levied when he applied to the other office or to the Registrar for a search or copy of the same document, provided that the applicant produced before that officer the receipt for the fee granted to him by the Sub-Registrar.

126. Fees for searches shall be payable in advance; but in the following cases the fees may be adjusted in the treasury accounts :-

(i) searches for encumbrances-

(a) on property offered as security for loans under the Loans Acts ; and

(b) on property pledged as security for the due performance of their duties by public servants.

NOTE: The term "public servant" in this clause should be interpreted to mean " an officer serving directly under Government" :and

(ii) requisition from a public officer for a certificate of encumbrance in his official capacity.

127. In complying with a requisition from a court which involves a search or the preparation of a copy of any document, the Registering Officer shall forward to the court a memorandum of the fees payable, in view to the amount being remitted by the court.

128. The fees for search shall entitle the applicant to read the entry for the finding of which the fee has been paid or to have it read to him ; but it shall not entitle him to take a copy of the entry. If a search proved fruitless, the fees shall not be refunded, but the applicant may if he so desires, be granted a certificate stating that the entry sought for has not been found in the books.

129. With reference to Note (3) to article 13 of the Table of Registration Fees, a search fee shall not be levied for the grant of copy of a document -

(a) admitted to registration but not transcribed into the register.

(b) presented but not yet admitted to registration ; or

(c) the registration of which has been refused.

130. Only one search fee shall be levied -

- (i) for making a general search in respect of a single document or in respect of acts and encumbrances on one and the same property in two or more offices because of the transfer of a village from one sub-district to another ;
- (ii) for making a general search in respect of one and the same property in the records of an office which was once in existence, was abolished and then revived ;
- (iii) for making search for acts and encumbrances in respect of one and the same property when owing to the splitting up or grouping together of villages, as the result of survey and settlement operations, the search has to be made in the indexes of more than one village.

131. When a search is made in respect of more than one entry or more than one document executed by, or in favor of, one and the same individual, search fees shall be levied separately for each office in which the nominal indexes have to be searched. This rule applied also to a search in the duplicate copies of the nominal indexes of two or more offices filed in a Registrar's office.

132. (1) when an application for a search is presented and the requisite fees have been paid, the registering officer shall enquire whether the applicant will himself make the search or desires that it should be made by the office establishment. When a clerk is deputed to make the search, the name of the clerk deputed shall be noted on the application. As soon as the search is completed, the result or a reference to the certificate of encumbrance showing the result shall be noted on the application by the clerk, and signed by him.

(2) Whenever an entry found on search is read out to an applicant under rule 128, a note shall be made on the application to the effect that this has been done and when the applicant does not require a copy of such entry, this fact shall also be noted on the application and the signature of the applicant obtained thereto.

133. All inspections and searches of books and indexes shall take place in the presence of the registering officer-

134. A copy of an entry shall not be made from any book until the registering officer has scrutinized the entry generally.

CERTIFICATES OF ENCUMBRANCE

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

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

137. A certificate of encumbrance granted by a Registrar or by a 'Sub-Registrar shall be in the language in which the indexes of his office are prepared. If the indexes are not in English but the

party requires the certificate to be prepared in English, the request may be complied with.

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

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

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

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

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

(2) The notes furnished by parties containing the results of searches conducted by themselves and the duplicate of the certificates received from other offices under rule 139 shall be filed with the office copy of the encumbrance certificate concerned.

PRODUCTION OF REGISTER BOOKS IN COURT

142. When a requisition is received from a Court for the production of a register book other than Book 3 or Book 4 or a register of thumb-impressions, the registering officer shall ascertain whether it is absolutely necessary that the book itself should be produced or whether a certified copy of the entry required in evidence will not suffice. When it is absolutely necessary to produce the book itself, or when the requisition is for the production of Register Book 3 or Register Book 1, or a register of thumb-impressions, the book shall be forwarded in a sealed packet, through a clerk with instructions to bring the packet back to the office unless the Court considers its detention to be necessary. When a copy is forwarded to Court, it shall be sent in a sealed cover addressed by name to the officer presiding over the Court.

CHAPTER XX

(Section 63 of the Act)

RECORD OF SUBSTANCE OF STATEMENTS

143. Evidence required by a registering officer shall be taken by himself or by some one appointed under a commission.

144. The oath or affirmation to be made before a registering officer by a deponent shall, at his option, be in any of the following forms :-

A

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

B

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

C

"I affirm that what I shall state shall be the truth, the whole truth, and nothing but the truth."

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

- (a) when execution is denied ;
 - (b) when a person admitting execution refuses to sign the endorsement ;
 - (c) when a person admits execution on protest or with reservation ;
 - (d) when an enquiry is held as to the alleged death of an executing party ;
 - (e) when an enquiry is held as to the right of a person to appear as the executor, administrator, or heir of a deceased person, or as the guardian of an infant or as the curator of an idiot or a lunatic;
 - (f) when any person is examined as to the age of a party who appears to be a minor or as to the sanity of a party who appears to be an idiot or a lunatic;
 - (g) when an explanation is taken regarding the cause of delay in the presentation of document or in the appearance of parties ;
 - (h) when the addition of any person, or the description of a property has to be ascertained owing to the addition or the description not appearing either in the document or in the endorsement ;
 - (i) when an enquiry is held under section 41(2) of the Act in respect of will or an authority to adopt presented for registration after the death of the testator or the donor, as the case may be;
 - (j) when an enquiry is held under section 74 as to the fact of the execution of a document ;
- and
- (k) generally in all cases in which a record may seem necessary .

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

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

(4) Each witness or party shall be examined separately. The deposition shall usually be recorded in the first person and, when so recorded, the signature of the person who makes it shall be obtained. A certificate shall be appended to each deposition to the effect that it has been read over or interpreted to the deponent and acknowledged by him to be correct. This certificate shall be in English whether the deposition is taken in English or not.

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

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

CHAPTER XXI

(Section 64 of the Act)

TRANSMISSION OF MEMORANDA AND COPIES

146. Memorandum of registered documents required for transmission under the provisions of section 64 to 67 of the Act shall be prepared in the form printed in Appendix VIII.

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

148. The copies and memoranda and translation received in a registration office shall not be given a document number in that office but shall be pasted into file book 1 or in the file of translations, as the case may be, and indexed with reference to the page of the volume in which they are filed.

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

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

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

CHAPTER XXII

(Sections 68 and 69 of the Act)

ERRORS IN REGISTRATION

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

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

(3) In cases in which copies and memoranda under sections 64 to 66 had been forwarded at

the time of registration in the wrong book and in cases in which the forwarding of such copies and memoranda become necessary for rectifying the error, the requisite notice of the error in the former and the requisite copies and memoranda in the later shall be forwarded free of cost.

153.(1) Where by inadvertence a document is registered in a wrong office, the registering officer shall inform the executing and claiming parties of the fact and advise them to apply to the Registrar for a direction under section 68 for its registration afresh in the proper office.

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

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

(4) The registering officer in whose office the document was originally registered, shall in any case forward to the proper office, free of charge, a copy or a memorandum of the document in accordance with the procedure prescribed by sections 61 to 66 and the receiving officer shall file the copy or memorandum in his file book 1.

154. A registering officer will be held liable for any loss to Government which may arise from neglect on his part in the registration of a document, the making of a search or the grant of a copy of document.

155. The Register books, papers, documents, indexes, etc., may, with the approval of the Government, be transferred from one registrations office to another for safe custody. The sealed covers deposited under section 42 of the Act may likewise be transferred from one Registrar's office to another for safe custody.

CHAPTER XXIII

(Sections 71 and 76 of the Act)

REFUSAL TO REGISTER

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

I. Section 19.- That the document is written in a language which the registering officer does not understand and which is not commonly used in the district, and that it is unaccompanied by a true translation and a true copy.

II. Section 20.- That it contains unattested interlineations, blanks, erasures, or alterations which in the opinion of the registering officer, require to be attested.

III. Section 21(1) to (3) and section 22.- That the description of the property is insufficient to identify it or does not contain the information required by rule 19.

IV. Section 21(4).- That the document is unaccompanied by a copy or copies of any map or plan which it contains.

V. Rule 34.- That the date of execution is not stated in the document or that the correct date is not ascertainable.

VI. Sections 23,24,25,26,72,75 and 77.- That it is presented after the prescribed time.

VII. Sections 32,33,40 and 43.- That it is presented by a person who has no right to present it.

VIII. Section 34.- That the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time.

IX . Sections 34 and 43.- That the registering officer is not satisfied as to the identity of a person appearing before him who alleges that he has executed the document.

X. Sections 34 and 40.- That the registering officer is not satisfied as to the right of a person appearing as a representative, assign, or agent.

XI. Section 35.- That execution is denied by any person purporting to be an executing party or by his agent.

NOTE:- When a registering officer is satisfied that an executant is purposely keeping out of the way with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within the prescribed time, registration may be refused, the non-appearance being treated as tantamount to denial of execution.

XII. Section 35.- That the person purporting to have executed the document is a minor, an idiot or a lunatic.

NOTE:- When an executant of a document who is examined under a commission under section 38 of the Act is reported by the Commissioner to be a minor, an idiot or a lunatic, registration may be refused and it is not necessary that the registering officer should personally examine the executant to satisfy himself as to the existence of disqualification.

XIII. Section 35.- That execution is demed by the representative or assign of a deceased person by whom the document purports to have executed.

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

XIV. Section 35 and 41.- That the alleged death of a person by whom the document purports to have been executed has not been proved.

XV. Section 41.- That the registering officer is not satisfied as to the fact of execution in the case of a will or of an authority to adopt presented after the death of the testator or donor.

XVI. Section 25, 34 and 80.- that the prescribed fee or fine has not been paid.

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

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

159. (1) A Sub-Registrar is not authorised by law to refuse to register a document which has been executed by himself or in his own favour or because he is a party interested, remotely or indirectly, in the transaction to which such document relates, nor is he authorised to refuse to authenticate a power-of-attorney granted for the registration of such document but he shall always advise the parties to present such a document or power-of-attorney at some other office. If the document falls within the category of documents mentioned in section 28 of the Act, such other office will be the office of the Registrar of the district who will as provided in the Table of Fees, register such document without charging the usual extra fee under section 30(1) of the Act. If the parties, after being advised as above, insist on the Sub-Registrar's registering a document or authenticating a power in which he

is interested, he shall do so, but shall immediately report the fact for information of the Registrar to whom he is subordinate.

(2) This rule should not be understood as authorizing a registering officer to attest powers-of-attorney executed by himself.

CHAPTER XXIV

(Sections 41(2) and 72 to 76 of the Act)

APPEALS AND ENQUIRIES

160. (1) An appeal under section 72 of the Act or an application under section 73 shall be presented in writing to the Registrar of the District, or to the officer-in-charge of the registrar's office, accompanied by a copy of the refusal order appealed against and the original document in respect of which the order was passed.

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

161. (1) An appeal under section 72 shall be presented either by the appellant or by a certificated pleader duly authorised on his behalf by a vakalat attested in the manner prescribed in the Civil Rules of Practice applicable to Mufassal, Civil Courts or by an agent holding a power-of-attorney authenticated as laid down in section 35 of the Act.

(2) An application under section 73 shall be presented in person by the party or by an agent holding a power-of-attorney authenticated as aforesaid.

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

162. In an enquiry connected with a will or an authority to adopt under section 41(2) of the Act or an appeal under section 72 or an application under section 73 or in an original enquiry under section 74, private vakils or persons not qualified under the Legal practitioners act or the Advocates Act, 1961 shall not be allowed to appear. Such persons are not, however, debarred from acting as agents if authorised by a duly authenticated power-of-attorney.

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

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

165. (1) An applicant in this rule shall mean an appellant under section 72 or party at whose instance an enquiry under section 74 is commenced and shall include subject to provisions of rule 101 also an agent or a vakil.

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

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

(4) Within one week of the date of such publication, the applicant shall pay the process fee necessary, for the issue of notice to the opposite party (hereinafter called the respondent) and for summonses for securing the attendance of witnesses ; provided that the Registrar may extend the time for such payment from time to time on sufficient cause being shown.

(5) If on the date of hearing-

- (a) neither party appears, or
- (b) the applicant does not appear and the respondent appears and contests the registration of the document, or
- (c) the respondent does not appear and it is found that notice has not been served upon him in consequence of the failure of the applicant to pay the requisite fee for such service, the Registrar shall make an order refusing to direct registration of the document ;

Provided that it shall be open to the Registrar to adjourn the enquiry from time to time for sufficient cause.

(6) An order refusing to direct registration under this rule shall be recorded in Book 2.

166. An order on an appeal under section 72 or on an application under section 72 directing or refusing registration shall not be endorsed on the document itself but shall when registration is ordered, be recorded separately and filed in a separate file book, and when registration is refused, be recorded in Book 2. In other case, a brief abstract of the order shall be endorsed on the petition of appeal or application which will be kept with the records of the case.

167. An appeal or application against an order of refusal to register a will presented for registration after the death of the testator may be presented by any executor appointed under the will. The Registrar may, after the perusal of the records connected with the refusal, call for fresh evidence or issue summonses to witnesses or remand the case to the Sub-Registrar for further enquiry.

168. Where a refusal order is based on the ground that the executant is purposely keeping out of the way in order to evade registration or has gone to a distant place and is not likely to return to admit execution and the non-appearance is treated as tantamount to denial of execution, the application may be accepted by a Registrar under section 73, and the fact of execution enquired into as if execution had been specifically denied.

169 (1) All order passed by a Registrar under sections 72, 75 and 76 shall be communicated without delay to the Sub-Registrar concerned.

(2) When the office in which a document is ordered to be registered is different from the office in which its registration was refused, a copy of the order directing registration shall be sent to both office.

CHAPTER XXV

FEES AND FINES

170. It is for the registering officer, who is responsible for levying the fee, to determine in the first instance what fee should be paid. After it has been paid, the presenting party may, if he is dissatisfied, refer the question to the Registrar who shall, if he thinks there has been an overcharge, order the Sub-Registrar to refund any excess. If the decision is adverse to the party he may make a further reference to the Inspector-General.

171. In the event of registration being refused, any fee or fine which may have been levied shall be refunded except fees for commissions, summonses, attendances and travelling allowances where such fees and allowances have been earned. Such refund shall be made out of the permanent advance of the registering officer and a bill in detail for the adjustment of the refund shall be submitted in the usual manner.

172. Every application for the remission or refund of a fine or a fee shall be lodged in the first instance with the registering officer who levies it for submission to the sanctioning authority through the proper channel.

173. The District Registrar may themselves dispose of applications for refund of fees or fines collected in excess or for work not performed by the department.

174. Whether a document is admitted to registration or not, all fees and fines shall be at once brought to account.

175. (1) At stations where there is a treasury and the treasury is open, the collections shall be remitted daily to the treasury :

Provided that a remittance need not be made on any day when the total collections to be remitted do not exceed Rs.5.

(2) At stations where there is no treasury, the fees shall be remitted to the nearest treasury at such intervals as may, from time to time, be prescribed by the Inspector-General.

(3) A remittance to the treasury shall be accompanied by the challan book duly filled up in duplicate in view to one copy of each chalan being returned signed by the Treasury Officer.

CHAPTER XXVI

(Section 83 of the Act)

PROSECUTIONS

176. A Sub-Registrar shall, before instituting a prosecution, forward a full report of the case to the Registrar and obtain his approval to the prosecution. If, however, the circumstances demand immediate prosecution, a report shall be made by the Sub-Register to the Registrar within 24 hours of the institution of the prosecution. A Registrar who institute a prosecution or approval of the institution of a prosecution has been instituted by a Sub-Registrar shall report the fact to the Inspector-General.

CHAPTER XXVII

(Section 88 of the Act)

DOCUMENTS EXECUTED BY GOVERNMENT OFFICERS AND OTHER PUBLIC FUNCTIONARIES.

177. The exemption from personal appearance contemplated by Section 88 of the Act shall be held to apply also to a Government officer who is an ex-official President or Chairman of a local body or an Agent to the Court of Wards.

CHAPTER XXVIII

PRESERVATION OF RECORDS.

178. The following books and files shall be preserved permanently :-

Book 1.- Register of non-testamentary documents relating to immovable property.

Book 2.- Record of reasons for refusal to register.

Book 3.- Register of wills and authorities to adopt.

Book 4.- Miscellaneous Register.

Book 5 .- Register of deposits of wills.

Indexes No.s I,II, III and IV and subsidiary indexes,

Register of thumb-impressions.

File of translations.

File of appeal, orders and judgements and orders of Courts Deposition book.

179. All other books and records shall be preserved or destroyed under such orders as may be issued from time to time by the Inspector-General provided that the disposal of such books and records as are maintained under the Registration Act or the Rules framed thereunder shall be regulated by the rules made by the Inspector-General under the Destruction of Records Act, 1917.

180. (1) In all registration offices, two registers of records shall be maintained, one relating to the permanent records and the other to the temporary records, and in these registers separate pages shall be allotted for each series of books, indexes and other records.

(2) All records in an office shall be brought to account in one or other of these registers according to the instructions issued from time to time as to the classification of records. A record shall not be omitted from its appropriate register on the ground that it has not been completed or has not been bound; for instance, when a volume of register book or a new register of thumb-impressions is brought into use, it shall be entered in the register of permanent records on the day the first document is copied in the volume or the first impression taken; similarly the index of a particular year shall be entered in the record register even though it may, at starting, be maintained in loose sheets.

(3) The date of destruction and the number and date of the order, if any, sanctioning the same shall be noted in the records in the records register against the entry of the record destroyed, each such note being attested and dated by the registering officer.

181. The completed volumes of the undermentioned books belonging to the office of a Sub-Registrar or of a Joint Sub-Registrar situated at the headquarter station of a district may, with the sanction of the Inspector-General, be transferred at the end of each calendar year to the office of the Registrar. The records of a Joint Sub-Registrar may similarly be transferred to the Chief Joint Office:-

(i) Register books 1,2,3 and 4 and the indexes relating thereto.

(ii) Registers of thumb-impressions.

(iii) File books of power-of-attorney.

(iv) File books of translations.

(v) File books of appeal orders and judgments.

(vi) Deposition books.

(vii) Minute books.

182. (1) When a page in a register book shows signs of crumbling of an entry, signs of fading, the page or entry shall, with the previous sanction of the District Registrar, be recopied.

(2) The sheets containing the reproduced entries shall be preserved in a cover under the seal and signature of the registering officer, with a slip pasted over the cover to show its contents.

(3) When an entry is recopied, a note of the fact shall be made at the foot of the entry in the original register. When an entire volume is recopied, a note to that effect shall be entered in red ink on the label on the back of the original volume as well as on the title page; and on the back of the volume containing the reproduced entries a label shall be pasted showing in red ink its contents.

(4) The original shall be faithfully reproduced as it is found in the register and any missing or undecipherable letters, words or figures shall not be filled up by guessing from the context. A note shall be made as regards portions not legible or visible.

(5) The entries as copied shall be compared and authenticated as a true copy by the registering officer with date and seal.

(6) The signature of the clerk who recopies each entry and of the clerk who examines it shall be affixed above the signature of the registering officer authenticating the copy.

(7) Uninitialled interlineations, etc., in the original shall be noted above the signatures of the clerks who copy and compare, and these notes shall be attested by the registering officer.

(8) The interlineations, etc., in the copies of entries shall be noted by the copying clerk and shall be initialled by the registering officer.

CHAPTER XXIX

SYSTEM OF COPYING DOCUMENTS BY PHOTOGRAPHY

183. (1) The copying of documents admitted to registration may be made by means of photograph instead of by hand.

(2) When a document is presented for registration, the registering officer should first see whether it is fit to be accepted for registration with reference to the provisions of the Act, Rules and Standing Orders. In addition, he should satisfy himself that the writing is legible and not faint, or indistinct or unnaturally crowded or in pale blue ink. If it is so badly drawn up as not be capable of being photographed, the parties should be asked to get a fresh deed executed, getting a refund of the value of the stamp, but they should not be compelled to do this if the document is legible. If the Sub-Registrar is in doubt as to whether a document is fit for photography or not, he might send it for opinion to the Photo office established for the purpose. If it has to be accepted in a condition unfit for photography it will then be copied in manuscript.

(3) If there be no objection of any of the above grounds to the acceptance of the document, the presentation endorsement should be written or impressed in black ink on the face of the document in the usual form and presentant's signature taken below it. The registering officer shall then sign the endorsement.

(4) The enquiry prescribed in section 35 shall then be proceeded with and the endorsement and certificate prescribed in section 58 to 60 shall be made from time to time. As soon as registration is completed, the registration certificate should be endorsed and the office seal impressed below it. The registration certificate shall not contain the page and volume.

(5) The indexes shall immediately be prepared.

(6) The document shall be carefully marked with an identification stamp and the number assigned to the document noted on every page.

(7) When all such requirements are satisfied, the document should be sent to the Photo office in a sealed packet accurately weighted and the weight marked on the packet. In order to avoid omission in despatch and receipt, all the documents received for registration shall be sent to the Photo officer on the next day in one packet (and not in separate packets), together with a carbon duplicate list of such documents, the original list being retained by the Sub-Registrar. Care should be taken that the documents are not folded, as folded documents are rather inconvenient for being photographed. The documents should be in a suitable pad as far as possible. With the list should also be sent envelopes duly stamped (together with yellow receipts) and correctly addressed for the documents to be returned by post. All documents or copies which the parties desire to be returned to themselves by post will be so sent direct from the photo office and the sub-Registrars should be careful to note post () in the last column of the list. When the documents are so despatched by post, the white receipt obtained by the Photo office will be forwarded to the Sub-Registrars concerned, who will also watch for the arrival of the yellow receipts.

(8) The officer in charge of the photo office shall, as soon as the packet is received, see whether the seal on the packet is intact and then check weight of the packet marked on it. He will then open the packet, and check the contents with the list, and send an acknowledgment by postcard to the Sub-Registrar ("List), dated contents received exactly as advised"). He will not return the list but will file it in his office.

(9) In case any discrepancy in the contents of the packet when compared with the advice list is noticed, the officer in charge of Photo office should at once refer the matter to the Sub-Registrar who shall account for it without the least delay. If the Sub-Registrar cannot explain and if a document seems to have been lost, then the fullest enquiry must be made at once and report made to the District Registrar immediately.

(10) The officer in charge of the Photo office shall then arrange for the photographing of the documents. A single photo copy of each document shall ordinarily be taken. This number is fixed for ordinary cases of documents which affects property in one sub-district. As regards documents which relates to property situate in more than one district, since no manuscript copy is to be sent under section 65 to 67, extra photo copies shall be sent in their stead. In such a case, the registering officer sending the documents to the Photo office shall note in the duplicate list to be forwarded with the documents the additional number of copies required, and the officer in charge of the Photo office shall prepare so many additional copies. If an application is made to the Sub-Registrar for a copy of any deed before it is sent to the Photo office, requisition for such copy shall also be similarly noted on the list and the copy will be sent with the documents to the Sub-Registrar for a copy of any deed before it is sent to the Photo office, requisition for such copy shall also be similarly noted on the list and the copy will be sent with the documents to the Sub-Registrar or to any other address given. The Photo officer shall affix his signature and seal of all copies of documents photographed in token of the exact correspondence of the copies to the original documents.

(ii) When all the photo copies are ready, the pages of each shall be carefully checked with the original documents which should be restitched before despatch as nearly as possible in the original condition, if it has been necessary to unfasten the pages for photography.

APPENDIX I

(Rule 11)

Book 1.- Register of non-testamentary documents relating to immovable property.

Book 2.- Record of reasons for refusal to register.

(1) No.....of 19..

Stamp.

Date of Document.

Date and hour of presentation.

(2) Name and addition of the presentant, Reasons of refusal.

(Note.- When a document refused registration is, on appeal, ordered to be registered to when the refusal is confirmed, a note of the fact shall be entered at the foot of this column.)

(3) Name and additions of executants.

(4) Names and additions of persons
examined.

(5) Abstract of documents, together with
the names of all claimants and all
attesting witnesses.

Note.- If the document is partially registered, it will suffice to enter under this the number of the document with the volume and page.

Dated 19.....

Signature of the Registering Officer.

Note.- Columns(2) to (5) need not be filled up in the case of refusals by the Registrar in appeal. But the number and year of appeal and the names of the appellant and respondent shall be entered at the top of the column "Reasons for refusal".

Book 3.- Register of wills and authorities to adopt.

Book 4.- Miscellaneous register.

Copy of document, Copy of endorsements and certificate.
Document No. of 19..

Book 5.- Register of deposits of wills.

(1) Number of.....19..

(2) Date and hour of presentation.

(3) Name and addition of testator.

(4) Name and addition of agent, if any.

(5) Superscription on sealed cover.

(6) Number of seals.

(7) Inscription on the seal.

(8) Names and additions of persons
testifying to the identity of the depositor.

Dated

19 .

Signature of the Registrar.

- (9) Date of application to withdraw sealed cover.
- (10) Names and additions of persons testifying to the identity of applicant.
- (11) Date of delivery of sealed cover to applicant.

Signature of applicant.
date.

Signature of Registrar with

- (12) Number of document in Book 3.
- (13) Whether opened after the death of the testator or on requisition from Court.
 - (a) Date of removal to Court.
 - (b) Date of its return, when returned.

APPENDIX II

(Rule 44)

(Commission under section 33 or section 38 of the Indian Registration Act.)

To

X.Y.

Whereas the accompanying power-of-attorney (document), dated the () and purporting to have been executed by A.B. has been presented for attestation (Registration) in this office and whereas it is necessary that it should be ascertained whether it has been voluntarily executed by the son of residing in your sub-district should be examined in

person by whom it purports to have been executed you are hereby requested to take the examination

connection therewith order ofupon the interrogatories hereunto attached and to return this commission with the examination of the said.....to this office on or before the day of.....

Given under my hand and sealed this.....day of 19..
(Seal)

Signature of the Registering Officer.

APPENDIX III

(Rule 52)

Abstract of Power-of-attorney

Consecutive number,	Stamp.	Date of execution.	Date of attestation.
---------------------	--------	--------------------	----------------------

1. of 19 .
2. Name of the principal executing the power with addition.
3. Name of attorney, with addition.
4. Names of persons, if any who identified

- the Principal, with addition .
- 5. Nature of power.
- 6. Notes of Interlineations, etc., under rule 52.
- 7. How attested :

On the execution of the power before the registering officer.
On the registering officer`s personal examination.

- 8. If also registered :

On the Commissioner`s report.
Registered as No.....of 19 of Book
Vol.....pp.

Note.- When a power is attested and registered at the same time, column 4 to 6 need not be filled up.

Office

Dated

19...

Signature of Registering Officer.

APPENDIX IV

(Rule 60)

Register of Thumb-impressions

Signature and impression of the left thumb of the executant of document with date and initials of the registering officer.

Number, book and year of document

Signature and impression of the left thumb of the executant of document with date and initial of the registering officer

Number, book and year of document

(1)

(2)

(1)

(2)

*Note.- When an impression has been obtained from a person other than the executant or when a finger other than the left thumb has been used in affixing impression, the fact should be noted under the impression. Each impression on this page has been affixed in my presence and under my supervision by the person whose name is entered next to it.

Dated

19..

Signature of Registering Officer.

APPENDIX V

(Rule 82)

Sample forms of endorsements and certificate under sections 52,58,59 and 60 of the Registration Act. (Section 52)

Presented in the office of the (Sub) Registrar of.....and fee of Rs..... paid between the hours of.....and.....on the 19...by.

Signature A.B.

Executant or his representative or assign of such executant or representative or assign or claimant or his representtive or assign or the agent of such claimant or representative or assign).

Date

19.

Signature of Registering Officer.

Note.- (1) When a document is presented for registration at a private residence, the words “at the private residence of.....in village (or at No.....street)” shall be substituted for the words “ in the office of the (Sub) Registrar of..... ”

(2) When a document refused registration by a Sub-Registrar but ordered to be registered by the Registrar or the Court on appeal or suit is represented to a registering officer for registration, the words “ presented again in the office of the Sub-Registrar of.....under the order of the Registrar of passed in Appeal Noof.....and fee decree Court Suit of Rs.....paid between the hours of shall be substituted for words “Presented in the office of the (Sub) Registrar of.....and fee of Rs..... paid” between the hours of.....andon the.....19 by

(3) When a document is presented by a messenger under rule 23(2), the following endorsement shall be made thereon :-

Presented in the office of the (Sub) Registrar of.....and fee of Rs..... paid between the hours ofand.....on from.....by.....

Left thumb-impresion and signature.

(Section 58)

Execution (and receipt of Rs.....being consideration in whole or in part) admitted bySignature C.D. with addition

Known personally to the (Sub) Registrar.
(Impresion) left thumb.

Signature E.F. with addition representative or assign of GH (Impresion) left middle finger.

Signature A.B. with addition (agent of I.J. under a general (or special) power-of-attorney, dated and authenticated by the Sub-Registrar of

Identified by

Signature M.N. with addition.

Signature O.P. with addition.

Witness examined.

Signature W.X (Hammannee) with addition.

Rupees.....were paid (or jewels described in the instrument were delivered) in my presence by.....to.....

Signature of payer (or deliverer).
Signature of payee (or recipient).
Signature of Registering Officer.

Dated :

Note.- (1) When executant, C.D. admits execution of the document but declines to affix his signature thereto the words "Execution admitted by C.D. (with addition) who however declines to affix his signature to the endorsement" shall be substituted for "Execution admitted by" "Signature C.D. with addition".

(2) When execution is admitted at a private residence the words " at the private residence of.....invillage (or at No.Street)" shall be inserted between the words "admitted" and "by".

(Section 60)

Registered as No..... of 19.....of book....., volume, page,

Date (Seal) Signature of Registering Officer.

(When registration is partially effected in the first instance.)

Registered as No.....of 19.....of book....., volume, page, as regards E.F. (or as regards property to be described in brief).

Date (Seal) Signature of Registering Officer.

Registration refused as regards G.H. (with addition) or as regards property (to be described in brief).

Date Signature of Registering Officer.

(When a document refused registration by a registering officer registered under the orders of the Registrar or of the Court.)

Registered as No.....of 19..... of book....., volume page.....as regards G.H. (with addition).

Date (Seal) Signature of Registering Officer.

APPENDIX VI

(Rule 116)

Index No. I

19 ,

Name of		Addition	Village or place where property is situated	Office of original registration.	Volume	First page of entry	Number of document
Executant,	Claimant						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Index No. II
19

Village or place in which property is situated.	Name and description of property.	Execution.	Presentation.	Registration.	Nature and value of transaction.	Name of Executants	Name of Claimants	Office of original registration	Volume.	First page of entry.	Number of document.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Subsidiary Index

(Rule 120)

Survey number and Sub-division.	Number and year of documents registered
1	
2-A	
2-B	
3	
4-A1	
4-A2	

Index No. III and IV

(Rule 116)

Name of Executant.	Name of Claimant	Addition.	Volume.	First page of entry	number of document
(1)	(2)	(3)	(4)	(5)	(6)

APPENDIX VII

(Rule 135 and 136)

Certificate of Encumbrance on Property.

Certificate No. of 19 ,
Application No. of 19 ,

having applied to me for a certificate giving particulars of registered acts and encumbrances, if any, in respect of undermentioned property :-

(To be stated and described as given in the applicaion)

I hereby certify that a search has been made in Book 1 and in the indexes relating thereto for.....years from the day of.....19.....to the.....day of.....19..... for acts and encumbrances affecting the said property and that on such search the following acts and encumbrancer appear :-

Serial number	Description of property.	Date of execution	Nature and Value of document .	Names of parties		Reference to document entry		
				Executants.	Claimants.	Volume.	Page.	Number and year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(a) Enter the description as given in the document found.

(b) (1) In the case of a mortgage-deed, enter rate of interest and period of payment, if stated therein.

(2) In the case of leases, enter term of lease and annual rental.

I also certify that save the aforesaid acts and encumbrances no other acts and encumbrances affecting the said property have been found.

Search made and certificate prepared by (signature)

(Designation)

Search verified and certificate examined by (signature)

(Designation)

Signature of Registering officer.

(Seal)

Office :

Dated: 19....

NOTE:- (1) The acts and encumbrances shown in the certificate are those discovered with reference to the description of properties furnished by the applicant. If the same properties have been described in registered documents in a manner different from the way in which the applicant has described them, transactions evidenced by such documents will not be included in the certificate.

(2) Under section 57 of the Registration Act and Rule 132 (1) persons desiring to inspect entries in the registers and indexes, or requiring copies thereof, or requiring certificates of encumbrances on specified properties should make the search themselves, when the registers and indexes will be placed before them on payment of the prescribed fees.

(a) But, as in the present case, the applicant has not undertaken the search himself, the requisite search has been made as carefully as possible by the office, but the department will not, on any account, hold itself responsible for any errors in the results of the search embodied in the certificate.

(b) And, as in the present case, the applicant has made the requisite search himself and as the acts and encumbrances discovered by him are shown in the certificate after verification, the department will not, on any account, held itself responsible for the omissions in it of any other acts and encumbrances affecting the said properties not discovered by the applicant.

Nil certificate of encumbrance on property.

Certificate No.. of 19 .

Application No. of 19 .

having applied to me for a certificate giving particulars of registered acts and encumbrances, if any, in respect of undermentioned property :-

(To be stated and described as given in the application)

I hereby certify that a search has been made in Book 1 and in the indexes relating thereto for..... years from the day of19.. to the.....day of19..... for acts and encumbrances affecting the said property and that on such search no act or encumbrances affecting the said property has been found.

Search made and certificate prepared by

Signature ;

Designation:

(Seal)

Search verified and certificate examined by

Signature:

Signature of Registering Officer

Designation:

NOTE:- (1) If the properties have been described in registered documents in a manner different from the way in which the applicant has described them in the application, the transaction evidenced by such documents will not be included in the certificate.

(2) Under section 57 of the Registration Act and Rule 132(1), persons desiring to inspect entries in the registers and indexes, or requiring copies thereof, or certificate of encumbrances on specified properties should make the search themselves, when the registers and indexes will be placed before them on payment of the prescribed fees.

(a) But, as in the present case, the applicant has not undertaken the search himself, the requisite search has been made as carefully as possible by the office; but the department will not, on any account, hold itself responsible for any errors in the results of the search embodied in this certificate.

(b) And, as in the present case, the applicant has made the requisite search himself and as its result is shown in the certificate after verification, the department will not, on any account hold it self responsible for the omissions in it of any act and encumbrances affecting the said property, not discovered by the applicant.

Certificate showing list of documents executed by or in favour of a person

Certificate No. of 19 .
Application No. of 19 .

having applied to me for a certificate giving particulars of registered documents executed by or in favour of

I hereby certify that a search has been made for such documents in Books 1, 3 and 4 and in the indexes relating thereto for years from the day of 19 to the day of 19 and that on such search the following appear :-

Serial number	Name of village in which the property affected by the document is situated	Date of execution	Nature and value of document	Name of parties			Reference to document entry		
				Executant	Claimant	Book	Volume	Page	Number year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

I also certify that save the aforesaid documents, no others have been found. Documents registered in Book 3 or Book 4, copies of which the applicant is not entitled to obtain under the provisions of section 57 of the Indian Registration Act, are not covered by this certificate.

Search made and certificate prepared by (signature)

(Designation)

Seal

Search verified and certificate examined by (signature)

(Designation)

Dated 19 .

Signature of Registering Officer

NOTE.- (1) The documents shown in the certificate are those discovered with reference to the description of the person of the person furnished by the applicant. If the name has been described in registered documents in a manner different from the way in which the applicant has described it, transactions evidenced by such documents will not be included in the certificate.

(2) Under section 57 of the Registration Act and Rule 132(1) persons desiring to inspect entries in the registers and indexes or requiring copies thereof, or requiring certificates showing list of documents executed by or in favour of a person should make the search themselves, when the registers and indexes, except Books Nos. 3 and 4 and the indexes relating thereto will be place before them on payment of the prescribed fees.

(a) But, as in the present case, the applicant has not undertaken the search himself, the requisite search had been made as carefully as possible by the office; but the department will not on any account hold itself responsible for any errors in the result of the search embodied on this certificate.

(b) And, as in the present case, the requisite search for entries in Books 3 and 4 has been made by the registering officer as carefully as possible and by the applicant himself in regard to entries relating to Book 1 and as documents so discovered are shown in the certificate after verification, the department of the search embodied in this certificate.

APPENDIX VIII

(Rule 146)

(Memorandum under section 64,65,66 and 67)

	Volume	Page	Number and year of document.
1. Office of original registration.			
2. Previous registration.			
3. Date of preparation			
4. Date of registration.			
5. Names and addition of executants.			
6. Names and addition of claimants.			
7. Nature and value of transaction			
8. Village or place and sub-district in which property is situated and the name and description * of property			

Prepared by Signature.

Examined by Signature/Signature

Designation.
 Designation (Examiner)
 Designation (Reader).

Date

(Seal)

Signature of Registering Officer.

NOTE:- A detailed description of property lying in a sub-district, other than that to which memorandum is sent need not be entered in column 9, but instead, the names of the villages in which the properties of those sub-district are situate shall be shown separately.

(Rule 135 and 136)

GOVERNMENT OF PONDICHERRY

(Revenue Department)

NOTIFICATION

G.S.R.- In exercise of the powers conferred by section 78 of the Indian Registration Act, 1908 (Central Act 16 of 1908), the Lieutenant Governor, Pondicherry, hereby fixes the following fees as specified in the Table below for the purposes of the said Act, namely :-

Table of Fees.

1. (a) Registration of documents in Books 1 and 4 -

	Rs.	P.
(1) When the value does not exceed Rs. 50	1 00
(2) When the value exceeds Rs.50 but does not exceed Rs.200	1 50
(3) When the value exceeds Rs.100 but does not exceed Rs.200	2 25
(4) When the value exceeds Rs.200 but does not exceed Rs.300	3 00
(5) When the value exceeds Rs.300 but does not exceed Rs.400	3 75
(6) When the value exceeds Rs.400 but does not exceed Rs.500	4 50
(7) When the value exceeds Rs.500 but does not exceed Rs.600	5 25
(8) When the value exceeds Rs.600 but does not exceed Rs.750	7 50
(9) When the value exceeds Rs.750 but does not exceed Rs.1,000	10 00
(10) When the value exceeds Rs.1,00 but does not exceed Rs.5,000 for the first Rs.1,000 as under sub-clause (9) and for every Rs.500 or part thereof in excess of Rs.1,000.	2 50
(11) When the value exceeds Rs.5,000 for the first Rs.5,000 as under clause (10) and for every Rs.1,000 or part thereof in excess of Rs.5,000	...	5 00
(12) For the registration of power-of-attorney	5 00

(b) The consideration expressed in a document shall generally be taken to be its value for determining the registration fee. Where no consideration is expressed, the value of the property dealt with as shown in the document shall be taken.

(c) The provisions of sections 5,6,,20,21,23 and 25 of the Indian Stamp Act II of 1899 shall, *mutatis Mutandis*, apply to calculations of value for the purpose of determining the registration fee.

(d) In the case of agreements to render service for hire, or toilet movable property for hire the value of the document shall not be taken at a higher amount than the hire for one year.

(e) In the cases of leases the value shall be taken.-

(1) at the total rent for the whole term when the lease is for one year or less;

(2) at the average annual rent when the lease is for periods exceeding one year;

(3) at one-fifth of the whole amount of rents payable for the first fifty years when the lease is perpetual. When a fine or premium is paid or is made payable, or money is advanced, that amount also should be added to the value. When a lessee undertakes to pay assessment, quit-rent, etc, in addition to the rent, the said payment should also be added to the rental value. If the rent is payable in kind and its money value is not specified in the lease, its value shall be taken to be the highest amount which the stamp borne by the document shall suffice to cover. If the document is exempt from stamp duty, the money value of the produce rent shall be calculated at the current market rates ; and

(4) in the case of kanom deed, fee shall be levied on the total consideration, viz., the aggregate of the amount consisting of the advance the premium or the present called "Manusham" in Mahe, the annual rent reserved and the ascertained amount of compensation, if any, for improvements.

(f) In the case of deeds of partition, the value of the separated share or shares on which stamp duty is payable shall be taken as the value or consideration.

(g) In the case of document in which the transaction is not susceptible of money valuation the fee leviable is Rs.20 (rupees twenty only).

(gg) Documents evidencing marriage agreements should be treated as not susceptible of money valuation and charged with fees under Article 1(g) of the Table of fees.

NOTES.- In the case of documents evidencing petty transactions, incapable of valuation, the Inspector-General may, if he considers that the levy of a fee of Rs.20 would be productive of hardship, authorize registered officers to levy a lower fee which however, shall not be less than one rupee.

(h) The registration fee leviable upon a document purporting to give a collateral or auxiliary or additional or substituted security or security by way of further assurance, where the principal or primary mortgage is proved to the satisfaction of the registering officer to have duly registered shall be the same as for the principal or primary mortgage if the same does not exceed Rs.7.50 otherwise it shall be Rs.7.50.

(i) The registration fee leviable upon a document acknowledging receipt of payment of consideration on account of any previously registered document and upon any receipt acknowledging payment of a debt or rent due under a previously registered document shall be ad-valorem as prescribed in Article (a) subject to the a maximum of Rs. 7.50.

(j) When a duplicate of counterpart of a document is presented for registration on the same day as the original document, the registration fee for such duplicate or counterpart shall, if the original document be also registered, be-

(1) for each duplicate a fixed fee of Rs. 3.50.

(2) for the counterpart, the rate prescribed for certified copies, provided that if the rate of Rs.3 or the copying fee is higher than the ordinary fee for registration, the latter shall be charged.

(k) (i) No registration fee shall be leviable upon a mortgage deed executed by a person in the service of the State Government for accruing the repayment of an advance received by him from the Government for the purpose of-

(1) constructing, purchasing or repairing a dwelling house for his own use ; or

(2) repaying a loan contracted by him earlier for purchasing a dwelling house for his own use. Provided that sub-clause 1(a) or sub-clause 1(a) (2) of clause (k) shall apply to an advance received from the State Government for repaying an earlier loan only if the application for such advance is made before the expiry of a period of five years from the date on which the earlier loan was contracted.

(ii) No registration fee shall be leviable in respect of the deeds of gift executed in favour of the Government by persons who donate lands for providing elementary and basic schools with agricultural farms.

(iii) No registration fee shall be leviable in respect of the deed constituting a trust of the properties belonging to Sri Aurobindo Ashram, Pondicherry, and of the deed constituting a board of trustees both executed by the Mother Sri Aurobindo Ashram, Pondicherry.

(iv) No registration fee shall be payable in respect of the instruments relating to transfer of immovable properties belonging to foreign missions in India in favour of Indian churches.

(l) Besides the fee payable under the foregoing provisions there shall be paid for the registration of each document.

(i) A fixed fee of Rs.0-50 Paise (paise fifty only) for comparing the copy of a document entered in the register book or filed under Rule 119.

(ii) A fixed fee of Rs.0-50 (paise fifty only) for copying in the register book or in the copy to be filed under Rule 112 the endorsements made on the document of the registering officer.

(iii) An extra copying fee at the rate prescribed in Article 14(1) infra for copying in the register books the words in excess of the first 800 words in the document.

NOTE:- In respect of documents registered under Rule 112 the fee leviable under sub-clause (iii) shall be levied on the number of words in excess of the first 800 words to be copied in manuscript.

2. Filling a translation (Section 19)-

An extra fee of	Rs.2.00
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3. Registration by a District Registrar under section 30(1) unless the document is registered in consequence of the Sub-Registrar being a party interested in the transaction to which such document relates-

Extra fee of	Rs15.00
--------------	-----	-----	-----	----	---------

NOTE:- No additional extra fee shall be levied for the registration of a counterpart or a duplicate of a document in respect of which the extra fee has been paid if such counterpart, or duplicate is presented for registration on the same day as the original document, when the original document is also registered.

4. Memorandum under section 64,65,66 and 67-

For each copy required	Rs.1.00
------------------------	-----	-----	-----	---------

5.Registration of wills and authorities to adopt (Book 3)-

- (1) Opening a sealed cover and entering the contents in the register.....Rs.10.00 plus copying fee at the prescribed rate and the extra fees as prescribed in clause (i) of article 1 (I).
- (2) Will or authority to adopt, presented open.....Rs.30.00

Provided that in the case of wills in which the value of the property dealt with is mentioned and that value does not exceed Rs.5000 the registration fee shall be as per ad-valorem scale in articles 1(a).

(3) Besides the fee payable under clause (2), there shall be paid for the registration of a will or an authority to adopt presented open, an extra fee as prescribed in clauses (i), (ii) and (iii) of articles 1 (I).

6. Sealed covers (Book 5)-

- | | | |
|--|-----|-----------|
| (1) Deposit of a sealed cover purporting to contain a will | ... | Rs. 20.00 |
| (2) Withdrawal of any such sealed cover | ... | Rs. 5.00 |

7. Attesting power-of-attorney-

- | | | | | |
|-------------------|-----|-----|-----|----------|
| (1) Special power | ... | ... | ... | Rs 1.00 |
| (2) General power | ... | ... | ... | Rs. 2.00 |

Note.-(1) A single fee shall be levied for the attestation of a power-of-attorney whatever may be the number of signatories to it, provided that all of them appear simultaneously for examination. Where they do not so appear, a separate fee shall be levied for each set of persons appearing at the same time.

(2) The duplicate or the triplicate of a power-of-attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon.

8. Issue of commission or attendance at a private residence or jail.-

- (1) For every attendance at a private residence-

(a) for the registration of one or more documents executed by one and the same individual, or.

(b) for the acceptance for registration of one or more documents executed in favour of one and the same individual, or for the acceptance for deposit of a will executed by an individual, or.

(c) for the attestation of one or more powers of attorney executed by one and the same individual, or

(d) for the examination of one and the same individual under section 33 and 38, there shall be paid, besides travelling allowance, an extra fee of Rs.25 if the individual, on whose behalf commission is issued or attendance is made at a private residence, is a man or Rs.20 if such individual is a woman.

- (2) For attendance at a jail-

- (a) for registration of one or more documents executed by a person confined in a jail, or
- (b) for acceptance of one or more documents executed in his favour or for acceptance for deposit of a will executed by him or
- (c) for attestation of one or more power-of-attorney executed by such person, or
- (d) for examination of such person under section 33 and 38, the fee to be paid, besides travelling allowance, shall be Rs.10.
- (3) For the service of a female , if required, a further fee of Rs.5 shall be paid;

Provided that where two or more persons who are parties to the same document and who are entitled to exemption from attending the registration office reside together, or when two or more persons who are parties to the same document are confined so far as those persons are concerned. In that event, each such person shall be entitled to present for registration or attestation attorney or to admit execution of any number of documents presented for registration, or to deposit a will without payment of any further attendance fee.

Note.-A Registrar may, in his discretion, remit the fees under clauses (1), (2) and (3) when it appeals to him that either exaction would be productive of hardship or if he is satisfied on enquiry, that any particular case is one of poverty (combined with real purdanashin gosha).

9. No fee will be levied for the safe custody of a document or a power-of-attorney which remains unclaimed for 15 days after the registration of the document is affected or refused or after the power-of-attorney is attested but for every 15 days or part thereof after such first period calculated from the date on which the document or power-of-attorney as the case may be, is ready for delivery, a fee of fifty paise shall be levied provided that a maximum fee leviable under the article shall not exceed Rs.5.

Note.- A Registrar is empowered in his discretion to remit, in whole or in part, fees leviable under this article by himself or by registering officers subordinate to him in cases in which it appears to him that their exaction would be productive of injustice of hardship.

10. The fees for serving summons issued and for the remuneration of executants and witnesses summoned under section 36 of the Indian Registration Act, 1908, shall be regulated according to the scale prescribed for small Cause suits. The fees for processes issued by Registrars under section 75 shall be levied, according to the scale in force in the principal Court of Original Civil Jurisdiction.

11. (1) For proceeding to and returning from a private residence of a jail, a registering officer may levy actual travelling expenses for himself as well as for a peon when the latter accompanies him.

(2) For journeys by railway, such actual travelling expenses shall not exceed the fare of the class to which the registering officer is entitled under the "Travelling Allowance Rules" and in the case of a peon, the fare of the lower class.

(3) for journeys by road, actual travelling expenses shall be subject to the undermentioned minimum and maximum :-

Officer.		Minimum. Rs. P	Maximum Rs. P
District Registrar	...	2. 50	1.25 a mile.
Sub-Registrar	...	1.50	0. 75 "

(4) In cases where daily allowance is admissible under the Travelling Allowance Rules, such allowance shall also be levied both for the registering officer and for the peon accompanying him.

(5) No travelling allowance shall be levied when the registering officer performs the journey in respect of the whole distance in a conveyance provided by the party.

(6) When a registering officer attends at the same time at two or more residence in the same village, the amount of travelling allowance to be levied from all the applicants shall be as for a single journey and shall be recovered in equal shares from the several applicants.

12. Any person deputed by a Registrar or Sub-Registrar to make an examination at a private residence shall be allowed travel.

13. (1) Search for or inspection of a single entry or document-

	Rs.	P
For the first year in the books of which search is made, for each entry or document ...	2	00
For every other year in the books of which search is continued for each entry or document ...	1	00

(2) General search for or inspection of any number of entries or documents relating to one and the same property, or executed by or in favour of one and the same individual-

	Rs.	P
For the first year in the books of which search in made ...	4	00
For every other year in the books of which search is continued ...	1	50

Provided (1) that a fixed fee of Rs.2 only shall be charged without reference to the number of years in the books of which search is made, when a general search is made on the application of a public officer with a view to granting an encumbrance certificate (a) in respect of property offered as security by a public servant for the due performance of his duties and (b) to test the property qualification required of an extra departmental postmaster whether at the time of his appointment or subsequently.

(2) that, when a general search is made on the application of a public officer, no fee shall be charged in respect of encumbrance certificate granted in connection with the grant of loans by the Government under Agriculturists Loans Act, 1884 (XII of 1884).

Note.- (1) For the purpose of clause (2) of article 13 of the table of fees, the determination of "one and the same property" shall be with reference to the ownership at the time of the application for a certificate of encumbrance, but the following may in each case be treated as one and the same property :-

- (i) A single survey field or a house, owned by more than one person ;
- (ii) lands used for wet and dry cultivation situated in the same village and owned by one person or jointly by two or more persons, whether the parcels be contiguous to one another or not;
- (iii) a field or a garden and the house situated in it ; and

(iv) buildings or houses described as being situated within the same four boundaries and forming together one property.

(2) Every application for the continuance of a search made after one week from the date of completion of that search will be treated as a fresh application and the higher fees of Rs.2 and Rs.4 respectively, will be charged for the first year in the books of which the search is desired to be continued.

(3) Every application for the grant of a certified copy unless made at the time of registration of a document shall be considered as an application for search and charged accordingly provided, however, that a second search fee shall not be levied for granting copies of entries found in the course of a single or general search for which proper search fees had been levied if the applicant mentions in the application the number and year of the entry, the names of parties and the nature of the document.

(4) The Inspector-General of Registration may, in his discretion, remit in part the fee leviable under this article when it appears to him that the exaction of full fee would be productive of hardship

14. Making or granting copies of reasons, entries or documents, for the benefit of any person or for transmission to any office-

	Rs. P
(1) in English or in the language of the registration sub-district- Every 100 words or fraction thereof	... 0 25
(2) In any other vernacular- Every 100 words or portion of 100 words	... 0 30

Note.- In reckoning the number of words, every figure, initial or abbreviation shall count as a word.

(3) In the case of copies of maps or plans, a reasonable fee to be specially fixed by the registering officer ;

(a) Provided that when there is present in the registration office a clerk conversant with a vernacular language referred to in clause (2) of this rule, the charge for copies of documents in such vernacular language shall be the same as that prescribed by clause (1).

(b) Provided also that in calculating the charge to be made for copies of entries or documents at the rates prescribed, it shall not be necessary, unless the applicant challenges the accuracy of the charge made, actually to count the number of words in such entries or documents, but the charge may be made on a reasonable estimate framed by the registering officer of the number of words which the entries or documents are considered to contain.

Note.- Government officer who may require to search the registers or to take copies of entries for bonafide public purpose shall be permitted to do so without payment of any fee.

(4) When a copy is printed at the expenses of an applicant or when an applicant presents a printed copy of a document already registered and applied for a certified copy of the same, only the portion added in manuscript in the certified copy shall be charged for, at the ordinary rates for copying, and, in addition, a fixed fee of 25 Paise shall be levied for comparing and certifying each copy.

15. In addition to the fees payable under Articles 13 and 14, a fixed fee of 25 Paise shall be charged in respect of every application made to a registering officer for an inspection, a search, or a copy or extract, of any document on record in a registration office.

16. A fixed fee for Rs.25 shall be levied-

(a) for the presentation of each appeal under section 72 or application under section 73 against the orders of a Sub-registrar refusing to register a document ;

(b) for an enquiry under section 74 ;

(c) for an enquiry by a sub-register invested with the powers of a registrar under the second proviso to sub-section (3) of section 35, in respect of documents, the execution of which is denied ;

(d) for an enquiry under rule 58 of the rules made under the Indian Registration Act, 1908 ; and

(e) for an enquiry under rule 68 of the rules made under the Indian Registration Act, 1908; and

17. (1) A fixed fee of Re.1 shall be levied in respect of the following :-

(a) for each application made to a sub-registrar under section 25(2) and 34(4) ;

(b) for each application made to a registering officer under section 36 for enforcing the appearance of executants and witnesses ;

(c) for filing a translation of a power-of-attorney produced by an agent with or in connexion with a document presented for registration when the power-of-attorney is written in a language not commonly used in the district-Rule 16(2) ;

(d) for filing a special power-of-attorney produced with or in connexion with a document presented for registration -Rules 48 (1) and (3).

(e) for each notice of revocation of a power-of-attorney given to a registering officer and for each intimation of the same sent to such other offices as may be specified by the person revoking the power-Rule 52(8) ;

(f) for each application for the return of a will registered or refused to be registered and transmitted to the Registrar's office for safe custody-Rule 74(2) ;

(g) for each petition presented to a registering officer objecting to the return of a document to a person in whose favour the receipt has been drawn up-Rule 105 ; and

(h) for each application claiming remission or refund of-

(i) the fine levied under sections 25(1) and 34(1) ; or

(ii) fees levied in connection with the registration of a document, the search for grant of copies or encumbrance certificate or attendance at the private residence or jail ;

Provided that the fee shall be levied in the cases referred to above only when the amount to be refunded or remitted exceeds rupees five.

Note.- In the cases referred to in items (c) and (d) above, the levy of fee should be restricted to cases in which the power-of-attorney has not been registered or attested by a registering officer.

(2) A fixed fee of Rs.2 shall be levied -

(a) for each petition presented to a registering officer protesting against the registration of document, a separate fee to be levied on each occasion a petition is presented

(b) for each petition presented to a registering officer-

- (i) for withdrawing a document from registration ;
- (ii) for complete or partial refusal to register a document ;
- (iii) for keeping a document pending appearance of parties executing it.

Note.- No fee shall be levied on petitions from Secretary of sailors` Soldiers` and Airmen`s Board, Pondicherry contesting alleged illegal sales of soldier`s lands ;

Provided that in cases falling under clause(a) if protest is made against the registration of more than one document, in a petition, the fee payable for the petition shall be calculated at the rate of Rs.2 for each of such documents specified in the petition and if the number of such documents is not specified in the petition, a fee of Rs.10 shall be levied for the petition.

(3) (a) A fixed fee of Rs,15 shall be levied for each application presented to a registering officer, to accept a documents for registration at his office on an authorised holiday on the ground of special emergency-Rule 5(10).

(b) A fixed fee of Rs.15 shall be levied for each application presented to a registering officer to accept a sealed cover purporting to contain a will for deposit under section 42 on an authorized holiday on the ground of special emergency-Rule 5(1).

(c) A fixed fee of Rs.15 shall be levied for each application presented to a registering officer to accept a power-of-attorney for attestation only or for attestation and registration at his office on a holiday on the ground of special emergency-Rule 5(1).

18. For the re-registration of a document partially refused in the first instance and directed to be registered by a Registrar under section 75, copying fee at the prescribed rate shall be levied.

19. In calculating the fee payable under the Act in respect of any particular transaction, the fraction of a paise should be rounded off to the next higher paise.

20. Search and copying fee in respect of registration records relating to the period prior to the introduction of the Indian Registration Act, 1908, (Central Act XVI of 1908) shall be levied as follows :-

(1) For search for or inspection of a single entry of document ; the rate as prescribed under articles 13(1).

(2) For General search for or inspection of any number of entries of documents relating to one and the same property, or executed by or in favour of one and the same individual; rate as prescribed in article 13(2).

(3) For making or granting copies of records, entries or documents for the benefit of any person or for transmission to any office the rate as prescribed in article 14.

(4) Besides the fees payable under the foregoing clauses, a fixed fees of 25 paise shall be charged in respect of every application made to the Registering Officer.