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# REGISTRATION & STAMPS DEPARTMENT

## Departmental Orders

### CHAPTER I

#### ESTABLISHMENT

1. (a) The establishment of the Registration Department is composed of the members of the following services :-

- (1) The Andhra Pradesh Registration Service;
- (2) The Andhra Pradesh Registration Subordinate Service;
- (3) The Andhra Pradesh Ministerial Service;
- (4) The Andhra Pradesh General Subordinate Service;
- (5) The Andhra Pradesh Driver Service; and
- (6) The Andhra Pradesh Last Grade Service.

(b) The Andhra Pradesh Registration Service consists of the following classes and categories of officers:

Class I : Inspector General of Registration and Stamps.

Class II :

Category 1 : Deputy Inspector General of Registration and Stamps.

Category 2 : District Registrars (including Assistant Inspectors General and Vigilance Officers)

Category 3 : Assistant District Registrars.

The pay scales and special pay, if any, of the above categories of officers are that fixed by the Government from time to time.

#### **Inspector-General of Registration and Stamps**

**S.O. 2.** The Inspector-General is the administrative head of the Department. He is assisted in the performance of his duties by one Deputy Inspector-General of Registration and Stamps, two Assistant Inspectors-General of Registration and Stamps and one Assistant Inspector-General of Stamps.

(1) of the members of the following services:—

#### **Deputy Inspector-General of Registration and Stamps**

**S.O. 3** (a) The Deputy Inspector-General working in the Inspector-General's Office shall assist the Inspector-General.

(b) The other Deputy Inspectors-General have jurisdiction over their respective Zones.

(c) The Deputy Inspectors-General are appointed by the Government by promotion from District Registrars.

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## **District Registrars**

**S.O. 4.** (a) Each Registration District is under the control of a District Registrar who shall exercise necessary control and superintendence on his district.

(b) The Assistant Inspectors-General who are in the cadre of District Registrars shall assist the Inspector-General.

(c) In each Zone there is a Vigilance Officer in the cadre of a District Registrar who shall exercise necessary vigilance over the zone.

(d) The above officers are appointed by Government by direct recruitment; by promotion from Assistant District Registrars and recruitment by transfer from Sub-Registrars of 1st Grade, in case Assistant District Registrars are not available.

(e) The provisions regarding the probation of District Registrars and the tests to be passed by them are contained in the Andhra Pradesh Public Service Rules.

(f) A probationary District Registrar recruited direct shall, within the period of probation, undergo such course of training as may be prescribed by Inspector-General.

### **Assistant District Registrar**

**S.O. 5.** (a) The Assistant District Registrars shall assist the District Registrars in the performance of their duties.

(b) They are officers of Gazetted rank appointed by the Inspector-General.

(c) They are appointed by recruitment by transfer from Sub-Registrars of the 1st grade.

### **Duties of District Registrars and Joint**

#### **Sub-Registrars Attached to District Registrar's Offices**

**S. O. 6.** The Registrar is also required to perform the duties of a Sub-Registrar in respect of the Sub-District comprising the head-quarters of the district; but in order to relieve him of the major portion of this original registration work and thus enable him to pay due attention to the important duties of supervision and inspection a Sub-Registrar is appointed to work jointly with him and under his orders.

**S.O 7.** The powers delegated to the Joint Sub-Registrar in clauses (1), (2) and (6) of the notification of the Government of Madras, Judicial Department, No. 198, dated 11th March 1915, printed in the Registration Manual, Part 1, may be exercised by him even when the Registrar is at headquarters; but as the main object of the delegation is to secure the maximum convenience to the public, it is not the intention that the Registrar should, when at headquarters, divest himself entirely of the duties delegated to the Joint Sub-Registrar.

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**S.O. 8.** The Joint Sub-Registrar- I in Registrar's Office, is competent by virtue of his office to exercise the powers of District Registrar referred to above irrespective of period of service rendered by him as Joint Sub-Registrar and even though he is not so empowered by name.

**S.O. 9** (a) The Joint Sub-Registrar-I shall work under the orders of the District Registrar where there is no Assistant District Registrar the Joint Sub-Registrar-I shall supervise the Registrars establishment and exercise control in all matters of detail.

(b) He shall attend to the major portion of the duties connected with original registration.

(c) In a Registrar's Office if the execution of a document presented for registration to a Sub-Registrar other than the Joint Sub-Registrar-I is denied, such Sub-Registrar shall not record any statement or take any further action in respect of the document but shall transfer it to the Joint Sub-Registrar- I who shall make the inquiries prescribed by section 34 (3) and 74. Similarly, when the executant of a document presented to a Sub-Registrar other than the Joint Sub-Registrar-I appears to such Sub-Registrar to be a minor, an idiot or a lunatic, the document shall forthwith be transferred to the Joint Sub-Registrar-I who shall satisfy himself as contemplated by sec. 35 (2) and Registration Rule 15 (f) and proceed under section 76 (1) (a).

(d) The return of documents shall be attended to entirely by the Joint Sub-Registrar-I.

(e) All applications for searches and copies shall be attended to by the Joint Sub-Registrar-II.

(f) The Joint Sub-Registrar-I shall be in over all charge of records of Registrar's office though the Senior Assistant may assist him in maintenance and preservation of the office records. He may also be entrusted with the sealed covers.

(g) When a Joint Sub-Registrar-I exercises the powers delegated to him by Government under section 7 (2) of the Registration Act, he shall sign as "Joint Sub-Registrar exercising powers of District Registrar" and all other Sub-Registrars invested with the powers of a District Registrar under the second proviso to section 35 (3) of the Registration Act shall sign as "Sub-Registrar exercising powers of District Registrar," when they exercise such powers.

(h) When Assistant District Registrar/Joint Sub-Registrar-I Is placed in-charge of the post of the Registrar for performing the current duties, he shall use the designation "Assistant District Registrar/Joint Sub-Registrar-I in-charge".

(i) When the Joint Sub-Registrar-I is absent on short leave, the Registrar shall attend to his duties also. Similarly, when the Registrar is absent on short leave, the

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Joint Sub-Registrar-I shall attend to the duties of that officer in the same manner as he would when the Registrar is on tour, unless he is granted additional powers.

(j) An Assistant to District Registrar/Joint Sub-Registrar-I may countersign bills, other than travelling allowances and contingent bills, for the Registrar, when the later is on tour or on casual leave. In such cases he shall sign "for Registrar". He may similarly sign fair copies.

**S.O. 10.** A separate book of Account 'A' shall be maintained by each Registrar in respect of the documents admitted by him to registration following common number of documents admitted in the office. Probationary Sub-Registrars who are appointed additional Sub-Registrars shall for registering of documents use this book of Account 'A'. The total receipts from Registrar's Account 'A' shall at the end of each day be transferred to Account 'A' of Joint Sub-Registrar-I and total struck in latter account.

**S.O. 11.** Under the provisions of section 7 (2) of Registration Act. 1908, the Governor issued a notification directing that each Registrar's Office, the Joint Sub-Registrar-I shall exercise and perform in addition to his own powers and duties, the undermentioned powers and duties of a District Registrar under the said Act:-

(1) Registration under section 30 of Registration Act.

(2) Authentication of a power of attorney executed by a Principal residing within the district. [Section 33 (1) (a) ].

(3) Proceedings 'Qua' Registrar with reference to the proviso to section 35 (3) in respect of documents presented to the Joint Sub-Registrar for registration.

(4) Receipt for deposit, delivery and opening of sealed covers, under section 42 - 46 when the Registrar is on tour or on other duty.

(5) Receipt of appeals and applications under section 72 and 73 when the Registrar is on tour or on other duty.

(6) Issue of process (section 36 and 73 of Registration Act).

(7) Registration under section 23-A, when the Registrar is on tour or on other duty.

(Notification No. 198 dt 11-3-1915, Judicial Department Government of Madras).

**S.O.12.** Registrars shall, on the 15th of January each year, submit proposals to the Inspector-General for conferring the powers of a Registrar under the second proviso to section 35 (3) of the Indian Registration Act on Sub-Registrars who have rendered 2 years of satisfactory service after their promotion to the first grade.

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**S.O.13.** (a) The Andhra Pradesh Registration Subordinate Service consists of the following categories of officers:-

Category I : Sub-Registrars Grade I

Sub-Registrars Grade II

Category II : Probationary Sub-Registrars.

(b) For the posts of Sub-Registrars, Grade I Sub-Registrars Grade II are promoted. The posts of Sub-Registrars Grade-II are filled by direct recruitment and recruitment by transfer from Senior Assistants of the Department.

(c) The Sub-Registrars Grade-I, Grade-II and Probationary Sub-Registrars shall be governed by the pay scales and special pay fixed by the Government from time to time.

(d) The Deputy Inspector-General is the appointing authority for all categories of Sub-Registrars.

(e) The Sub-Registrars are exempted from payment of Security Deposits as per article 256 of Andhra Pradesh Financial Code.

(G.O. Ms. No. 1408, Revenue, dt. 1-12-1956).

**S.O.14.** Appointments to the posts of Sub-Registrars and Probationary Sub-Registrars are made in accordance with the Andhra Pradesh Registration Subordinate Service Rules. These rules contain the conditions relating to the probation and the details regarding the tests to be passed by the persons appointed to these posts.

**S.O.15** (a) Each Registration Sub-District is under the charge of a Sub-Registrar.

(b) The routine duties of Sub-Registrar shall not confine merely to admission of documents, authentication of entries and return of documents. He shall also attend to transcription, preparation of certified copies, encumbrance certificates, statements, returns etc. He shall actively participate in all types of work in the office and duly assist the staff in their duties.

**S.O.16.** As soon as a Probationary Sub-Registrar joins a Registrar's office on first appointment, a report shall be submitted to the Inspector General by the Registrar in Form A.

### **Training of Probationary Sub-Registrars**

**S.O.17.** The Registrar shall ensure that a probationary Sub Registrar during his training receives a thorough grounding in the Acts, Rules, Orders and routine duties of the department and that he attains facility in leading, writing and speaking the language of the district. The training shall relate to all the details of office work.

**S.O.18.** The minimum practical training of Probationary Sub-Registrars.

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### **Training in Original Branch of Registrar's Office**

- i) Transcription of documents - Not less than 100 documents.
- ii) Preparation of certified copies “ “ 20 copies,
- iii) Conducting of single and general searches and grant of encumbrance certificates - Not less than 100 copies.
- iv) Acquaintance with market value scheme.
- v) Registration of documents-Not less than 150 documents.
- vi) Maintenance of Account 'D' - One month besides attending to other work.
- vii) Maintenance of records in record room-Verification of records.
- viii) Indexing of documents - Not less 100 documents.
- ix) Miscellaneous work like Chits, Marriages and Ceiling laws.

### **Training in Administrative Branch of Registrar's Office**

- i) Document writers and Stamp Vendors.
- ii) Maintenance of surcharge ledger and preparation of quarterly statements.
- iii) Work in General clerk seat,
- iv) Maintenance of service books,
- v) Preparation of pay bills and contingent bills,
- vi) Attending to appeals,
- vii) Index audit,
- viii) Checking of monthly accounts.

**S.O.19** (a) Every Probationary Sub-Registrar shall maintain a diary in which he shall daily enter the items of work attended to by him. The diary shall each day be submitted to the Registrar or if he is absent, to the Joint Sub Registrar-I who shall critically scrutinize the same and initial it after due advice.

(b) If a Probationary Sub-Registrar is transferred from one district to another during the course of his training, the Registrar of the district from which he is transferred shall forward to the other Registrar a statement showing the details of the training he has already received.

**S.O. 20.** A return of every action or temporary appointment under sections 10 to 12 of the Registration Act, 1908, shall be submitted by each District Registrar to the Deputy Inspector-General concerned and Inspector-General on the 1st February of each year.

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### **Transfer of Sub-Registrars**

**S.O.21.** (a) Transfer of Sub-Registrars within the District can be made by the District Registrar. As the Deputy Inspector-General is the appointing authority within the Zone, he can affect transfers of all categories of Sub-Registrars within the Zone.

(b) Copies of all such transfers shall be submitted to the Inspector-General.

(c) The authority transferring shall be personally held responsible for the postings and transfers to the several stations of Sub-Registrars best suited for them.

### **Joint Sub-Registry Offices**

**S.O.22.** (a) The Joint Sub-Registrars referred to in Registration Rule 8 shall be distinguished as Joint Sub-Registrar I, II, etc.

(b) The seals, badges and other articles supplied to them shall also bear these distinguishing numbers.

(c) Each such Joint Sub-Registrar shall have a separate office and establishment, shall maintain a separate set of registers and other records and shall submit separate returns and reports as if the villages assigned to his office constituted a separate sub-district.

(d) Any communication addressed to the Sub-Registrar of the sub-district without specifying the particular joint office to which it relates, shall be opened by the Joint Sub-Registrar-I and transferred, if necessary, to the proper office.

(e) The allotment to each Sub-Registrar of villages in the sub-district is fixed by departmental orders and shall be notified on the notice board of his office, but then jurisdiction of each Joint Sub-Registrar extends over the whole sub-district and the public may demand that any of the Joint Sub-Registrars shall accept documents and comply with applications for private attendance in respect of any portion of the sub-district.

**S.O. 23.** When a document registered in one of such joint offices affects also property situated in a village assigned to another joint office, the memorandum prescribed by section 64 of the Act need not be sent but in lieu thereof, the particulars required for Indexes I and II shall be furnished to the other office for inclusion in its indexes.

**S.O. 24.** When a document is presented to a Sub-Registrar relating to property situated entirely in a village allotted to another Sub-Registrar who is joint with him or when an application is presented at the office of a Sub-Registrar for attendance at a private residence in connection with such a document, the officer to whom the document or application is presented shall advise the party to present it to the officer to whom the portion of the sub-district in which the property is situated is attached. Should however the party insist on the document or application being received by the officer to whom it has been presented he shall receive it, record on the document the admission of

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execution by the executants present, grant a receipt for the fee paid, credit the amount in his accounts and treat it as a pending document or application. The document or application shall then be passed on the joint officer who shall complete registration or comply with the application in ordinary course. In the accounts of the office of presentation, the fees shall be entered in black ink and the remaining entries in red ink with a note that the document or application has been forwarded to the joint officer. In the returns of the latter office, the fees shall be entered in red ink with an explanatory note of the levy of the fees in the first office and the other entries shall be made in red ink or black ink in the usual course.

**S.O.25.** (a) When work in a sub-office is found to be too heavy for a single officer, an additional officer is appointed to work as a Joint Sub-Registrar in the same office (Registration Rule 9) either permanently or temporarily.

(b) In such cases the Sub-Registrar, as the head of the office, shall be responsible for the general condition and for the efficiency of the office.

(c) All correspondence with superior officers shall be conducted by the Sub-Registrar.

(d) The Joint Sub-Registrar shall attend to such duties as may be allotted to him by the Sub-Registrar.

(e) A separate set of (i) Account 'A', (ii) thumb-impression register and (iii) document receipt book shall be kept by each officer and in order to ensure the correct numbering of documents admitted to registration, a register shall be maintained with three columns, the first of which shall be reserved for the consecutive numbers of documents to be admitted to registration or kept pending the second for the consecutive numbers of the applications for transfer of revenue registry or notices of transfer and the like (vide Chapter XVII) and the third for the initials of the registering officer who appropriates a number. When either officer requires a number to be assigned to a document or to an application for or notice of transfer of revenue registry, he shall enter that number in the concerned column and affix his initials against it in the third column.

(f) The ledgering of fees levied shall be performed by the officer collecting the fees as soon as they are levied.

(g) The senior Sub-Registrar shall deal with document of a complicated nature, documents which have to be impounded and documents which involve detailed enquiries as to the fact of execution, e.g., a document presented after the death of the executant.

**S.O.26.** Where there are more than one Sub-Registrar in a Sub-District, the Inspector-General can prescribe joint or separate jurisdiction for them within the sub-district.

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## Temporary Joint Sub-Registrars

**S.O.27.** For some major Registration offices heavy registrations are expected in certain months, sanction is accorded for the post of Temporary Joint Sub-Registrars to provide greater public convenience and to relieve considerable burden on the regular Sub-Registrars.

The Inspector-General has been empowered to sanction the appointment for a period not exceeding a year at a time of temporary Joint Sub-Registrars and temporary Attenders on rates of pay admissible to them subject to the existence of requisite budget provision. Sanction of the Government is necessary for the retention of these temporary post beyond one year.

(G.O. Ms. No 621, Home (Judicial), dt. 15th March 1919. No. 156, Law (Registration), dated 16th October, 1922 and No. 2246, Revenue, dated 6th October, 1942).

**S.O.28.** When a permanent officer is appointed as temporary Joint Sub-Registrar in an office, he shall draw his pay under the time scale, while the probationary Sub-Registrar or the assistant filling his post in the regular line shall, in addition to his substantive pay, draw the allowance admissible, irrespective of the fact that he is not working in the office for which a temporary Joint Sub-Registrar has been sanctioned.

**S.O.29** (a) Registrars shall submit (Form B) proposals for the appointment of a temporary Joint Sub-Registrar immediately the necessity is foreseen in respect of any office.

(b) A separate proposal for each office with statements showing the month-wise registrations and applications for general searches for the three years immediately preceding the current year with the total number of registrations and applications for general searches for each of the completed months in the current year should be submitted.

(c) Whether the Register of Holdings Scheme is in vogue in the office or not, should be stated.

(d) They shall also report along with such proposals whether any permanent Sub-Registrar returning from leave or ousted from an acting appointment is available for appointment as temporary Joint Sub-Registrar.

**S.O.30.** Registrars shall obtain six weekly statements of the registrations and applications for general searches in the offices for which temporary Joint Sub-Registrars are appointed in order to satisfy themselves that the continuance of the employment of those officers for the sanctioned period is necessary in each case and submit them to the Inspector-General with remarks wherever necessary. They shall withdraw

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immediately a temporary Joint Sub-Registrar from an office the number of registrations including one third of the applications for general searches in which falls in any fortnight appreciably below 150 in districts where the scheme of the Register of Holdings is in force and 200 in other districts and submit a report to the Inspector-General.

**S.O.31** (a) In order to estimate the progress of expenditure on the employment of temporary Joint Sub-Registrars, Registrars shall maintain a register in the offices (Form 'C') and submit an extract there from to the Inspector-General so as to reach him by the 5th of each month.

(b) If the Probationary Sub-Registrar or assistant filling the post in the regular line happens to work in any district other than that in which a temporary Joint Sub-Registrar has been sanctioned, the expenditure shall be included in the accounts of the latter district for the purposes of clause (a) of this order.

### **Duties of Temporary Joint Sub Registrars.**

**S.O.32** The Temporary Joint Sub-Registrars so appointed shall, inter-alia, attend to the following duties :-

- (a)(i) Registration of about half of the documents presented for registration on each day and authentication of the entries thereof.
- (ii) Maintenance of 'Account-D', grant of Encumbrance Certificates and Certified copies.
- (iii) Examination of old volumes prescribed by District Registrar for periodical examination,
- (iv) Examination of indexes,
- (v) Detection of leakage of revenue such as undervaluation of documents in co-operation with the main Sub-Registrar.

(b) The Temporary Joint Sub-Registrars shall maintain a diary showing the details of work turned out by him each day and submit a true copy thereof to the Registrar once a fortnight along with the statement prescribed under Standing Order 30 and the Registrar shall review such copies of diaries. The Registrars in turn should indicate in the fortnightly report submitted to the Inspector-General under the said Standing Order that a copy of the diary of Temporary Joint Sub-Registrar concerned has been received.

(c) The Temporary Joint Sub-Registrars should also add a certificate prescribed in Standing Order 954 in the "Register of preparation and examination of Indexes" when he is relieved from the office either on proceeding on transfer or on long leave or on termination of the appointment.

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(d) The percentage laid down against item (a) (i) above indicates that the registration work should be distributed as evenly as possible between the two officers. However documents of complicated nature, those which have to be impounded and that which have involved detailed enquiries, such as fact of execution etc., should be dealt with by the permanent Sub-Registrar.

The distribution of work between the two officers is not intended to be so hard and fast as to be incapable of relaxation when circumstances demand such a course. It is also to impress that the smooth and efficient functioning of the office without giving room for complaints or friction rests on the main Sub-Registrar.

### **Other Duties of Officers of the Department.**

**S.O.33.** The Inspector-General of Registration and Stamps is the ex-officio-

1. Registrar of Firms.
2. Registrar of Societies (for Telangana Area).
3. Director of Chits.
4. Registrar of Non-Trading Companies.
5. "Collector" under the Indian Stamp Act, 1899, for the twin cities of Hyderabad and Secunderabad.
6. Superintendent of Stamp office.
7. Registrar General of Marriages under the Hindu Marriage Act, 1955, the Special Marriage Act, 1954, the Indian Christian Marriage Act, 1872, and the Parsi Marriage and Divorce Act, 1936.
8. Registrar General under the Births, Deaths and Marriages Registration Act, 1886.

**S.O.34.** The Deputy Inspectors General (Registration and Stamps) are ex-officio Collectors under sections 38 (2), 40 and 42 of Indian Stamp Act 1899. The Inspector General of Registration and Stamps as "Collector" under section 73 of Indian Stamp Act, had authorised them as Collectors to take up audit of offices. They are also appellate authorities on action taken on Stamp Vendors and Document Writers.

**S.O.35.** (a) The District Registrars are ex-officio Collectors under certain sections of Stamp Act, Registrar of Societies under Societies Registration Act, 1860 (in Andhra Area) Inspecting officer of Chits under the Chit Funds Act, Registrar of Marriages under the Special and Hindu Marriages Acts, Registrar of Births, Deaths and Marriages Registration Act, 1886 and Registrar under the Parsi Marriage and Divorce Act, 1936.

(b) The Assistant to District Registrar is an ex-officio Registrar under the Special and Hindu Marriage Acts.

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**S.O.36.** A Sub-Registrar is an ex-officio Collector under certain sections of Indian Stamp Act, Registrar of chits under Chit Funds Act, Registrar of Marriages under the Special Marriage and Hindu Marriage Acts, Stamp Vendor of Sub-Depot, and Registrar of Births, Deaths and Marriages under the Births, Deaths and Marriages Registration Act, 1886.

**S.O.37.** When a Registering Officer is appointed to perform any additional functions, a report of the fact that he has entered upon his duties shall be submitted to the Inspector-General, through Registrar in the case of a Sub-Registrar, specifying the date from which the appointment takes effect. A similar report shall be submitted when an officer ceases to perform such functions.

**S.O.38.** District Registrars shall inspect once in every official year the records maintained under the Indian Christian Marriage Act, 1872, by Marriage Registrars and the marriage registers of licencees and of episcopally ordained Ministers.

(Proceedings of the Registrar-General of Births, Deaths and Marriages, No 145, dated 11th November 1922, G.O. Ms. No. 49, Finance (Eccl.), dated 29th January, 1931 and Proceedings of the Registrar-General of Births, Deaths and Marriages, No. E/154, dated 9th October, 1936).

### **Swearing of Affidavits**

**S.O.39.** (a) Extracts from the Civil Rules of Practice and the Rules of the High Court in its appellate jurisdiction which permit affidavits being sworn before a Registering Officer are printed in Appendix-I.

(b) Registering Officers shall maintain in Form 'E' a register of affidavits sworn before them under those rules.

(c) No fee shall be levied for taking affidavits.

**S.O.40.** Whenever an affidavit is presented for registration, the registering officer shall ascertain from the presentant whether the affidavit is intended to be produced in a Court, and if so, he shall, as laid down in Order 39 (a), attest the same before registration.

**S.O.41.** Before attesting the signature on any document intended for use in foreign countries every Government servant should obtain a written application bearing a court-fee stamp of the value of Re. 1/- and attest the signature on the document only after such an application has been presented to him. Private documents other than (1) those intended to be filed in civil and criminal cases, and (2) powers-of-attorney, should not be attested by judges and magistrates unless a written application for the attestation bearing a court-fee stamp of the value of Seventy five paise is presented to them. Applications to village munsifs and village magistrates for such attestation need not

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bear any stamp. These orders are intended to apply to the presentation of documents to Government servants who are not Notaries Public-See G.Os. No. 3987, Home dated 21st July, 1939 and No. 1112, Home, dated 6th March, 1940.

Note:- The Government Orders are reproduced in the Registration Gazette, Volume XXV, page 184 and Volume XXVI, page 101.

### **Connection with Local and Private Bodies**

**S.O.42.** (a) Registering officers should render such assistance as may lie in their power in local affairs by accepting membership of a dispensary committee, a sanitary committee or similar body or even by offering their services to such bodies. In addition to the fact that it is to their own benefit to have some interests of a public character outside their daily official routine, it is their duty to render all practicable aid to local bodies and institutions in the management of their concerns. This injunction is applicable specially in outlying stations where it happens frequently that the registering officer is the only official of any standing.

(b) On the requisition of an officer empowered in that behalf a Registrar may permit a Sub-Registrar serving under him to accept appointment as a Polling Officer in an election for the Legislature, a municipal council or a local board. When such duties are likely to involve the absence of the officer for a whole day, suitable arrangements shall be made by the Registrar for the conduct of the registration work and the Sub-Registrar shall be treated as on duty.

### **Duties under Notaries Act**

**S.O.43** (1) The Inspector-General of Registration and Stamps and Deputy Inspector-General of Registration and Stamps are empowered to inspect the Notarial Registers maintained by the Notaries,

(G.O. Ms. No. 2202, Revenue (U) Department, Dt. 27-11-1957)

(2) Some Officers of the Department are appointed as Notaries in their respective jurisdiction. (Vide Appendix - VII)

### **Registration under the Special and Hindu Marriage Acts.**

**S.O.44** (1) The District Registrar, Assistant District Registrar and Joint Sub-Registrar-I are appointed as Marriage Officers under the Special Marriage Act, 1954 and the Hindu Marriage Act, 1955 within their respective territorial jurisdiction.

**Explanation:-** The Assistant District Registrar during the absence of the District Registrar and the Joint Sub-Registrar-I during the absence of both the District Registrar and Assistant District Registrar, shall perform the functions of the marriage officers within their territorial jurisdiction concerned.

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(G O Ms. No 525 Home (General. A) dated : 18-4-1969 - GO. Ms. No. 105 Home (General A), dated; 22-1-1971 and G.O. Ms. No. 1187 Home (General. A) Department, dated : 28-8-1974).

(2) A copy of the notice under section 5 as required under sec. 6 (3) of the Special Marriage Act, 1954, shall be transmitted by Registered post acknowledgement due collecting the cost thereof from the party.

(3) Correspondence relating to publication of:-

(a) Notices of intended marriage

(b) Application for registration of Marriages under the Special Marriage Act, should be preserved in the file of Notices of intended Marriages (Section 5) and the file of applications (Section 16) respectively.

(4) Common series and single Marriage Register in the case of Marriages solemnized or registered by the District Registrar, Assistant District Registrar and Joint Sub-Registrars shall be adopted.

### **Documents under the Societies Registration Act**

**S.O. 45.** On all sheets of the documents of Memorandum of Society and Rules thereof which are registered and filed, sheet endorsement shall be added by the Registrar of Societies as is done on the documents registered under Registration Act, 1908.

### **Conduct of Registering Officers**

**S.O. 46.** Indifference or discourtesy towards members of the public coming to Government Officials, for relief or guidance is positively bad. The conduct and the personal relations of the Government Servants with the public shall be so regulated as to reflect their duty to "serve" in the best interests of the people.

(GO. Ms. No. 1816 Home (Services B) dated : 24-9-1954).

**S.O.47.** The Officers shall dispose off, as quickly as possible, representations received from the public and acknowledge their receipt in the first instance. They shall send suitable replies to the parties when they seek information regarding the stage of their representations.

(Govt. Memo. No. 4433/55-3 Hemo (Services-C) Department Dt. 29-6-1956).

**S.O. 48.** The Officers including the Registering Officers shall display greater courtesy, good will, and understanding to public. They shall adopt humane approach to the problems to the people. Want of these traits will be viewed as constituting inefficiency.

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### **Focal Points in Establishment**

**S.O 49.** The following posts are declared as “Focal Points” in the mufassil of Department :

- 1) All Gazetted Officers.
- 2) All Sub-Registrars.
- 3) All Assistants in Registration Offices including Registrar’s Office.
- 4) Shroffs.
- 5) Temporary Section Writers and
- 6) Attenders in Registration Offices

### **Vigilance Cell**

**S.O.50.** Registration Offices are the Public Offices to which all strata of Society, affluent and modest, literate and illiterate, visit in connection with the registration of the documents, obtaining of certified copies and encumbrance certificates etc. Time limits are prescribed in attending to public needs. The Registering Officers must be respective and responsive to legitimate public demands. In order to make an agency available to general public to enquire into their complaints and grievances, a Vigilance Cell has been created. The aim of Vigilance is to check malpractices, harassment and delays. The Vigilance Officers will have to, therefore, function effectively with greater dynamism, dedication and responsibilities. Their relentless efforts, activities and unflinching commitment to integrity will largely contribute to strengthening public confidence in these offices. Since public needs also extend to purchase of stamps, drafting of documents etc., the scope of vigilance is also extended over Licenced Document Writers and Stamp Vendors.

**S.O. 51.** The Vigilance Officers shall make surprise visits to Registration Offices as directed by the Inspector General of Registration and Stamps from time to time with a view to satisfy :-

- i) That the needs of Registering public are duly attended to without delay;
- ii) That the members of the public are properly treated with due courtesy;
- iii) The Registering Officers and their establishment are not indulging in malpractices;
- iv) That the registration procedure is correctly followed;
- v) Evasion of stamp duty and registration fees checked;
- vi) Public complaints are enquired into;
- vii) Proper care is taken in preserving valuable records;
- viii) The Document Writers and Stamp Vendors do not collect more from the public than that prescribed;
- ix) Stamp counters maintain adequate stocks;

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x) The Government money received by way of registration fee, sale of stamps etc., are duly remitted;

S.O.52. The Vigilance Officers shall check, apart from other, the following items when they visit Sub-Registry Offices by surprise :

- (1) Verification of cash collections and stock of stamps.
- (2) Delays in transcription of documents, indexing and granting of encumbrance certificates and certified copies.
- (3) Delays in admitting mortgage declarations relating to Co-Operative Societies and whether the Register is maintained up to-date.
- (4) Delays in despatch of copies and memoranda.
- (5) Delays in indexing copies of Mortgage Bonds from Agricultural Development Banks.
- (6) Whether authentications of entries of documents is up to-date.
- (7) Delays in admitting pending documents to registration, whether prompt action is being taken at every stage.
- (8) Whether collections are remitted promptly.
- (9) Whether the notices prohibiting demand or receipt or payment of illegal gratification and the names of Sub-Registrar and Assistants etc., and the name and address of the Vigilance Officer are prominently exhibited.
- (10) Diary of Assistants :  
Whether the cash with members is being recorded. Whether sufficient work is extracted from each Assistant or Temporary Section Writer;
- (11) Whether mediators and outsiders are allowed.
- (12) Delays in conduct of will enquires.
- (13) Whether Accounts 'A' to 'H' are maintained upto-date.
- (14) Whether the Sub-Registrar is regular in attending office and attending to the needs of public without delay and inconvenience (discreet enquiries from parties waiting near the office be made to elicit this information).
- (15) Whether adequate stock of stamps is maintained in Stamp Counter.

**S.O.53.** i) The Vigilance Officer shall be on tour for a period of not less than 15 days in a month.

ii) The Vigilance Officers will be personally held responsible for unimaginative and unnecessary tours and excess stay at and frequent visits to a particular place.

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iii) They should maintain diaries and submit fortnightly reports to the Inspector General of Registration and Stamps on their activities and achievements.

### **Assistant District Registrars**

**S.O.54.** The Assistants to District Registrars shall attend to inter-alia, to the following duties :-

a) They shall collect necessary particulars of Registration from various Registration Offices and inspect the properties covered by the document to make out cases of undervaluation. They should hold local enquiries wherever necessary and peruse village, municipal and other records for detection of leakage of revenue. Attempts by Registering Public to give false details of plinth area of the building, date of constructions, mode of constructions, facilities available, rental value, area covered, consideration paid etc., in Annexures under Section 47-A of Indian Stamp Act, 1899, with a view to evade payment of higher stamp duty shall be checked and action taken as per Law. The enquiries must be carefully and thoroughly conducted as that would form the basis for prosecution or compounding as the case may be.

b) References on pending and impounded documents received from subordinates shall be examined by them before they are submitted to the District Registrar.

c) They shall assist the District Registrar in exercising control and supervision in the District;

d) They will be responsible for the audit of monthly accounts and Indexes of registration offices;

e) They should maintain liaison with Revenue, Municipal, Panchayat, Income Tax and Land Acquisition Officials for detection and compounding of undervaluation :

f) They shall exercise supervision and control over the work of the staff of the Administrative Branch of Registrar's Offices.

g) They may conduct preliminary enquiries into the conduct of Assistants, Shroffs, Temporary section Writers and Attenders on direction from the District Registrars;

h) They shall discharge such other administrative duties as may be entrusted to them by District Registrar from time to time ;

i) Whenever they visit Registration Offices, they may satisfy whether public needs are promptly attended to by the Office, adequate stamps are available in counters, the Document Writers and Stamp vendors cause no inconvenience to the public, the office is duly guarded, staff attend to their duties and daily routine-regularly, whether the amounts are duly credited, etc.

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j) They will be responsible for quarterly verification of stationery articles in Registrar Offices and stationery articles received from the government press. They will also be responsible for verification of furniture with the inventory of furniture and stores in January each year in Registrar Offices. Verification of records other than sealed covers every year shall devolve on them and they shall submit a report to the District Registrar.

k) They shall satisfy proper attendance by the staff in Registrars' Offices and initial the Attendance Register and grant casual leave to Attenders.

**S.O.55.** i) They may take an Assistant with them when they proceed on tour to assist them in their work.

ii) Their tour programmes shall be got approved by the District Registrar before they undertake tours.

iii) They shall maintain diaries and submit extracts thereof once in a fortnight to the Inspector General through District Registrar. They shall indicate the progress achieved by them in detecting and plugging leakages of revenue. They shall submit their diaries to District Registrars once in a week for a thorough review and a critical assessment of the work turned out by them.

iv) They shall be on tour for a period of 15 days in a month.

**S.O.56.** 1. Compounding of offences under section 70 (2) of the Indian Stamp Act on the basis of consent letters obtained by Sub-Registrars if they are not otherwise competent can be done by District Registrars alone;

2. Compounding of offences on the basis of enquiries made in Registrar Offices may be done by the District Registrar if he is in Head quarters and by Assistant District Registrar in his absence.

3. Such compounding on the basis of enquiries made by the Assistant District Registrar may be done by themselves.

**S.O. 57.** Parties may conceal the real facts of the buildings in annexures in order to evade payment of higher stamp duty. The Officers, the Assistant District Registrars in particular, shall undertake extensive spot inspections and verify panchayat and municipal records to detect suppression of facts leading to leakage in duty. Since they are empowered to compound the offences under sections 27 and 64 of Indian Stamp Act, the Assistant District Registrars should detect as many cases of offences as possible and compound them. Lack of initiative and zeal on their part will be dealt with severely. They shall submit a monthly periodical in the following prescribed form to be submitted to Inspector-General of Registration and Stamps to reach him on or before 10th of succeeding month.

**Monthly periodical of Market value scheme to be submitted to the Inspector General of Registration and Stamps by the Assistant District Registrars through the Registrars concerned.**

Name							
Designation							
District							
Month							
No. of days toured.	No. of spot inspections conducted	No. of offences defected.	No. of cases compounded U/S 64 of I.S. Act.	Total amount of compounding fees levied	Total amount of compounding fees collected	Balance at the end of the month	Remarks of the Registrar
In the month							
Upto the end of the month							

Note :- Amounts relating to previous years should be shown by plus entry.

### **Ministerial Establishment**

**S.O.58.** The scales of pay and special pay of the ministerial establishments with variations based on qualifications etc., are those that of fixed by the Government from time to time.

**S.O.59.** (i) The ministerial establishment in the mufassil shall consist of Senior and Junior Assistants and Typists.

(ii) In each Deputy Inspector-General's Office, there shall be two Senior Assistants, one Junior Assistant and one typist.

(iii) The Senior and Junior Assistant when they are drawn to Deputy Inspector-General's Office shall have their respective lien in the concerned districts.

(iv) The Vigilance Officer is assisted by one Senior Assistant who is drawn to his office from the Head quarters District Registrar's office.

**S.O.60** (a) The Ministerial Establishment of each Registration District consists of two main divisions : -

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(i) Administrative Branch in Registrar's Office for duties appertaining to supervision and control,

(G.O.Ms. No. 239. Judicial, 9th September, 1908).

(ii) Original registration branch in the Registrar's office and in Sub-Registry Offices.

(b) The Accountant General and the Treasury Officers do not concern themselves with the distribution of the original registration staff among the several offices, but treat the staff as one unit for the entire Registration District, even in cases where it comprises more than one revenue district.

**S.O.61** (i) Registrars are empowered to appoint in their districts Junior Assistants, and typists, subject to the conditions specified in the rules relating to the Andhra Pradesh Ministerial Service,

(ii) Though Deputy Inspector-General is the appointing authority for Senior Assistants, the Registrar in consultation with the Deputy Inspector-General, can effect their transfers within the district.

(iii) Registrars are also empowered to appoint in their districts Temporary Section Writers subject to the conditions laid down in the Rules prescribed in this behalf. These rules are printed in Appendix-III.

(iv) The Senior Assistants for each district are appointed by the Deputy Inspector-General from among the Junior Assistants of the district who are qualified by completing minimum service and passing Departmental tests and Accounts Test for subordinate officers, part I.

(v) The Junior Assistants are appointed by the District Registrar. They are filled through two sources, by direct recruitment of candidates selected by District Selection Committee and by promotion of Temporary Section Writers. The ratio between these two categories and the rotation fixed shall be strictly adhered to by the District Registrar.

(vi) The District Selection Committee shall be addressed for candidates sufficiently in time keeping in view the probable vacancies.

**S.O.62.** In every Registrar's Office a register of appointments shall be maintained in which shall be entered in chronological order a copy of each order of appointment, posting or promotion, whether permanent, acting or temporary, affecting the ministerial and menial establishment in the district, separate books being opened for the two classes and each being prefaced by an index.

**S.O.63.** An office which is likely to require a temporary Joint Sub-Registrar during a part of the year should where practicable, have at least one Assistant qualified to hold that post both by general conduct and character, as well as by having passed the Registration Test.

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**S.O. 64.** If in forwarding the application of an officer for employment in another office or department any eulogistic or disparaging remarks are made by the forwarding officer, they should be supported by the record of the applicant's work and conduct, a copy of which should be forwarded along with the application. If, however, an application is forwarded without any remark, it is unnecessary to send a copy of applicant's record unless subsequently called for.

(G.O. No. 946, Public (Services), 24th May 1937).

**S.O.65.** (a) Each Registrar shall maintain a ledger (Form Registration- 11-46) to which an alphabetical index shall be prefixed and in which an opening shall be allotted to each person appointed as an acting Assistant in his district.

(b) Registrars shall during their tours or inspection examine carefully the work of acting man, obtain the opinion of the Sub-Registrar under whom each subordinate has worked, and record the requisite note in the personal file which shall be taken by the Registrar with him on his tours or inspection along with the ledger. Advantage shall be taken of the opportunity to check the entries in the ledger generally.

(c) A list of acting Assistants shall be included at the end of the list of Assistants in each district (Order 92) headed "Acting Assistants" and shall set out firstly the names of acting Assistants who have completed probation and next, those who have not completed probation.

Similar lists of temporary section writers shall also be appended to the list of Assistants.

(d) Registrars shall observe the principle of strict seniority in the matter of filling up vacancies arising in their districts.

(e) By watching the probable date of expiry of acting appointments which are entered in column (3) of the tabular form in the ledger, Registrars shall regulate the grant of leave to the members of the clerical establishment so as to procure continuity in the tenure of service and to avoid the introduction into the department of an unduly large number of acting men.

(f) In each Registrar's office, there shall be maintained a "Register of Probationers" in respect of Assistants and typists undergoing probation.

(g) A "ledger" and a "register of probationers" shall be maintained in respect of section writers.

### **Transfer of Assistants**

**S.O.66.** (a) Registrars are empowered to transfer assistants and temporary section writers from one office to another within the same district.

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NOTE :- Permission of next higher authority is necessary for a transfer before completion of three years.

(b) Transfers of assistants at request shall not be made unless there is an actual existing vacancy at the station of request. This prohibition should not be construed as preventing the transfer of an assistant on public grounds or in the interests of the department.

(c) Permanent transfers of assistants between offices shall be restricted within the narrowest workable limits. Unless for very special reasons, an assistant attached to one office shall not be deputed to act in another. All such postings of acting Assistants shall be reported immediately to the Deputy Inspector-General.

(d) (i) The distribution among the various sub-offices of Assistants of good record who have put in seven years permanent service and who have passed the Registration Tests shall be so regulated as to allot, if practicable, to each office at least one Assistant who is so qualified. Such an Assistant or the seniormost of them should be appointed to act as Sub-Registrar in short vacancies arising out of the grant of casual leave to the Sub-Registrar or the availing of joining time by an officer who is transferred, or any sudden emergency and whenever temporary appointments under the emergency provisions of the statutory rules are made. In cases in which it is not practicable to find an Assistant so qualified to fill a vacancy of this description and it becomes necessary to depute an Assistant from another office to act as Sub-Registrar, a report shall be submitted immediately to the Deputy Inspector General, explaining the circumstances and the amount of travelling allowance involved in the transfer.

(ii) No promotion should be made of persons who have not passed the necessary tests even temporarily for short vacancies, unless it is absolutely impossible to carry on the work and a person who has passed the prescribed tests is not available for promotion. (Government Memorandum No. 2455/51-2. Public (Services), 20th June 1951).

(e) As regards transfers, real and effective endeavors should be made to eliminate all avoidable transfers, especially transfers over long distances. When a transfer is made at the request of an officer, no travelling allowance should be allowed to him for the journey. A transfer on request which involves the transfer of another officer should not be permitted unless both the officers wish for the interchange and agree to forego travelling allowance. A series of transfers should not ordinarily be made (for example, when an officer applies for or returns from leave) when one would be sufficient. Registrars should see that the expenditure on travelling allowance involved in each case of transfer is the minimum possible consistent with administrative efficiency. Their attention is also drawn to the provisions in the general rules for State and Subordinate Services permitting a

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departure from the strict order of discharge prescribed in the rules and the making of temporary appointments to avoid unnecessary expenditure on travelling allowance. (G O. No. 344, Finance, 23rd October 1939).

(f) Registrars and Sub-Registrars shall, in the matter of transfers and postings and in the distribution of work among their subordinates, have due regard to the principle that no person should be allowed to become indispensable for a particular post.

(GO. No. 2427, Public (Services), 17th December 1937).

**S.O. 67.** Applications from Assistants and Attenders for transfer from one district to another shall be submitted to the Inspector-General.

**SO.68.** Transfers of Government servants without travelling allowance and/or pay during joining time as penalty for misconduct are prohibited. Cases of misconduct should be dealt with by the imposition of one or more penalties prescribed in the statutory disciplinary rules.

(GO. No. 461, Public (Services). 5th May 1934).

**S.O.69.** (a) The Inspector-General is authorised (i) to transfer without limit of time Ministerial appointments from one Registration office to another within one and the same district; and (ii) to sanction temporary transfers or posts of Assistants from one Registration district to another, subject to the condition that the period of such transfers does not exceed one year.

(Memorandum No. 37369. Exp.-I, Finance, 10th December 1932).

NOTE: A District Registrar may, in anticipation of the Inspector General's sanction, supply deficiencies in one office by a transfer from another in which the establishment is for the time being in excess of requirements each such case being reported immediately to the Inspector-General for confirmation.

(b) An Assistant so transferred from one office to another shall be treated as a member of the establishment of the latter office for all purposes, including the preparation of pay bills and the distribution list of Assistants and the post shall be omitted from the pay bill and the establishment list of the office from which it has been transferred.

### **Annual Examination of Strength of Establishment**

**S.O. 70.** The strength of the permanent ministerial establishment employed in sub-offices shall be examined by the Registrar early in each official year with reference to the transactions of the three official years immediately proceeding, and in submitting the statements prescribed. Registrars shall propose any alterations in the strength of the ministerial staff that may be found necessary.

### **Temporary Establishment**

**S.O. 71.** Any sudden increase in registrations, the work in connection with which cannot be performed by the permanent establishment without detriment and inconvenience to the registering public, shall be met by the employment of temporary section writers.

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**S.O. 72.** The employment of temporary section writers and their service conditions are governed by the rules which are set out in Appendix-III.

**S.O. 73.** The Temporary Section Writers are appointed by District Registrar from among the candidates sponsored by Employment Exchange following Rule of Reservation etc., The Registrars shall not call for the lists of candidates from the employment offices much in advance of the occurrence of vacancies. If, for any reason, they are unable to take action on the lists within a month, they should send back the lists to the Employment Offices concerned for making them upto date.

**S.O. 74.** The allotment and expenditure on account of temporary section writers shall be shown separately in the Statement IV (b) submitted each month by the Registrars to the Inspector-General.

**S.O. 75.** A separate "Register of Probationers" and a "ledger" shall be maintained for temporary section writers.

**S.O. 76.** Application for extra aid for any and every increase in work will not be countenanced. The regular establishment is expected to work extra hours to cope with any temporary and inappreciable increase in their duties.

**SO. 77.** Temporary Section Writers will not be sanctioned for the purpose of clearing off arrears due to slackness on the part of the permanent establishment and if the entertainment of additional section writers is found necessary owing to negligence on the part of any of the office establishment, the person responsible is liable to be called upon to pay the extra cost.

**S O. 78.** The relatives of stamp vendors or document writers shall not be appointed as Temporary Junior Assistants, Temporary Section Writers, Shroffs and Attenders. Regular Junior Assistants selected by the Andhra Pradesh Public Service Commission and Permanent Junior Assistants, shall not be transferred to the Sub-Registrar offices or where their relatives are the local stamp vendors or document writers.

**S.O. 79.** Whenever a need for appointment of Temporary Section Writers arises, the Registrar shall report to the Inspector-General explaining the situation and recruit only after permission is given.

**S.O. 80** There are two categories of Temporary Section Writers. Viz., Annual Based Temporary Section Writers and Monthly Based Temporary Section Writers. The former category is eligible to the time scale fixed by the government from time to time for the post of Temporary Section Writer. The monthly based Temporary Section Writers are eligible to draw the minimum of the time scale of pay. The first category of Temporary Section Writers are considered for promotion as Junior Assistants in the ratio fixed by the Government.

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## **Shroffs**

**S.O. 81.** (1) The Registrar is the appointing authority for shroffs. He appoints them from among the eligible candidates sponsored by the Employment Exchange following the Rule of reservation and procedure prescribed if any, by the Inspector-General. They are eligible for promotion to the post of Junior Assistants in the ratio fixed. The appointing authority shall take the security bond for the amount and in the form prescribed in Andhra Pradesh Finance Code. Their pay scale is fixed by the Government from time to time.

## **Drivers**

**S.O. 81.** (2) The Drivers are appointed by the officer in whose office the posts exist. They are appointed from the technically and Medically qualified candidates, sponsored by the Employment Exchange. Their pay is fixed by Government from time to time and their service conditions are governed by Andhra Pradesh Drivers Service Rules.

## **Attenders**

**S.O.82.** (i) The appointment of Attenders is made by the Registrar from among the candidates sponsored by the Employment Exchange following the Rule of reservation and the procedure prescribed by the Inspector-General if any.

(ii) Their Service conditions are governed by Andhra Pradesh Last Grade Subordinate Service Rules and their pay scale is fixed by the Government from time to time.

**S.O.83.** (a) In each Registrar's office shall be maintained a "ledger" to which an alphabetical index shall be prefixed. In this ledger an opening shall be allotted to each person appointed as an acting or temporary attender.

(b) A separate "register of probationers" as in the case of Assistants shall be maintained in respect of attenders.

**S.O. 84.** The Accountant-General and the Treasury officers do not concern themselves with the distribution of the Attenders among the several offices of a district but treat the district establishment as a whole for the entire registration district, even in cases where it comprises more than one revenue district.

**S.O.85.** (a)(i) The duty of guarding the office during nights shall be distributed between the several attenders of a registration office by turns. An attender who is detained for this duty is expected to guard the office from the time at which it is closed until he is relieved on the following day. A Registration office shall not be left unguarded at any time.

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ii) In each office the night duty shall be performed by each attender for a fortnight. When one of the two attenders in a sub-office is absent on remittance duty or on casual leave or for any other reason, the other shall attend office during the day besides guarding it at night.

The attender detained for night duty is responsible for fastening, after the day's work is over, the doors of the windows of the office room to which he has access.

(c) The head of the office shall by occasional visits or otherwise, satisfy himself that the attender directed to do night duty is actually present in the office during the night.

(d) A register designated the Patrol Register (in Form Registration-11) shall be maintain in each office for ledgering information on the point. This will also serve as an attendance register for all the Attenders in sub-offices and for such of the Attenders in Registrars' offices as are detained for guarding the office out of office hours.

The attenders to whom the duty of guarding the office, at nights is assigned, when detained for duty during office hours shall also mark their attendance in the attendance register of Assistants.

(e) An acting Attender should not ordinarily be employed for carrying remittances to the treasury.

**S.O. 86.** Registrars shall submit in Form J to the Inspector-General a quarterly return of fines imposed by them and obtain for their own information a similar return from Sub-Registrars.

**S.O.87.** Belts and badges shall be worn by Attenders only when on duty. They shall not on any account be taken by the Attenders to their houses and shall, when the office is closed for the day be secured in the office.

### **Arrangements for papers under disposal**

**S.O. 88.** Assistants will be provided with Almirahs with Locking arrangements.

**S.O.89.** (a) All Assistants are responsible for the papers dealt by and entrusted to them. They shall take necessary care to preserve them safely as the day closes. They shall also take due care to lock their Almirahs provided to them.

(b) Each Assistant should be provided with a tray, wooden or rattan, to be placed on his table during working hours for papers under disposal.

(c) The Registrars may make such arrangements as may be necessary for the proper custody and handling of papers and files.

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(d) The person in-charge of despatch shall be provided with a pigeon holed Almira for papers actually signed and awaiting despatch on the due dates.

(e) The Registrar and the Assistant District registrar shall frequently visit Administrative Branch to satisfy that the staff remains in their seats attending to their work.

(f) The staff shall maintain personal Registers for all the currents received by them and submit to the Registrar and the Assistant District Registrar on the due dates for thorough scrutiny.

(g) The seniormost Senior Assistant shall be responsible in ensuring that all currents entered in the Inward Register and get acknowledgements from the concerned Assistants to whom they are later distributed. He shall also check that the concerned Assistant does not omit any current to be entered in the personal register.

(h) The Assistant District Registrar and Registrar shall at random verify whether the despatch Assistant is prompt in despatch. More attention shall be paid on prompt despatch of Travelling Allowance Bills, pension papers, postings of Temporary Section Writers, sanction of General Provident Fund, Increments, etc.,

(i) The Despatch Assistant shall maintain service postage account and place it before the officer for scrutiny after striking the balance.

(j) (i) As a rule a Savingram should be an adequate means of communication.

(ii) A Telegram should normally be issued only where :

(a) the recipient will get it in time and reply the same day, or

(b) a Savingram is unlikely to reach the addressee the next morning.

(k) Papers should not be allowed to stagnate for months without any effective action. Officers shall make it a point to see that all cases pending with the staff under their control are disposed of without least possible delay. Where there is delay in any case the Officers should take immediate steps to fix the responsibility on the person on account of whose negligence the delay occur.

(l) Since the Official Language of the State is Telugu, all correspondence other than statutory orders shall be in that language.

(m) References on simple matters involving much delay and waste of time in correspondence should be avoided by Registrars by paying more attention to details of work.

### **Establishment Lists**

**S.O.90.** (a) A list of the establishment of the Registration department down to and including probationary Sub-Registrars, is issued annually.

(G.O. No. 57, Law (Registration), 10th April 1923).

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(b) Two copies of the list are supplied to Registrars, one copy for use in their offices and the other for circulation among Sub-Registrars in their districts.

(c) A Sub-Registrar shall not keep the circulated copy for more than two days.

(d) On receipt of a copy of a revised issue of the list, each Sub-Registrar shall communicate to the Registrar any errors or omissions he may notice and such errors and omissions as well as those noticed by the Registrar shall be reported immediately to the Inspector-General.

**S.O.91.** A list of Gazetted Officers of the Department is issued annually.

**S.O.92.** (a) Each Registrar shall prepare a list of the ministerial establishment in his district, arranged according to seniority corrected upto the 1st March and the 1st April each year and shall submit to the Inspector-General two copies of each list.

(ii) The list shall contain a note regarding the abbreviations used therein.

(b) The list shall contain under separate heads the names of temporary sectionwriters in two sections, one relating to approved probationers and the other to probationers.

S.O. 93. The Graded list of establishment prepared by the Deputy Inspector-General and the District Registrar shall contain the following particulars.

a) Serial number

b) Name:

c) Community :

(to be specified only in the case of those who belong to Scheduled Castes.

Scheduled Tribes and Backward Classes).

d) Educational qualifications : (i) Academic (ii) Technical.

e) Present pay.

f) Date from which drawn.

g) Date of birth :

h) Date of first appointment

i) Date of Confirmation,

j) Tests passed.

k) Native district.

l) Lands and house:

(Registration district and Sub-District to be mentioned).

m) Language test and Indian languages known :

n) Station and date from which working,.

o) Remarks.

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**S.O.94.** (a) Particulars of the various categories of posts should be given in the following order :—

I. Senior Assistant :-

Permanent :

Officiating :- (i) Approved Probationer.  
(ii) Probationers.

II. Junior Assistant :-

Permanent :

Officiating :- (i) Approved Probationers :  
(ii) Probationers.

III. Typists:

Permanent :

Officiating :- (i) Approved Probationers.  
(ii) Probationers.

IV. Temporary Section Writers.

(i) Approved Probationers.  
(ii) Probationers.

(b) The list shall contain a note regarding the abbreviations if any used.

(c) In regard to persons transferred from one district to another in the establishment list of the new district to which the person has been transferred, a note shall be entered against the entry relating to the person concerned after "date of first appointment" and thus.

"Transferred from ... district at his own request/or administrative grounds by Inspector-General's proceedings No ..... dated..... and joined duty in this district on..... assigned rank next below ..... in the list of Permanent Assistants/approved probationers/probationers of this district as on the date of his joining in this district".

(d) A copy may be sent to Inspector-General of Registration and Stamps and to Deputy Inspector-General of Registration and Stamps. The Graded list may be circulated among all members of the establishment and their acknowledgement obtained. The staff can make representations to the concerned within one month if they have any objections.

### Personal Files and Confidential Reports.

S.O. 95. The authorities who should prepare and maintain the personal files of the Officers and the staff of the Registration Department are as shown below :-

Names of the Officers.	Authority who should submit confidential reports periodically.	Record Remarks	Authority who should Prepare or countersign confidential reports and maintain personal files.
1	2	3	4

#### A.P. Registration Service.

1. Deputy Inspector General	...	...	Inspector General
2. Assistant to Inspectors General	...	...	-do-
3. Vigilance Officers	...	...	-do-
4. District Registrars	Deputy Inspector General	...	-do-
5. Assistant to District Registrar	District Registrar	...	-do-

#### A.P. Registration Subordinate Service

1. Sub Registrars, Grade I	District Registrars	Deputy Inspector General	-do-
2. Sub Registrars Grade I / Superintendents in the offices of Deputy Inspector general	Deputy Inspector-General	...	-do-
3. Sub-Registrar Grade I/ Superintendents in the office of Inspector-General.	Deputy Inspector-General	...	-do-

**S.O.96.** (a) The first reporting officer will submit the report by the 7th April, and the intermediate authorities will pass on the report with their remarks to the next higher authority within one week of its receipt by them.

(b) The personal files shall be maintained in duplicate. But no office copies of the reports shall be maintained.

**S.O.97** (a) The report shall be written or typed by the Officer himself. The name and designation of the reporting Officer shall be written in block letters below his signature.

(b) If an officer is transferred after July, the report should be prepared for the first part of the year and forwarded to the Officer to whose charge he has been transferred.

(c) If the Reporting Officer is transferred before July, he need not leave any report on the employees under him. If he is transferred after July, he should leave a report on each of them with the successor to enable him to transcribe those remarks in the annual reports setting the name of the author. The fact shall be recorded in the certificate of transfer of charge.

(d) The Reporting Officer should not write reports on Officers who worked under him for a period of less than two months. If, however, the officer did not work under any Officer for at least 4 months in the year, the officer under whom he worked for more than two months shall write the report.

(e) The practice of retired officers writing the reports should be discouraged (Govt. Memo No. 631/Ser. C/76-1 GAD. dated : 11-5-1976).

(f) A register as indicated below shall be maintained to watch the timely receipt of the confidential reports and their final disposal.

S. No.	Name of the Officer	Designation	Due date of receipt	Date of Receipt	Date of submission to the higher authority	Date of Filing	Receipt
1	2	3	4	5	6	7	8

(g) A table of contents shall be maintained for each personal file which shall also contain information regarding the communication of adverse remarks.

(h) All the custodians of personal files shall furnish personally an annual certificate to the Inspector-General by the end of April that the personal files of which he is the custodian are complete inclusive of the report for the last completed year.

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**S.O.98. Reviewing Officers :-**

(a) If the countersigning Officer retires by the time the report is put up, the countersignature shall be done by his successor.

(b) If the countersigning Officer retires after June, he may, in his discretion leave a note on the Officers working under him for addition to the Confidential report.

(c) If the countersigning Officer differs from the Reporting Officer, he shall invariably give his reasons.

**S.O.99. Adverse remarks :**

(a) Adverse remarks should be supported by specific evidentiary examples or instances as far as possible. Recording of impressions based on adequate contacts should not however be ruled out altogether. The Reporting Officers should avoid making vague and ambiguous remarks capable of neither contradiction nor confirmation.

(b) Unfavourable remarks made in the Confidential reports are not punishments under the Statutory rules and for this reason no appeal lies against such remarks. It is to be borne in mind that such reports express only the opinion of the Officer making the report. It is, therefore, essential that the reporting Officers should record their remark with the greatest caution and should not record any remarks lightly on the spur of the moment or based on prejudice.

**S.O.100. Communication of adverse remarks :-**

(a) All adverse remarks, whether remediable or not, made in the Confidential Reports, should be communicated in writing to, the Officer adversely reported upon, within six weeks from the date of receipt of the Confidential report by the custodian of the personal files. They should be communicated in duplicate with a direction that the duplicate copy should be resubmitted after acknowledging its receipt thereon, for being filed in the personal file.

(b) The form of communication is of great importance. It should not discourage or embitter an Officer. The object should be, as far as possible, to improve him. The communication should be worded carefully and while indicating the defects, good work also should be mentioned. The name of the Officer from whom the remark emanated should on no account, be mentioned.

**S.O.101. Representations against adverse remarks :-**

(a) Representations against unfavourable remarks, may, if the Officer so desires, be made to the authority to whom an appeal would lie against an order of censure on the Officer concerned and should be preferred within six weeks from the date on which

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the remark is communicated to the Officer. Representations should be confined strictly to the merits of the question, couched in proper language and should not contain any personal attacks and insinuations against the superior officers.

(b) The concerned authority may call for the remarks of the Officer who made the adverse remarks and thereupon decide the scope of enquiry to be held on the representation.

(c) The Officer making the representation may be permitted to peruse the records if any if he so desires.

**S.O.102.** Expunging of adverse remarks :—

(a) The Competent authority which considers a remark which is proved to be wrong or unfair without basis may expunge the same. But when the remark is only by way of opinion and a superior authority differs, both views will stay in the file.

(b) A decision on the representation against adverse remarks should be taken within three months.

(c) Where adverse remarks are expunged, the remarks should be pasted over, indicating side by side, the reference through which expunction was ordered and it should be attested by the Competent Authority with his signature and date.

(G. O. Ms. No. 407 G. A. (Ser. C) dated: 28-7-1973).

**S.O.103.** The Officer making the representation shall be informed of the result of the action taken on his representation with a specific indication that no further representation of memorials shall be entertained in that regard.

**S.O.104.** The custodian of the Personal Files shall submit an annual certificate in the following proforma by the end of May every year.

### **Proforma**

This is to certify that the adverse remarks in the personal files of the following Government servants of which I am the custodian have been communicated in time to the persons concerned and that there are no adverse remarks which have not been communicated to the persons concerned. (Govt. Memo. No. 2709/Ser.C/77-1 GAD 8-3-1978).

**S.O.105.** The object of the Confidential report is to assess as nearly as possible how far each officer is physically, mentally and morally suitable for his office, whether he is able to apply intelligently the Law, rules and procedure applying to the work within his charge, his treatment of his subordinates, his behavior to his superiors and colleagues and finally his relations with the public.

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**S.O. 106.** The Personal files should be kept in the personal custody of the Custodians of the Personal Files.

**S.O.107.** The personal files relating, to officers and subordinates shall be preserved for a period of five years from the date of their retirement, resignation, removal or dismissal, as the case may be and those relating to deceased public servants for one year from the date of their death.

### **PUNISHMENTS**

**S.O.108.** (a) Admission to registration of deficitly stamped documents:-

A Registering Officer is responsible for the loss caused to the government by admission of deficitly stamped documents. In cases where the loss does not exceed Rs. 100/-in each case and the Registering Officer owns the responsibility, the District Registrar himself shall recover the loss and apprise the parties of the deficiency in stamp duty. All other cases shall be referred to the Inspector-General.

(b) The irregularities shall generally, be incorporated in the Inspection Reports to enable the Inspector-General to initiate consolidated disciplinary action, but grave irregularities such as short remittances and tampering with or loss of records shall be reported immediately after they are detected,

(c) In respect of Sub-Registrars retiring from service within eighteen months a special report on the irregularities and losses if any, shall be submitted as soon as they are detected.

(d) The Registrars are not empowered to excuse a Sub-Registrar from making good the loss of either Stamp duty or Registration fees. The Registrar shall report all cases of loss of Stamp duty to the Inspector-General. In the case of loss of Registration fees, a report shall be submitted to the Inspector-General, if the Sub-Registrar fails to make good the loss on the direction of the Registrar.

**S.O. 109.** (a) In each registration office there shall be maintained a default register.

(b) When the head of an office considers that a dereliction of duty demands explanation, he shall enter in this register his call for such explanation.

(c) The subordinate shall enter his explanation below such call and sign and date the same.

(d) Should the head of the office consider that the default calls for no more serious notice than a warning, the entry in the default register shall be closed by his order to that effect.

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(e) Should the head of an office consider that the default requires more serious notice than a warning, the procedure shall be as under:-

(i) Registrar's Office :-

The Registrar shall award such punishment as he considers appropriate and enter a note regarding the final orders passed by him.

If he considers that the matter requires punishment at the hands of the Inspector-General he shall submit a report to that authority.

(ii) Sub-Registrar's Office :-

Should the Sub-Registrar consider that the matter requires punishment at the hands of the Registrar, he shall report the matter to the Registrar and make an entry to that effect in the default register:

(f) In a Registrar's office the register shall be indexed alphabetically as regards the names of clerks and menials appearing in it.

(g) The default register of each office shall be examined by the Registrar at the time of his inspection.

**S.O. 110.** Whenever a Registering Officer notices an Attender working in his office without a belt and badge during office hours he should book the defaulter immediately and submit a report to the Registrar who should initiate suitable disciplinary action against the Attender concerned.

**S.O.111.** (a) The penalties that may for good and sufficient reason be resorted to suitably for maintaining discipline, the authorities competent to impose the punishments, the authorities to whom appeals he against orders of punishments and the procedure to be followed for imposing the penalties are contained in the Civil Services (Classification, Control and Appeal) Rules.

(b) These rules are printed in Appendix IV.

(G.O. No. 116, Law (Registration), 4th October 1921).

**S.O. 112.** When the work or conduct of a probationer is called in question, the question whether on the facts disclosed including any earlier proceedings the probationer should be allowed to continue on probation, should specifically be considered and a finding recorded before any of the penalties prescribed in the rules is awarded.

(GO. No. 920, Public (Services), 5th May 1941).

**S.O.113.** (a) The suspension of a Government servant as substantive punishment makes it impossible for him to maintain the standard of living to which he has become accustomed and consequently he runs into debt and tenders to become demoralized.

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Suspension as a specific punishment should therefore be avoided in disciplinary cases and other forms of punishment should be imposed instead such as stoppage of increment or reduction. Suspension should be resorted to only when it is necessary in the public interest to suspend a Government servant, pending enquiry into grave charges against him.

(Govt. Memo No. 22769-3 Public (Services) 10th December, 1940).

(b) The circumstances in which a disciplinary authority may consider it appropriate to place a Government servant under suspension as indicated by the Government of India are detailed below:-

(i) Cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (i.e., apprehended tampering with witness or documents).

(ii) Where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the public servant is working.

(iii) Where the continuance in office of the Government servant will be against the wider public interest [other than those covered by (i) and (ii)] such as there is a public scandal.

(iv) Where allegations have been made against Government servant and the preliminary enquiry has revealed that a prima facie case is made out which would justify his prosecution or his being proceeded against in departmental proceedings and where the proceedings are likely to end in his conviction and/or dismissal, removal or compulsory retirement from service.

NOTE :- (a) In the first three circumstances the disciplinary authority may exercise his discretion to place the Government servant under suspension even when the case is under investigation and before a prima facie case has been established.

(b) Certain types of misdemeanour where suspension may be desirable in the four circumstances mentioned are indicated below :-

(i) Any offence or conduct involving moral turpitude.

(ii) Corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal benefit.

(iii) Serious negligence and dereliction of duty in considerable loss to Government;

(iv) Desertion of duty ;

(v) Refusal or deliberate failure to carryout written orders of superior officers,

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In respect of the types of misdemeanour specified in sub-clauses (iii), (iv) and (v) discretion has to be exercised with care (Govt. Memo. No. 401/ 65-1 G.A, (Ser. C) dt. 27-2-1965).

### Departmental tests

**S.O. 114.** The examinations in the Registration, Language, and Accounts Tests are held by the Andhra Pradesh Public Service Commission in the months of May and November at the centres notified by the said commission.

**S.O.115** (a) The Tests are open to Registrars recruited direct, Probationary Sub-Registrars, Junior Assistants and Typists (full members and approved probationers) working in the various offices under the control of Inspector-General of Registration and Stamps,

(b) Probationers in the category of Junior Assistants and Temporary Section Writers are eligible to appear for the Departmental Tests on payment of requisite fees.

**S.O.116.** (a) The subjects for the Registration Test fall under three groups, viz.,

I. The Registration Act, Registration Rules, the Table of Fees and Departmental Orders,

II. The Stamp Act and Rules thereunder.

III. Miscellaneous Acts.

(1) The Transfer of property Act.

(2) The Evidence Act.

(3) The Civil Procedure Code, sections 1 and 2 of the Preliminary chapter ; sections 27 to 32, 75 to 78 and Orders V, XVI and XXVI.

(4) The Births, Deaths and Marriages Registration Act, 1886, as amended by Act IX 1911 and rules made thereunder.

(5) The Special Marriages Act, 1954.

(6) The Societies Registration Act, 1860.

(7) The Indian Christian Marriage Act, 1872.

(8) The Hindu Marriage Act, 1955 and Rules framed thereunder.

(b) There will be two papers for examination in Group I, viz., one on the Registration Act, Rules and Table of Fees and the other on Departmental Orders (Registration Manual, Part II) and one paper in Group II and Group III.

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(c) The question papers will be answered throughout with the aid of books. The use of books containing commentaries or of guides, digests, summaries, catechisms, etc., will not be permitted except for the papers relating to the Madras Andhra Pradesh Manual and the Andhra Pradesh Stamp Manual.

(d) Candidates are permitted to appear for the examination in each group separately and a candidate need not appear again for examination in a group in which he has been declared to have passed.

**S.O.117.** The examination will be a practical test of an officer's acquaintance with and understanding of the Acts and text books prescribed.

**S.O.118.** (a) A District Registrar recruited direct, shall, during the period of Probation, pass the Registration tests in full, the Accounts Test for executive officers, and the 2nd class language Test.

(b) A Probationary Sub-Registrar, shall during the period of probation pass the Registration Test in full, the 2nd class language test and the Accounts test for Subordinate officers.

(c) Junior Assistants and typists should pass the Registration tests in full, and the Accounts tests for subordinate officers part I to get qualified for promotion to the category of Senior Assistants.

**S.O.119.** In all lists of establishments the undermentioned abbreviations shall be used to indicate a pass, partial or full, as the case may be in the Registration Test.

Registration Tests in full	1 R.T.
Registration Act and Rules and Table of Fees and Departmental orders	1 R.T.I.
Stamp Act and Rules thereunder	1 R.T. II.

**S.O.120.** The second-class Language Test will consist of the following four parts :-

Written - Part A :- Translating with fair accuracy of idiom and grammar an easy passage of English prose relating to Indian subjects and containing no words that have not familiar equivalents in the language,

Viva voce- Part B :-

(i) Conversing with accuracy and fluency in the language.

(ii) Dictating an order or delivering a short address on a given subject in the language.

Part C :- Taking down in English evidence given in the language and asking questions thereon in the language.

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Part D :- Reading with fluency and translating correctly two or three arzis or other official manuscripts written in the plain running office hand.

NOTE:- In the case of candidates who are required to pass the Second-class Language Test (Full Test) they will be allowed to appear for Part D separately and will be required to appear for all the other parts at one time.

**S.O.121.** (a) All applications for the departmental and language tests shall be submitted to the Inspector-General by the Registrars sufficiently early to admit of their transmission to the Commission in time.

(b) (i) applications from clerks for the departmental test should be accompanied by a certificate on a separate sheet of paper in the candidates own hand specifying the number of times and the dates on which they previously applied for each of the tests for which they are applying. The certificates should, on receipt, be scrutinized by the Registrar who, before submitting the same to the Inspector-General should, in turn, certify as to their correctness.

(ii) In order to facilitate such checking, each Registrar shall maintain an alphabetical list of clerks who apply for the departmental tests in which information regarding the date of their applications and the tests for which they apply shall be posted from time to time.

(c) Registrars shall while submitting the applications to the Inspector-General for being forwarded to the Commission, attach a certificate to the effect that the candidates are eligible for admission to the tests for which they apply.

(d) In the case of acting clerks, Registrars should furnish a certificate as to whether they have completed their probation satisfactorily.

**S.O.122.** A person who passes an examination or test should be deemed to have passed it on the last day on which the examination or test is held, irrespective of the date on which the results are announced. If, therefore, the passing of such examination or test confers on a Government servant the title to any right, benefit or concession, such title should be deemed to have accrued on the day following the last day of examination or test which he passed.

(G.O. No. 446, Public (Services), 1st May 1934).

**S.O.123.** The Registrars and Sub-Registrars recruited direct, approved probationers in the category of Junior Assistants and Typists are allowed two free chances for all the Departmental tests.

**S.O.124.** The Head of the Department or the head of the office, as the case may be while forwarding the applications for admission to the tests for which free chances

have been allowed, should furnish on each application a certificate to the effect that the applicant holds a regular employment in a post to which such free chances are allowed.

**S.O.125.** When the applications are forwarded to the Andhra Pradesh Public Service Commission, the head of the department or the head of the office, as the case may be should make a suitable entry in a separate sheet of paper securely attached to the Service Book of the persons concerned and incorporate in the certificate prescribed in the application form, the fact of having made such entry in the Service Register of the person concerned.

**S.O.126** (a) The Register which shall bear title “Register of Applicants for Departmental and Special Tests” should contain entries relating to all categories of staff who apply for the special and Departmental Test with or without payment of fees.

(b) The Register should be maintained with names of the staff in alphabetical order for all the categories of staff together, the required number of pages being allotted to each letter of the alphabet, adequate space being allowed for each individual.

(c) The Register should be maintained in the following form.

Particulars of applications for test.

Serial Number	Name of Applicant	Designation	Test
1	2	3	4

Month and year in which test is to be held	Fees paid if any	Remarks
5	6	7

(b) All entries relating to a particular individual in respect of all tests should appear in the same place. To enable this to be done, at east half a page should be allotted to each individual. District Registrars should strictly avoid making entries relating to a single individual in different places as such a procedure makes it difficult to check the number of times the individual has applied for any test and tends to defeat the very purpose for which the Register is maintained.

(c) In respect or Persons transferred from other districts, particulars in regard to previous applications for the tests should be obtained from the District Registrars concerned and incorporated in the Register. Similarly, when a person is transferred

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outside the district the required particulars should be sent to the District Registrar concerned.

(d) The District Registrar shall, while submitting the application to the Inspector-General for being forwarded to the commission attach a certificate to the effect that the candidates are eligible for admission to the tests for which they are applying.

### **Miscellaneous**

**S.O.127.** In every Registrar's office there shall be maintained a register (Form K) showing separately for each category of the establishment of the district, dates of actual of increments. The Registrar or Assistant to District Registrar or the Joint Sub-Registrar during the absence of the Registrar, shall scrutinize this register, once a month and sign with date in token of such scrutiny. A certificate in the following form shall be added at foot of the return showing the state of work on the last day of each month, submitted to the Inspector General :-

Certified that the increments falling due in the month to the subordinates including Sub Registrars were sanctioned with the exception of (names to be mentioned with reasons for the delay);

**S.O.128.** The Government Servants Conduct Rules are printed in the form of booklet and supplied to the Registration offices.

**S.O.129** (a) These rules apply to all Government servants under the rule making control of the Governor whether on duty, leave or foreign service.

(b) In the case of Assistants of the Registration department, the terms "revenue district" and "district" occurring in Subsidiary rules 8 (a), (b) and (c) under rule 9 of the Government Servants' Conduct Rules mean to "Registration sub-district".

(c) The Inspector-General is authorised under subsidiary rule 7 under rule 9 of the Government Servants' Conduct Rules, to sanction the acquisition of immovable property by Assistants serving in their jurisdiction.

(d) An Assistant shall not ordinarily be allowed to acquire immovable property within the registration sub-district in which he is serving. Permission to do this may be granted only in very special circumstances.

(e) The Government Servants' Application for Private Employment (Andhra Pradesh Services) Rules and the Government Servant's Application Posts (Andhra Pradesh Services) Rules, are printed in Appendix B, in the above publication.

**S.O 130.** Officers shall, in their dealings with the people with whom they are daily brought into contact, display courtesy, tact and good temper. The possession or absence

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of such qualities have a great bearing on their promotion. Manifestations of grave defects of temper and repeated loss of self-control will be regarded as constituting inefficiency.

(G.O. No. 1064, Public. 22nd August 1913).

**S.O.131.** Registering Officers and their establishment are prohibited from preparing instruments for parties either during or out of office hours.

**S.O.132.** A registering officer is prohibited from receiving parties, stamp-vendors or document-writers at his private residence except in very urgent cases. This prohibition shall be included in the notice of residence of the registering officer.

**S.O.133.** Copies of orders in the following cases should be sent by the authorities concerned to the Andhra Pradesh Public Service Commission so that the latter may be in a position to know whether its recommendations have been accepted or not -

(i) Orders of appointment, confirmation or promotion, as the case may be, in cases where the Andhra Pradesh Public Service Commission has been consulted in regard to-

(a) the selection of candidates for appointment to any state or subordinate service or special post by direct recruitment.

(b) the selection of candidates for appointment to any permanent post in State Service by promotion from a sub-ordinate service, and

(ii) Final orders in disciplinary and other cases where the Commission has been consulted.

(G. O. No 511, Public (Special), dated 16th April 1930).

## **Leave, Allowances, Pension and Service Books**

### **Leave**

**S.O.134.** (a) Leave of absence cannot be claimed as of right.

Fundamental Rule 67). The work in a registration office is of such a nature that an officer cannot be permitted to avail himself of leave for even a day unless a substitute is appointed for the charge of the office. An officer should therefore intimate to his immediate superior his intention of applying for leave as early as possible.

(b) Registrars shall note all such intimations in order that they may regulate their proposals for the grant of leave.

### **Application For Leave**

**S.O.135.** (a) Every application shall be submitted to the immediate superior of the applicant who shall, if not competent to dispose of it himself, submit it to the sanctioning authority. Such applications as require the orders of the Inspector-General must, except in cases in which urgency can be justified, reach him at least one month prior to the date from which the leave is required.

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(b) An application for leave will not ordinarily be entertained from an officer under orders of transfer, or during the months in which registrations are likely to be heavy.

**S.O.136.** A Deputy Inspector-General or Registrar or Vigilance Officer shall submit his application for leave to the Inspector-General of Registration and Stamps. Copies of application need not be sent either to the Government or to the Accountant General.

**S.O. 137.** (i) (a) Every application for leave shall contain the leave address of the officer applying for leave.

(b) Registrars shall, before submitting the applications of Sub-Registrars to Deputy Inspector-General, ensure that the leave address is furnished therein. Applications in which the information is not given shall be returned by Registrars for resubmission after supplying the omission.

(c) Every change in the leave address shall be communicated by Sub-Registrars to the Deputy Inspector-General through the Registrars concerned.

(ii) In submitting leave applications, Registrars shall certify therein as to the period of leave to which the officer concerned is eligible.

**S.O. 138.** An Officer shall apply in the first instance itself for the whole period of leave required. Extension of leave in piecemeal shall not be resorted to, as it will result in certain administrative difficulties.

**S.O. 139.** When submitting the leave applications of Sub-Registrars, the District Registrars shall certify therein as to the period of leave to which the officer concerned is eligible. It should also be stated therein:-

(i) The urgency of the leave.

(ii) Whether station where the Sub-Registrar is serving or the post in which he is employed carries any special allowance.

(iii) Whether the Sub-Registrar has any other duties to perform such as election work, custodianship of public examination question paper packets etc., and

(iv) Whether any Probationary Sub Registrar is available for being posted in the leave vacancy or whether any assistant in the office is fully qualified to act in the vacancy or if not, the arrangement recommended.

(v) Whether any arrears which may exist in the office are due to the negligence of the applicant and

(vi) Whether any Sub Registrar in the district who has been refused leave recently should, with due regard to the circumstances of each case be granted preference. Elaborate enquiries of these Sub-Registrars are not necessary.

(vii) The number of Government servants in an office or Department to whom earned leave is sanctioned at a time should be judiciously limited so that the conduct of work in offices should not be effected.

**S.O.140.** (a) If an officer attends a conference or a meeting as a representative of the State Government, the period of his absence is treated as on duty.

(b) If he is permitted to attend any such conference or meeting on the request of any State or Central Government or a quasi - government body like University and if he is paid remuneration, the absence should be treated as Casual leave or other leave to which he is eligible. If he is not paid any remuneration, it should be treated as on duty; in either case, the Government, quasi Government Body or the private body concerned will meet the Officer's Travelling Allowance and Dearness Allowance for the period in question.

(c) If he is attending in his personal capacity, the absence shall be treated as Casual leave or other leave to which he is eligible.

(G O.Ms. No. 2055, Home, (Services), dt. 20-10-1954).

### **Authority to Grant Leave**

#### **Ordinary Leave**

**S.O.141.** The authorities specified in column (1) of the table below are empowered to grant leave other than special disability leave to the Government servants specified in the corresponding entry in column (2) thereof to the extent specified in the corresponding entry in column (3) of the said table:-

#### **Leave**

Authority empowered to grant leave other than special disability leave	Government servants to whom leave other than special disability leave may be granted.	Extent of power
1	2	3
Inspector General of Registration and Stamps	I. Gazetted Officers. Gazetted officers under his control.	Full Power
Deputy Inspector General of Registration and Stamps.	II. Non-Gazetted Officers. Sub-Registrars and Probationary Sub-Registrars.	Full Power
Registrars	Clerks, Typists, Shroffs, Temporary Section Writers and Attenders.	Full Power

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### **Beginning and end of Leave**

**S.O.142.** (a) An officer shall not, unless in the event of illness, avail himself of any leave or extension of leave until it is granted, nor is he at liberty to handover charge in anticipation of sanction or to rejoin duty before the expiry of leave without previous permission.

(b) When an officer is permitted to return to duty before the expiry of his leave, no formal cancellation of the unexpired portion of leave is necessary.

(c) When an officer is granted leave other than casual leave he shall not, except under very special circumstances, be permitted to avail himself of it until the substitute in his vacancy joins.

(d) Report of intention to return to duty on expiry of leave granted or to extend leave should be submitted 10 days before the expiry of leave. Sub-Registrars on leave should submit the report direct to the Deputy Inspector-General concerned and send a copy thereof to the District Registrar concerned.

(e) The mere submission of an application for extension of leave does not by itself entitle an officer to avail himself of the leave. Officers should therefore submit the applications of leave well in advance.

### **Address while on Leave**

**S.O.143.** (a) A Registrar, before proceeding on leave of any description, shall place his address on record in his office and communicate any changes in the same to his "locum tenens".

(b) Every other officer and subordinate shall before proceeding on leave of any description, furnish his immediate superior with his address while on leave, and also leave his address on record in his office. Any changes in such address shall be similarly communicated. These intimations shall, for purposes of reference, be filed chronologically in a file-book.

### **Ordinary Leave**

**S.O. 144.** (a) Before submitting to the Deputy Inspector-General an application for earned or long leave, the Registrar shall examine the service book of the applicant, satisfy himself that he is eligible for the leave sought and certify this fact in the application which shall be accompanied by an extract from the service register of the applicant showing in chronological order and numbered serially all leave other than casual leave of which he has already availed himself. This extract (leave sheet) will be returned to the Registrar when orders are passed on the application and shall be retained by him

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attached to the service register of the officer, so that it may be available for future occasions.

(b) In the case of an application from a Sub-Registrar, the Registrar shall also report fully on the following points :-

(i) the urgency of the leave,

(ii) whether any Probationary Sub-Registrar is available in the district,

(iii) whether any clerks in the office are qualified by having passed the Registration Test and are otherwise fit to be appointed to act

(iv) whether any arrears which may exist In the office are due to the negligence of the applicant,

(v) whether any Sub-Registrars in the district who have been refused leave recently should, with due regard to the circumstances of each case, be granted preference. Elaborate enquiries of these Sub-Registrars are not necessary.

(c) When submitting to the Registrar, the leave application of a clerk or an attender in a sub-office, the Sub-Registrar shall follow the procedure indicated in clause (a).

Registrars shall, in the disposal of the applications, depend upon the leave sheets or leave accounts as the case may be and shall refrain from calling for service registers or service rolls.

(d) The leave sheet or leave account shall he brought up to date whenever it is forwarded with an application for leave and also at the time of the annual verification of service registers and shall be attested by the examining officer's initials on each such occasion.

### **Drawal of Compensatory Allowance During Leave**

**S.O. 145.** With reference to subsidiary Rule 4 under Fundamental Rule 44 and Note 2 thereunder, it is necessary for the sanctioning authorities to issue the orders permitting a Government servant to draw his local allowance under this sub-rule and to furnish the certificate regarding the eligibility to draw the allowance along with the orders sanctioning leave or transfer. Expost facto sanctions will not be accepted in audit.

### **Leave on Medical Certificate**

**S.O.146.** (a) When the particulars of the illness of a Government servant are required in the interests of Government by his official superior, the Government Medical Officer who has dealt with his case in his official capacity may be required to supply them without infringing the relations which ordinarily obtain between a patient and his medical adviser. The information about the nature of his illness should, however, be ordinarily

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demanded from the subordinate himself who can obtain it from his medical attendant in the way in which the some what analogous statements required to support an application for leave on medical certificate are obtained.

(G.O. No. 309, Public, dated 24th April 1906.)

(b) (i) Requisitions for medical certificates on behalf of an officer admitted for treatment into a hospital shall be sent immediately the officer is so admitted.

(ii) Official requisitions from heads of offices for examination of Government servants may be sent to the Superintendent of Head quarters hospital, District Medical Officers or other assistant surgeons direct. Such requisitions to other medical officers shall be sent through the District Medical Officers and Civil Surgeons, provided that in cases of special urgency however, such requisitions may be sent direct but a copy thereof shall be forwarded to the District Medical Officer or the Civil Surgeon concerned with a note explaining why the requisition was not sent through him.

(G O. Nos. 1320, PH.. dated 12th October 1921, and No. 3361, P.H , dated 21st September 1951).

(c) The following rules have been laid down by the Government regarding the acceptance of medical certificates granted by registered medical practitioners:-

(i) Medical certificates granted by a practitioner under the Andhra Pradesh Medical Registration Act, shall, in the absence of special circumstances, be accepted without countersignature but in doubtful and special cases the head of an office may require either that the certificate shall be countersigned by the Superintendent of Hospital or the Chief Medical Officer of the district as the case may be or that the applicant shall produce a second medical certificate from another registered practitioner;

(ii) Medical certificates signed by a practitioner who is not registered shall not be accepted. The head of an office is at liberty to decline to accept without the counter-signature of the Superintendent of Hospital or Surgeon, any medical certificate unless it has been issued in compliance with a requisition from him.

(G.O. Nos. 989, Public, dated 22nd May 1916, and No. 1778, PH., dated 4th December 1924).

(iii) It shall be the duty of every Government servant who consults a medical practitioner with a view to obtaining leave or an extension of leave on medical certificate to disclose to that practitioner the fact of his having consulted any other practitioner for the same purpose and the result of such consultation. Omission on the part of any public servant to do this or any false statement made by him to a medical practitioner in this respect will entail serious departmental notice.

(iv) If a public servant desires to put in, for any official purpose, a medical certificate obtained from a registered petitioner it must be in the form prescribed. Copies of these are supplied by the Superintendent, Government Press, to any registered practitioner on application in reasonable numbers at coast price.

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(v) If a public servant desire to prove for any official purpose that he has been under the professional treatment of any medical practitioner, he shall obtain from such practitioner, an admission and a discharge certificate in the form given in Appendix VI. The admission certificate shall be forwarded immediately on admission. This form must bear the thumb-impression or marks of identification of the public servant or a certificate from the medical practitioner that the public servant is personally known to him.

(vi) Any medical certificate from a registered practitioner will be liable, if put in for official purpose, to be rejected unless the registered practitioner has lodged with the Registrar of the Medical Council a specimen of the signature which he usually use for such certificates.

(vii) Any Government Medical Officer to whom a certificate of a registered medical practitioner is tendered for countersignature may refer to such medical practitioner for further report before countersigning and if such further report is refused or is unsatisfactory, may refuse to countersign.

(G.O. No. 236, Medical, dated 3rd May. 1919).

(d) When a Government servant who has obtained sick leave on a certificate granted by a registered medical practitioner applies for an extension of sick leave, while his residence remains unchanged on a certificate granted by a person different from the practitioner who gave the first certificate, he shall in submitting his application for the extension explain the reason for his non-appearance before the medical practitioner who granted the certificate in the first instance.

(G.O. No. 208, Medical, dated 12th May, 1917).

(e) A government servant who shows symptoms of leprosy or Tuberculosis may be granted all the leave to his credit to enable him to undergo the up-to-date curative treatment; and if a sufferer is actually undergoing the treatment when due leave expires, there is no objection to an extension of leave being granted under Fundamental Rule 81 (c), if the medical authorities certify that he is likely to be able to join duty at the end of the extra leave and earn leave equivalent to the amount of leave not due taken by him.

(G O.Ms. No, 188, P.H., dated 26th January, 1926, G.O.Ms, No. 4 P.H, dated 3rd January, 1927, No. 876, Public, dated 16th September 1927, and Ms. No. 111, Public dated 30th January, 1929).

**S.O. 147.** Registrars and Sub-Registrars shall require the production of a medical certificate of fitness from subordinates who return from medical leave and also from those to whom leave was granted for reasons of health although without a medical certificate.

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**S.O. 148.** An officer who has been invalidated from Government service should not be re-employed in such service except on a certificate of fitness granted by a Medical Board.

(G.O.Ms. No. 111, P.H., dated 16th January, 1935).

### **Probationary Sub-Registrars on Acting Appointments**

**S.O. 149.** When a probationary Sub-Registrar who is acting as a Sub-Registrar proceeds on leave of any description other than casual leave, he loses his lien on any acting appointment he may hold and, in the absence of orders to the contrary, reverts on the termination of his leave to the post of Probationary Sub-Registrar in the district to which he was last attached.

### **Surrender Leave**

**S.O.150.** (a) All regular Government servants are eligible to surrender their Earned Leave in lieu of salary and allowances.

(b) The officers authorised to sanction earned leave are competent to sanction surrender leave also.

(c) 15 days Earned Leave can be surrendered in lieu of salary and allowances in a year.

### **Casual Leave**

**S.O.151.** (a) A Deputy Inspector-General or Vigilance Officer or Registrar may grant himself casual leave subject to report to the Inspector-General which should specify the arrangements made for the conduct of business during his absence.

(b) Casual leave may be granted by Registrars to Sub-Registrars and Probationary Sub-Registrars.

(c) (i) Casual leave may be granted to members of the establishment of a Registrar's office by the Registrar himself or, by Assistant to District Registrar or the Joint Sub-Registrar attached to the office, and to the establishment of a Sub-office by the Sub-Registrar; but a clerk acting for a Sub-Registrar in a short vacancy shall not grant casual leave to any member of the establishment.

(ii) It is open to a Registrar to withdraw or limit the power in this respect, of a Sub-Registrar.

(d) Casual leave cannot be claimed as of right and permission to take it shall, where possible, be obtained in advance.

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(e) The authority who is empowered to grant casual leave may also grant examination or compensation leave, or sanction attendance in a Court in obedience to summons.

(f) The executive instructions issued by Government regarding casual leave and special casual leave are printed in the Fundamental Rules.

**S.O. 152.** Casual leave is not intended ordinarily for rest or change, as for these purposes regular leave should be taken, but is meant to meet emergencies. Instances of such emergencies are temporary indisposition, the illness or death of near relatives, the performance of religious rites, the obtaining of medical advice or assistance, the meeting, escorting or seeing off of wife or children at a port or distant railway station, the adjustment of urgent family or business affairs and the like. Casual leave may also be taken to cover such short absence for recreation as can be permitted without detriment to the public service.

**S.O.153.** (a) Casual leave at a single time may be combined in any manner with Sundays and other authorised holidays provided that the total period of absence from duty shall not exceed ten days. The aggregate amount of casual leave which may be granted to any officer of Government during the course of one calendar year shall not exceed 15 days. In addition 5 optional holidays can be availed in a year.

(Memorandum No. 2594/49-2, Public (Elections), dated: 29th June, 1949).

(b) The fact that a maximum has been fixed for the amount of casual leave which may be taken within a year does not mean that an officer is entitled to take the full amount of casual leave as a matter of course.

(c) The period of absence from duty of officers who are summoned as witnesses in civil and criminal cases in which their private interests are not in issue shall be treated as special casual leave not counting against the ordinary limit of 15 days. In all other cases such absence shall be covered by casual or any other leave to which they may be entitled,

(G.O. No. 139. Financial, dated 1st May 1913).

(d) The grant to a Government servant of casual leave other than special casual leave or of permission to avail himself of holidays should not ordinarily result in any appreciable extra expenditure to the Government. Care should be taken to see that no Government servant is allowed to proceed on casual leave or avail himself of holidays frequently if he has actually to be relieved on such occasions and the payment of travelling allowance to another officer thereby becomes necessary.

(G.O. No. 104, Finance, dated 11th April, 1940).

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(e) When however, a clerk of an office is deputed to act as Sub-Registrar of another office in the casual leave vacancy of the Sub-Registrar, the clerk shall be granted travelling allowance as on tour admissible under the rules.

(f) The grant of casual leave to those employed under emergency provisions will be at the rate of one day for every month of service put in by him taking into consideration the prospect of their being continued without interruption during the remaining months of calendar year.

**SO. 154.** Whenever a Registrar proceeds on casual leave or absents himself in connection with court attendance, he shall make over charge to the Assistant District Registrar or Joint Sub-Registrar attached to his office who will be the officer in charge for the period of the Registrar's absence and shall be shown as such in the return of acting appointments submitted. A report of transfer of charge need not, however, be submitted to the Inspector-General in such cases.

#### **Examination Leave**

**S.O. 155.** All reasonable applications for leave to enable an officer to appear for the special test examinations and the departmental tests will be complied with. An officer absent on such leave is treated as on duty. It will not be granted more than twice for each examination, nor on any occasion, for more than the number of days actually necessary to enable an officer to attend the examination. It shall not be combined with, or converted into, ordinary casual leave.

**S.O.156.** (a) A Government servant who is called on to attend office on a holiday except as a punishment, shall be granted another day in its place when opportunity offers. If possible, a Government servant of the religious persuasion which observes a holiday shall not be called upon to work on that day,

(b) Such holidays may not be taken by any Government servant without the previous permission of the authority who is competent to grant him casual leave.

(c) Not more than ten such holidays in all may be taken in a calendar year and no such holiday shall be taken after the expiry of six months from the public holiday for which it is substituted. It will, however, be within the discretion of the head of an office to call on the subordinate affected to take such holiday on any date within the six months which the head of the office finds to be convenient.

(d) Not more than seven such holidays may be accumulated.

(e) Such holidays may be combined with casual leave or other authorised holidays, provided that the total period of absence from duty shall not exceed ten days.

(G.Os. No. 917, Public, dated 16th September 1902. No. 942, Public, dated 17th October 1903. and No. 1902, Public (Elections), dated 1st September 1941).

(f) If the head of an office requires a subordinate to attend office on a holiday and such attendance renders the subordinate eligible for compensation leave, the order shall, before the holiday, be entered in the office order book and be signed and dated by the head of the office.

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(g) Compensation leave shall not be granted for attendance during holidays to bring up arrears.

(h) A register shall be maintained in each registration office showing the casual, compensation and examination leave of which each member of the establishment avails himself, separate portions being allotted to (i) Sub-Registrars and Probationary Sub-Registrars, (ii) clerks and (iii) menials, a few pages either at the commencement or at the end of the volume being set aside for an alphabetical index. The column "Address while on leave" in this register need not be filled up as intimations of addresses and of changes therein are filed separately.

(i) No compensatory holiday can be claimed as a matter of right. It shall be within the discretion of the Superior Officer competent to grant casual leave to admit a claim for compensatory holiday.

(j) No compensatory holiday can be availed of unless there has been prior credit of such a holiday to the Government servant's compensatory holiday account. The authority competent to grant for a compensatory holiday shall be the authority referred to in sub-paragraph (i) above.

(k) Whenever orders are passed admitting credit for a compensatory holiday the fact shall be noted in the casual leave register, on the page allotted to the government servant by opening a new column to indicate compensatory holiday.

(l) Every compensatory holiday shall automatically lapse at the end of six months from the holiday to which it relates.

### **Leave to Government Servants Bitten by a Rabid Animal**

**S.O. 157.** The leave granted to a Government servant bitten by a rabid animal in order to enable him to proceed to the Pasteur Institute at Cannanoor, the nearest headquarter hospital, the General Hospital, Hyderabad, or any other treatment centre, whichever is nearest, is governed by special rules which are embodied in the Andhra Pradesh Financial Code, First Edition, (Appendix 18).

### **Special Pay**

**S.O.158.** The special pay and compensatory allowances admissible to officers of the department are given in Appendix IX.

### **Officiating Pay**

**S.O.159.** The pay of Assistants officiating as Sub-Registrars or Temporary Sub-Registrars will be regulated as follows :

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(a) Assistant appointed as Sub-Registrar on probation :-

(i) If his substantive pay as assistant is below the minimum of the time scale pay of Grade II Sub-Registrar, his officiating pay as Grade II Sub-Registrar will be fixed at the minimum time scale of pay of Sub-Registrar Grade-II.

(ii) If his substantive pay as assistant is the minimum of the time scale of pay of Grade II Sub-Registrar or above, his officiating pay as Sub-Registrar will be fixed at the stage of the time scale applicable to him next above his substantive pay.

He will be entitled to count all periods of duty, both as probationer and approved probationer for increments.

(b) Probationary Sub-Registrar appointed to officiate as Sub-Registrar :-

(i) When a probationary Sub-Registrar officiates as a Sub-Registrar or is appointed as a Temporary Joint Sub-Registrar before completion of his probation or out of regular turn subsequent to completion of probation as Probationary Sub-Registrar he will draw his pay to which he is eligible during the period of his training.

(ii) When a Probationary Sub-Registrar officiates as Sub-Registrar or he is appointed as a Temporary Sub-Registrar after completion of his probation as probationary Sub-Registrar and in his regular turn, he will draw the minimum in the time scale of pay applicable to the post of Sub-Registrar.

### Attachment of Salaries

**S. O. 160.** Under the provisions of Order XXXI, Rule 48 of the First Schedule of the Code of Civil Procedure, 1908, and of order XXI, Rule 35 of the Rules of the Small Cause Court, 1912, the head of the judgment-debtor's office or the officer whose duty it is to disburse the salary has been appointed to be the person to whom notice should be given of orders of attachment of the salary or allowances of non-gazetted officers of Government.

(GOs, No 704, Judicial, dated 30th April 1912, and No, 1992, judicial, dated: 3rd December 1912).

**S.O.161.** (a) The extent to which the emoluments of a Government servant are exempt from attachment for debt is specified in section 60 (1) of the Code Civil Procedure, 1908 (India Act V of 1908) as subsequently amended. The following are the relevant provisions of the section; they apply to attachments in respect of suits filed on or after the 1st June, 1937:-

“60. (1) The following property is liable to attachment in execution of a decree.....;

Provided that the following particulars shall not be liable to such attachment namely:

(i) the salary of any public officer ..... to the extent of the first hundred rupees and one-half the remaining of such salary :

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Provided that, where the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously or intermittently, for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months, and where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree;

(k) all compulsory deposits and other sums in or derived from any fund to which the Provident Funds Act, 1925, for the time being applies in so far as they are declared by the said Act not to be liable to attachment;

(l) any allowance forming part of the emoluments of any public officer ..... which the appropriate Government may by notification in the Official Gazette declare to be exempt from attachment, and any subsistence grant or allowance made to any such officer ..... while under suspension :

Explanation 2 : In clauses ..... and (i) "salary" means the total monthly emoluments, excluding any allowance declared exempt from attachment under the provisions of clause (l) derived by a person from his employment whether on duty or on leave.

Explanation 3 : In clause (l) "appropriate Government", means

(i) as respects any public officer in the service of the Central Government .....the Central Government;

(iii) as respects any other public officer ..... the State Government".

NOTE :- The following allowances have been declared by the Government to be exempt from attachment by order of a court, namely:-

(i) All kinds of travelling allowances.

(ii) All kinds of conveyance allowances,

(iii) All allowances granted for meeting the cost of

(a) uniforms, and

(b) rations.

(iv) All allowances granted as compensation for higher cost of living in localities considered by the Government to be expensive localities including hill stations.

(v) All house-rent allowances.

(vi) All allowances granted to provide relief against the increased cost of living.

(b) The maximum amount attachable by a civil court is calculated on the amount earned and not on what remains after satisfying any debts due to the Government on account of advances taken under the rules.

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(c) Payments towards Postal and other Life Insurance policies, pension schemes, annuity funds, etc, that do not fall within the protection afforded by the Provident Funds Act, 1925 (India Act XIX of 1925), but are allowed to be deducted from the pay bills of Government servants for convenience in payment should not be excluded from the aggregated amount of salary in calculating the maximum amount attachable by a civil court. Subscriptions to Provident Funds to which the above Act for the time being applies should be deducted for the purpose of arriving at the amount available for attachment.

Explanation :- If total gross emoluments earned are represented by X, allowances declared to be exempt from attachment under clause (1) of the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908, and any subsistence grant or allowance made to any public officer while under suspension by Y, and subscriptions to Provident Funds to which the Provident Funds Act, 1925, applies by Z, the net amount attachable, if any, in respect of a suit filed after the 1st June 1937 is :

$$\frac{“(X-Y) - 100}{2} - Z”$$

(Article 87 of the A.P. Financial Code)

**S.O.162.** (a) Each head of an office should carefully maintain a suitable “attachment register” to enable him to see that proper action is taken on all attachment orders received from courts (see Subsidiary Rules 2(k), 22 and 33 under Treasury Rule 16 and instruction 9 under Treasury Rule 32).

(Article 88 of the A.P. Financial Code).

(b) Extracts from the Treasury Code (Subsidiary Rules 2(k), 22 and 33 (a) and (b) under Treasury Rule 16) detailing the procedure to be followed in regard to attachment orders received from courts are given below :-

“2(k) The drawing officer shall deduct from a bill for the pay, etc., of an establishment any amount attached by a prohibitory order of a court of law. He shall attach to each establishment pay bill in which any such deduction is made an advice list containing particulars of the suit, the name of the Government servant whose pay is attached and the amount deducted from the bill. When the court which issued the attachment order is not situated at the headquarters of the treasury which pays the bill, the drawing officer shall also attach to the bill a postal money order form duly prepared for the remittance of the amount by the Treasury Officer to the Court. The commission payable to the post office on the money order shall be shown as a deduction in the bill as well as the amount to be remitted. The procedure to be followed by the Treasury Officer for

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remitting such amounts to the courts is laid down in subsidiary rule 33 and also the procedure that he should follow in paying attached amounts to courts located at his headquarters.

22. Recovery of amounts attached by courts: When any money due by the Government to any person otherwise than as pay and allowances of a Government servant are attached by a prohibitory order of a court of law, the Government servant responsible for making the payment shall give effect to the court's order unless he has reason to think that the amount payable is exempt from attachment, in which case he shall report the matter to the Government for orders before making the payment.

When the attachment relates to an amount for which a bill has to be drawn on the treasury, the treasury, and the department concerned shall, in giving effect to the court's order, follow the same procedure as that prescribed in subsidiary rule 33 for deducting from the bill and remitting into court an amount attached from a Government servant's pay and allowances.

When the attachment relates to an amount which has to be disbursed by means of a departmental cheque, the procedure laid down in Instruction 9 under Treasury Rule 32 shall be followed.

33. (a) The Treasury Officer shall deduct from a bill for the pay, etc., of a Gazetted Government servant (or a non-gazetted Government servant who is permitted under subsidiary rule 7 above to draw his pay. etc., on bills in the forms prescribed for gazetted Government servants) any amount attached by a prohibitory order of a court of law. He shall remit to the proper courts, in accordance with the procedure prescribed below, all amounts deducted from the pay, etc., bills of Government servants on account of court attachment orders, whether deducted by himself or by the drawing officer. No such amount may be remitted to the court by cash order or Government draft.

(1) When the court is located at the headquarters of the treasury which cashes the bills:-

The Treasury Officer shall clear the amounts deducted once a month by payment to the court in cash. When making the payment, the Treasury Officer shall send to the court a covering memorandum together with the original advice list prepared by the drawing officer (see Subsidiary Rule 2 (k) above) for each deduction made by a drawing officer and an advice list prepared by the treasury for each deduction made by the Treasury Officer.

In Hyderabad city, the Account-General shall clear the amounts deducted once a month by payment to the court in form of a cheque on the Reserve Bank, accompanied by a covering memorandum and the necessary advice lists.

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(2) When the court is not located at the headquarters of the treasury which cashes the bills :- The Treasury Officer shall remit each amount deducted to the proper court at once by postal money order in the manner indicated below:-

(i) When the Treasury Officer himself makes the deduction from a bill, he shall prepare a money order form for the amount in favour of the court, deduct the money order commission as well as the amount to be remitted from the bill, pass the bill for the net amount and then send the money order form to the post office for issue, furnishing a certificate that he has credited to the post office by book transfer the amount of the money order together with the money order commission due on it.

(ii) When the drawing officer has made the necessary deductions from a bill under subsidiary rule 2(k) above, the Treasury Officer shall credit the amount deducted to the post office by transfer and send the money order form to the post office for issue, furnishing a certificate as prescribed in sub-clause (i) above. When he receives the receipt furnished by the post office for the money order he shall check it with the amount deducted from the bill and then transmit it to the drawing officer for record.

(iii) The Accountant-General shall follow a similar procedure to that described above in remitting to courts outside Hyderabad City amounts deducted from bills paid by him in Hyderabad city, but he shall make payment by means of a cheque on the State Bank of Hyderabad for the total amount including commission payable on account of all the money orders to be issued for this purpose on any one occasion.

(b) It is possible that a Government servant whose emoluments have been attached may refrain from signing the acquittance roll and intentionally allow them to remain undischarged, or, if he is a Government servant, who draws his pay on a separate bill, may refrain from presenting his bill at the treasury in order to evade or delay the recovery of an amount attached by court. If a treasury officer has received a court attachment order relating to the emoluments any Government servant, who draws his pay on a separate bill and that Government servant, does not present his bill for pay due for the previous month by the third working day of the month, the Treasury Officer shall at once bring the facts to the notice of the Government servant immediately superior to the Government servant whose emoluments have been attached, when he considers it necessary in order to avoid delay in recovering an amount attached by a court from the emoluments of a Government servant working under him, the head of the office, or, in the case of a Government servant who draws his pay on a separate bill, the administrative Government servant immediately superior to the Government servant whose emoluments have been attached, may draw the emoluments of the Government servant concerned to the extent to which they have been attached, subject to the prescribed restrictions, and apply the amount so drawn in satisfaction of the attachment order by remitting it to the court. The amount so drawn shall be charged in the accounts,

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and the particulars of the attachment order shall be entered in the acquittance roll or the bill, as the case may be, as an authority for the charge. The money order receipts received from the courts shall be filed with the attachment register.”

### **Travelling Allowance**

**S.O. 163.** The Officers, Sub-Registrars and Ministerial Establishment shall acquaint themselves thoroughly with Andhra Pradesh Travelling Allowance Rules. They must be familiar with the rates of Travelling Allowance for different modes of travel on different occasions such as, travel on transfer, on duty, on Leave travel concession etc. They must be in a position not only to prepare the Travelling Allowance Bills for themselves but also closely check the bills submitted their offices.

**S.O.164.** The under mentioned examinations are obligatory examination for purposes of rule 86,.

Registrars : Account Test for Executive Officers.

(ii) Second-class Language Test.

(iii) Registration Test (full).

Probationary Sub-Registrars:- Registration Test and Second-class Language Test in a language other than that taken for S.S.C., University or other public examination.

### **Journeys to give Evidence**

**S.O.165.** (a) A Government servant summoned to give evidence in circumstances other than those described in Andhra Pradesh Travelling Allowance Rule 92 is not entitled, by reason of his position as a Government servant, to any payments other than those admissible by the rules of the court.

(b) In cases falling under clause (a) above, the expenses of the Government servant are tendered by the court along with the summons to be served through the head of the office in which he is employed. The head of the office shall pay the expenses to the Government servant at the time of service of the summons. Should further payments to the Government servant become necessary at the court, they will be made to the Government servant himself by the court, and at the same time an advice of such payment having been made will be sent to the head of the office in which the Government servant is employed. The head of the office will enter in Account ‘C’ (Chapter-XXXI) all sums paid to the Government servant whether by himself or direct by the court.

### **Controlling Officers**

**SO.166.** (a) The Officers specified in the second column of the following table exercise the powers of controlling officers for the purposes of countersigning travelling allowance bills in respect of those mentioned in the first column :—

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**Table**

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Officers (1)	Controlling authority. (2)
1. All the officers and below the rank of Assistant to District Registrars in Registration District.	Registrars.
2. Staff of the Vigilance Officer.	Vigilance Officer.
3. Staff of the Deputy Inspector-General of Registration and Stamps.	Deputy Inspector General.
4. District Registrars, Vigilance Officers and Deputy Inspector-Generals.	Inspector-General of Registration and Stamps.

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(b) The officers who draw bills in some cases will have themselves to exercise the duties of controlling officers; but a second signature of the same officer is not necessary on such bills.

NOTE:- (1) Sub-Registrars shall submit their travelling allowance bills with the requisite certificates for the signature of the Registrars (GO. No. 474. Finance, dated 2nd May 1921).

(2) Travelling allowance bills of Joint Sub-Registrars attached to Registrar's Office who are deputed to inspect sub-offices shall be submitted to the Inspector-General for counter-signature before payment.

### **Advance**

**S.O.167.** Heads of departments may sanction temporary advances not exceeding one month's substantive pay to the non-gazetted Government servants including attenders of their department employed in any plague-affected area for the purpose of erecting temporary sheds. The advances should be recovered in six equal monthly installments.

(Article 254, Financial Code).

**S.O.168.** Advances on transfer are granted in accordance with the following rules :-

(a) Advances of pay and/or travelling allowance are granted to a Government servant who receives an order of transfer during duty or leave.

(b) The authorities shown below have power to sanction the advances to the extent noted against each :—

Nature of Advance	Authorities competent to grant sanction
(i) Advance of pay and travelling allowance to a Government servant in permanent employment.	The head of the office or a gazetted Government servant to whom the head of the office has delegated this power subject to any conditions and restrictions imposed by the head of the office and Government servants not below the rank of the principal district officer in the department concerned.
NOTE:- The head of office in respect of a registration office for purposes of the above item is the District Registrar.	
(ii) Advances of pay and travelling allowances to a temporary or officiating Government servant who has no substantive post but is an approved probationer or who has completed the prescribed period of probation and is not likely to be discharged within four months, and an advance of travelling allowance only to any other temporary or officiating Government servant who has no substantive post.	District Registrars in the Registration Department
(iii) Advances not covered by items (i) and (ii)	The Government who sanction such advances only for special and exceptional reasons.

NOTE :-(1) The head of an office and any Government servant not below the rank of principal district officer in his department may sanction advances to himself under these rules.

(2) The head of office in the district establishment of the Registration Department for purposes of this note is the District Registrar.

(c) (1) An advance should not exceed one month's substantive pay plus the travelling allowance to which the Government servant is expected to become entitled under the rules in consequence of the transfer.

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(2) An advance on account of transfer should invariably be recorded on the Government servant's last pay certificate.

(3) A Government servant who is transferred may be allowed to draw a duly sanctioned advance of pay on transfer at his new station within a month of his arrival there, if his last pay certificate shows that he did not draw any such advance at his former station. A Government servant who is drawing leave salary from a treasury in the State and receives an order of transfer during his leave, may draw an advance of pay and travelling allowance from that treasury.

(4) The advance of pay should be recovered from the Government servant's pay in three equal monthly installments, and the first installment should be deducted from the first full month's pay drawn after the transfer. The first two installments should be fixed in whole rupees, and the remaining balance including any fraction of a rupee should be recovered as the third installment. The advance of travelling allowance should be recovered in full in the Government servant's travelling allowance bill for the journey in question. The Government servant should present this bill as soon as possible and if the amount of the bill is less than the advance, he should refund the balance in cash at once. When recoveries have to be made from the same Government servant on account of more than one advance of pay drawn on transfer, the recoveries should be made concurrently.

(5) If any member of a Government servant's family does not accompany him but follows him within six months from the date of his transfer (see rule 75 of the Travelling Allowance Rules), a separate advance may be granted at the time on account of the travelling expenses of that member, provided that no advance has already been drawn for the same purpose.

When a single advance is drawn for the travelling expenses of both the Government servant and his family, it may be adjusted by submitting more than one bill, if the members of the Government servant's family do not actually complete the journey with him, the Government servant should, however, certify on each adjustment bill that he will submit a further bill in due course for the travelling allowance admissible on account of the members of his family (to be specified) who have not yet completed the journey and that he expects the amount claimed in that bill to be not less than the balance of advance left unadjusted. If necessary, he should refund a part of the balance in cash before signing the certificate.

(Article 239 of the Financial Code and Instruction 1 (f) under Treasury Rule 19).

NOTE :- Only an advance of pay can be drawn at the new station.

**S.O. 169.** Applications for the grant of the advances submitted to Registrars should be accompanied by duly prepared travelling allowance bills. Registrars shall simultaneously with the sanctioning of the advances counter-sign the bills and return them to the concerned Sub-Registrars.

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**S.O. 170.** Officers who draw establishment bills should maintain a separate register in which they should enter all the particulars regarding advances of pay, etc., sanctioned to members of the establishment, and also advances noted as outstanding in the last pay certificates of Government servants transferred to their offices. The amount of the advances in each case should be shown as outstanding until it is completely recovered or the outstanding balance is entered in the last pay certificate of the officer. The register should be consulted whenever a last pay certificate is prepared.

(NOTE 2 under article 238 of the Financial Code).

NOTE :- The register shall be in the form in Registration Gazette, Volume XXXI, Page 75.

### **Retirement-Sub-Registrars**

**SO 171.** (a) Early in September of each year, the Registrars shall examine personally all cases of Sub-Registrars in his district who attain the age of 58 years or whose extension of service will expire during the ensuing official year and prepare a list of such Sub-Registrars. A copy of the list shall be submitted to the Deputy Inspector-General and Inspector General forthwith.

(b) The copy of the list received under clause (a) will be scrutinized by the Deputy Inspector-General and the order passed by him will, in each case, be communicated to the District Registrar who shall note in his list the date of intimation to the Sub-Registrar.

### **Ministerial Establishment and Attenders**

**S.O. 172.** In the case of assistants, typists, shroffs and attenders the Registrars shall follow the procedure laid down in above order and shall himself pass orders regarding their retirement.

### **General**

**S.O. 173.** The service registers of the officers concerned shall be examined and the Registrar shall satisfy himself that each period of service has been duly verified and shall, in respect of unverified periods, if any, take immediate steps to obtain the requisite affidavits or certificates in accordance with the procedure prescribed in the Pension Code.

**S.O. 174.** Before permitting the retirement of an inferior servant whose age is less than 60 years care shall be taken to have his unfitness for service duly established by a medical certificate or to obtain from him a statement that he understands the consequences of such retirement.

(G.O. No. 31, Pension, dated 18th January, 1881).

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**S.O. 175.** Conditional resignation of appointment or retirement from service shall under no circumstances be permitted.

(G.O. No. 1063, Pension, dated 5th November 1892).

**S.O. 176.** An officer who has retired from service shall be required to furnish information to the head of his late office regarding his place of residence, in case it should be necessary to obtain further information from him.

**S.O. 177.** The provisions relating to the grant of pension and the procedure to be followed, in connection therewith are contained in the Pension Code, copies of which are supplied to all Deputy Inspector-Generals, Registrars and Sub-Registrars.

**S.O.178.** (a) When any officer of the rank of Sub-Registrar is likely or is due to retire within eight months his service book together with all the pension papers (vide Article 916 Civil Service Regulations) shall immediately be submitted to the Deputy Inspector-General of Registration and Stamps for preliminary verification by the Accountant General. For Gazetted Officers they should be submitted to Inspector-General.

(b) As regards the other members except class IV employees of the mofussil establishment the Account-General shall be addressed direct with reference to Article 917, Civil Services Regulations before eighteen months of the date of retirement by the concerned authority competent to sanction the pensions.

### **Submission of Pension Applications.**

**S.O. 179.** Applications for pension or gratuity shall be treated as papers which should be dealt with as very urgent in all stages. The pension papers of an officer shall be submitted eighteen months before the date of retirement and in cases where the papers are sent up later the delay shall be explained.

**S.O. 180.** Registrars are authorised to sanction pensions to assistants and attenders in cases in which the claims to pension are certified by the Accountant-General to be admissible under the strict letter of the Civil Service Regulations. Applications of attenders and assistants shall, if there is no objection to the grant of full pension admissible, be forwarded by Registrars to the Accountant-General direct with the recommendation that the pension claimed may be admitted. The Accountant-General will, on finding the claim in order, issue the necessary pension payment order and intimate having done so to the Registrar, who shall communicate the same to the applicant. In the case of Sub-Registrars the applications shall be submitted to the Deputy Inspector-General and to the Inspector-General in the case of Gazetted Officers.

**S.O.181.** (a) A compassionate gratuity may be granted by Government to the family of a deceased Government servant in certain special circumstances.

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(b) The rules governing the grant of such gratuity are printed as Appendix 7-A, 7-B and 7-C to the Andhra Pradesh Pension Code volume II, corrected upto 20th October, 1974. Registrars shall follow the detailed instructions issued from time to time in dealing with applications for grant of a compassionate gratuity.

### **Service Books**

**S.O.182** Service Books are obtainable from Government Press on indents.

**S.O.183.** (a) When three months have elapsed from the date of the termination of an officer's service by dismissal, discharge or resignation, his service book or his service roll shall be sent to the Registrar's office for safe custody and eventual disposal with reference to the provisions laid down in the subsidiary rules under Fundamental Rule 74 (a) (iv).

(b) The head of the office in the case of a Sub-Registrar or of a Probationary Sub-Registrar is the Registrar of the district in which the officer is serving or to which he is attached.

### **Maintenance of Service Books**

**S.O.184.** The chief points to which attention should be paid in the maintenance of service books and service rolls in addition to those mentioned in the subsidiary rules under Fundamental Rule 74 (a) (iv) are enumerated below :-

(a) The dates of commencement and termination of service in an appointment with rate of pay shall be noted,

(i) The date of commencement of service in any appointment will be the date from which an officer draws the pay of an appointment and the date of termination the date up to which he drew such pay. Periods occupied in transit from one appointment to another will be reckoned as service in the appointment the pay of which the officer is allowed during transit.

(ii) A transfer of a Sub-Registrar shall not be held to take effect, unless otherwise ordered, until the officer is actually relieved at his former station. If he is posted permanently to a station at which he is already acting, his appointment as Sub-Registrar of that station shall take effect from the date of the orders issued in this behalf unless any other date is mentioned in such orders.

(b) (i) All leave, except casual leave, shall be duly recorded.

(ii) Acting appointments made during casual leave and court attendance shall not be noted.

(c) (i) Personal pay, special pay and compensatory allowances as well as acting appointments and promotions shall be entered.

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(ii) In the case of unqualified assistants, the limit up to which they may draw pay shall be noted.

(d) The surname or house name of the officer shall be given.

(e) Petty fines shall not be recorded.

(f) All erasures or interpolations shall be initialled by the head of the office.

(g) The requisite signatures of the several officers shall be obtained in the proper columns.

(h) The quinquennial entries shall be renewed or re-attested regularly.

(i) The age to be entered in the service register or service roll of a public servant is that which the head of the office has ascertained on the best evidence available. The opinion of a medical officer, who estimates the age according to appearance and physical conformation only, is not a final authority unless other means of ascertaining age are not forthcoming. In any case in which there is a considerable difference between the age as given by the officer and the age as entered in the health certificate, the orders of the Inspector-General shall be obtained.

(j) The Provident Fund Account number of the subscriber should be noted immediately at the top of the first page of the service book.

(k) Particulars of all tests passed with reference to the gazette should be entered.

(l) Date of birth should be verified and the certificate to the effect should be recorded by the Head of office.

(m) In respect of persons coming under Schedule castes, Scheduled Tribes and Backward classes before making entry quoting relevant authority about their community, special care shall be taken to verify the same on the basis of certificate issued by the Competent Authority as decided by the Government.

**S.O. 185.** When it is necessary to obtain the finger impressions of a Sub-Registrar in his service book, advantage shall be taken of the opportunity of his visits to headquarters or of the inspection by the Registrar of the Sub-office.

**S.O.186.** (a) When an officer is transferred from one office to another in the same district, permanently or temporarily, the requisite entry of termination of appointment, reason therefor, etc., shall be made in the office from which the transfer is made and the entry shall be duly attested by the head of that office. The register or roll shall then be transmitted to the head of the office, to which the officer has been transferred, who shall thenceforth maintain the book in his office, examining it on receipt and returning it if he finds any error or omission.

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(b) When an officer is transferred from one district to another, the service book or service roll shall, after making the entries referred to above, be duly verified upto the date of transfer and attested by the Registrar and then transferred to the Registrar of the district to which the officer has been transferred.

#### **Attestation of Service Books**

**S.O.187.** (a) The entries in the service books and service roll shall be attested by the followed officers :-

Service books of Sub-Registrars and Probationary Sub-Registrars :-The head of the office in which the Sub-Registrar or the Probationary Sub-Registrar is employed.

Service books of Registrar's establishment:- The Registrar. Service books of Sub-Registrar's establishment :-The Sub-Registrar concerned.

Services Books of the establishment of Deputy Inspector General:- Deputy Inspector General.

Services Books of the establishment of Vigilance Officer:- Vigilance Officer.

(b) In every Registrar's office the head accountant and in every Sub-Registrar's Office the senior clerk shall be entrusted with the duty of the correct preparation and maintenance of service books and service rolls. These clerks shall note in each officer's book every step in his official life contemporaneously with its occurrence and take the book to the Registrar or the Sub-Registrar, as the case may be, who after personally satisfying himself as to the correctness of the entry, shall duly attest it with his signature.

#### **Verification of Service Books**

**S.O. 188.** The service books of all officers shall be taken up for verification on or before the 15th April by the Registrar or Vigilance Officer or Deputy Inspector-General or the Sub-Registrar as the case may be, who, after satisfying himself that the services of the officers concerned are correctly recorded, shall enter in the book a certificate to that effect. Along with the annual returns of establishment forwarded by the Registrar to the Accountant-General and the Inspector-General a certificate of the fact of verification of the service books of all the officers in the district shall be forwarded in the following form :-

Certified that the service book of every officer included in this return has been verified up to the 31st March and the fact of such verification recorded in it.

**S.O.189.** Officers will be held personally responsible for the proper maintenance and verification of service books and service rolls and certificates of verification shall be signed by the officers or the Sub-Registrars as the case may be.

**S.O. 190.** Service books shall be kept flat between planks.

**S.O. 191.** Registrars shall, when on tours of inspection, examine the service books in sub-offices and ensure that they are maintained in accordance with these instructions.

**S.O.192.** When a Non-Gazetted Government servant is transferred from one office to another, the head of office under whom he was originally employed should record in the service book under his signature, the result of the verification of service, with

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reference to pay bills and acquittance rolls, in respect of the whole period during which the Government servant was employed under him before forwarding the service book to the office where the services are transferred. In cases where such transfer also involves permanent transfer of the Government servant from the audit control of one audit officer to that of another, the qualifying service for the purpose of pension rendered upto the date of the transfer, should be got verified and a certificate to that effect recorded in the service book by audit officer concerned before the service book is forwarded to the officer where the services of the Government servant are transferred. This will obviate the necessity of having the service of the Government servant concerned verified by two or more audit officers at the time of his retirement, which may cause delay in the finalization of the pension case.

### **Statement of Lands Held**

**S.O.193.** (a) The statement showing all immovable property of which a non-gazetted officer stands possessed, whether within or outside the district in which he is employed, which is required under the Government Servant's Conduct Rules, to be attached to the service book, shall be revised year by year with reference to the statements submitted by him.

(b) The statement shall, on receipt by the Registrar in the case Sub-Registrar, Probationary Sub-Registrar or ministerial establishment in the district office and by the Sub-Registrar in the case of a ministerial establishment of a sub-office, be checked and all the particulars contained there-in embodied in the form attached to the service book of the officer concerned under the signature of the Registrar or Sub-Registrar, as the case may be. Any unauthorised acquisition shall be immediately reported for the orders of the Inspector-General.

(c) The original statements of Sub-Registrars, Probationary Sub-Registrars and ministerial establishment of the district office shall be kept in separate bundles in the office of the Registrar of the district and those of clerks in a sub-office, in the office of the Sub-Registrar.

(d) When any of the above mentioned officers is transferred his land return shall be transmitted along with the service book to the Registrar of the district to which he is posted in the case of a Sub-Registrar or Probationary Sub-Registrar and to the head of the office in the case of a clerk.

(e) The original statement of ministerial establishment of a sub-office shall be transmitted to the Registrar of the district along with his service book when the latter is submitted for annual verification and the Registrar shall, after checking the entries with those in the service book, return the statement to the Sub-Registrar concerned.

(f) The Deputy Inspector-General and Vigilance Officer may take similar action on their establishment.

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## CHAPTER II

### OFFICE HOURS & ATTENDANCE

**S.O.194.**(a) The Registering Officer and his establishment shall be present in the office during the hours prescribed by the Government.

(b) The lunch interval in respect of personnel working in the Registration Department shall be from 1-30 P.M. to 2-00 P.M.

(Govt. Memo. 4172/U/65-2, dated: 28-1-1966).

(c) The lunch interval shall be taken by the entire establishment together and not in installments.

(d) The observance of the office hours should be strictly insisted upon and attendance out of the prescribed office hours should not be accepted as substitution excuse.

**S.O.195.** (a) Leave of absence for two hours shall be granted on Friday to such Muslim employees of Government as apply for it in order to say their Juma prayers. Ordinarily, an officer who is absent for more than one hour for this purpose shall be required to make up the excess by working extra time during the week, but if the head of the office is satisfied that owing to the distance of the place of worship from the office or other good and sufficient reason more than one hour is necessary, he may exempt the employee from the liability to make up the extra time taken.

(b) The hours during which the concession should be allowed shall be fixed by the head of each office with reference to the time at which prayers are usually said in the local mosques.

(G.Os. 1408, Public, 14th November 1913, and 1066, Public, 14th July 1915).

**S.O. 196.** (a) A register shall be maintained in each registration office in which each clerk shall mark the hour of his attendance as soon as he reaches the office. In this register each of the attenders detailed for duty during office hours shall also mark his attendance, their names being entered below those of the ministerial establishment.

(b) In a Registrar's office this register shall be retained on the senior assistant's table until the hour at which the office is opened, when it shall be submitted to the Joint Sub-Registrar, or Assistant to District Registrar, or the Registrar, according to current instructions.

(c) In a Sub-Office it shall be placed by the Sub-Registrar on his table directly when he attends office.

(d) The presiding officer shall close the register daily and initial it after noting therein the absence or late attendance of any subordinate.

(e) Attendance on holidays shall be noted in this Register.

**S.O.197.** (a) The local holidays in each district will be notified by the Collector to the Registrar and Sub-Registrars. The Registrar shall also communicate the notifications of the Collector in this regard to all Sub-Registrars in the district.

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(b) On the last working day in each month a list of all holidays in the next month shall be prepared and signed by the head of the office and affixed to the notice board.

**S.O. 198.** A Sub-Registrar shall obtain the previous permission of the Registrar of the district for attending office late or for closing his office before 5 P.M. If, in any case, such permission cannot be obtained previously, a report shall be submitted by the next post.

**S.O. 199.** No register book shall be handled nor shall the record-room or any record receptacle be open unless the Sub-Registrar is himself in office; but on occasions when the Sub-Registrar is compelled to be absent from the office premises during office hours, the current volumes of register books 1 and 4 and the current index sheets may be placed in the custody of senior assistant for use by the establishment.

**S.O.200.** (a) During the period when work is especially heavy the Sub-Registrar and the establishment shall attend office earlier and close the office later than the prescribed hours.

(b) In exceptional cases assistants may attend office in the morning and on holidays without the Sub-Registrar but only for the preparation and examination of returns.

(c) Before closing his office on a day before a holiday the Sub-Registrar shall ascertain whether the state of work demands attendance on the holiday and if he finds this to be necessary he shall arrange accordingly.

**S.O.201.** Attendance at private residences shall as far as is possible and not open to objection, be made out of office hours or on holidays so as not to interfere with the regular office work.

**S.O.202.** (a) Cuts in casual leave for late attendance without permission for one hour, should be made at the rate of one-third day's casual leave for each such late attendance.

(b) In a District Registrar's Office, an abstract of late attendance should be maintained and put up to the Joint Sub-Registrar-1 (and to the District Registrar, when he is at headquarters) daily along with the attendance register, noting therein, the names of persons who attended the office late and the time at which they came to the office. At the end of the month, the details of the cut in casual leave should be noted on the next page by the assistant who maintains the attendance register noting therein, the names of persons whose casual leave is to be cut and the amount of casual leave so cut. These details should be put up on the first working day of the next month to the District Registrar for approval. After the District Registrar approves the cuts in casual leave, the initials of the persons concerned should be obtained against the entries regarding cut in casual leave. The number of days cut should then be entered in the casual leave register against the names of the persons concerned and the balance struck.

(c) In the case of late attendance in Sub-Registry Offices, a procedure similar to (a) and (b) above should be followed and the necessary cut in casual leave effected at the end of the month by the Sub-Registrar.

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## CHAPTER III

### REGISTRATION DISTRICTS & SUB-DISTRICTS

#### General

**S.O.203.** (a) Lists of registration districts and sub-districts are given in part I.

(b) Lists showing the names of the towns and villages constituting the several sub-districts in each registration district are issued from time to time.

**S.O.204.** The spelling adopted in the lists of villages issued by the Revenue department shall be followed in all publications, in all departmental notifications and in correction slips.

(G.O.No 7, Revenue, dated 4th January 1912).

**S.O.205.** Proposals for the creation of new sub-districts, the introduction of the itinerating system of registration of documents or for the transfer of villages from one sub-district to another shall afford information on the points mentioned below :—

A. Creation of new sub-districts.—(1) The origin of the proposal, whether the result of a petition or representation or of the remarks of an inspecting officer.

(ii) Previous correspondence.

(iii) As regards the locality proposed for the office, the population of the town or village, whether there are a post office, police station and other public offices, the means of communication available, the situation of the proposed station with reference to the nearest railway station and the nearest trunk road, and any special features such as a weekly fair.

(iv) Reasons for the re-establishment of an office at a place in which an office has existed in the past and has been abolished.

(v) The distance of the villages proposed to be induced in the new sub-district from their existing and their new headquarters as verified by the Revenue department, and in cases where the distance from the new headquarters is greater, justification for the transfer. The primary consideration in proposing such transfer is the promotion of the public convenience and not the equalization of work among offices. In cases, therefore, in which a proposal has not emanated from the inhabitants themselves, their views shall be obtained through the Revenue department.

(vi) Statistics in Form L of transactions for the last three completed years of the sub-districts to be relieved and of the villages proposed to be included in the jurisdiction of the new sub-district.

(vii) Statistics of collections for the same periods for the reduced sub-districts and the new sub-district.

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(viii) Accommodation available for the office until a Government building is constructed, and for the Sub-Registrar and the establishment.

(ix) The opinion of the Collector of the district on the proposal thus elaborated.

(x) The requisite draft notifications, complete except as regards the date from which the proposal is to take effect, the list of villages following the printed list of villages, hamlets being excluded, and any discrepancy being explained, with particulars relating to the number and date of notifications sanctioning the opening of the offices to which the villages concerned are attached along with the page and date of the A. P. Gazette in which the notifications were published.

(xi) (a) The estimated collections and expenditure of the relieved offices and of the new offices. In computing the expenditure the cost of the Sub-Registrar, clerk and attender and all contingent and other charges shall be included.

(b) The expenditure incurred during the last three completed calendar years on temporary joint Sub-Registrars and temporary clerks with average struck for each of the offices proposed to be relieved.

(xii) In computing the additional clerical staff required the basis shall be the "standardized work".

(xiii) Offices in the district which will not be relieved by the proposal and the average registrations in which, based on the transactions of the last three completed years, exceed those of the offices proposed to be relieved, with a brief statement as to any proposals to relieve such offices and the stage these proposals have reached.

B. Itinerating system of registration of documents : Proposals for the introduction of the itinerating system of registration of documents shall afford the following information :-

(i) The origin of the proposal, whether it arises from a petition, or a result of a proposal for opening a new office or otherwise.

(ii) The distance of the proposed centre from the head-quarters of the Sub-Registrar.

(iii) The means of communication between the two places.

(iv) Whether a regular bus service or other means of transport is available, and the scheduled timings of the departure and arrival of buses at the places with special reference to the suitability of the timings for the journeys of the Sub-Registrar.

(v) Whether the route between the two places is free from high way robbers.

(vi) Whether hotels exist at the centre for providing mid-day meal to the Sub-Registrar and his attender.

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(vii) Whether accommodation is available for the holding of the office and if so the rent payable. A letter of consent from the owner of the building to let it should be obtained and submitted.

(viii) The opinion of the Collector and the inhabitants of the locality.

(ix) Whether there are any unfordable streams, rivers, rivulets, etc., between the two stations and if there are, the number of days in a year on which visits to the centre cannot be made.

(x) The cost of the scheme.

NOTE.(1) Registrars shall ensure that a qualified competent assistant is always available in the Sub-Registry office to attend to the registration work during the absence of the Sub-Registrar on itinerating duty.

NOTE(2) Where the system is introduced for a limited period the Registrars shall submit a detailed report to the Inspector-General on the working of the system with the financial results thereof two months before the date of expiry of the period. Registrars shall state in the report whether the system is economical and is popular with the public and whether the system may be continued.

C. Transfer of villages : (i) The origin of the proposal, whether it emanates from a petition or otherwise.

(ii) The Mandal in which the villages are situated, any special reason for attaching the villages to their present sub-districts and any change of jurisdiction that the villages have undergone in the past.

(iii) The opinion of the Collector of the district.

(iv) The distances of the villages from the present and proposed headquarters, verified by the Revenue department.

(v) The average registrations of the villages based on the figures for the last three completed years.

(vi) The effect of the transfer on the work of the offices to which the villages are attached under existing arrangements and on the office to which it is proposed that they should be transferred.

### **Notifications**

**S.O.206.** (a) A notification defining the limits of a registration sub-district or transferring villages from one sub-district to another shall contain a clause to the effect that the limits of the villages shall be the limits which shall from time to time be determined for purposes of revenue administration.

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(b) Registrars shall watch the notifications in the Andhra Pradesh Gazette and in the district gazette and immediately bring to the notice of the Inspector-General any cases in which the Registration department should take action, and shall submit draft notifications when such are necessitated.

(c) A notification under section 5 of the Registration Act, 1908, is not necessary when lands in a village or portion of a village are transferred in the Revenue department from one village to another. Such transfer shall, as soon as it is notified by the Revenue Department in the district gazette, be noted by the Registrar concerned and if it entails any correction in the printed lists of towns and villages, shall also be brought to the notice of the Inspector-General.

### **Maps**

**S.O.207.** (a) Each Registrar shall maintain in his office a copy of the map of his district and of each of the Mandals included therein. These maps are obtained by indent on the Central Survey Office, Hyderabad.

(b) Registrars shall arrange, by indent on the Central Survey Office for the supply to each subordinate sub-registry office of a map of the Mandals included in its Jurisdiction.

(c) (i) Maps supplied to registration offices in which the scheme of register of holdings has been introduced may be mounted at State cost.

(ii) The maps shall, however, be mounted at the Government Press, Hyderabad and not by private agency.

**SO 208.** In the district and Mandal maps the boundaries of the various sub-districts shall be marked out in the registration office in red ink.

### **List Showing the Jurisdiction of Sub-Districts**

**S.O.209.** The printed lists of towns and villages constituting the several registration sub-districts in each district which are supplied to registering officers as shown below shall be maintained corrected to date in the offices to which they are supplied :—

Registrars of districts : Three copies of the list relating to his district.

Sub-Registrar : One copy of the list relating to his own district only.

**S.O. 210.** In preparing these lists and corrected slips thereto, registering officers shall observe the instructions which follow :—

(a) The list shall be prepared in diglot, in English and in the language of the sub-district.

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(b) The sub-districts and the names of the villages comprised in each sub-district shall, subject to the conditions in clause (c), be arranged alphabetically according to the English names, on one side of paper of fools-cape size.

(c) The villages comprised in each sub-district shall, when they belong to more than one taluk, be arranged by Mandals and the villages of each taluk comprised in the sub-district shall be sub-divided into Government, inam and zamindari, as the case may be, the arrangement of villages in each group being alphabetical according to the English names.

(d) Under each village shall be shown all its hamlets and also any corresponding old villages which may have ceased to exist as separate villages by becoming merged in it in the settlement.

(e) When a principal village has been converted into a hamlet or a hamlet into a principal village, a note to that effect shall be entered.

(f) Against each surveyed village shall be entered the survey number assigned to it in the settlement register.

(g) Villages in which separate series of survey numbers have been assigned to the lands comprised in them shall be treated as separate villages, although they may have been clubbed for purposes of village establishments.

(h) Reference shall, whenever necessary, be made to the Revenue authorities in drawing up a list of new villages as constituted by the settlement and it shall be ascertained which of the new villages correspond to the old villages.

(i) Registrars shall keep a note of all publications in the gazette of notifications making any alterations in the limits of a sub-district or a village relating to their districts and submit to the Inspector General the necessary correction slips on the 1st March each year. Covering letters are unnecessary.

(j) The slips relating to each district list shall be numbered in a series, the date being that of the submission of the manuscript slip. The number and date shall be repeated in a bracketed entry at the foot of each list.

(k) In the correction slip, each village to be deleted from a list shall be assigned the same serial number as in the list and each village to be added to the list shall be assigned to be added to the list shall be assigned the serial number of the village after which it will take its place in alphabetical order with the letters A, B, C, D, etc. added to the number.

(l) On receipt of the printed list or correction slips, a registering officer shall examine the lists or slips relating to his district or sub-district and report immediately to the Inspector General any errors which may be discovered.

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## CHAPTER IV

### REGISTRATION PROCEDURE

#### Preservation of Documents

**S.O.211** (a) The acceptance by registering officer of a document for registration at his private residence is prohibited.

(b) Each document shall be taken up for registration in the order of its receipt, but documents presented by ladies, aged persons, sick person and parties coming from a comparatively great distance shall be given preference.

**S.O.212** (a) Each document shall, before acceptance, be examined to ensure

(i) that the party presenting it is entitled to present it, and

(ii) that the registering officer has jurisdiction to accept it for registration.

(b) The meaning of section 29(1) of the Registration Act is that if all parties executing and claiming under a document registerable under section 29 so indicate they may choose any registration officer at which to register the deed; if all the parties executing and claiming under the document do not agree, then, there is one place only at which the document may be compulsorily registered, namely, the office of the jurisdiction in which the document was executed.

(c) that it is accompanied with an Income Tax Clearance Certificate under section 239- if it effects immovable property of the value of more than Rs. 60,000/- and Forms under 37 G for 'Sales' and 'Exchanges' under the Income Tax Act.

(d) (i) that it is accompanied with necessary acknowledgements, permissions of competent authority, declaration and affidavits in respect of urban property or house in Urban agglomeration as per Urban Land Ceiling Act.

(ii) that is accompanied with 2 (O) certificate of the Competent authority if agricultural property in Urban Agglomeration is involved.

(e) that Annexures and statements are enclosed for documents coming under section 47-A of Indian Stamp Act, 1899.

**S.O.213.** The entry in documents of such material items as date, amount of consideration, rate of interest, rent term, total extent and so on, both in figures and in words, minimizes the chances of tampering with entries in register books and secures the best interests of all concerned. Registering officers shall accordingly explain to parties the security which the system affords and, by personal endeavours, encourage its adoption.

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**S.O.214.** The following are important rulings as regards the presentation of documents for registration :—

I

“A Registrar has no power or jurisdiction to register a deed unless he is moved by some person entitled to present it for registration under section 32 (of Act XVI of 1908), i.e., by some person having a direct relationship to the deed. The absence of any party legally entitled to present a deed for registration is not merely a defect in procedure, falling under section 87 (of Act XVI of 1908), but goes to the jurisdiction of the Registrar and renders the deed invalid.”

(Supplement (1906) to Woodman’s Digest of Indian Law Cases Column 931).

II

“The document (presented for registration by a pleader acting under a power-of-attorney which had not been executed or authenticated in accordance with the provisions of section 33 of the Registration Act) had not been legally registered. Terms of sections 32 and 33 of the Registration Act are imperative and proper presentation by an authorised agent is an indispensable foundation of the Registering Officer’s jurisdiction; not was the error of the Sub-Registrar a mere defect in procedure that could be cured by section 87 of the Registration Act or by the fact that the executant when summoned by the Registering officer, consented to the registration of the sale deed.”

(I.L.R. 28, All. 707).

NOTE:- Under section 40 (1) of the Act, the presentation of a will by a claimant under it during the life time of-the testator is not valid presentation.

III

“Although, when the validity of the registration of a document is in question after the lapse of a considerable period of time, it is to be presumed that the registration was carried out according to law, yet when there exists evidence which discloses a fatal defect in procedure, as for instance, that the person who presented the document for registration was not legally authorised to do so, the registration must be held to be invalid. Such a defect as presentation by an unauthorised person cannot be cured by subsequent admission of execution on the part of the executants.”

(I.L.R. 34. All. 331).

IV

“Where a document is presented for registration by a person not duly authorised to present it according to the law applicable to registration of documents, such presentation is altogether invalid, and its subsequent registration, made upon the admission of the executant before an officer who had no jurisdiction to accept the document for registration, is likewise invalid.”

(I.L.R. 35, All., 34).

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## V

“A document was presented to a Sub-Registrar for registration by a Karinda of the person in whose favour it was executed. It was received for registration. Simultaneously with the presentation an application was made to summon the executants. They failed to appear, and the Sub-Registrar, considering that execution was not admitted, refused to register the document. The matter came up before the Registrar by means of an application under section 73 of the Registration Act, and the presence of the executants having been secured, the Registrar ordered that the document should be registered. The document was apparently then sent by the Registrar to the Sub-Registrar, by whom it was registered.

“Held that in the absence of evidence to the contrary it must be presumed that the Karinda who presented the document was duly authorised in that behalf and further that, even if the Registrar had in fact sent the document direct to the Sub-Registrar, instead of returning it to the person who had presented it for registration, this fact alone was not sufficient to invalidate the registration”.

(I.L.R.34, All 253-261.)

## VI

“Sections 32 end 33 Of the Registration Act (III of 1877-now XVI of 1908) relating to the presentation or documents for registration are imperative and their provisions must be strictly followed and where it was proved that agents who presented deeds of mortgage for registration had not been duly authorised in the manner prescribed by the Act to present them, deeds were held not to be validly registered, so as (under section 49) to effect immovable properties to be received in evidence of any transaction affecting such property: or under section 59 of the Transfer of Property Act(IV of 1882) to be effective as mortgages.

“A Registrar or Sub-Registrar has no jurisdiction to register a document unless he is moved to do so by a person who has executed or claims under it or by the representative or assign of such person, or by an agent of such person, representative or assign duly authorised by a power-of-attorney executed and authenticated in the manner prescribed by section 33 of the Act”.

“Executants of a deed who attend a Registration office to admit execution of it cannot be treated for the purposes of section 32 of the Act, as presenting the deed for registration. They would no doubt be assenting to the registration, but that would not be sufficient to give the Registering officer jurisdiction.

“One object of sections 32 to 35 of the Registration Act (111 of 1877) (now XVI of 1908), was to make it difficult for persons to commit frauds by means of registration under the Act and it is the duty of courts in India not to allow the imperative provisions of the Act to be defeated”.

(I.L.R. 37 All. 49)

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## VII

“A mortgage bond, dated October 4, 1910, was registered on presentation by a person purporting to be the mortgagors’ agent authorised to present it by an authenticated power-of-attorney dated February 9, 1910. The power of attorney when authenticated authorised the presentation of a mortgage deed which it stated was already executed and dated February 8, 1910; that date had been altered to October 4, 1910, without the consent of the executants,

“Held, that having regard to section 32 (c) of the Registration Act, 1908, the Registration Officer had no jurisdiction to register the mortgage, and that consequently the registration was not validated by section 87 which refers to defects in procedure merely. Further, that even if, as the mortgagee alleged, the mortgagors represented to him that the purported agent had a special power to register the bond for them, and that he had acted on that representation, there was no estoppel which affected the question, as the express provisions of the Act had not been complied with”.

(Judgment of the Privy Council.LR. Volume LVIII, pp. 58 to 67.)

## VIII

A deed of gift in favour of a minor daughter-in-law (and another deed) was executed by A. The deeds were presented for registration by the father of the minor daughter-in-law and they were registered. (The minor’s husband was alive)

“Held that the father of a minor married woman ceased to be her natural guardian and as he had never been appointed her legal guardian, he was not her assignee or representative and that the presentation of the documents was not proper and that the Registration was illegal, invalid and a nullity.”

(Judgement of the Privy Council in Appeal No. 41 of 1920-Amba alias Padmavathi v. Shrinivasa Kamathi (Registration Gazette, Volume XIV.

pp.41 to 43.)

## IX

“A husband executed a will in favour of his minor wife. He died. The will was presented for registration by the father of the minor widow.

“Held that the presentation was not valid as the father of a minor married girl is not a guardian competent to present a document for registration on her behalf.”

(Judgement of the Madras High Court in A.S. No. 360 of 1923 (Registration Gazette, volume XIV, pp. 39 to 41.)

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## XI

**Vide Slip :** “A testator executed a will bequeathing two-thirds of his estate to his widow who was then a minor. There was no legal guardian and no male agent capable of being appointed legal guardian for her. Her father presented the will for registration. No objection to the presentation was taken at the time of registration.

“Held that the father was the proper person to be appointed the legal guardian and the proper person to act as the natural guardian in the absence of judicial appointment. Presentation was therefore valid.”

(Judgement of the Madras High Court in L.P.A. No. 3 of 1942 (Registration Gazette, Volume XXIX. pp. 93 and 94).

NOTE :- It has been held that the presentation of documents (both testamentary and non-testamentary) by minors is a valid presentation. (Advocate General's opinion No. 75, dt. 19th October 1934, G. O. Ms. No. 167, Law Registration, dated 13th November, 1934.)

**S.O.215.** (a) Documents relating to immovable property falling under clause (2) of section 17 of the Act, with the exception of copies of decrees and orders of court, and under clause (f) of section 18 shall be accepted for registration only in the sub-district in which the property affected by the documents is situated.

(G.O. No. 482, Judicial, 16th March 1904).

(b) A copy of a decree or of an order of court relating to immovable property may be presented for registration either in the office of the Sub-Registrar in whose sub-district the property or any portion of it is situated or in the office of the Sub-Registrar in whose-district the original decree or order was made.

(c) For the purposes of section 28 of the Act a rectification deed shall be dealt with in the same manner as the original instrument which it rectified, whatever be the nature of the error rectified. Accordingly, the deed is registerable in any of the offices within the jurisdiction of which the property affected by the original document is situated.

**SO.216.** (a) Decrees or orders forwarded by the court itself for registration through its messenger without certification as a true copy should be treated as original decrees or orders and the procedure laid down for registration in orders 578 and 691 should be followed.

(b) If such decrees or orders are presented in the office of the Registrar under section 30 of the Registration Act, the extra registration fee should be levied, as section 29 (2) provides only for copies of decrees.

(c) No court-fee label need be affixed in the case of original decrees or orders referred to in clause (a). But certified copies of decrees or orders by court presented

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for registration under section 32 of the Registration Act, require the affixing of court fee labels under Article 7, Schedule 1 of the Court Fee Act.

**S.O.217.** If the original presentation of a document for registration is made by a wrong party or in a wrong office and if the mistake be detected before the document is admitted to registration, the presentation shall be treated as nullity and the registering officer shall return the document for being re-presented by the proper person or in the proper office after making a note to that effect in the Minute Book (Chapter V) and on the document. Such return is no bar to the acceptance of the document for registration and to its being dealt with as provided by law, if the re-presentation is made within the prescribed time.

**S O.218.** In the event of a document being registered in a wrong register book, the registering officer shall report the defect to the Registrar if and when it is discovered and on receipt of his orders, follow the procedure laid down in rule 158.

**S. O. 219.** An order restraining a person from alienating certain property does not operate as a prohibition to the registering officer against the registration of a document executed by such person affecting such property.

(b) If a Court restrains a person from alienating a property and if he still choses to alienate it, it is he who contravenes the orders of the Court and not the Registering Officer. If, on the other hand, the Court gives a direction to the Registering officer/ Registration Department, the officer / Department is estopped from going ahead with the registration.

(Govt Memo. 2722/U2/70-4. Revenue, dt. 17-11-70).

**S.O.220.** (a) Registering Officers may receive requests from the officers of other Departments of Government, such as Excise, Commercial Taxes, Forests, Public Works Department etc., requiring them not to register documents executed by certain dealers or contractors alienating their properties pending finalization of Departmental action against them. The legal position in this regard is that a Registering officer cannot refuse registration of a document, which other-wise satisfies the requirements of law for the time being in force governing the Registration of such documents, merely at the request of the Government officials that the registration of the document may be refused as the interests of Government jeopardised by such registration. The proper course to stop registration in such cases is for the concerned officer to move a Competent Court of Law to issue an order of injunction restraining the Registering officer from registering the document in question. An order restraining a person from alienating certain property does not operate as a prohibition to the Registering officer against the registration of a document executed by such person affecting such property. The injunction order should be directed against the Registering officer himself if the document is to be refused registration.

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(b) If, however, such a request is received from the Government direct, while submitting a similar reply through the Registrar and the Inspector General of Regn. & Stamps, the Registering Officer may keep the document pending until further orders after recording the endorsements of presentation and admission of execution.

**S.O.221.** (a) Checking of documents presented is the primary responsibility of the Registering officers. They shall under no circumstance entrust it to any Assistant or other members of the staff.

(b) The Assistants and the Temporary Section writers are strictly prohibited from receiving the parties near their tables. Reading out an entry in the Register book by the Assistants to an applicant for a Certified copy should be done only in the presence of the Sub-Registrar.

**S.O. 222.** Care shall be taken to see that the parties do not abuse the provisions of Section 30 of Registration Act, 1908. The said Section is intended for the benefit of persons undergoing treatment in Hospitals and for permanent residents of Headquarters Town who possess land in other Sub-Districts, etc. Abuse of these powers result in certain social evils such as transferring of properties without the knowledge of the debtors or heirs or undervaluations. The powers under this Section should be exercised with greater discretion and the officers shall strive to prevent the mis-use of the provision.

**S.O. 223.** If the points mentioned in order 212 are clear, the document shall be examined with reference to the

- (a) description of the parties and attesting witnesses, viz.. their signatures and additions;
- (b) description of the property ;
- (c) date of the document; and
- (d) stamp borne by it.

### **Description of the Parties and Attesting Witnesses**

**S.O.224.** (a) Parties and attesting witnesses shall be advised to mention their additions in documents, but a document cannot be refused registration for want of such information. A deposition may be obtained, when necessary, as prescribed in Registration Rule 151.

(b) It is desirable that every page of a document should be attested by the signature or initials of the executing parties and that the scribe should sign with his addition at the foot of the last page; but any omission in these respects is not a valid ground for refusing to accept a document for registration.

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(c) Parties may be advised to comply with the requirements of law in the matter of attestation of documents but any omission in this respect is not a valid ground for refusing to accept a document for registration.

(d) The instructions in clause (c) above will apply also to cases of sealed covers tendered for deposit under section 42 of the Registration Act.

(e) (i) When a party who can sign his name has affixed his mark only, he may be permitted to add his signature after scoring out the mark.

(ii) In some places, for instance in Malabar, a party who can sign his name usually affixes his mark only, after getting his name written by the scribe of the document. In such a case, the registering officer should advise the party to sign his name himself.

NOTE:- The term 'sign' has been defined in section 3 (52) of the General Clauses Act, 1897, as follows :-

"Sign', with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include 'mark' with its grammatical variations and cognate expressions.

**S.O. 225.** In all cases of prosecution for false personation, whether launched by the police at the instance of Registration Department or by private parties, offences under section 82 (c) and 82 (d) of Registration Act 1908, may be included in the complaint filed before the Magistrate.

### **Description of property**

**S.O.226.** (a) The High Court has directed that all Civil Courts shall invariably enter in copies of sale certificates sent to registering officers under section 89 of the Registration Act, survey numbers of surveyed and settled lands in settled districts with a clear, full and unambiguous description of the property and also the boundaries as far as possible.

(G.O.No. 185, Revenue, 9th October, 1887, High Court's Circular 2228 18<sup>th</sup> December, 1897. and High Court, Circular, dated 5th September 1933).

(b) The Government have ordered that the Commissioner, Corporation of Hyderabad, and the Executive Authorities of Municipal Councils should furnish in the notifications under section 10 or 12 of the Town-planning Act, copies of which are presented for registration, the survey numbers with their sub divisions if any, and the extent of each survey number.

(G.O. Ms. No. 3179, Health. 12th September, 1950).

(c) When property is described in a document by a specific reference to a previously registered document (Registration Rule 19), the registering officer shall satisfy himself by a reference to the previous document or entry of it in the register book that the property or some portion of it lies in his sub-district and that the description of the

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property as given in the previously registered document satisfies the requirements of the rule in force at the time of presentation of the subsequent document.

(d) When a 'Pangu' or share in a 'Karayadu' village is affected, a specific description of parcels temporarily allotted to each share need not be insisted on.

Where specific immovable property is pledged as security under an indemnity bond, a description sufficient for identification of the property pledged shall be required to be given in the bond, where, however, no specific immovable property is pledged, but the person who gives the indemnity bonds himself in general terms to make good losses incurred out of his movable and immovable properties, no description of such immovable property need be demanded.

(f) The following opinion of the Advocate-General shall be borne in mind :-

"If, in connection with a sale deed conveying certain immovable properties, an indemnity bond mortgaging or hypothecating certain other immovable properties be executed, I am clearly of opinion that such indemnity bond relates within the meaning of section 21 of the Registration Act solely to the immovable properties mortgaged or hypothecated by it, and not to the immovable properties conveyed by the sale deed. An indemnity bond secured by mortgage of immovable property can no more be regarded as 'relating' to the immovable properties conveyed by the sale-deed in respect of which the indemnity bond was given than if the indemnity bond had not been secured by mortgage of any immovable property at all. In the two cases under reference, the Sub-Registrars acted erroneously in refusing registration of the indemnity bonds in question on the ground that they must be regarded as 'relating' not only to the immovable properties hypothecated by them, but also to the immovable properties conveyed by the sale-deeds in respect of which the indemnity bonds were given, and that they did not contain a description as required by section 21 of the immovable properties conveyed by the sale deeds, though immovable properties hypothecated or mortgaged by the indemnity bonds were sufficiently described as required by the said section."

(G.O. No. 367, Judicial, 8th March 1900).

(g) The registration in Book 4 of a document relating to immovable property containing no such description of the property as is required to satisfy the requirements of section 21 of the Act has been held to render registration invalid so far as the property is concerned, on the ground that "the mere fact of registration is not sufficient to cure defects arising from non-observance of the requirements of section 21 so as to affect property not specifically described."

(I.L.R. 18 Mad, 364).

(h) In the case of a release deed, the property, if any against which claim is renounced and the property, if any, received as consideration for the release should be both described.

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(i) When a party brings for registration an agreement, release or similar document relating to immovable property which does not contain a sufficient description of such property, he should be advised to comply with the requirements of section 21 of the Act and the rules in force regarding description of property; but if such a document makes a reference in general terms to all property, movable and immovable, belonging to a family, a description of the immovable property need not be insisted on, if it is not the intention to create or relinquish any right on any specific immovable property. Such a document may be registered in Book 4.

(j) Sometimes in an agreement, a sale or a mortgage, a general clause is added to the effect that, should any loss accrue to the claimant by the non-fulfillment by the executant of the conditions specified in the document, the loss may be recovered from other movable and immovable properties of the executant. In such a case, a description of the other properties is unnecessary as the document is not intended to create specifically any charge on these properties.

(k) Where in a mortgage deed a fictitious item of property was found to suit the convenience of the presentant although no property really forming the subject-matter of the document lay within the jurisdiction of that office, it was held by the Privy Council that such registration was invalid.

(Indian Appeals, 1914, Volume XLI, page 110)

(l) In order to prevent certain persons interested in the bulk of the property which purported to be sold and which was in the district of Pilibhit becoming aware of the existence of a sale-deed, the vendor included in the deed a small piece of property situated in the City of Bareilly which in fact did not belong to him and had the sale deed registered in Bareilly;

Held that this transaction was merely a fraudulent evasion of the registration law and that the sale deed conveyed no title to the purchasers in respect of any of the property comprised in it.

(I.L.R. 39 All. 523. followed in I.L.R. 41 All. 385).

(m) Where there is any fraud or collusion between the parties for the purpose of giving jurisdiction to a particular Sub-Registrar to register a document by including property which does not exist, this is sufficient to invalidate the registration, but registration is not invalid if the property described exists, merely because it transpires that the transferor, though acting in a perfectly bonafide manner has ceased to have an interest in that property.

(I.L.R. 41 All. 22 and Patna L.J., IV, 433).

(n) The inclusion of an existing item of property in a mortgage deed so as to get it registered in a district other than that in which the bulk of the property is situate does not render the registration of the document invalid.

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(o) In a sale deed intended to convey properties situated within the registration district of M the parties included a very small item of property which neither the vendor intended to sell nor the purchaser to buy and it appeared that this was done in order to effect registration of the sale deed in another registration district wherein the small item was situate. Held that the action of the parties amounted to a fraud on the registration law and the sale deed, was not duly registered so as to affect any of the properties sought to be conveyed.

(S.A. No. 1522 of 1918, Madras High Court )

(p) A mortgage bond for Rs. 8,000/- was registered in the district of X; the only property within that district which the bond purported to mortgage was a one kauri share in a village. The mortgagor had brought that share for Rs. 50 shortly before executing the mortgage and had paid the price, but there was no registered instrument of transfer or delivery of possession as required by section 54 of the Transfer of Property Act, 1882.

The share was included in the bond in order that registration might be effected in the district of X and the parties did not intend that it should vest in the mortgagor or pass under the mortgage. Held that the mortgage bond was not validly registered and consequently by section 53 of the Transfer of Property Act 1882, it was not an enforceable security.

(Indian Appeals, 1921, XLVIII, 127).

NOTE:- For further ruling on the subject, see Registration Gazette, Volume XV, pages 38 to 40, Volume XXI, page 49 and Volume XXII, pages 131 to 133.

(q) In the case of a document relating to a portion of a field not bearing a sub-number or letter, the description of that portion should be specific and should set out as far as possible the four boundaries, in what part situated, the portion of the field such as 1/2, 1/4, etc., and the name, if any, it bears.

**S.O.227.** (1) Every document tendered for registration shall, before its admission to registration, be checked with the entry in the Register of Holdings or with that in the Municipal Town Property Register to ensure that the property mentioned in the document is identical with the property entered in these registers.

(2) Accordingly, when a document affecting surveyed properties situated in more than one sub-district is presented for registration and when a Register of Holdings or a Municipal Town property Register is maintained in the other sub-district or sub-districts also, the parties may be required to produce the patta or any previous document in respect of the same property registered after the introduction of the scheme of record of rights to verify whether the property is correctly described.

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(3) In cases where the parties are willing and if such a course is found feasible, an extract of the property relating to the other sub-district may be taken and sent to the registering officer concerned who shall check the property with the registers kept in his office and intimate by next post the correctness or otherwise of the property to the officer issuing the extract. Thereupon the document shall be accepted for registration,

(4) If, however, the party is unable to produce the patta or the document referred to above or is unwilling to adopt the course suggested in clause (3), the registering officer shall admit the document to registration, leaving the party to bear the consequences,

(5) The extract together with reply referred to in clause (3) supra shall be filed in the file of correspondence relating to rectification of defects and errors in register books and of registration in wrong offices (order 883(a)).

### **Date of and Stamp Borne by Documents**

**S.O.228.** (a) Date of execution:- (i) A registering officer shall compare the date of execution given in a document with the date of the purchase of the stamp papers or papers on which the document or any portion of it is written in order to ensure that ante-dated documents are not admitted to registration.

(ii) When a document consists of two or more stamp papers purchased on different dates and the date of execution is found to be prior to the date of purchase of any one of the stamp papers, the document shall be treated as ante-dated.

(iii) If the date of execution is given in a document in both the British and the Indian calendars and if the date given according to the British calendar does not tally with the date as found in any of the Indian calendars the party shall be required to reconcile the discrepancy.

(iv) A counterpart of a document need not necessarily bear the same date as its original.

(v) In the case of a copy of a court sale certificate the date on which the original certificate of sale is signed by the presiding Judge should be taken as the date of execution of the document.

(b) Date of presentation : The date of execution shall be checked with the date of presentation.

### **Documents Registered at Itinerating Centres**

**S.O.229.** A separate set of thumb impression register, receipt book and accounts A to D shall be maintained for the use of the Sub-Registrar in connection with the work done at itinerating centres. Documents presented for registration, power of-attorney

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attested or presented with or in connection with documents, applications for copies, encumbrance certificates, etc., which are accepted at the itinerating centre shall be assigned a separate set of provisional numbers when the numerator denotes the serial numbers the to be duration denotes the S.Nos. assigned to documents etc., consequently on each occasion of the holding and the standing Centre. The documents mentioned above need not be entered in the minute book unless they fall under order 233 in which case the entries shall be made in the minute book maintained in the Office. They shall as soon as the Registering Officer returns to his headquarters, be accounted for in the account books of the sub-registry office with serial numbers in continuation of those ledgered in the regular accounts assigned to them.

### **Return of Documents Unregistered**

**S.O.230.** (a) Documents that are kept pending for the appearance of the executants, their representatives, assigns or agents can alone be returned unregistered at the request of the presentant provided there is no request by any person entitled to present the document for registration to proceed with the registration of the document. Accordingly, when the presentant of such a document applies for the return of the document unregistered, the registering officer shall send notices by registered post acknowledgement due to all the other parties who are entitled to present it for registration fixing a reasonable date, calling upon them to state whether they desire that the registration of the document should be proceeded with or not. Should any one of them express his desire that the registration of the document should be proceeded with, the registering officer shall not comply with the request of the presentant; but shall proceed with the registration of the document as laid down in the relevant sections of the Registration Act, 1908. If no reply is received from the parties, to whom notices were issued, or if all of them desire to withdraw the document from registration, the registering officer shall return the document unregistered to the presentant.

(b) The notice to all other parties referred to in clause (a) shall be sent at State expense.

(c) However, a document which is defictly stamped or alleged to have been forged shall not be returned at the request of the party. When the document is insufficiently stamped, the deficit duty will have to be recovered and adjudication process completed. After adjudication, the document can be returned unregistered at the request of the party. In the case of forged document, action under Indian Penal Code and Registration Act is due.

### **Registration on a Holiday in a Special Emergency**

**S.O. 231.** For the registration of a document or for accepting a will for deposit or for attesting a power of attorney in circumstances mentioned in Registration Rule 6; it is for the Registering officer to decide whether a special urgency exists or not, in each particular case.

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## CHAPTER V

### MINUTE BOOK

**S.O.232.** The minute book referred to in Registration Rule 35 shall be maintained in Form Registration II-82-vide Appendix XIV.

**S.O.233.** (a) In this book shall be entered 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 or refused registration on the day of presentation, such as a document presented for registration and returned for correction under rule 31 (ii), a document put aside pending appearance of parties or witnesses, or a document pending reference to the Registrar. 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 executant or the executant of which dies before admitting execution shall be excluded.

(b) A record is necessary in the following cases also :—

(i) Documents which ought to have been presented for registration in a different office but which have been accepted for registration through oversight and which have been returned for presentation in the proper office, after the presentation endorsement has been made;

(ii) Documents presented by a party not entitled to present the same and returned after the presentation endorsement has been made, for presentation by the proper person, and

(iii) appeals, applications and original enquiries withdrawn at the request of the party.

**S.O.234.** (a) The entries relating to a document shall be made by the registering officer who deals with the document. Each entry shall be attested with the initials of the registering officer and shall be dated by him.

(b) In a Registrar's office, two minute books shall be maintained, one for the proceedings of the Registrar and the other for those of the Joint Sub-Registrar or Joint Sub-Registrars. In a sub-office, the proceedings of the Sub-Registrar and of the Joint Sub-Registrar shall be recorded in the same book.

**S.O.235.** A registering officer may grant copies of the notes of statements recorded in the minute book to parties to the proceedings in which such statements were made and to parties claiming title through them as persons interested in affirming or denying the truth of such statements, but save to persons so interested he is not bound to give such copies.

**S.O.236.** The serial numbers to be given in column 1 of the minute book shall be in a separate series for each calendar year.

**S.O.237.** The minute entered in column 5 of the Register shall be brief, but at the same time adequate description of the document concerned, such as nature and value, date of execution, names of the executants and claimants shall be furnished. The Registering Officer shall affix his initials with date at the end of each entry in column 5 of the Minute Book after making the entry himself. He shall not delegate the work of making the entries in the Minute Book to any of his subordinates.

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## CHAPTER VI

### TIME FOR PRESENTATION OF DOCUMENTS AND APPEARANCE OF PARTIES

**S.O.238.** The time allowed for presentation of documents and for appearance of executants under sections 23, 25 and 34 of the Registration Act shall be calculated by the British calendar and in computing the period of time so allowed, the date of execution shall be excluded with reference to the provisions of section 9 (i) of the General Clauses Act, 1897, extracted below : —

In any Act of the Central Government or Regulation made after the commencement of this Act, it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word “from”, and, for the purpose of including the last in a series of days or any other period of time, to use the word “to”.

Section 10 (i) of the same Act, quoted below, is applicable also to proceedings under the Registration Act:—

“Where, by any Act of the Central Government or Regulation made after the commencement of this Act, any Act or proceeding is directed or allowed to be done or taken in any court or office on a certain day or within a prescribed period, then, if the court or office is closed on that day or the last day of the prescribed period, the Act or proceedings shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the court or office is open”.

NOTE:- This concession is applicable also to the period allowed for taking back documents after registration, but not to subsequent periods of delay in presentation, appearance or claiming documents, e.g., if a document is presented for registration eight days after the expiry of four months from the date of execution and if the last day of the fourth month or if the last day of the week after the expiry of the fourth month happens to be a holiday, the fine leviable will be for a delay of eight days and not for seven days excluding the holiday.

This concession is also applicable to the time-limit of one week referred to in note (2) to Article 13 (2) of the Table of Fees.

**S.O.239.** (a) A Sub-Registrar with whom an application under section 25 or 34 is lodged shall forward the application to the Registrar along with a statement in Form Z and a copy of the deposition recorded.

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(b) It is only when one or both of the two conditions, urgent necessity or unavoidable accident is made out that the District Registrar can excuse the delays under sections 25 and 34 of Indian Registration Act.

(c) If the District Registrar is not satisfied with the reasons given for the delay, the order passed by him should contain his finding that he was not satisfied that the delay was due to urgent necessity or unavoidable accident.

(d) All orders passed under sections 25 and 34 of the Act, shall be signed by the District Registrar himself.

**S.O. 240.** The accepting of a document for registration after the expiration of the period mentioned in the Registration Act has been held to be not a more defect in procedure within the meaning of section 87 of the Act. The registering officer who registers a document so presented acts without authority.

(Woodman's Digest of Indian Law Cases, 1902, 7416).

**S.O.241.** (a) There is in law no limitation for the actual fact of registration or refusal provided that the requirements of the Act have been complied with in the matters for which a limitation of time is provided.

(I.L.R., 11 Calc. 750 and I.B.R., 16 Calc. 189).

(b) The period of time necessary of obtaining adjudication of stamp duty under the Stamp Act cannot be discarded from the periods prescribed in sections 23, 24, 25 and 34 of the Registration Act; but there is no objection to the completion of the registration of a document which has been impounded and forwarded to a Registrar and which is received back from him after the expiration of the time prescribed, provided that the document has been presented and execution has been admitted within the periods prescribed in those sections.

(c) Where an insufficiently stamped document is presented by the claimant and the executant does not appear of his own accord to admit execution, summons for his appearance may be issued with reference to Registration Rule 32 (iii), and his admission of execution recorded on the document before the document is impounded and forwarded to the Registrar.

**S.O.242.** (a) For the registration of a document the acceptance of which has been directed by a Registrar under section 25 of the Act on payment of fine, a period of four months is admissible in addition to the ordinary period of four months prescribed in

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section 23. The executant must accordingly appear and admit execution within eight months from the date of execution. If he fails to so appear, a further period of four months for his appearance may be granted by the Registrar on payment of fine under the proviso to section 34.

(b) Sub-section (1) of section 34 of the Registration Act provides that no document shall be registered, unless the persons executing the document or their representatives, assigns or agents authorised in manner set out in section 33 thereof appear before the registering officer within the time allowed for presentation of the document. Under section 23 of the aforesaid Act a document can be accepted for registration, if it is presented for that purpose to the proper officer within four months from the date of its execution. But this period for presentation may be extended under section 25 of the Act for a further period of four months on payment of a fine at the rates specified in rule 34 of the rules under the Registration Act. The proviso to section 34 (1) of the Act also allows a further period of four months (in addition to the time allowed under section 23 and 25) within which to appear on payment of fine under the aforementioned rule of the Act in addition to the fine paid under section 25 of the Act. The result is that while the maximum period for presenting an instrument for registration is eight months, the maximum periods allowed for appearance of executants is twelve months from the date of execution. The following illustrations indicate the application of the provisions of sections 25 and 34 :—

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|---|---|
| i) A document was presented within four months from the date of execution and the executant appeared after four months and within eight months from date of execution.      | Fine only for delay in appearance.  |
| ii) A document was presented after four months and within eight months from the date of execution and the executant appeared on the date of presentation.                   | Fine only for delay in presentation.  |
| iii) In the case illustrated in item (ii). above, the executant appeared within four months after the date of presentation and within 12 months from the date of execution. | Fine for delay in appearance in addition to the the fine for delay in presentation. |

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**S.O. 243.** A document executed by parties some of whom reside in, and some out of India may be dealt with under section 23 and 25 instead of under section 26 of the Act, if the presentant so desires.

**S.O. 244.** Where an agent appears to present a document or to admit its execution, the explanation required by section 25 for delay in presentation or that required by section 34 for delay in appearance may be obtained from him for the delay both by the principal and by himself.

**S.O. 245.** The appearance of an executant referred to in section 34 is not restricted to his voluntary appearance but includes also his appearances under coercive process. Accordingly, whether the executant appears voluntarily or under coercive process, the delay in his appearance should be proved to be due to the causes mentioned in the proviso to that section.

**S.O. 246.** Where a Registrar had passed an order directing that a document be accepted for registration on payment of the prescribed fine under section 25, it was held that it was not competent for the successor in office of the Registrar to go behind the order of his predecessor which was given in pursuance of the discretionary power allowed to a Registrar to accept documents for registration after the time prescribed.

(I.L.R., 6 All, 460).

**S.O. 247.** When a document the registration of which has been refused for delay in presentation or in appearance is re-presented for registration under an order passed by a Registrar on appeal or under an order of civil court, a penalty shall be livable for the delay based on the date of original presentation or appearance.

**S.O. 248.** For the purposes of section 77, the period of thirty days within which a document has to be presented for registration after the passing of a decree of a court directing its registration shall be reckoned not from the date the decree bears but from the time it was actually drawn up and signed by the Judge.

(I.L.R.. 38 Madras, 291; S A. 811 of 1912).

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## CHAPTER VII

### CLASSIFICATION OF DOCUMENTS

#### General

**S.O.249.** The criterion for the necessity of registration of a document is what is expressed on the face of the document and not what incidents attach by custom to a transaction of the kind mentioned in the document.

(Judgment of the Madras High Court, dated 22nd April 1903 in A.A.O.No. 136 of 1902).

#### Registration in book 1 (as relating to immovable property) or in book 4

**SO. 250.** Registering officers shall follow the orders and rulings extracted below in deciding whether transactions affecting “trees” are registerable in Book 1 or Book 4.

The principles laid down in these orders and rulings as to when trees are to be treated as standing timber are -

(i) that the trees are to be cut down and removed and not to be kept standing permanently and enjoyed;

(ii) that it is not contemplated that the purchaser shall derive a benefit from the further growth of the thing sold, from further vegetation and from the nutriment to be afforded by the land, i.e., that the things sold are not intended to remain on the land for the advantage of the purchaser and are not to derive benefit from so remaining; and

(iii) that it is merely intended by the contract that the land shall be in the nature of a warehouse for the trees during the period allowed for their removal.

#### A

“It would seem to be difficult to frame a definition of ‘movable’ and ‘immovable’ property suitable for practical use on a mere consideration of the physical nature of the property. It would appear to be necessary to take into account also the way in which the property is regarded and dealt with at the time of the transaction, and this is apparently what the framers of the Indian Registration Act meant to do by using the words ‘standing timber’ in contradistinction to ‘trees’. Certain trees, being almost invariably used as timber, are commonly spoken of as ‘timber trees’. But probably most trees would admit of being used both as timber and for other purposes. Thus, properly speaking, almost every tree being potentially timber and no tree actually timber the question whether a tree is for the purpose of any transaction to be deemed to be

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'timber' must depend upon the way it is regarded and treated in that transaction. If, for example, trees are sold with a view to their being cut down and removed, the sale is one of 'standing timber' within the meaning of the Registration Act. If, on the other hand, trees are sold ..... with a view to the purchaser keeping them permanently standing and enjoying them by taking their fruit or otherwise, the sale would not, it is believed, on any construction of the Act, be regarded as one of 'standing timber', but would be a sale of immovable property".

(G.O. No. 3017, Judicial, 20th November 1884).

## B

"LORD COLERIDGE C.J." - If the sale were in the spring, and the removal of the thing sold were to be postponed but for two or three days, it would not, at its severance, in strictness, be in the same state as it was at the time of the sale. On the other hand, in winter, when the sap is out of the tree, and it is standing, as it were, dead for the time being, there would be no appreciable change. It is almost impossible to say that the rule can be that, wherever anything, however small, is to pass into that which grows on the land, out of the land, between the sale and the reduction into possession, the contract is with the section.

"I find the following statement of the law with regard to this subject, which must be taken to have received the sanction of that learned Judge, Sir Edward Vaughan Williams, in the notes in the last edition of Williams' Saunders upon the case of Duppa v. Mayo, p. 395 :- The principle of these decisions appears to be this, that wherever at the time of the contract it is contemplated that the purchaser should derive a benefit from the further growth on the things sold from further vegetation and from the nutriment to be afforded by the land, the contract is to be considered as for an interest in land but where the process of vegetation is over, or the parties agree that the thing sold shall be immediately withdrawn from the land, the land is to be considered as a mere warehouse of the thing sold and the contract is for goods. This doctrine has been materially qualified by later decisions and it appears to be now settled that, with respect to emblements or fructus industrials, etc., the corn and other growth of the earth which are produced not spontaneously, but by labour and industry, a contract for the sale of them while growing, whether they are in a state of maturity, or whether they have still to derive nutriment from the land in order to bring them to that state, is not a contract for the sale of any interest in land, but merely for the sale of goods".

"BRETT J.- Where the subject-matter of the contract is growing in the land at the time of the sale, then if by the contract the thing sold is to be delivered at once by the seller the case is not within the section. Another case is where, although the thing may have to remain in the ground some time, it is to be delivered by the seller finally, and the purchaser is to have nothing to do with it until it is severed, and that case also is not

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within the section. Then there comes the class of cases where the purchaser is to take the thing away himself. In such a case where the things are fructus industrials, then, although they are still to derive benefit from the land after the sale in order to become fit for delivery, nevertheless it is merely a sale of goods, and not within the section. If they are not fructus industrials, then the question seems to be whether it can be gathered from the contract that they are intended to remain in the land for the advantage of the purchaser and are to derive benefit from so remaining; then part of the subject matter of the contract is the interest in land and the case is within the section. But if the thing, not being fructus industrials, is to be delivered immediately, whether the seller is to deliver it or the buyer is to enter and take it himself, then the buyer is to derive no benefit from the land, and consequently the contract is not for an interest in the land, but relates solely to the thing sold itself”.

“GROVE J. In the case of *Smith v. Surman* (9 B. & C, 561) it was argued by Russel, Serjit., that a sale of crops, or trees or other matters existing in a growing state in the land may or may not be an interest in land according to the nature of the agreement between the parties and the rights which such an agreement may give; and that view was adopted by the court in giving judgment. LITTLEDALE J. says, “The object of a party who sells timber is not to give the vendee any interest in his land, but to pass to him an interest in the trees when they become goods and chattels. His intention clearly was not to give the vendee any property in the trees until they were cut and ceased to be part of the freehold”. PARK J., in his judgment, also applies substantially the same test, viz., that of intention. Here the trees were to be cut as soon as possible but even assuming that they were not to be cut for a month, I think that the test would be whether the parties really looked to their deriving benefit from the land, or merely intended that the land should be in the nature of a ware house for that trees during the period. Here the parties clearly never contemplated that the purchaser should have anything in the nature of an interest in the land; he was only to have so much timber which happened to be affixed to the land at the time, but was to be removed as soon as possible and was to derive no benefit from the soil. If the contract has been for the sale of a young plantation of some rapidly growing timber, which was not to be cut down until it had become substantially changed and had derived benefit from the land, there might have been an interest in land, but this is not such a case”.

(LR.ICP.. 35)

### C

“COLLINS C.J. — The principal point in dispute was whether the yadast, dated 1st January, 1891, created an interest in immovable property and if so whether it could be used as evidence, not being registered. The yadast is as follows :-

‘In respect of the transaction of business heretofore taken on contract from Madura Pattamars in fasli 1294 by me and A.N. Meenakshisundaram Settiar Avargal, I have

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paid, on 16th December 1890 in current fasli 1300, value for the said Meenakshisundaram Settiar's half share excluding my share, in the karuvela, velvela, margosa and manjanati trees, etc., in Pattambudur tank to the north of the said village and in the gum (resin), karuvela nuts, grass, korai, etc, standing thereon; and been enjoying the same till this day. As I have settled a value of Rs. 3,400 for the said two shares so that you may cut and enjoy the trees, etc., and the grass, korai, gum, karuvela nut, etc.. on bank at the bed of the said tank from this day till the close of fasli 1304, and executed a yadast to you on receipt of a note from you promising to pay within a period of six months you will enjoy in the said tank, as mentioned above. Should there be any tree or other materials whatever in the said tank on the first day of fasli 1305, the above said person shall not interfere (with it)."

"It appears to me that there can be no doubt but that the yadast does convey an interest in immovable property : the contrary proposition is not arguable. It has long been settled that an agreement for the sale and purchase of growing grass, growing timber or underwood, or growing fruit, not made with a view to their immediate severance and removal from the soil and delivery as chattels to the purchaser, is a contract for the sale of an interest in land. I therefore, hold that the yadast does convey an interest in immovable property and is not receivable in evidence being unregistered,"

"SUBRAHMANYA AYYAR J.— As to the second contention, it is scarcely necessary to observe that though standing timber is, under the Registration Act III of 1877 movable property only, still parties entering into a contract with reference to such timber may expressly or by implication agree that the transferee of the timber shall enjoy, for a long or short period, some distinct benefit to arise out of the land on which the timber grows. In a case like that, the contract would undoubtedly be not one in respect of mere movables, but would operate as a transfer of an interest in immovable property. Therefore, the point is whether the contract in question falls under the latter description. Taking all the provisions of the document together, I think there was here more than a sale of mere standing timber and that, in the words of Sir Edward Vaughan Williams quoted with the approval in *Marshall v. Green* cited for the plaintiff.

'it was contemplated that the purchaser should derive a benefit from the further growth of the thing sold, from further vegetation and from the nutriment to be afforded by the land, "The fact that the comparatively long period of a little more than four years was granted to the defendant for cutting and removing the trees, is to my mind, strongly in favour of the above view."

"DAVIES J.-I entirely concur."

(I.L.R. 20, Mad. 58)

**D**

"PARSONS J.— It is argued that the deed of gift (Exhibit 36) executed in the year 1868 upon which the suit was founded is invalid for want of registration, the subject of

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it, a mango tree not coming within the term 'standing timber' used in the definition of immovable property in section 3 of the Indian Registration Act, 1866- No doubt by the term 'Timber' is meant properly such trees only as are fit to be used in building and repairing houses. A mango tree, which is primarily a fruit tree, might not always come within the term, but in this respect the custom of a locality has to be considered. 'In Dart it is laid down that timber includes by local custom beech and various other trees, even trees which are primarily fruit trees, as cherry, chestnut and walnut (Chandos v. Talbet, 2 P. Wms., 606)' (See Stroud's Judicial Dictionary 1890, under the head 'Timber'.)''.

"In the present case, 'the mango tree', though a fruit bearing one, may be classed as a timber tree, more especially in this part of the country (Ratnagiri), where its wood is often used for building houses".

#### E

"Standing timber is excluded from the definition of immovable property in section 3 probably following Marshall v. Green (L.R., 1 C.P. 35) which decided that it was movable or immovable according as it was the intention of the contracting parties to remove it forthwith and this decision was followed in 20 Madras, 58, and is discussed in Leavery v. Pureed 39 Ch. Div. 508. The decision in 24 Bombay, 31. merely deals with the question whether a mango tree can be timber, and decides it can, where by local custom it is used for building purposes. The question whether the mango tree in question ought to be considered 'standing timber' or merely 'a tree' appears to have escaped the notice of the court. There cannot be said to be any conflict, in my opinion, between 20 Madras, 58 and 24 Bombay 31".

(Advocate-General's opinion in G.O.No. 482, Judicial, 16th March 1904).

#### F

"The appellant's suit was based on a document, dated the 23rd November 1902. It was thrown out by the learned Judge of the Court of Small Causes at Dehra Dun on the ground that the document, the basis of the suit, was inadmissible in evidence owing to want of registration. The document says -

"I (the defendant) have given a theka of forest gumlas, portion 2, for all kinds of trees for two years from 23rd November 1902, to 2nd November, 1904 Ramji Das, son to Tuki Ram and Mathura Das, son of Bhana Mai, for Rs. 800 which have been paid and acknowledged by separate receipt, on these conditions:-

(1) Possession of the forest above mentioned has been given from the date of execution of this deed. Cutting will begin from to-day.

(2) The contractors are entitled to cut from this forest for two years. After the expiry of the two years, they may remove wood already cut for six months."

An application has been made to this Court to deal with the case under Section 25 of the provincial Small Cause Courts Act, 1887. It is contended on behalf of the applicant

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that the document is not one which is compulsorily registerable under the provisions of section 17 of the Indian Registration Act, 1877. The decision of this point turns on this question whether the document can be considered to be one conveying an interest in immovable property. In my opinion it is nothing but an agreement by the opposite party whereby he sold the trees standing in a certain area of land. These trees were sold, not that the produce thereof might be enjoyed, but simply with a view to their being cut down and removed. The document provides that the cutting was to begin from the day of execution. The fact that the applicants were to be allowed to cut down and remove the timber for a space of two years would not in my opinion render the transaction a transfer of an interest in immovable property. The terms or the lease in the case relied on by the learned judge namely, *Seeni Chettiyar v. Santhanathan Chettiyar* (I.L.R.. 20 Mad., 58) differ materially from the terms of the document in this case. In the Madras case the lease gave a right to the enjoyment of the forest produce, grass, etc., for a term of four years as well as a right to cut the timber. The definition in section 3 of the Indian Registration Act shows that the Legislature intended to exclude standing timber from the category of immovable property. In my opinion the document in question was nothing but the sale of standing timber giving the petitioners a somewhat extended period for its removal. I therefore hold that it was not inadmissible for want of registration....”

(I.L.R., 28 All. 277).

## G

“White C.J. —The only point taken in appeal was that Exhibit A was a document which under the law should be registered but had not been registered and that consequently it was inadmissible in evidence. No objection was taken to the admissibility of the document in the Court of First Instance. The document states that the lessee had ‘taken for lease for two years for enjoyment for today, palmyra, fruit, etc, the palmyra trees’ in a certain garden, that he had paid the amount of the lease for two years (i.e., Rs. 140) and that he would not cut the leaves of any of the trees on which he climbed except those whose leaves had to be cut. The question is, is the instrument a lease of immovable property within the meaning of section 17(1) (d) of the Indian Registration Act, or an assignment of an interest of the value of Rs. 100 or upwards in immovable property within the meaning of section 17 (1) (b) of the Act. For the purposes of this case I am prepared to assume that the instrument is a lease or, if it is not, that it is an assignment of an interest of the value of Rs 140. The act defines ‘movable property’ as including standing timber, growing cops and grass, fruit upon and juice in trees and property of every other description except immovable property. The appellant has relied upon two decisions as bearing directly upon the point we have to decide. They are *Sukry Kurdappa v. Goondakull Nagireddi* (6 M. H.C.R. 71) and *Seeni Chettiyar v. Santhanathan Chettiyar* (I.L.R., 20 Mad., 58). The case of *Sukry Kurdappa v. Goondakull*

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Nagireddi (6 M.H.C.R., 71) which was not decided until 1871 turned on the meaning of section 13 of the Registration Act of 1864. That Act contained no definitions of movable and immovable property. The Act of 1860 introduced the definitions of movable and immovable property. The Act of 1871 introduced into the definition of movable property the words 'juice in trees'. This amendment of the definition would seem to be in consequence of a decision of the Calcutta High Court in the case *Jannu Mundur v Hacha Mundu* (12W.R., 366) where the Court held though with some doubt that section 60 of the Act of 1866 had no application to a lease of a right to take the juice of date trees. In view of the definition to which I have referred, I do not think the present case is governed by the decision of this Court in *Sukry Kurdappa v. Goondakull Nagireddi* (6 M.H.C-R., 71).

"In *Seeni Chettiyar v. Santhanathan Chettiyar* (I.L.R. 20 Mad., 58) the interest assigned was a right to cut and enjoy for four years the trees, and the grass, korai, gum, karuvella nut, etc., which grew in a certain tank for a certain period. Under the instrument the party was entitled to cut and carry away the whole of the vegetable produce growing in the tank in question."

"The effect of the definition to which I have referred was not considered in that case because no question of the right to take the 'juice in trees' arose. In that case the Court was of opinion that the instrument created an interest in immovable property. Mr. Justice SUBRAHMANYA AYYAR in his judgment on page 66 observed that 'the fact that the comparatively long period of a little more than four years was granted to the defendant for cutting and removing the trees, is to my mind, strongly in favour of the view expressed in the case of *Marshall v. Green* (L.R. 1, C.P. 35), that it was contemplated that the purchaser should derive a benefit from the growth of the thing sold from further vegetation and from the nutriment to be afforded by the land."

"SHEPHARD J. pointed out that under the instrument then in question it was not merely the trees and grass then growing and ready to be cut that the defendant was to acquire. He was further to be at liberty to take all the trees which might grow on the ground within the period named."

The instrument in question in the present case only gives the right to take toddy and fruit for two years. No doubt any licence under which a person is entitled to take toddy in a sense creates an interest in land since without land there would be no tree and without tree there would be no toddy. It may be that in this case there is an implied contract or covenant that the lessor should not cut down the trees in derogation of his own grant. But having regard to the definition to which I have referred, it seems to me the right view is that the instrument in question is not a lease of immovable property and that the interest conveyed by the document is not for the purposes of the Registration Act an interest in immovable property.

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“Accordingly I would dismiss the appeal with costs.”

“OLDFIELD J.- The first of the two cases on which the defendant has relied Sukry Kurdappa v. Gondakull Nagireddi (6 M.H.C.R., 71) can be dismissed shortly, because at its date ‘movable property’ was not defined for the purpose of registration as it now is”.

“The second Seeni Chettiyar v. Santhanathan Chettiyar (I.L.R., 20 Mad, 58) was decided after the amendment of the definition in 1871 though without explicit reference to it, and it was held that an instrument authorizing the enjoyment and removal of trees, grass and other produce in a tank-bed for a period of four years for a consideration of Rs. 3,400 required registration. Now, although a right to the juice of trees was not conveyed by that instrument, its terms indicating that no juice-bearing trees were in question, yet it resembled Exhibit A in the present case to the extent that the trees being referred to in the judgment as timber it dealt with movable property as it is at present defined. That however was not held to be decisive as to the necessity for registration. The ground on which registration was required, was in the words of SUBRAHMANYA AYYAR J., ‘that parties entering into such a contract may expressly or impliedly agree that the transferee shall enjoy for a long or short period some distinct benefit to arise out of the land on which the timber grows. In a case like that the contract would undoubtedly be not one in respect of mere movables but would operate as a transfer of an interest in immovable property. And in deciding whether the contract then in question fell under the latter description the learned Judge expressly attached importance to its duration, four years, and presumably also to the nature of the property, timber, grass and undergrowth which would be augmented by spontaneous growth. No doubt in the present case in which plaintiff’s right was to draw palmyra juice, cut such leaves as his doing so involved and take the fruits of the trees, his right to do so for two seasons entailed that he should benefit, to adopt an expression from Marshall v. Green (L.R. 1, C.P. 35) by the nutriment afforded by the land. This benefit however is not in my opinion such an interest in land as section 17 (1) (b) of the Registration Act contemplates. For it involves only a stipulation that the trees are to remain available during the currency of the contract for the use specified in it, not any limitation on the transferor’s enjoyment of the land as such.

In Seeni Chettiyar v. Santhanathan Chettiyar (I.L.R., 20 Mad., 58) there was such a limitation. Although as observed in the judgment already referred to there was no such transfer of possession as would constitute a lease, the contract was still subject to the implied proviso that the transferor’s action should not injuriously affect the special rights conferred upon the transferee with respect to the trees, etc , and the enjoyment of those rights would evidently have been irreconcilable with the retention of any substantial enjoyment by the transferor. Here it has not been explained and it does not appear how any ordinary use of the land could affect the nutriment it afforded to the