

# **ANDHRA PRADESH RULES UNDER THE REGISTRATION ACT, 1908<sub>1</sub>**

The following rules, which have been made by the Inspector-General of Registration under Section 69 of the Registration Act, 1908, and which have been approved by the State Government are published for general information.

These rules shall come into force throughout the State of Andhra Pradesh with effect from the 1 January, 1960 and superseded with effect from the said date, rules at present in force.

## **CHAPTER-1**

### **Preliminary**

1. In these rules, unless there is anything repugnant in the subject or context.

(a) "the Act" means the Registration Act, 1908.

(b) "Section" means a section of the Act.

(c) "Rule" means rule made under the Act for the time being in force

(d) "Appendix" means an appendix annexed to these rules.

(e) "Registering Officer" includes both a Registrar and a Sub-Registrar.

(f) "Government" means the Government of Andhra Pradesh.

[(g) "Document writer" means and includes one who is

engaged in the profession of preparing and writing of documents to be presented for registration.

(h) "Licence" means a licence granted to a document writer under these rules.

(i) "Licensing authority" means the licensing authority specified in Rule 206.]

2. All such documents and maps shall, for the purposes of Sections 43 and 48, be deemed to have been and to be registered in accordance with the provisions of this Act.

## **CHAPTER II**

### **Office Hours and Holidays**

3. The offices of all Registrars and Sub-Registrars shall be open for at least six and half-hours daily, Sundays and holidays excepted. The hours of working shall usually be those fixed by Government, from time to time These shall not be altered except with the approval of the Inspector-General A notice showing the hours of working of the office shall be affixed in a prominent place in each office for the information of the public.

4. 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.

5. The holidays to be observed in Registration Offices are the holidays notified by Government.

6. A document presented for registration or a sealed cover purporting to contain a will presented for deposit under Section 42 or an application for the withdrawal of such a cover under Section 44 or a Power of Attorney brought for authentication under Rule 49 shall not be accepted or authenticated on an authorised general holiday except in a special emergency. When a Sub-Registrar accepts a document or authenticates a Power of Attorney on such a day, he shall immediately make a report to the Registrar explaining the circumstances.

There is, however, no objection to accept a document for registration or a sealed cover purporting to contain a will for deposit, authenticate a Power of Attorney at a private residence on a Sunday or other authorised holiday or to the option or return of documents on such days, should the Registering Officer happen to be in his office.

**CHAPTER- III**  
**(Sections 6 and 7)**  
**Registering**  
**Officers**

7. A notice stating where the Registering Officer lives shall be affixed outside each Registration Office.

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

9.(i) When a Joint Sub-Registrar is appointed, either as a temporary or permanent measure, to assist a Sub-Registrar, he will have no 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.

(ii) 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.

(iii) The senior of the two Sub-Registrars shall sign and be designated as Sub-Registrar and the other as Temporary Sub-Registrar or Joint Sub-Registrar as the case may be.

## **CHAPTER- IV**

### **(Section 15)**

#### **Seals**

10. (i) The seal shall always remain in the personal custody of the Registering Officer.

(ii) It shall be used in authenticating:

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

b) power of attorney attested under Section 33;

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

(d) certified copies under Section 57;

(e) memoranda and copies forwarded under Sections 64 to 67 and under Rules 24 and 159 (iv);

(f) copies of order of refusal to register granted under Sections 71 and 76;

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

(h) certificates and lists granted to applicants under Rule 140;

(i) copies of judgments of Registrars under Sections 72 and 75;

- (j) reproduced entries of old registers; (k) copies of maps and plans;
- (l) decrees drawn up under Section 75 and copies thereof.

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

## **CHAPTER V**

### **(Sections 16 and 51) Books & Forms**

12. (i) The registers shall be in the forms shown in Appendix-I.
- (ii) Where necessary more than one volume of the same class may with the previous sanction of the Registrar, be used simultaneously for the registration of documents.
13. (i) A file book shall be maintained in each registration office corresponding with Book I. In this the following shall be filed;
- (a) copies of maps and plans mentioned in Section 21 ;
  - (b) copies and memoranda of registered instruments received under Sections 64 to 67;

- (c) copies of certificates 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.
- (ii) A separate file shall also be opened for filing copies and translations presented under Sections 19 and 62 of the Act or under Rule 17(i). The copies and translations placed in this file shall be connected by cross-reference with the entry in the register.

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

15. Should a Registering Officer who requires a fresh register book have no blank registers in stock, instruments tendered for registration shall nevertheless, be received as usual, 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 VI** **(Section 19 of the Act)** **Languages**

16. The following languages shall be deemed to be languages

commonly used in the Districts and Sub-Districts named thereunder:

**I-English**

**II-Telugu**

All Registration Districts and Sub-Districts.

**III-Hindi**

Registration Districts of Hyderabad, Nizamabad and Warangal.

**IV-Urdu**

Registration Districts of Hyderabad, Nizamabad and Warangal and SubDistricts of Jammalamadugu, Proddutur, Budvel, Vempalle, Karnalapuram; Cuddapah, Rayachoti and Pullapeta in the Registration District of Cuddapah.

Sub District of Guntakal, Hindupur, Kadiri. Uravakonda, Gooty, Dharmavaram, Penukonda, Madakasira, and Rayadurg in the Registration District of Anantapur.

Sub Districts of Kodumur, Gudut, Adoni, Yemmiganur, Atmakur, Pattikonda, Dhone, Nandyal, Banaganapalli, Kolakuntla, and Kurnool in the Registration District of Kurnool.

Sub-Districts of Markapur, Giddalur and Cumbum, in the Registration District of Narsaraopet.

**V-Tamil**

Chittoor, Satyaveedu, Karvetinagar, and Pisatur in the Sub-District of Kangadi, Pakala, Palmaner, Tirupathi, Puttur, in the Registration District of Chittoor.

**VI-Oriva**

Sub-Districts of Ichhapuram, Sompeta, Patapatnam, Mandasa, Kasibugga and Tekkali in the Registration District of Srikakulam. Sub-Districts of Kurupam and Srungavarapukota in the Registration District of Visakhapatnam.

## **VII-Marathi**

Sub-Districts of Bhainsa and Mancherial in the Registration District of Nizamabad.

## **VIII-Kannada**

Sub-Districts of Madakasira and Rayadurg in the Registration District of Anantapur.

Sub-Districts of Alur and Yemmiganur in the Registration District of Kurnool. Sub-Districts of Medak, Zahirabad, Sangareddy and Siddipet in the Registration District of Nizamabad.

17. (i) 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 commonly used in the District, the Registering Officer shall, if he does not understand the language, demand of the presentant to file a true Translation and also a true copy. No fee shall be levied for filing such translation under this sub-rule.

(ii) 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.

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

(iv) No fee is leviable for filing a translation if the Power of Attorney is or has been attested by a Registering Officer.



**CHAPTER VII**  
**(Sections 21 and 22 (i) of the Act)**

**Description of Property**

18. 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;
- (d) any well-known division of
- (e) such as a mootah, hoondal khundum, firka, magany, amsam; and
- (f) the village, hamlet or suburb in which the property referred to in a registerable document is situated.

**19.** If property is described in a document by specific reference to an instrument which has been already registered or 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 18 and such a description of the property as is required by the rules in force, the description need not be repeated in the document.

**20.** 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) requiring description by reference to Government map or survey, the Registering Officer shall satisfy himself that the land comprises of one or more entries in survey fields or subdivisions the document specifies number of each field or sub-division 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.

'[20-A. Copies of plans accompanying documents under Section 21, except the plans or maps accompanying copies of notification presented for registration under Rule 50-A of the rules framed under the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 (Act VII of 1920) shall not exceed the size 37.50 cm x 26.67 cm.]

**CHAPTER VIII**  
**(Sections 19,21,22,28,29,32,40 and 52)**  
**Registration and Examination of Document**

21. A Document relating to immovable property which is situate part 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 case the certificate of registration shall show that the registration has been effect only as regards the portion of the property which lies within the areas where the Registration Act is applicable.

22. A Document relating to immovable property situated wholly outside India or outside the tracts to which the Indian Registration Act applies may be registered by a Registering officer in Book 45 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.

23. A document required to be registered under any enactment specified below may be registered by a Registering Officer as any

other document required to be registered under the Indian Registration Act, 1908, but it shall be specified in the Registration Certificate that its registration cannot confer any title or interest unless duly registered under the relevant enactments specified below;

The Societies Registration Act, 1860 (Central Act XXI of 1860), the Public Societies Registration Act, 1350-F (Hyderabad Act 1 of 1350 F) the Indian Christian Marriage Act, 1872 (Central Act XV of 1872), the Indian Patents and Designs Act, 1911 (Central Act II of 1911), the Indian Trade Unions Act, 1926, (Central Act XVI of 1926), Trade Marks Act, 1940 (Central Act XXV of 1940), the Special Marriage Act, 1954 (Central Act XLIII of 1954).

24. A Registering Officer having jurisdiction to accept a document for registration at the time of its presentation 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 affected immovable property memorandum shall be sent, without levy of any fee, to the officer to whose jurisdiction the village has been transferred for the purpose of being filed in file on Book- I of that Office.

when, however, after refusal to register by a Registering Officer the village in question is transferred, while 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 represented for registration to the office to whose Sub-District the village has been transferred,

25. (i) A document for registration other than a document forwarded

under Section 89 shall be presented in person with the fee payable there for, direct to the Registering Officer and not to a clerk or a peon.

(ii) A document referred to in Section 89(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).

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

26. (i) Every document shall, before acceptance for registration examined by the Registering Officer to ensure that all the requirements prescribed in the Act and in these rules have been complied with, for instance :

(a) that it has been presented in the proper office (Sections 28,29 and 30);

(b) that the person is entitled to present it (Sections 32 and 40)

(c) that if it is a non-testamentary document and relates to.

immovable

property, it contains a description of property sufficient to identify the same and fulfils the requirements of Rules 18 to 20:

(d) that if it is written in a language not commonly used in the District

and not understood by the Registering Officer it is accompanied by a true translation into a language commonly used in the District and also by true copy (Section 19);

(e) that if it contains a map or plan, it is accompanied by true copies of such map or plan as required by Section 21(4);

(f) that it contains no unattested interlineations, blanks, erasures or alterations, which in his opinion require to be attested as required by Section 20(1);

(g) that if the document is one other than a will it has been presented within the time prescribed by Sections 23 to 26;

(h) that it bears the date of its execution and does not bear a date anterior to the date of purchase of stamp papers and the document is written on a date subsequent to the date of presentation.

i) that if the date is written in any document other a will presented for registration after the death of the testator according to both the British and the Indian calendars, these dates tally; and

(j) that if the presentant is not personally known to the Registering Officer, he is accompanied by such identifying witness with whose testimony the Registering Officer may be satisfied;

[(k)(i) The registering officer shall ensure at the time of presentation for Registration of cancellation deeds of previously registered deed of conveyances on sale before him that such cancellation deeds are executed by all executant and claimant parties to the previously registered conveyance on sale and that such cancellation deed is accompanied Civil or High Court or State or Central Government annulling the transaction contained in the previously registered deed of conveyance on sale.

Provided that the registering officer shall dispense with the execution of cancellation deeds by executant and claimant parties to the previously registered deeds of conveyances on sale before him if the cancellation deed is executed by a Civil Judge or a Government Officer competent to execute Government orders declaring the properties contained in the previously registered conveyance on sale to be Government or Assigned or Endowment lands or properties not registerable by any provision of law.

**27.** Each important interlineation, erasure or alteration occurring in a document shall whenever possible, be caused to be noted or described at the foot of 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. In such cases it will suffice if the interlineation, erasure or alteration is attested by the officer concerned.

**28.** 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 his duly authorised agent.

**29.** When a document is presented for registration in duplicate, or triplicate 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.

**30.** (i) A document which relates to a land situated in a district or portion of a district to which the rules framed by the Government under Section 22(1) have been made applicable shall, before it is accepted for registration be checked with the survey numbers and sub-division in the subsidiary indexes maintained under Rule 125 and also when necessary, with the settlement registers in order that the Registering Officer may cause incorrect or fictitious numbers entered in the document to be rectified.

(ii) If a survey number or 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.

(iii) 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-division, the document may be returned for rectification.

**31.** (i) 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.

(ii) 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.

**32.** (i) 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.

(ii) If the document is chargeable with duty under the Indian Stamp Act, 1899, 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.

(iii) Pending orders on such reference to the Registrar or prior to sending a document to the Collector, the Registering Officer may, however record the admission of the execution and the examination of witnesses,

**33.** 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 authoritative opinion, he must apply to the Collector under Section 31 of the Indian Stamp Act, 1899.

**34.** If a document is dutiable under the Andhra Court Fees and Suits Valuation Act, 1956, and is unstamped or is insufficiently stamped, it shall be returned to the party presenting it (vide Section 5 of that Act) in order that the stamp duty or the deficiency in the stamp duty may be made good.

### **Minute Book**

**35.** Every Registering Officer shall maintain a 'Minute Book' in such a manner as the Inspector-General may from time to time, prescribe and shall enter in his own hand a brief record of each day's proceedings in respect of every document on which a presentation endorsement has been made and which is neither admitted to registration nor refused registration on the day of presentation and also record therein notes of such other proceedings as the Inspector-General may, from time to time, prescribe. Such record shall be necessary: —

(a) when a document is returned for correction under Rule 31 (ii);



(b) when a document is put aside pending appearance of parties and witnesses;

(c) when a document is returned not registered at the request of the party presenting it; and

(d) when a sealed cover containing a will is returned on the ground that it is not sealed or that it has not been superscribed with the name of the testator and that of his agent (if any) and the nature of the document (Section 42).

Proceedings in respect of a will or authority to adopt presented under Section 41 (2) or of a document presented for registration after the death of the executant or the executant of which dies before admitting execution or of a document impounded for insufficiency of stamp duty shall be executed.

**CHAPTER IX**  
**[Sections 25 and 34]**  
**Delay in Representation and Appearance**

36. (i) A registering Officer may require that the date of execution shall be entered in a document presented for registration wherever it is not found therein.

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

(iii) 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.

(iv) An alteration in the date of execution of a document made ostensibly for the purposes of evading payment of the penalty leviable under Sections 25 and 34 shall not be recognised and the document shall be treated as having been executed on the date originally entered therein.

(v) If the date of execution is not stated or if it is altered or if the document bears an impossible date or 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; Provided that nothing in this sub-rule shall apply to wills presented after the death of the testator.

**37.** Application for registration on payment of fines under Sections 25 and 34 shall be in writing. A statement recorded from the party concerned shall be regarded as equivalent to an application under those sections.

**38.** The fines for delays in presentation and appearance under Section 25 and 26 as follows:

|  |   |
|--|---|
| When the delay does not exceed one week after the expiration of time allowed for presentation or appearance. | A fine equal to the registration fee.           |
| When the delay exceeds one week but does not exceed one calendar month.                                      | A fine equal to twice the registration fee      |
| When the delay exceeds one month but does not exceed two months.   | A fine equal to twice the registration fee      |
| 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 fee for copying documents and endorsements thereon or the fee payable for the registration under Section 33 or for filing a translation under Section 19 or fee for copies and Memoranda of attendance at a private residence or for the registration of a duplicate or triplicate.

39. 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 upto the second or subsequent occasions and the fine previously levied in respect of such document.

40. (i) Whenever an application under Section 25 or Section 34 is lodged with 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 32 (iii) there is no objection to his recording the admission of execution on such a document before forwarding the application to the District Registrar.

(ii) When the District Registrar condones the delay either under Section 25(1) or under the proviso to Section 34(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 orders 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".

Date:

Signature of the Sub-Registrar

**CHAPTER X**  
**[Sections 31,33 and 38]**  
**Attendance at Private Residence**

**41.** An application for attendance at a private residence shall be in writing and shall in all possible cases, be signed by the person on whose behalf attendance is required.

**42.** All documents must be presented by a person, entitled to present them, to a Registering Officer and not to a Commissioner.

**43.** 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, a Commission should, if practicable, be issued. All cases of office partially or wholly on a working day in consequence of a private attendance shall be reported to the Registrar with full statement of facts necessitating such a course.

**44.** 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.

**45.** (i) Persons exempt by law from personal appearance in Court, under the Code of Civil Procedure, 1908 are; —

(a) 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.

(ii) A list of persons exempted under sub-rule (i) (b) shall be obtained by the Registrar from the High Court or District Court and communicate to every Sub-Registrar in his District.

(iii) 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.

**46.** (i) 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. 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.

(ii) When the Commission is for the examination of an executant, and has been executed the Commissioner shall return the document to the office, which it was issued, endorsed as follows: —

"Having attended the ..... at residence of A.B., sons of CD. at ..... I have this day examined the said A.B. who have been identified to my satisfaction by E.F.: sons of G.H. etc., residents of ..... and the said A.B., admitted (or denied) the execution of this document

(or the voluntary execution of this Power of Attorney).  
Left thumb-impression of Executant  
Signatures of Witnesses.

Full Signature of Executant  
Commissioner

(iii) Where receipt of consideration is acknowledged before the Commissioner, he shall add the following clause to this endorsement:

—

"and acknowledged ..... receipt of Rs ..... (or goods to be specified) being consideration in whole (or in part)".

(iv) Where consideration is paid in the presence of the Commissioner, he shall add the following to endorsement.

"I also certify that ..... (or goods to be specified) were paid (or delivered) in my presence to the said A.B. by .....".

The signature of the payer and payee shall also be taken below this endorsement, provided in the specimen form in Appendix V"

(v) on receiving the Commissioner's report the Registering Officer shall, if satisfied as the execution of the document, make the following endorsement below the report:-

"From the foregoing report I am satisfied that this Document has been executed.

Power of Attorney has been voluntarily executed, by the said A.B."

Date : Signature of Registering Officer.

**47.** A Commissioner may examine witnesses in the same manner as Registering Officer, and persons who may be required to give evidence before a Commissioner and who refuse to do so shall be subject to the penalties and punishments which they would incur for the same offence if committed in a registration office.

48. A Registering Officer may examine the Commissioner personally in his office touching any of the circumstances connected with the discharge of his Commission, especially with reference to the voluntary nature of the admission of execution.

**CHAPTER XI**  
(Section 33)  
**Power of Attorney**

49. (i) When a Power of Attorney is executed before a Registering Officer he shall after satisfying himself of the identity of the party and obtaining when necessary his left thumb impression against his signature authenticate it in the following form: —

"No .....of..... 19 .....  
" Executed in my presence (at ..... x) this  
..... day of ..... 19 ..... by A.B. who is  
personally known to me (or whose identity is proved by  
(signature of) CD (with addition) and (signature of) E.F..  
(with addition).

Seal

Signature of Registering Officer

**Note:-** To be filed in, when the-execution takes places at a place other than registration office, e.g. a private residence:

(ii) 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 the Registering Officer shall, if he attends himself at the private residence of the principal or if the principal appears in the office behind a purdah and is examined with the help of hammamnee or mama; adopt the following form of authentication: —

"No ..... of ..... 19 ....."

I Certify that I have satisfied myself on examining at .....





50. (i) If a document is presented for registration under a special Power of Attorney the power shall be retained and filed in the office with following endorsement: —

"No. ....of. ....19....."

Presented with document No.....of..... 19..... of Book Volume..... Pages .....

Date: Signature of Registering Officer.

(ii) 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 ..... Book ..... volume .....

Date: Signature of Registering Officer

iii) When a document is presented for registration by a person entitled to present it and execution is admitted by an agent under 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..... Volume..... Pages.....

Dated: Signature of Registering Officer

**Note:** —Numbers required only in the case of a special power.

51. The endorsements prescribed in Rules 49 and 50 shall be written in English: Provided that such Sub-Registrars as are specially authorised by the Inspector General may write the endorsement in the language commonly used in the Sub-District.

52. A Power-of-Attorney may be brought to a Registering Officer (1) for authentication or (2) for registration, or (3) 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.

**53.** 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.

**54.** A Registering Officer is authorised to authenticate a Power of Attorney executed for registration purpose only. He shall refuse to authenticate a power entirely unconnected with registration.

**55.** (i) An abstract in the form printed in Appendix-III shall be retained of each Power of Attorney authenticated by 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 50. The notes of interlineation, blank, erasures and alterations made by the Registering Officer on the original power shall be copied verbatim in the district .

(ii)(a) Each Registering Officer 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 officers as may

be specified by the person revoking the power.

## **CHAPTER XII**

### **[Section 35]**

#### **Examination of Parties—Executing Parties**

**56.** (i) 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 the capacity affixes his signature to a document;

(b) any person who endorses a negotiable document:

(c) any person who signs a receipt or a discharge endorsed on a document;

(d) 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 may not be described as an executant in the body of the document.

(ii) In the case of a document purporting to be executed by an attorney, or by a guardian of a minor, or by a legal curator of an idiot or lunatic, 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 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.

**Executing Party:** — Any person who affixes his signature to a document in token of his assent to the terms of the document.

#### **Enquiry before Registration**

**57.** 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.

**58.** 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.

**59.** 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 a 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.

**60.** A Registering Officer should form his own opinion as to whether a party appearing before him as executant of document is a minor, a lunatic or an 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.

61. 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 presentant and the witnesses accompanying him who the representatives or assigns of the executant are and refer, if he considers it necessary, to the village officer for information on this point. If any of the persons ascertained to be representatives or assigns of the deceased executant are present in the office at the time of 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 or 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 villages where the property affected by the document is situated and shall be proclaimed by a carrier in those villages. The cost of the service of the notice shall be levied the person who presented the document for registration.

If the persons already examined as representatives 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 assign who may appear on that day admits execution, or if persons claiming to be representatives or assigns have already appeared and have admitted execution and no representatives appear on that day fixed as aforesaid the document shall be registered as regards the deceased executant. But if some of the representatives admit execution and other deny it, or if 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, where the Registering Officer is a Sub-Registrar, be refused registration as regards the deceased executant. A Registrar in such a case will proceed under Sections 74 to 76.

62. 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 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**

63. (i) A Registering Officer may require any executant, claimant, 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 his name or not, the impression of bulb of his left thumb both in the register of thumb impressions maintained in each registration office in the form shown

in Appendix-IV as well as on the document presented for registration.

(ii) Such impression shall invariable be taken in the case of marksman and illiterate females.

(iii) A messenger presenting a document under Rule 25(ii) 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 he endorsement of presentation.

**64.** If the left thumb does not give a clear impression or is nonexistent, 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 digit 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 note explaining why the impression of that particular digit was taken.

**65.** Thumb impression shall be dispensed within 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.

**66.** 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 this initial and the date on which the impression is taken.

**67.** 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.

**68.**In the case of a purdahnashin lady who does not appear before Registering Officer and whose examination in connection with the registration of a document or the attestation of a Power of Attorney conducted in the office through a hammamnee or mama the finger impression shall be taken by the hammamnee or mama who shall be clearly instructs as to the process. In this case the certificate mentioned in Rule 67 should be altered as shown below.

"Each impression on this page excepting of which was taken by a hammamnee or mama under my Instructions, has been affixed in my presence, etc."

**69.** A separate register shall be maintained in each registry office for the thumb impressions obtained in connection with the registration of document at private residences. 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 residences shall be obtained on separate slips of paper and the slips shall be pasted with the initials and date of the Registering Officer added to them in the appropriate page in the separate impression register. The slip shall contain a certificate in the following form; —

"The impressions on this slip or each impression on this slip was affixed in my presence and under my personal supervision by the



person whose name is entered next to it."

In the case of purdahnashin 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 XIII**

(Sections 36, 37 and 39)

#### **Enforcement of Appearance of Executants and Witnesses**

**70.** All District Registrars and Sub-Registrars may themselves issue processes in compliance with requisitions for summons made to them.

### **CHAPTER XIV**

(Sections 40 and 41 of the Act)

#### **Wills and Authorities**

**71.** 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) 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 pasted in a conspicuous part of registration office, and (c) to be published (i) in a daily newspaper, published in the principal language of the District and having wide circulation in the District in which the testator or donor lived (ii) in such a daily newspaper having wide circulation in 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.

1[The cost of the service of the notice and of its publication in the concerned village shall be levied in advance from the person who



6th February, 19

Signature of Registering officer

(ii) If, after the conclusion of the examination of the witness 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 witnesses whose signatures appear above: -

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

(b) That the testator (or donor) is dead; and

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

Date:

Signature of Returning Officer

(iii) Should the Registering Officer decide to refuse registration, the usual endorsement of refusal shall be entered on the document.

**74.** (i) 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 containing a summary of the evidence and the reasons for registration or refusal, as the case may be. A copy of any such memorandum prepared by a Sub-Registrar shall be submitted to the District Registrar forthwith.

(ii) 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.

**75.**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.

**76.**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.

**77.**(i) Wills registered or refused in sub-Registrar's 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.

(ii) 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, 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 XV**

(Sections 42 to 46 of the Act)

### **Sealed Covers containing Wills**

**78.** (i) Every entry made under Section 43 in Book 5 shall be dated and signed by the Registrar; (ii) When a sealed cover is withdrawn under Section 44, the entry relating to the withdrawal shall be signed by the person by whom the withdrawal is made as well as by the Registrar.

**79.** When a will executed by two persons jointly is deposited under Section 42 by both of them in a sealed cover, a request by one of the testators for 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 for the opening of the cover and the copying, at the applicant's expense, of the will in Book 3. He may then grant the applicant a copy of the will, if the applicant so desires.

**80.** (i) Wills sent by post to a Registering Officer are not presented for registration or deposited within the meaning of the Act and Sections 42 to 46 are therefore inapplicable to them.

(ii) 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 of the date of receipt and the facts 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.

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

(iv) A cover purporting to contain a will which may reach a SubRegistrar 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 under Clause (ii) of this rule.

(v) A register shall be maintained in each Registrar's office showing these sealed covers received, withdrawn, opened, and sent to be received from court from time to time. In it shall also be entered wills received by post by District Registrar and retained in

the office under Clause (ii), wills forwarded by Sub-Registrars under Clause (iv) and under Rule 77 (i) and wills registered or refused registration in the Registrar's Office and lying unclaimed for over two years.

(vi) 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 Clause(v) and shall report to the Inspector-General whether they are correct and whether the covers are preserved properly.

**81.** (i) When a sealed cover containing a will is opened under Section 45, the following endorsement, shall be made on the will;

"Having satisfied myself that the testator thereof 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 had been copied in Book 3 as No ..... of 19.....  
..... Volume ..... Pages .....

Date: Seal Signature of Registrar

(ii) When a sealed cover containing a will is opened under an order of a Court and copied in Register Book 3 under Section 46, the fact shall be noted in Register Book 5 in the column headed "number of documents in Book 3" and the 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

Date: Seal Signature of Registrar

**82.** When a will is opened and forwarded to the Court it shall be accompanied by a memorandum intimating the fee payable for

opening the cover and the charges for copying it, so that these may be collected by the Court and remitted to the Registrar. An acknowledgement of the receipt by the Court of the cover or will shall also be obtained and filed in the office.

**83.** 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, at Hyderabad, as the case may be.

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

## **CHAPTER XVI**

(Sections 52, 58, 59 and 60)

### **Endorsements and Certificates**

**85.** (i) The endorsement prescribed by Sections 52 and 58 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.

(ii) 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.

(iii) 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 (Clause ii) the Registering Officer shall satisfy himself

that the addition as entered is complete and that it corresponds with the statement made by the party.

(iv) The blank spaces in the endorsement stamps referred to in Clause

(i) shall be filled in and the endorsements and certificates shall be signing by the Registering Officer in his own hand.

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

**87.** All Registering Officers in the State shall write the endorsements and certificates in Telugu whether a document presented for registration be in Telugu or in a language of the State.

**88.** If there is no sufficient blank space in the instrument for the endorsements and certificates, 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.

**89.** When a document occupied more than one sheet of paper the number of documents of which the sheet forms a part, the total number of sheets of which the document consists the number of the sheets and the seal and signature of the Registering Officer shall be endorsed on each sheet.



**90.** The entry 'identified by" shall be made by the Registering Officer above the signature of witnesses examined for purposes of identification, and the entry witnesses who are examined above the signatures of witnesses who are examined for any other purposes, when an executant is a purdahnashin lady and is examined through a Hammamnee or Mama, a special form of endorsement as shown below shall be made by the Registering Officer and the signature of Hammamnee or Mama shall be obtained on the document as a witness after the Registering Officer has recorded a deposition from her with reference to the duty she has performed.

"Identified, by inspection behind the purdah, by A.B. (signature with additions) who is her (relationship to be stated) and by CD. (signature with additions ..... )".

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

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

(ii) 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.

93.(i) When the presentation and 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. Where, however, the presentation alone is made by such an agent, such reference shall be given in the endorsement of presentation itself.

(ii) The endorsement of presentation made on a document, presented under Rule 25 (ii) 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.

**94.** (i) When the amount of consideration mentioned 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.

(ii) When consideration is paid before the Registering Officer in currency notes or Bank draft or cheque and any party to the transaction desires that the numbers of such notes, draft or cheque shall be noted in the endorsement, the request shall be complied with.

(iii) 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.

**95.** The certificate of registration shall be added by the Registering Officer only after the document has been copied and the entry compared.

**96.**(i) 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)

blanks, alterations and erasures in this.

Reader

Compared by

Examiner

Date:

Signature

A note shall be entered below the Certificate of Registration on the original as regards the number of copies registered with the original and signed by the Registering Officer.

(ii) In entering notes of interlineations, blanks, alterations and erasures on the duplicate and triplicate, the particular letter or word or figure interlineated, altered or erased shall be specified, e.g. in line 12, the word 'currency' interlineated "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"

(iii) 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 duplicate.

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

(ii) Similarly a document affecting property wholly situated within the areas to which the Indian Registration Act, 1908 applies but registered as regards a portion only of such property and refused as regards the other portion shall bear two distinct endorsements one of registration and the other of refusal in the form shown in Appendix-V.

**98.** The signatures of witnesses examined in the course of an enquiry 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 enquiry is made.

99. When a document is registered by a Registrar after enquiry 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 enquiry held under Section 74 of the Registration Act that the document was executed by A.B.

Date:

Signature of Registrar:

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

**100-A.** The Registering Officers shall use Saka Era dates along with the Gregorian Calendar dates in the endorsements and certificates required to be added by them under the provisions of the Indian Registration Act, 1908 and the rules made thereunder.

## **CHAPTER XVII**

(Sections 53 and 61)

### **Receipts for Documents and for Fees and Return of Documents**

**101.** (i) 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 fee or fine levied by a Registering Officer.

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

(iii) When the fees consist 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.

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

**103.** (i) 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 pending an enquiry or a reference, the day and hour 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 receipt is produced on the day when the document is ready for transaction and the document cannot be returned on that day, the information may be endorsed on the receipt itself,

(ii) 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.

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

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

**105.** 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 or thumb impression, as the case may be to the acknowledgement in the counterfoil and return both document and the receipt after endorsing on the date of its return and initiating 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 specimen signature of the messenger shall be affixed to such endorsement and attested by the said person. 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, the receipt being retained in the Office and pasted on the counterfoil.

**106.** 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.

**107.** When a nominee fails to take back a document within seven days from the date of 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.

**108.** When a party to a document objects to its being returned to a person in whose favour 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 competent Court for an injunction to restrain the Registering Officer from returning the document.

**109.** When an impounded document is received back from the Collector after adjudication of the 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.

**110.** 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 counter-foil for issue to the party concerned, the entries in the counter-foil 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 the counter-foil.

**111.** 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 counter-foil of the receipt authorising the return of the document or documents by registered post to an address to be specified and shall deposit therefor, (a) the actual cost or postage, the postal registration fee, and the fee for obtaining the acknowledgement of the addressee and (b) a fixed sum of ten naya paise to meet the incidental charges such as stationery for the covers used, etc.

(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 counter-foil of the receipt;



(iv) The acknowledgement of the addressee shall be pasted to the counter-foil.

## **CHAPTER XVIII**

(Section 52)

### **Register Books**

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

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

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

**115.** <sup>1</sup>[(i) 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 which are prepared on forms printed on such paper and in such form, as may be approved by the Inspector General:

Provided that the Inspector General may cause standardisation of forms for any class of documents and prescribe, the price from time to time at which they shall be supplied-. ]

(ii) 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 endorsement and the certificate of registration entered on the original document shall be copied and

the prescribed footnotes shall be added.

(iii) 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 (j).

When a map or plan is attached to a document a copy of the map or plan shall be filed in the same files as the document.

(iv) 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 upon the sheet pasted thereto;

(v) 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 (iv) the seal being dispensed with in the case of the sheet on which the authentication seal has already been affixed.

(vi) Documents registerable in Book I and Book 4 shall be filled in separate file books,

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

(viii) Every document accepted for registration under sub-rule (i) shall be numbered in the same series as documents copied in the

ordinary register books.

(ix) 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: Note: Filed in file book, Volume .....

(x) The file books 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.

1. Subs, by G.O.Ms.No. 381, Revenue (Registration-1) di. 2.8.1995, w.e.f 28-19S Pub. in A.P. Gaz. No. 4 of RS to Pt-I, dt. 31.8.1995.

**116.** No document shall be returned to a party before the entry of it in the register has been authenticated by the Registering Officer.

**117.** A rectification deed or a cancellation shall be registered in the same class of register book as that in which the original document which it cancels or rectifies has been registered.

**118.** (a) 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 lands acquired under the Land Acquisition Act or of a document received and filed under Section 89 (vide Rule 13 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 later document or communication as under: —

This document revokes (cancels, rectifies or modifies)

Communication

Document No. if copied

the document filed at pages

the return filed

Volume Book

of file Book

file Book 1

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

This Document

Document has been revoked - cancelled  
return

rectified or modified by the Document No.

document filed copied  
the return filed

Volume Book

of File Book

File Book I

(b) 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. II and when it relates to the rectification of any particulars entered in Indexes I, II, III or IV, a note of rectification shall also be entered in the respective index as against the particular item rectified.

**119.** 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 XIX**

(Sections 54 to 56)

### **Preparation of Indexes**

**120.** 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 offices and Sub-Offices situated at the headquarters of a 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 for their preparation in another language or in English. No alteration in the language shall be made during the course of a calendar year.

**121.** 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.

**122.** The column "Nature and Value of Transaction" shall also contain

(a) Information regarding the movable property to which a document relates;

(b) the shares assigned to each party 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 a mortgage the rate of interest, if any, and the

term.

**123.** When a loan order is received with a security bond under sub sections (1) and (3) of Section 89, the order and the bond shall be indexed as separate documents, although the property specified in both may be the same.

**124.** Registering Officers on registering non-testamentary documents relating to immovable properties situated in cantonments shall forward to cantonment authorities the necessary information in English in the form prescribed for the purpose.

### **Subsidiary index**

**125.** In districts and sub-districts to which a rule made by the Government under Section 22 (i) is applicable, Registering Officers shall maintain a subsidiary index to Index No. II in the form printed in Appendix- V), in order to show at a glance all transactions affecting each survey number or sub-division.

### **Indexes to Book – 5**

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

## **CHAPTER XX**

(Section 57)

### **Searches**

**127.** Every application to a Registering Officer for an inspection, or search, or a copy shall be made in writing.

**128.** 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.

**129.** 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 130(ii) may be followed if the party so desires.

**130** (i) 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.

(ii) 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 sum of rupees two 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 the 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. Any money collected under this rule shall be brought to

account in the office of the SubRegistrar to whom the original application was made.

(iii) When an applicant has paid the prescribed fees for search in the 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 applies to the other office or to the Registrar for a search or copy of the same document:

Provided that the applicant produces before that Officer the receipt for the fee granted to him by the Sub-Registrar.

**131.** 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 pledged 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, and

**Note:** —The term "Public Servant" in this sub-rule should be interpreted to mean "an officer serving directly under Government".

(ii) Requisitions from a Public Officer for a certificate of encumbrance in his official capacity.

**132.** 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 so that the amount may be collected by the Court and remitted to the Registering Officer.

**133.** The fee for a search shall entitle the applicant to read the entry for the finding of which the fee has been paid or to have it or read to him; but it shall not entitle him to take a copy of the entry. If a search proves 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.

**134.** The reference to Note (3) to Article 12 of the Table of Registration Fee, a search fee shall not be levied for the grant of copy of 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.

**135.** Only one search fee shall be levied

- (i) for making a 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 a search for acts and encumbrances in respect of one and the same property when owing to the splitting up or grouping together of villages, or as the result of survey and

settlement operations, the search has to be made in the indexes of more than one village.

**136.** When a search is made in respect of more than one entry or more than one document executed by or in favour of one and the same individual, search fees shall be levied separately for each office in which the nominal indexes have to be searched.

**137.** (i) 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 or verify the search, the name of the clerk deputed shall be noted on the application. As soon as the search and verification are completed, the result, or a reference to the certificates of encumbrance showing the result shall be noted on the application by the person who made the search and signed by the person who made and verified the search.

(ii) Whenever an entry found on search is read out to an applicant under Rule 133, a note shall be made on the application to the effect that 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.

**138.** All inspections and searches of books and indexes shall take place in the presence of the Registering Officer.

**139.** A copy of an entry shall not be made from any book until the Registering Officer has scrutinized the entry generally.

## **Certificate of Encumbrance**

**140.** When an application is made for a search for encumbrance 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 encumbrance 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.

**141.** 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 document 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).

**142.** 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.

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

**144.** 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.

**145.** (i) Searches for certificates of encumbrances 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 tile other.

(ii) 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.

**146.** A copy shall be retained of each encumbrance certificate issued from an office and shall be filled in a separate file book in which the various certificates will be numbered consecutively in a separate series for each calendar year.

**147.** The notes furnished by parties containing the results of searches conducted by themselves and the duplicate of the certificate received from other officer under Rule 144 shall be filed in the above file with necessary cross reference.

### **Production of Register Books in Court**

**148.** 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 4, 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 XXI**

(Section 63)

### **Record of Substance of Statements**

**149.** Evidence required by a Registering Officer shall be taken by himself or by some one appointed under a Commission.

**150.** 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".

**151.** (i) 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 in itself a sufficient record. A record of the substances of the statements shall, however, be made in the following cases: —

- (a) When an execution is denied;
- (b) When a person admitting execution refuses to sign the endorsement;
- (c) When a person refuses to affix his thumb impression when required by the Registering Officer;
- (d) When a person admits execution on protest or with a reservation
- (e) When an enquiry is held as to the alleged death of an executing party;
- (f) 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,
- (g) When any person is examined as to the age of a party who appears to be a minor as to the sanity of a party who appears to be an idiot or a lunatic;
- (h) When an explanation is taken regarding the cause of delay in the presentation of a document or in the appearance of parties;

(i) 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.

(j) When an enquiry is held under Section 41 (a) in respect of a will or any authority to adopt presented for registration after the death of the testator or the donor, as the case may be;

(k) When an enquiry is held under Section 74 as to the fact of the execution of a document; and

(1) Generally in all cases in which a record may seem necessary.

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

(iii) 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.

(iv) 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.

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

(vi) The deposition book shall not be carried when a Registering

Officer attends private residence. Any statements or depositions which a Registering Officer may find it necessary to take when attending at private residence shall be recorded by him in a separate book and on his return to the office be 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 XXII**  
(Sections 64 to 67)

**Transmission of Memoranda and Copies**

**152.** Memoranda of the registered documents required for transmission under the provisions of Sections 64 to 67 shall be prepared in the form printed to Appendix-VIII.

**153.** The total number of copies or 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 duly receipted by the Officer to whom it is addressed.

**154.** The copies and memoranda and translations received in a Registration Office shall not be given a document number in that office but shall be pasted into file Book I or in the file of translation as the case may be and indexed with reference to the page of the volume in which they are filed.

**155.** 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, but the number of copies registered with the original shall be noted in the column headed "document" in the memorandum prepared from the



original.

**156.** 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 recognised to the sub-district to which the Memorandum is forwarded. When this is not the case, the Memorandum shall be prepared in English.

**157.** 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 the 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 volume of the file book in which the erratum has been filed shall be entered on the original memorandum or a copy, and the indexes shall also be corrected accordingly.

**CHAPTER XXIII**  
(Sections 68 & 69)  
**Errors in Registration**

**158.** (i) 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 in which a reference to the volume and page of the book in which the document has been copied.

(ii) Corresponding note shall also be entered in the entry in the wrong book as well as in the indexes relating thereto. (iii) In

cases in which copies and memorandum 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 becomes necessary for rectifying the error, the requisite notice of the error in the former and the requisite copies, and memoranda in the latter shall be forwarded free of cost.

**159.** (i) 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.

(ii) Where the proper office of registration is situated, 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.

(iii) 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 representation shall refer to the orders of the Registrar.

(iv) 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 of a memorandum of the document in accordance with the procedure prescribed by Sections 64 to 66 and the receiving officer shall file the copy of memorandum in his file Book 1.

**160.** (i) 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 a document.

(ii) If before a document is returned to the party, the Registering Officer detects that the fee was deficitly levied on such document, he may collect from the party the amount required to make up the deficiency. A report of every such collection shall forthwith be submitted to the Registrar of the District.

**CHAPTER XXIV**  
(Sections 71 & 76)  
**Refusal Register**

**161.** (i) When registration is refused the reasons for refusal shall be 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) & Sec. 22:-**

That the description of the property is insufficient to identify it or does not contain the information required by Rule 20.

**IV. Section 21(4):-**

That the document is unaccompanied by a copy or copies of any map or plan which it contains.

**V. Section 36: —**

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 & 77:-**

That it is presented after the prescribed time.

**VII. Sections 32, 33, 40 & 43: — T**

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 & 43:-**

That the Registering Officer is not satisfied as to the identity of a person appearing before him who alleges, that he executed the document.

**X. Sections 34 & 40:-**

That the Registering Officer is not satisfied as to the right of a person appearing as a representative, assign, or agent so to appear.

**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 nonappearance 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 the executant of a document who is examined under a Commission under Section 38 is reported by the Commissioner to be minor, an idiot or 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 the disqualification.

## **XIII. Section 35:-**

That execution is denied by the representatives or assign of a deceased person by whom the document purports to have been executed.

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

## **XIV. Sections 35 to 41:-**

The alleged death of a person by whom the document purports to have been executed has not been proved.

## **XV. Section 41:-**

The Registering Officer is not satisfied as to the fact of execution in case of will or of an authority to adopt presented after the death of the testator or donor.

## **XVI. Sections 25, 34 and 80: -**

That the prescribed fee or fine has not been paid.

**162.** 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 applies for the return of the document unregistered as regards the executants who failed to appear.

**Note:—**This rule refers to documents executed by several executants at the same time and not to documents executed by several persons at different times under Section 24.

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

**164.** 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 registration of such document but he shall always advise the parties to present such document or Power of Attorney at some other office. If the document falls within the category of documents mentioned in Section 28 such other 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. 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.

**Note:—**This should not be understood as authorising a

registering Officer to attest Power of Attorney executed by himself.

## **CHAPTER XXV**

(Sections 41 (2) and 72 to 76)

### **Appeals and enquiries**

**165.** (i) An appeal under Section 72 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 copy of the refusal order appealed against and the original document in respect of which the order was passed.

(ii) 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 issue of a summons for its production, the request may be complied with and the application be admitted pending receipt of the document.

**166.** (i) An appeal under Section 72 shall be presented either by the appellant or by a certified pleader duly authorised on his behalf by a vakalat attested in the manner prescribed in the Civil Rules of Practice applicable to Muffasil Civil Courts or by an agent holding a Power of Attorney authenticated as laid down in Section 33.

(ii) 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.

(iii) An appeal or an application shall not be accepted or acted upon if sent by post. 167. In a enquiry connected with a will or an authority to adopt under Section 41 (2) or an appeal under Section 72 or an application under Section 73 or in original enquiry under Section 74, private vakils or persons not under the

Legal Practitioner Act, 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.

**168.** 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 against within a stated time.

**169.** 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.

**170.** (i) 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 166 also an agent or a vakil.

(ii) On the presentation of an appeal under Sec. 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.

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

(iv) 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.



(v) 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.

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

**171.** An order on an appeal under Section 72 or on application under Section 73 directing or refusing registration shall not be endorsed on 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 either case a brief abstract of the order shall be endorse on the petition, appeal or application which will be kept with the records of the case.

**172.** 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 summons to witness or remand the case to the Sub- Registrar for further enquiry.

**173.** 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 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.

**174.** (i) All orders passed by a Registrar under Sections 72, 75 and 76 shall be communicated without delay to the Sub-Registrar concerned.

(ii) 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 offices.

**175.** When a document refused registration is ordered to be registered either by a Registrar or by a Court, a note to the following effect shall be entered in Book 2 under the order originally passed by the SubRegistrar refusing registration at the foot of the copy of Registrar's order or decree of Court:

"Registered under the orders of Registrar/Court as  
No \_\_\_\_\_ of 19 ..... Book..... volume .....  
P \_\_\_\_\_

**176.** When a Registrar refuses to direct the registration of document under Section 72 or Section 75, the order passed by him may be copied in Book 2 by a clerk, the copy so made being treated as the original and signed by the Registrar himself without the addition of the words, "true copy". The Registrar's draft from which copy is made shall be filed in the file of appeal, orders and judgment.

**177.** When an alleged executant appears after the expiry of the first four months from the date of execution and denies execution, no appeal lies under Section 72, but an application may be made to the Registrar under Section 73 on the ground of denial of execution.

**178.** In cases where the refusal order of a Sub-Registrar is based on the ground that the executant did not appear even after the expiry of the full time allowed;

(i) If the presentant had taken no steps to enforce the appearance of the executant, the latter cannot constructively be held to deny execution and the refusal order falls under sub-section(I) of Section 34 and the appeals under Section 72.

(ii) If, however, such steps have been taken and processes issued although abortively, the non-appearance is tantamount to denial of execution the refusal order falls under sub-section (3) of Section 35 and no appeal lies under Section 72, although an application may be made under Section 73.

**179.** No appeal lies to a Registrar in respect of a document which is not refused registration by a Sub-Registrar but is withdrawn from registration by the presentant, i.e., returned to him at his request.

**180.** The Registrar may direct by whom the whole or any part of the costs of an appeal under Section 72 shall be paid and such costs shall be recoverable as if they had been awarded in suit under the Code of Civil Procedure, 1908.

**181.** The Inspector-General shall have power, where he is satisfied that there are grounds for so doing, to transfer from the file of one Sub Registrar to that of another, any enquiry under Section 41(2); from the file of one District Registrar to

that of another any appeal under Section 72 or application under Section 73 or enquiry under Section 74 and from the files of one Sub-Registrar exercising powers conferred under the second proviso to Section 35(3) to that of the District Registrar to whom such Sub-Registrar is subordinate any enquiry under Section 74.

## **CHAPTER XXVI**

### **Fees and fines**

**182.** 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. Such application to the Registrar or the Inspector-General shall be made within 30 days from the date of payment of fees or the date of making of the Registrar's order, as the case may be.

**183.** In the event of registration being refused, any fee or fine which may have been levied shall be refunded except fees, commission, summonses attendance 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.

**184.** 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.

**185.** District Registrars may themselves dispose of applications for refund of fees or fines collected in excess or for work not performed by the Department.

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

**187.** (i) 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.

(ii) 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.

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

## **CHAPTER XXVII**

(Section 83)

### **Prosecutions**

**188.** A Sub-Registrar, may with the previous sanction of the Registrar lay a criminal complaint against a person who makes, in the process of registering a document an intentionally false statement, when however, execution is denied he shall not proceed to take evidence regarding execution and prosecute the executants for making false statement but merely refuse registration and leave the party concerned to bring the matter to an issue by applying to the Registrar under Section 73 for an enquiry into the fact of

execution.

**189.** A refusal to sign a registration endorsement or a statement made to a Registering Officer, does not constitute an offence under the Indian Penal Code or under the Registration Act. A Registering Officer is no more competent to require a party to sign than he is to require him to register; his duty is merely to carry out the voluntary wishes of parties who appear before him.

**190.** 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-Registrar to the Registrar within 24 hours of the institution of the prosecution. A Registrar who institutes a prosecution or approves of the institution of a prosecution by a Sub-Registrar or receives intimation that a prosecution has been instituted by a Sub Registrar shall report that fact to the Inspector-General.

## **CHAPTER XXVIII**

(Section 88)

### **Documents Executed by the Government Officers and other Public Functionaries**

**191.** The exemption from personal appearance contemplated by Section 88 shall be held to apply also to—

- (i) A Government officer who is an ex-officio President or Chairman of local body;
- (ii) an agent to Court of Wards
- (iii) an Official Receiver;
- (iv) Officers of Government whose services are lent to local bodies or who perform other duties retaining a lien on Government posts such as Commissioner of Municipalities, Liquidators of co-operative Societies and Managers of Estates under superintendence of the Court

of Wards;

(v) Commissioners of Municipalities whether holding lien on Government posts or not; and

(vi) Commissioners of Municipal Corporations of Hyderabad Secunderabad.

## **CHAPTER XXIX**

### **Preservation of Records**

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

Book 1: — Register of non-testamentary or any documents r immovable property.

Book2: — Record of reasons for refusal to register.

Book3:— Register of wills and authorities to adopt.

Book4:— Miscellaneous Register.

Book5: — Register of deposits of Wills.

Indexes Nos. I, II, III and IV and subsidiary indexes. Register of Thumb impressions.

File of translations.

Files of appeals, orders and judgments of Courts.  
Deposition Book.

**193.** 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.

**194.** (i) 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, indices and records.

(ii) 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 been completed or has not been bound; for instance, when a volume of register books 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 the starting be maintained in loose sheets.

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

**195.** The completed volumes of the under-mentioned books belonging to the office of a Sub-Registrar or of a Joint Sub-Registrar situated at the headquarters 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 Registrar's office:

Register Books 1,2,3 and 4 and the indexes relating thereto.

Register of thumb-impressions

File books of Power of Attorney

File books of translations

File books of appeals, orders and judgments



## Deposition books

### Minute books

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

(ii) 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.

(iii) 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 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.

(iv) 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.

(v) The entries as copied shall be compared and authenticated as a true copy by the Registering Officer with date and seal.

(vi) The signatures 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.

(vii) Un-initialled 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.

(viii) The interlineations etc., in the copies of the entries shall be noted by the copying clerk and shall be initialled by the Registering Officer.

197. Register books, papers, documents, indices, etc. may with the approval of the State Government, be transferred from one registration office to another for safe custody. Sealed covers deposited under Section 42 may likewise be transferred from one Registrar's office to another for safe custody.

## **CHAPTER XXX**

### **System of copying documents by Photography**

**198.** (i) The copying of documents admitted to registration may be made by means of the photography instead of by hand.

(ii) When a document is presented for registration the Registering Officer shall 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, 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.

(iii) If there be no objection on 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 the presentant's signature taken below it. The Registering Officer shall then sign the endorsement.

(iv) The enquiry prescribed in Section 35 shall then be proceeded with and the endorsement and certificates prescribed in Sections 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 certificates shall not contain the page and volume,

(v) The indices shall immediately be prepared.

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

(vii) When all such requirements are satisfied, the document should be sent to the Photo Office in a sealed packet accurately weighed and the weight marked on the packet, In order to avoid omissions in despatch and receipt, all the documents received for registration shall be sent to the Photo Office on the next day in one packet (and not in separate packets), together with a carbon duplicate list of such documents, the origin' 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 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 also despatched by post the white receipt obtained by the photo office will be forwarded to the Sub-Registrar concerned, who will also watch for the arrival of the yellow receipts.

(viii) 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 the weight of the packet marked on it. He will then open the packet and check the contents with the list, and send an acknowledgement by postcard to the Sub-Registrar ("List-, dated-, contents received exactly advised"). He will not return the list but will file it in his office.

(ix) In case any discrepancy in the contents of-the packets when compared with the advise list is noticed, the officer-in-charge of the 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.

(x)The Officer-iii-charge of the Photo Office shall then arrange for the photographing of the documents. A single photocopy 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 document which relate to property situate in more than one district, since no manuscript copy is to be sent under Sections 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 document the additional number of copies required, and the of 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 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 to all copies of documents photographed in token of the exact correspondence of the

copies to the original documents.

(xi) When all the photo copies are ready, the pages of each shall be carefully checked with the original documents which should be re-stitched before despatch as early as possible in the original condition, if it has been necessary to unfasten the pages for photograph.

## **RULES FOR LICENCING OF DOCUMENT WRITERS**

### **Chapter XXXI**

#### **Licencing of Document Writers**

**199.** Subject to provisions of these rules, a licence may be granted to-

(i) any person who possesses a degree in law of a University) State or any other equivalent qualification or who was enrolled as an advocate under the Advocates Act, 1961 (Act 25 of 1961):

(ii) any retired officer of or above the rank of a clerk who passed tests prescribed for the post of a Sub-Registrar in the Registration Department of Andhra Pradesh; except a pass in the second class language test (full test).

(iii) any person who has passed the Writer's Licensing Test; and

(iv) any other person who proves to the satisfaction of the licensing

authority that he is well conversant with the preparation of deeds of conveyance, etc. and has been in continuous practice as document writer in the territories of the State of Andhra Pradesh for a period of not less than five years immediately preceding the date on which these rules come into force subject, however to the condition that he secures a pass in the Document Writers Licensing Test prescribed in the Rule 210 (i) within a period of two years from the date of issue of a licence to him:

Provided that the Inspector-General of Registration and stamps

may in appropriate cases and on the recommendation of District Registrar exempt any person or class of persons from the provisions of this rule.

**200.** | x x x |

**201.** A licence shall not be granted to a person.

(a) if he is a minor;

(b) if he has been declared by a competent court to be of unsound mind;

(c) if he is an un-discharged insolvent, or being : discharged insolvent, has not obtained from the court, which adjudged him as insolvent a certificate that his insolvency was caused by misfortune, any misconduct on his part.

~~(d) if he is an advocate or pleader who has been dismissed or is under suspension from practicing as such by an order of any competent court;~~

(e) if he has been convicted by a Criminal Court for an offence involving moral turpitude;

(f) if he is a person suffering from leprosy:

(g) if his retirement (in the case of a retired officer) had been the result of misconduct;

(h) if his licence has at any time been cancelled and the order

cancelling the licence has not been quashed by competent authority;

(i) if for any other reason to be recorded in writing the licensing authority considers it not desirable to issue a

licence.

1. Omitted by G.O.Ms.No. 108, Rev., dt. 21.2.2001.

**202.** (1) An application for a licence shall be in Form 'A' in Appendix-IX and shall either be presented to the licensing authority, in person or be sent by post with necessary fees.

(2) Application for renewal shall be in form 'B' in Appendix-IX and made two months prior to the date of expiry of the licence through the Sub- Registrar to whom a majority of the documents prepared by the applicant are presented for registration or through the Registrar of the District in which the applicant primarily works in respect of the licence for more than one district. The Sub-Registrar or the Registrar as the case may shall forward the said application to the licensing authority with his recommendation.

(3) Fees prescribed under these rules, for grant of a licence or its renewal shall be remitted into the treasury to the Departmental head and the challan therefor enclosed to the applications:

Provided that the fee remitted shall be refunded to the applicant if the licence for the renewal applied for is refused.

**<sup>1</sup>Fees**

**203.** [(a) "Fees at the following rates shall be levied for the grant of licence and for its yearly renewal.

**For the first of**

**any part of a**

**calendar year**

**For renewal in the second or any part of the succeeding calendar year**

1 2 3 Rs. Rs.

Fee for more than one zone **1,200 400** Fee for more than one District in the zone **900 300**

Fee for one District **600 225** Fee for one Sub-District **450 150**

Fee for any one Village **225 75**

1. Clause (a) subs, by G.O.Ms.No. 831, Rev. (Reg-1), dated 27-8-1993. nub. in A.P.

(b) If a licence is lost or destroyed a duplicate may, on adequate proof of such loss or destruction, be issued to the-licensee on payment of Rs. 10.00

(c) The fees for the extension of the area of a licence during the year for which the licence was originally granted, shall be the difference between the fees payable under clause (a) of this rule for the grant of a licence for such extended area and the fees already paid for the grant of the said licence.

(d) The fees for the extension of the area of licence during subsequent year shall be in addition to the fees payable under clause (c) of this rule, difference between the fees payable under clause (a) of this rule of the renewal of licence for such extended area and the fees already paid for the years with effect from which the extension is applied for.

**Explanation:** —(i) In this rule, a sub-district shall be deemed to include all the Registration Offices whether principal, additional, temporary or joint having if any, collateral jurisdiction over the entire area of the sub-district;

(ii) Documents to be registered by a 'Registrar' under Section 30 of the Act may be prepared and written by licensees attached to the headquarters, sub-district of a district.

**204.** The following shall be the conditions of a licensee,  
namely: —

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- (a) that the licensee shall abide by these rules for the time being in force;
- (b) that he shall maintain the registers, receipt books and other records in the manner prescribed by these rules;
- (c) that he shall not levy more than the fee prescribed in Appendix
- (d) that he shall not demand or receive any sum from parties in the name of any person connected with the Registration Office;
- (e) that he shall not abet or participate in any illegal transaction or dealings with the staff attached to the Registration Office;
- (f) that he shall render the true and correct amount of the moneys received from the parties and produce the records maintained by him for inspection at any time before such officer as may be authorised to inspect them by the licensing authority or the Inspector-General of Registration;
- (g) that he shall prepare and write documents neatly and legibly in clear and unambiguous terms and in accordance with the instructions that may be issued, from time to time, by the licensing authority or the Inspector-General of Registration;

(h) that he shall instruct the parties or their duly authorised agents to present documents and to pay the fees in person direct to the Registering Officers and not through any other agency.

(i) that he shall obey any directions that may, from time to time, be issued by the licensing authority or the Inspector-General of Registration regarding the preparation of documents;

(j) that he shall set forth fully and truly the consideration or the value and all other facts and circumstances affecting the chargeability of any instrument with duty or the amount of duty with which it is chargeable;

(k) that he shall not act as a tout; (1) that he shall not appear as an identifying witness of anybody connected with the registration of any document, and (m) that he shall not take delivery of any registered document from the Registering Officer or present any application for a single or general search or for a certified copy or extract;

(n) that if he is Village Officer, he shall not leave the charge of village or villages as the case may be, in connection with his work as a document writer to the detriment of Government work:

Provided that the Registering Officer may in his discretion, exempt any licensee under these rules, from the operation of this rule, if he is satisfied that the licensee is personally interested in the matter.

**205.** Every non-testamentary document written by a licensee shall be attested by him in the following manner, namely: --

"Prepared and written by (name in full with licence number of the licensee and signature)".

**206.** (a) Licensing authority shall be —

(i) the District Registrar in respect of licensee authorised to prepare and write documents within a village or a sub-district or district; and

1[(a) The Deputy Inspector General of Registration and Stamps in respect of licensees authorised to prepare and write documents in more than one district of the concerned zone; and

(b) The Inspector General of Registration and Stamps in respect of licensees authorised to prepare and write documents in more than one zone. |

**207.** (1) The licensing authority shall maintain registers in Form-C and shall issue licences in Form-D in Appendix-IX.

(2) Licences granted or renewed by the Licensing Authority shall be issued through the Registering Officer in whose jurisdiction the licensee concerned resides.

**208.** A licence issued under these rules, shall be in force upto and inclusive of the last day of the calendar year for which it was granted. It can be renewed from year to year on an application being made in Form-B prescribed in Appendix-IX within the time and in the manner prescribed in Rule 202 (b):

Provided that the licensing authority may if it is satisfied that the delay in applying for the renewal was due to unavoidable causes, condone the delay and renew the licence on payment of a fine as prescribed below:-

(i) When the delay does not exceed two calendar months - A fine equal to the renewal fee.

(ii) When the delay exceeds two months but does not exceed four months - A fine equal to double the renewal fee.

(iv) When the delay exceeds four months but does not exceed s;

Months - A fine equal to five times the renewal fees.

<sup>1</sup>[Provided further that the Government by publishing a notification in the A.P. Gazette may order the non-renewal of document writer licence either permanently or for specified periods, in respect of any class, category of persons or areas of operation in the State of Andhra Pradesh either before or on the dates, these renewals fail due, from the date of issue of such notification restricting the renewal of the licences notwithstanding procedure for renewal contained in Registration Rules, 202 and 208.]

<sup>2</sup>[Provided further notwithstanding any of the provisions in the Rules for renewal of licenses, the Government may at any time, in its discretion, direct that all or any of the licenses issued under these rules, shall not be renewed permanently or for such period and in such areas of operation in the State as may be specified from time to time.]

1. Added by G.O.Ms.No. 1082. Rev. {Regn. 11). dt. 10-12-2002, w.e.f. 13-12-2002, pub. in A.P. Gaz. RS to Ft I exi. No. 60. dt. 13-12-2002.

2. Added by G.O.Ms.No. 134, Rev. (Rcgn. 1), dt. 1-2-2003, pub. in A.P. Gaz. PL I.Ext. No. 2. dt. 4-2-2003.

**209.** Notwithstanding anything contained in these rules, a person whose licence is not renewed within a period of six calendar months after the expiry of the calendar year for which it was granted shall apply for a fresh licence under Rule 202.

**210.** (1) An examination to be called "The Document Writer's Licensing Test" shall be conducted by the Inspector-General of Registration. The time and place of the examination and the language in which the candidates will be examined and fees payable therefor, shall be notified by the Inspector General, from time to time; in the Andhra Pradesh Gazette.

The Inspector-General shall prescribe, by order, from time to time, the maximum marks of each test, the maximum marks to be secured for a pass, the examiners for the test, the class of persons that may be admitted to it and all other matters which are ancillary to the proper conduct of the test and declaration of results.

(2) The test shall consist of an examination in-

(i) the Indian Registration Act, 1908 and the rules and the table fees thereunder.

(ii) the Indian Stamp Act. 1899. and the Rules thereunder,

(iii) the Transfer of Property Act, 1882 and

(iv) a standard book on drafting documents.

(3) The list of the successful candidates of each examination shall be published in the Andhra Pradesh Gazette.

**211.** A study upto the S.S.L.C examination or its equivalent shall be the minimum qualification for admission to the licensing test: Provided that this rule shall not apply to the persons specified in Clause (iv) of Rule 199.

**212.** The names of the licensees for more than one district for the whole district or the sub-district and for villages of the sub-district concerned together with their licence numbers shall be published on the Notice Board of each Sub-Registrar's Office.

**213.** (a) A licensee shall maintain:

(i) a register in Form 'E\*' of Appendix-IX.

(ii) a receipt book in Form 'F' of Appendix-IX, and

(iii) shall issue receipts for all moneys received on account of the work connected with every document written by him.

(b) The completed registers and receipt books maintained under this rule, shall be surrendered to the licensing authority at the end of each calendar year:

Provided that if the licensee should die or his licence expires or be revoked or suspended the registers, and receipt books shall be surrendered within 15 days from the date of such death, expiry, revocation or suspension by the representative in the case of the deceased licensee and by the licensee in other cases.

**214.** (a) A licence granted under these rules, may be suspended if the licensee-

(i) fails to maintain the registers and to issue receipts prescribed under these rules regularly and correctly,

(ii) collects more than scheduled fees specified in Appendix-X,

(iii) contravenes any of these rules or any of the conditions of his

licence or is found guilty of disobedience to any lawful order passed under these rules,

(iv) if found guilty of any abetment of or participation in any illegal transaction or dealings with the staff attached to the registration offices, or

(v) if he has acted as a tout.



(b) A licence granted under these rules may be cancelled if

(i) the licensee has been suspended three times.

(ii) he becomes disqualified on any of the grounds specified in Rule 201 and covered by Rule 209.

(iii) he has furnished false or incorrect information or particulars in the application for licence.

**215.** The licensing authority or any higher authority may suspend any license granted under these rules for any period or may cancel such licence.

**216.** An appeal from the order of suspension or cancellation of a licence under these rules passed by an authority shall lie to the next higher authority.

**217.** Every licensee preferring an appeal shall do so separately and in his own name.

**218.** Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, and shall contain no disrespectful or improper language and be complete in itself.

**219.** An appeal may be summarily rejected by an authority not lower in rank than that from whose order it is preferred to if:

(i) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

(ii) it is addressed to the authority to which no appeal lies under these rules.

(iii) it is not preferred within two months from the date on which the applicant was informed of the order appealed against and no reasonable cause is shown for the delay, and

(iv) it does not comply with the provisions of Rule 218.

**220.** The appellate authority shall consider-

(a) whether the facts on which the order of suspension or cancellation is based and established.

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty imposed is excessive, adequate or inadequate and after such consideration shall pass such order, as it thinks just and equitable having regard to all the circumstances of the case.

## **1[CHAPTER XXXII**

### **Registration of Documents through CARD**

**221. Definitions:-** In this Chapter, unless the context otherwise requires, the following words and expressions shall have the meaning assigned to them, namely:-

(i) 'Archival' means capturing data, including images, on to electronic storage media like the CD, the tape, the hard disk and the like, with the intention of preserving the same for long periods and for retrieving when required and includes re-archival;

(ii) 'Card' or 'Computer-aided Administration of Registration Department' means the process of performing the various functions associated with the act of registration, through electronic devices like computers and scanners, to ensure an efficient, accurate and transparent delivery of services to the registering public;

(iii) 'CD' or 'Compact Disk' means an electronic storage device on

which data, including images, can be stored in an electronic digital form;

(iv) 'CD Writer' means an electronic device used to copy data available in digital form on an electronic storage device on to a CD;

(v) 'Hardware' includes the electronic devices like computers, scanners; printers. CD writers which are used to capture, store and process data in a digital form; (vi) 'Imaging' means the process of scanning the documents and managing the storage, classification and retrieval of the electronic digital images so generated;

(vii) 'Scanner' means an electronic device used in conjunction with a computer and a suitable software, to convert documents on paper into electronic digital images to be stored on electronic media and retrieved when required, and the words 'scanning' and 'scanner' shall be construed accordingly;

(viii) 'Software' includes a set of computer programmes or coded instructions given to the computer systems to make the latter perform different, predetermined functions and to generate the desired output.

**222. Responsibility of the Inspector General:—** (1) The Inspector General of Registrations shall be responsible for administration of CARD and for ensuring substantial compliance with the provisions of this chapter. For this purpose the Inspector General may issue suitable circular instructions and such instructions have the force of standing orders for strict compliance by all the registering officers.

(2) For the purposes of the sub-rule(1), the Inspector General shall specify, from time to time, the configuration of hardware and the software to be used in different categories of registration offices as may be required.

(3) The Inspector General shall also cause supply of the hardware and the software specified in sub-rule (2) at all the registering offices, in respect of which a notification has been issued by the Government under Section 70-BoftheAct.

(4) It shall be the basic responsibility of the registering officers to ensure that the hardware and software so supplied is always kept in a good state to ensure the continued availability of the card services. The registering officers shall, at all times, use only the software notified and certified by the Inspector General and no other software.

(5) The Inspector General shall make adequate arrangements, including maintenance of the required stand by systems and spares and retention of the services of technical personnel, as may be required to enable the registering officers to comply with sub-rule(4)

**223. Procedure to be followed:** — The registering officers shall follow the provisions of the Act and rules in all matters other than those covered by this chapter. In case of a conflict between any provision of this chapter and any other rule, the provision of this chapter shall prevail in relation to any computerized process specified in this chapter.

**224. Presentation of Documents:** — (1) When a document is presented to him, the registering officer shall satisfy himself that it is fit to be accepted for registration with reference to all the provisions of the Act, rules and the Standing Orders. In addition, he shall satisfy

himself that the writing is legible and not faint or indistinct and that the document is written and signed in dark black ink such as is fit for being scanned properly.

(2) All documents presented for registration under Computer Aided Administration of Registration Department, shall be accompanied by an input form in the proforma given in Appendix XI. The registering officer may arrange to provide such assistance to the registering public as may be required to enable them to fill up the input forms and to avail the various services offered by the department without any difficulty.

(3) Upon satisfying himself that the provisions of the sub-rules(1) and (2) are complied with, the registering officer shall affix his signature on the input form indicating the date and time of presentation.

(4) The registering officer shall thereupon cause the presentation endorsement to be impressed in black ink or to be printed by the Computer Aided Administration of Registration Department system as specified in Rule 52(1) (a) on the reverse of the first stamp paper used for writing the document.

(5) The procedure required under Section 35 of the Act shall then be followed with regard to the admission of execution.

(6) The registering officer shall then send the document together with the input form to the computer section for further process under the CARD system.

**225. Registration Checkslip:— (1)** The details of the executants, claimants, nature of the document, description of the property together with its boundaries shall be entered in the

computer and a Checkslip printed and handed over to the person presenting the document under an acknowledgement. The Checkslip shall be in the format shown in the Appendix XII.

(2) The mistakes in spelling or in the description of the property or its boundaries, pointed by the party, in writing and under signature after verification of the checkslip, shall be corrected in the computer and a revised checkslip shall be printed and handed over to the party.

**226. Issue of Receipt:— (1)** The deficit stamp duty, if any, and the registration fee and other amounts indicated in the registration checkslip, shall then be collected and a receipt printed by the computer shall be issued to the party. The receipt shall be in the format shown in the Appendix XIII.

(2) On payment of the deficit stamp duty, registration fee and other amounts, the document together with the input form, the registration checkslip and the receipt shall be sent to the registering officer for verification.

**227. Verification by the registering officer:—** The details of the registration checkslip and the receipt shall be verified by the registering officer with reference to the original document to satisfy himself as to the compliance with the Act, rules and the standing orders and the adequacy of the stamp duty paid.

**228. Registration of the Document:— (1)** After completion of the procedure prescribed in the Rules 223 to 227, the registering officer shall admit the document to registration in terms of the provisions of Sections 58 and 59.

(2) The registering officer shall then assign a regular number to the document and mark it in dark ink on all the sheets of the document.

**229. Endorsements and certificates:—** (1) The endorsements and certificates required to be made under Sections 58 and 59 and the relevant Registration Rules, shall be made on the document in accordance with the procedure prescribed.

(2) The certificate of registration required to be made under Section 60 of the Act, shall be made in the format shown below in respect of the documents registered under the Computer aided Administration of Registration Department system:

Registered as No .....of .....of  
books1 ..... day of ..... 200 / ..... S.E.

Signature of Registering Officer.

(3) The endorsements may be made by using any or a combination of the following methods:

(i) by writing in hand using black ink;

(ii) by impressing a rubber stamp using black ink;

(iii) by getting the endorsements and certificates printed suitably on the reverse of the stamp papers using the feature provided for the purpose in the Computer aided Administration of Registration Department system.

(4) The endorsements and certificates, however so made as above, shall be authenticated by registering officer.

**230. Scanning of the documents: —** (1) After the process of affixing the endorsements and certificates is completed, the



document shall be scanned, on both the sides of all the sheets including the maps and plans accompanying the document, using the scanner and the imaging software provided.

(2) The registering officer shall satisfy himself that the document has been properly scanned following the procedure laid down by the Inspector General in this behalf. Thereupon, the following certificate shall be affixed on the reverse of the stamp paper used for writing the document, below the certificate of registration:

### **Certificate of Scanning**

The document has been scanned with the Identification  
Number

Signature of Registering Officer

(3) The documents presented for registration and registered alone should be scanned and copies of documents should not be scanned.

**231. Return of the Document:** — (1) After satisfying himself that the procedures prescribed in the Rules 223 to 230 are complied with, and especially that the document has been properly scanned the registering officer shall return the document to the person authorized to receive the same, duly obtaining an acknowledgement therefor.

(2) For the purpose of monitoring and recording the receipt and return of the document, the registering officer shall maintain a "Document Register" in the format shown in the Appendix XIV, entries in the columns (I) to (8) shall be made at the time of presentation, in the column (9) while assigning a regular number to the document and in columns (10) to (14) while returning the document to the authorised person.

**232. Archiving of the images:—** (1) The images of the scanned documents together with the data relating thereto shall be archived on to CDs or tapes suitably labelled, using the CD writer and the computer under the Computer-aided Administration of Registration department system, as soon as the documents are scanned.

(2) CD or tape after it is completely filled with images of scanned documents, duplicate and triplicate copies of such a CD or tape shall be generated, following such procedure as may be specified by the Inspector General in this behalf.

(3) The duplicate copy of CD or tape shall be suitably labelled and sealed and shall be sent to District Registrar within three days from the date of generation.

(4) The duplicate copies of CDs and Tapes shall be preserved with District Registrar and shall be used for being produced as evidence whenever summoned by Courts. The triplicate copies of CDs and Tapes shall be sent to Inspector General of Registration and Stamps in the first week of January, April, July and October every year for preservation.

(5) The CDs and the tapes shall be preserved in such conditions and taking such precautions as may be specified by the Inspector General in this behalf.

(6) The CDs and the tapes shall be recopied or re-archived at such periodic intervals as the Inspector General may specify.

1[(7) A Complete working set of Card hardware system, with a set of instructions to install the same shall be preserved in the Central Archival Room to cover the risk against technological obsolescence,

whenever major hardware architectural changes occur. One set of the new hardware should be preserved in the Central Archival Room for further use. ]

1. Added by G.O.Ms.No. 338, Rev. (Reg. 1) dt. 24-5-2001, w.e.f 5.2.1999, puh. in A.P. Gaz., RS Pt. I (ext.) No. 24,dt.28.5.2001.  
ANDHRA PRADESH RULES UNDER THE REGISTRATION  
ACT, 1908

**233. Documents registered manually:-s** (I) Certain documents will have to be registered manually under the following circumstances;

(i) Categories of documents not notified by the Government under Section 70-6 of the Act for Registration under the Computer Aided Administration of Registration Department System;

(ii) Documents presented for registration when the Computer aided Administration of Registration Department system is out of order;

(iii) Documents which, in the opinion of the registering officer can not be registered under the Computer Aided Administration of Registration Department system.

(2) The registering officer shall register the documents described in sub-rule(I) (iii) using the manual system, duly recording the reasons for resorting to manual system in the minute book.

(3) The details of the documents registered in Book-I manually shall be posted to the computers before the close of official business in respect of the categories (i) and (iii) mentioned in sub-rule(I) and as soon as the Computer-aided Administration of Registration Department system is restored in respect of the documents

mentioned at (ii) of the sub-rule(I). This is required to ensure that the index particulars are complete in all respects irrespective of whether certain documents are registered manually.

1[(4) To deal with the situation arising on account of:-

(a) documents missing in CDs., soft copy not found in the system  
i.e., hard disk;

(b) documents scanned and archived with poor quality image;

(c) Image of documents are missing;

(d) documents scanned and archived in irregular order; and

(e) documents scanned and archived with wrong documents.

1[ **Note:-** A special volume shall be opened by obtaining

permission of the District Registrar in writing and all such documents mentioned in sub-rule (i v) above shall be 'Rescanned' or transcribed manually from the original document (duly recording the reasons in the minute book) by making a note at foot of the entry concerned. ]

2.Subs, by G.O.Ms.No. 407, Rev. (Reg. 1), dt. 5-7-2002, pub.  
in

A.R Gaz. RS to Pt. I,ext. No. 34,dt. 12-7-2002.

**234. Indexing:-** (1)The Computer-aided Administration of Registration Department system maintains the Indexes I and 11, specified in Chapter XIX, automatically in respect of all documents registered under the Computeraided Administration of Registration Department system and also the documents registered manually but whose details are posted into the computer in pursuance of the sub-rule (3) of Rule 233.

(2) Copies of the digital data of the Indexes may be maintained in such manner and in such number of copies and at such places as the Inspector General may specify.

**235. Encumbrance certificates:-** (1) Encumbrance certificates may be generated and issued under the Computer-aided Administration of Registration Department system conducting the search of the database electronically.

(2) The result of search shall be preserved electronically for a period twelve years.

**236. Revocation, cancellation and rectification of deeds already registered:-** (1) When a deed purporting to revoke, cancel or rectify a deed previously registered under the manual system, is presented for registration: such deed may be registered following the procedure prescribed in this Chapter and the foot-

notes specified under Rule 118, shall be made on the copy of the document in the respective volume.

(2) When a deed purporting to revoke, cancel or rectify a deed previously registered under the Computer-aided Administration of Registration Department system is presented for registration, such deed may be registered following the procedure prescribed in this chapter and contra entries posted to the record relating to the original deed and a memo in the nature of a foot-note shall be appended to such record so that the foot-note is printed invariably when the original document is sought to be printed.

**237. Security:-** (1) Adequate security systems shall be developed and implemented to ensure that the data and images of the documents registered under the Computer-aided Administration of Registration Department system are preserved without any scope for loss, corruption or unauthorized access.

(2) It shall be the responsibility of the registering officer and all the employees authorized to handle the systems to ensure that the security measures prescribed are strictly adhered to and that the passwords and access devices are maintained confidentially at all times.

(3) The Inspector General shall review the security plan periodically, at least once a year, to ensure that the security standards of the highest order are always maintained.]

## APPENDIX I

(Rule 12)

Book 1: — Register of non-testamentary documents relating to immo property.

Book2:— Record of reasons for refusal to register. Book3: — Register of wills and authorities to adopt.

Book4: — Miscellaneous register.

Copy of document

Copy of endorsement and certificates

Document No..

Of..... 19

(1) No. of 19

Stamp Date of Dt.and Hour of Document Presentation.

( 2) Name and additions of the presentant

### REASONS FOR REFUSAL

**(Note:** —When a document is refused registration on appeal, ordered to be registered or 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) Name and additions of persons examined

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

Date:

*Signature of Registering Officer*

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

**Note:** — Columns (2) to (5) need not be filled up in the case of refusals by the Registrar in appeal. But 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 5: —Register of Deposits of Wills.

1. Number of 19—
2. Date & 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 addresses of persons  
testifying to the identity of the depositor.

Date :

signature of Registrar

( With date)

9. Date of application to withdraw sealed cover.

10. Names and addresses of persons  
testifying as to the identity of applicant.

11. Date of delivery of sealed cover  
to applicant.

*Signature of Applicant*

*Signature of Registrar with date*



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

**APPENDIX II**

(Rule 46)

**Commission under Section 33 or Section 38 of the Indian  
Registration Act.**

To XY.

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 it should be ascertained whether it has been voluntary that.....son of ..... executed by the person by whom it purports, to have been ..... executed, residing at ... ..... in your Sub-District..... should be examined, in connection therewith. You are requested to take/ order ..... the examination of..... upon 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 seal this ..... day of ..... 19

(Seal)

*Signature of Registering Officer.*



**APPENDIX IV**

(Rule 63)

**Register of Thumb Impression**

| <b>Signature and impression of the left thumb of the Executant of Document with date and initials of then Registering officer</b> | <b>Number Book and year of document</b> | <b>Signature and of impressions of the left thumb of the Executant with date and initials of the Registering Officer</b> | <b>No. Book and year of document</b> |
|---|---|--|--------------------------------------|
| <b>1</b>  | <b>2</b>                                | <b>3</b>   | <b>4</b>                             |
|   |   |  |                                      |

**Note:—** (1)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.

(2) When an impression is not clear and second or third impression is therefore taken the indistinct impressions shall not be cancelled, but shall be noted as. "first" impression, second impression and so on; all the impressions being bracketed together.

"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".

Date:

*Signature of the Registering Officer*

**APPENDIX VI**  
(Rule 85)

**Sample Forms of Endorsements and Certificates under**  
**Sections 52, 58,59 & 60**  
(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 or the agent of such Executant  
or representative or assign or claimant or his representative or assign or the  
agent of such claimant or representative or assign.

Identified by the (First, Second Etc.) Executant

Identified by

*Signature of CD, with addition*

*Signature of E.F, with addition*

Date:

*Signature of Registering Officer*

Note:—(1) When a document is presented for registration at a private  
residence, the word "at a private residence of ...in village (or at  
No ..... Street)" shall be substituted for the words "in the office of  
(Sub) Registrar of .....

(2)When a document is refused registration by a Sub-Registrar but ordered to be registered by the Registrar or the Court on appeal or suit is represented to Registrar or the Court on appeal or suit is re-registered by the Registrar or the Court on appeal or suit is re-presented to Registering Officer for registration, the words "presented again" in the office of the Sub-Registrar of ..... under the order/decreed of the Registrar/Court of ..... dated ..... passed in Appeal/Suit No..... of and fee of Rs..... paid between the hours of .. on the ..... 19 ..... by..... " shall be substituted for words "presented in the Office of the (Sub) Registrar ..... of ..... and fee of Rs..... paid between the hours of .... and on the 19.... by....."

(3)The form "identified by the (first, second etc) Executant" shall be used when a document is presented by a person other than the executant and the presentant is identified by the executant, and the form, "identified by signature CD. with addition, signature E.F with addition" shall be used when a document is presented by a person other than the executant and the presentant is identified by a person who is not the executant.

(4)When a document is presented by a messenger under Rule 25(ii) the following endorsement shall be made thereon.

"Presented in the office of the (Sub) Registrar of and fee of Rs. .... paid between the hours of ....and ..... on the 19 ..... with letter No. dated ..... from ..... by....."

Left Thumb Impression and Signature

(5)When a document is presented by a person other than the executant or his representative or assign or the agent of such executant or representative or assign the impression of the presentant shall also be taken unless he is

personally known to the Registering Officer".

(6) When presentation alone is made by an agent under a Power of Attorney reference to the Power of Attorney shall be given in the endorsement.

### **Section 58**

Execution (and receipt of Rs..... being consideration in whole or in part) admitted by .....

*Signature of CD. with addition*

Known Personally to the (Sub) Registrar.

(Impression) Left thumb.

Signature E.F. with addition, representative or assign of *G.H*  
(Impression) Left middle finger.

*Signature of A.B. with Addition (Agent of IJ)*

Under a general (or special) power of attorney, dated .....and authenticated by the Sub-Registrar of ....).

Identified by:

Signature M.N. with addition

Signature CD. with addition

Witness examined: —Signature WX

(Hammannee) with addition

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



*Signature of Payer (or deliverer)*

Date:

*Signature of Payee (or recipient)*

*Signature of Registering Officer*

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

(2)When execution is admitted at a private residence the words "at the private residence of .....in .....village "admitted" and "by"<sup>11</sup> (or at No ..... Street)", shall be inserted between the words "admitted" and "by".

(3)When a document is executed by an Officer of Government or any of the public functionaries mentioned in sub-section (i) of Section 88, the Registering Officer on being satisfied of the execution thereof shall make the endorsements in the following form instead of the endorsement or execution admitted by": —

"I have satisfied myself as to the execution of the instrument by ..... who is exempted from personal appearance under sub-section (f) of Section 88 of the Indian Registration Act".

**(Section 60)**

Registered as No ..... of 19..... of Book.....Volume ..... Page

Date:

Seal

*Signature of Registering Officer,*



**APPENDIX VI**

(Rule 120)

**Index No. 1**

19.....

| Name of executant | Claimant | Addition | Village or place where property is situated | Office of original Registration | Volume   | First page of entry | No of documents |
|-------------------|----------|----------|---|---------------------------------|----------|---------------------|-----------------|
| <b>1</b>          | <b>2</b> | <b>3</b> | <b>4</b>                                    | <b>5</b>                        | <b>6</b> | <b>7</b>            | <b>8</b>        |
|                   |          |          |   |                                 |          |                     |                 |

## Index No.2

| Village or place in which property is situated | Name and description of property | Execution | Presentation | Registration | Nature and value of transaction | Executants | Claimants | Office of original Registration | Volume    | First page of entry | Number of Document |
|--|----------------------------------|-----------|--------------|--------------|---------------------------------|------------|-----------|---------------------------------|-----------|---------------------|--------------------|
| <b>1</b>                                       | <b>2</b>                         | <b>3</b>  | <b>4</b>     | <b>5</b>     | <b>6</b>                        | <b>7</b>   | <b>8</b>  | <b>9</b>                        | <b>10</b> | <b>11</b>           | <b>12</b>          |

## **Subsidiary Index**

**(Rule 125)**

Survey Number and  
Sub-Division.

Number and year of  
Documents registered

**1.**

**2-A.**

**2-B**

**3.**

**4-A (1)**

**4-A (2)**

## **Index Nos. III and IV**

**(Rule 120)**

| <b>Name of Executant</b> | <b>Claimant</b> | <b>Addition</b> | <b>Volume</b> | <b>First page of entry</b> | <b>Nature of Document</b> |
|--------------------------|-----------------|-----------------|---------------|----------------------------|---------------------------|
| <b>1</b>                 | <b>2</b>        | <b>3</b>        | <b>4</b>      | <b>5</b>                   | <b>6</b>                  |

**APPENDIX VII**

(Rules 140 and 141)

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 under mentioned property:

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

I hereby certify that a search has been made in Book I and in the indexes relating thereto .....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 encumbrances appear:

| Sl. No: | (a) Description of property | Dt. of Execution | (b) Nature and value of Documents | Names of Parties |          | Reference to document entry volume No. and year |
|---------|-----------------------------|------------------|-----------------------------------|------------------|----------|---|
|         |                             |                  |                                   | Executant        | Claimant |   |
|         |                             |                  |                                   |                  |          |   |
|         |                             |                  |                                   |                  |          |   |

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

Office:

Date: (Seal) *Signature of Registering officer*

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 1 37(i), persons desiring to inspect entries in the registers and indices, or requiring copies thereof or requiring certificates of encumbrances on specified properties should make the search themselves, when the registers and indices 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, hold 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 under-mentioned property: —

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

I hereby certify that search has been made in Book I 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 no act or encumbrance affecting the said property has been found.

Search made and Certificate prepared by:

(Signature)

(Designation)

Search verified and certificate examined by:



(Signature)

(Designation)

Office:

Date: (Seal)

*Signature of Registering Officer*

**Note:— (i)** If the property has been described in registered Documents in a manner different from the way in which the applicant has described them in the application the transactions evidenced by such documents will not be included in the Certificate.

(2) Under Section 57 of the Registration Act and Rule 1 37(i), persons desiring to inspect entries in the registers and indexes, or requiring copies thereof, of certificate of encumbrances of 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.
- (c) And, as in the present case, the applicant has made the requisite search himself and as its result shown in the certificate after verification, the Department will not, *on* any account, hold itself responsible for the omissions in it of any acts 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..... and that on such search the following appear: —

| S<br>e<br>r<br>i<br>a<br>l<br>N<br>o<br>. | Name<br>of<br>Village<br>in<br>which<br>the<br>prop<br>er<br>ty<br>eff<br>ect<br>ed<br>by<br>the<br>docu<br>ment<br>is<br>situa<br>ted | Dat<br>e<br>of<br>exe<br>cuti<br>on | Natu<br>re<br>and<br>valu<br>e<br>of<br>docu<br>ment | Name of<br>Parties |                          | Reference to<br>Document entry |        |                 |                         |
|---|--|-------------------------------------|--|--------------------|--------------------------|--------------------------------|--------|-----------------|-------------------------|
|   |  |                                     |  | Exe<br>cut<br>ant  | Cl<br>ai<br>m<br>a<br>nt | Bo<br>ok                       | Volume | Pag<br>e<br>No. | Num<br>ber<br>&<br>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 provisions of Section 57 of the Indian Registration Act are not covered by this Certificate. Search made and certificate prepared by.

(Signature) (Designation)

Search verified and certificate examined by

(Signature)

(Designation)

Office:

Date:

(Seal)

*Signature of Registering Officer*

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

(2) Under Section 57 of the Registration Act and Rule 137 (i) persons desiring to inspect entries in the registers and indexes, or requiring copies thereof, or requiring certificates, list of documents executed by or in favour of a person should make the search themselves, when the registers and indexes except Book Nos. 3 and 4 and the indexes relating thereto will be placed before them on payment of the prescribed fees.

- (a) But, as in 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 result of the search embodied in the Certificate.
- (b) And as in the present case, the requisite search for entries in Book Nos. 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 the verification, the Department will not on any account hold itself responsible for any errors in the results of the search embodied in the certificate.

## APPENDIX VIII

(Rule 152)

### Memorandum Under Sections 64, 65, 66 & 67

| Office of Original Registration | Volume   | First page Entry | No. and Year of Document |
|---------------------------------|----------|------------------|--------------------------|
| <b>1</b>                        | <b>2</b> | <b>3</b>         | <b>4</b>                 |
|                                 |          |                  |                          |

1

2. Previous registration:

3. Date of execution:

4. Date of Registration :

5. Names and additions of Executants:

6. Names and additions of Executants:

7. Names and additions of Claimants:

8. Nature and value of transaction:

9. Village or Place and Sub-District  
in which property is situated and  
the name and description of  
property. :

Prepared by (Signature)

Designation

Examined by (Signature)

Designation (Reader)

(Signature)

Designation (Examiner)

Date:

(Seal)

*Signature of Registering Officer*

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