
revoked by the death of any one of the persons executing the power or giving the authority.

3. The first part of the power of attorney in the present case, read by itself, is a joint appointment by the five women, but it is clear from the recital of the purposes for which the power was executed that the parties intended that the authority given should not be determined by the death of any one of the parties by whom the power of attorney was executed. There is an express authority to the agents to present documents for registration executed 'by all or some of the surviving members jointly or severally on the demise of some or each of us. This clearly contemplates on the exercise of the authority by the agents after the death of one or more of the parties by whom the authority is given.

4. I have referred to the opinion given by the late Mr.P.O' Sullivan on 6th January 1879 (extract D above) and I find that in the case then before Mr. O' Sullian four persons had jointly executed a power of attorney authorizing an agent to present for registration documents executed 'by all or by each or by some of them'. The power was repudiated by two of the executants who declared that they had cancelled it. In the case before Mr. O' Sullivan, there was no express authority to the agent to act after the death of any of the parties by whom the power was executed. Mr. O' Sullivan, advised that the registering officer was right in refusing to act upon the power of attorney. I entirely agree with this opinion, but the facts of the case before Mr.O' Sullivan were essentially different from the facts of the present case."

(G.O.No.220, Judicial, 6th February 1899).

S.O. 596. A power of attorney executed out of India shall not be recognized unless it has been authenticated by one of the officers mentioned in sub-clause (c) of section 33 (1) of the Indian Registration Act. A power attested by a registering officer in Jammu and Kashmir cannot therefore be accepted and acted upon for registration purposes in the Andhra Pradesh State.

S.O.597. When an agent appears to admit execution of a document, the registering officer shall satisfy himself, by inquiry of the agent, that the executant is alive. No deposition need ordinarily be recorded in such a case. If, however, a registering officer has reason to believe that the principal is dead, a deposition shall be recorded, and if the inquiry shows that he is dead, the document shall not be registered unless the representative or assign of the deceased appears and admits execution.

S.O.598. Powers of attorney for purposes of sections 72 and 73 should be attested in the manner laid down in section 33.

File of Powers of Attorney

S.O.599. (a) In each registration office a file shall be maintained in which shall be filed in the chronological order in which each paper is received or prepared-

(i) powers of attorney presented under Registration Rule 50,

(ii) abstracts of power of attorney prepared under Registration Rule 55 (i),

(iii) translations filed under Registration Rule 17(ii),

(iv) commission orders and the accompanying sets of interrogatories and replies referred to in order 678 (c).

(v) covering letters received from officers or functionaries mentioned in section 88 of the Indian Registration Act, 1908, and similar letters received from persons exempted from personal appearance under other enactments,

(vi) depositions forwarded by commissioners under order 605.

(b) These papers shall be assigned serial numbers in the order in which they are filed, the serial numbers running by years.

S.O. 600. Abstracts of powers of attorney prepared under Registration Rule 55 (i) shall be signed by the preparer and examiner as under-

Prepared by (A.B.) Assistant.

Examined by (CD.) Assistant.

S.O.601. A copy of a special power of attorney filed under Registration Rule 50(i) or of an abstract of a power of attorney maintained under Registration Rule 55(i) shall not be granted to a person other than the principal or the agent concerned or their representatives.

S.O.602. (a) The register of revocations of powers of attorney referred to in Registration Rule 55(ii) shall be in Form B-I. The entries in this register shall be attested with date by the registering officer.

(b) Intimations of revocations of powers of attorney shall be filed in the file of petitions after they are noted in this register.

CHAPTER XIII

<h3>ENFORCEMENT OF APPEARANCE OF PARTIES ISSUE OF PROCESS</h3>
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S.O.603. A requisition for the enforcement of the appearance of a person before a registering officer shall be in writing and shall be accompanied by the fee payable.

S.O.604. The provisions of the Civil Procedure Code in the matter of the issue and service of processes are printed in Appendix XV.

S.O.605. (a) Where it is not permissible to issue a summons for the personal appearance of an executant or a witness- vide Rule 4 of Order V of the First Schedule to the Civil Procedure Code, 1908 (Appendix-XV)-a commission shall be issued for his examination under the provisions of Order XXVI of the First Schedule to the Civil Procedure Code.

(b) When a commission is so issued the procedure prescribed by Registration Rule 46(i) and Order 678 shall be followed mutatis mutandis. The application for process shall be forwarded with the commission order and the process fee shall be remitted by money order to the Officer to whom the commission is addressed, the money order commission being levied from the presentant of the document. The Commissioner shall in enforcing the attendance of the person concerned follow the same procedure as in the case of a document presented to him for registration.

(c) When the commission is for the examination of an executant and the executant appears in response to the process issued by the Commissioner, the endorsement prescribed in rule 46(ii) to (iv) shall be followed, the words "A.B., son of C.D., having appeared before me in my office" being substituted for the words "having attended at the residence of A.B., son of CD.," etc., in the endorsement prescribed in Rule 46(ii),

(d) If the executant appears after the limit of time prescribed by section 34, a statement of the reasons for the delay shall be recorded from him by the commissioner and transmitted to the officer issuing the commission along with the other papers. The fine for the delay if paid shall be remitted by the commissioner into the local treasury, the fact of payment of fine and the amount paid being intimated to the officer issuing the commission.

(e) In cases in which the executant does not appear before the commissioner within the maximum period prescribed by the Act or in which the commissioner is satisfied before the expiry of that period that the executant is willfully keeping out of the way, the commissioner shall record a statement of the evidence to that effect and transmit the statement with the connected papers and the documents to the officer who issued the commission.

The commissioner shall not make any endorsement on the document in such cases.

(f) If on the application of the executant or the presentant, the former is examined at his private residence under section 38 by the commissioner, the attendance fee levied for the purpose shall be credited in the accounts of the officer who collects the fee and intimation sent to the other officer.

(g) Any deposition which a commissioner may consider it necessary to record shall be taken on loose sheets which shall be forwarded in original to the officer who issued the commission. No copy of the deposition shall be retained by the commissioner. The officer issuing the commission shall on receipt of the original depositions keep such of them as relate to appeal cases, original enquiries and will cases with the records of such cases and shall file the depositions relating to original documents in the file of powers of-attorney after copying them in the deposition book of the office.

S.O.606. (a) Under Registration Rule 70 read with section 39 of the Registration Act, registering officers have powers to issue warrants under Rule 10 of Order XVI of the Civil Procedure Code in cases of default. (G.O.Ms.No. 159, Law (Registration), 14th October 1927).

(b) The enforcement of appearance by the issue of a warrant shall be resorted to sparingly and on no account shall a warrant be issued for the arrest of a woman.

(c) Whenever a Sub-Registrar issues a warrant for arrest, he shall immediately submit a report to the Registrar and the Inspector-General explaining fully the circumstances in which the warrant was issued.

S.O.607. Sub-Registrars shall require parties to execute bail bonds for their appearance at adjourned enquiries. Under Rule 16(1) of Order XVI in the First Schedule to the Civil Procedure Code a person summoned and attending is bound, unless court otherwise directs, to attend at each hearing until the suit has been disposed of; and under Rule 4(2) of the same order where the detention of a witness beyond one 5 day is necessary the party at whose instance he was summoned should defray the expenses of his detention for the further period. Under these provisions it should be possible to procure the attendance of witnesses from day to day, if such attendance is necessary, failure to so attend being reported to the local Sub-Magistrate for action. When however, the enquiry is adjourned to a distant date the proper course for the Sub-Registrar is to cause a fresh summons to issue, unless the party undertakes to produce the witness.

S.O.608 A requisition for a summons for enforcing the attendance of a person resident beyond the limits of India cannot be complied with. A registering officer may, however, issue a notice by registered post and, if the executant does not appear within a

reasonable time, may refuse registration treating the non-appearance of the executant as tantamount to denial of execution.

(Advocate-General's opinion in G.O. No. 2614, Judicial. 13th October, 1884)

Process Fees and Batta

S.O.609 : (a) The fees for the service and execution of processes shall be levied by registering officers in cash according to the scale prescribed in Appendix XVII, the scale in the second column of the schedule therein being adopted by all registering officers for processes issued under section 36 in connexion with original registration and that in the third column by Registrars for process issued under section 75 in connexion with appeals and enquiries.

NOTE: Where processes have to be issued to respondents and witnesses residing in the same village, fees at the enhanced rate shall be levied in respect of the first respondent as well as the first witness under clause 1 (a) of the schedule.

(b) In issuing summonses or notices to a person who executes a document both for himself and as guardian of minors, separate process fee shall be levied one for himself as party and another for one or more minors represented by him, if the person executes the document only as guardian of one or more minors, then one fee only shall be levied.

(c) When summonses are issued to two or more persons, residing in the same village to be served through different agencies the process fee should be levied as for persons residing in a single village.

S.O. 610 When a party is summoned at the instance of the court the party for whose benefit a witness is summoned should pay the travelling and other expenses and this may be included by the Registrar in the costs of the enquiry.

S.O. 611. The expenses payable to witnesses are regulated by the scale in Appendix XVIII.

NOTE: In levying travelling allowance for witnesses, the onward and the return journeys should be treated separately. The necessary travelling allowance should be levied even if the distance is less than ten miles each way.

S.O.612. (a) Where summonses have to be issued under Rule 61 the usual process fee shall be levied (vide Order 609 (a)).

(b) Where notices have to be sent to village munsifs for posting in their chavadies and where no fee is charged by them no fee for the notice shall be levied.

(c) Where, however, a special notice under Rule 71 has to be served, the usual process fee shall be levied [vide Order 609(a) and (b)].

(d) For tom-tom charges the usual fee of 0.25 paise or more may be levied according as the tom-toming takes place in a village or in a town.

(e) Necessary registration and postage charges shall be collected for the sending of notices to village munsifs for posting in their chavadies and for replies from them.

(f) Necessary postage charges for the reply from the village munsifs shall be remitted to them along with the fee for posting notice or summons and the tom-tom charges and, in cases where the cost of postage charge for the reply from the village munsifs alone has to be sent, the village munsifs should be instructed to transmit their replies "Service unpaid", the charges therefor being paid by the registering officers, from the amount of postage collected from the parties, and credited to Account C.

S.O. 613. No hard and fast rules can be laid down as to when emergent process fee should be levied. The general rule that it should be levied only when the party applies for the issue of emergent processes, has to be followed.

S.O.614. An executant summoned in connexion with original registration is treated as a witness as regards the expenses payable.

S.O.615 (a) When the person on whom a process is to be served does not reside within the jurisdiction of the officer issuing the process, the latter shall, in cases where the summons or notice is not sent by registered post be transmitted along with the fees collected thereon to the Registrar or the Sub-Registrar within whose sub-district the person resides in view to the service being effected through that officer. When it is necessary to remit fees and batta by post, money order commission shall be levied by the issuing officer in addition to the process fees.

(b) The postage on correspondence relating to processes and for the transmission of summonses from one office to another should be deducted from the process fee collected from the party, brought to account in Account B as a receipt and remitted into the treasury, under the head '0030' Registration-Miscellaneous-Other Receipts".

(c) Process fees collected in an office and sent to another office for service should be excluded from the statement of receipts and disbursement of process fees relating to the former office. Accordingly, if the Sub-Registrar at A levies a process fee of 0.75 paise and incurs a service postage of 12 paise for the transmission of the summons to the Sub-Registrar at B, who in turn incurs a service postage of 12 paise for returning the summons to the Sub-Registrar at A, the cost of the postage incurred in either office being deducted from the process fee and remitted into the treasury as laid down in clause (b), the Sub-Registrar at A need not show any amount in the statement of receipts and disbursements of process fees of his office [Order 1072], while the Sub-Registrar at B should show 0.50 paise both as receipt and disbursement in the statement relating to his office.

(d) The entire amount of process fees (including the postage for the transmission of summonses) shall, in the first instance be ledgered In Account C, and the actual amount of postage, as and when incurred for the transmission of summonses, shall be accounted for in the disbursement opening of Account C, and also simultaneously credited to Account B for its being remitted into the treasury on the next remittance day.

(e) In unavoidable and exceptional cases an officer receiving a process may advance the necessary batta and travelling allowance from his permanent advance, where there is delay in the receipt of money from the officer who issued the process. In such cases due precaution shall be taken to record the advance made in the contingent register and to carefully watch for the adjustment of the same on receipt of the amount from the officer who issued the process.

S.O. 616. The sanction of superior authority is not required for the refund of unearned process fees and undisbursed batta, which shall be made without delay. The amount may be remitted by postal money order at the expenses of the party.

S.O.617. (a) When the process fees collected in a registration office are sufficient to meet the cost of entertaining a process-server for a continuous period, a temporary process-server may be attached to that office on such monthly remuneration as may be fixed by the Inspector-General from time to time. The process fee collected in one office and forwarded to another office under Order 615(a) shall be deemed to have been collected in the latter office for purposes of this order,

(b) If at the close of any month the amount of fees on hand does not admit of the payment of the fixed remuneration to a process-server, the deficiency may be made good in subsequent months.

(c) In cases where a registering officer finds it difficult to obtain a suitable temporary process-server for serving processes, an attender of the office may be employed for the purpose, provided that the performance of this additional work does not interfere with his legitimate duties, and the process fees collected may be paid to him as honorarium after deducting such sum as may be necessary for meeting the postage on correspondence relating to processes, even though the processes have to be served at headquarters or adjacent villages.

S.O.618. The earned process fee as on the 15th March every year after reserving a sum equalent to the pay of process server for 2 months where one is employed shall be transferred to Account B on the next working day and remitted to the treasury in the usual course like other collections before the close of the financial year.

S.O.619. The acknowledgement for disbursement of process fee collections in the cases mentioned in column (1) of the table below shall be obtained in the records mentioned against each in column (2) :-

Table

1	1
(i) Remuneration of process servers at monthly rates.	Acquittance roll (Order 1150)
(ii) Payment to process-servers employed for the occasion and process fee and batta refunded to a party.	Applications for summons.
(iii) Batta and travelling allowance sent to other officers.	If sent by money order, the acknowledgment shall be pasted on the application for summons; if sent through a messenger, a separate receipt shall be obtained and filed with the application.
(iv) Batta and travelling allowance paid to witnesses.	Original of the summons.
(v) Batta and travelling allowance entrusted to the process-server to be paid to witnesses or money sent to another officer through a messenger.	Despatch register.

CHAPTER XIV

WILLS AND AUTHORITIES TO ADOPT

General

S.O.620. (a) A will is a testamentary disposition of property. A document containing an authority to adopt is accordingly not a will even if it contains a direction that the adopted son shall be put in possession of the property since this direction does not constitute the instrument a demise of property.

(Madras High Court Appeal No. 83 of 1901)

(b) A document which is otherwise a will is only a will, even if it contains an authority to adopt.

S.O.612. (a) An instrument whereby a wife is authorised by her husband to adopt a son for him after his death is an authority to adopt, registrable in Book 3.

(b) A document which merely declares the fact of the adoption of a son or the giving of a son in adoption is not an authority to adopt but a deed of adoption registrable in Book 4, or, if a right in immovable property is also created thereby in Book 1.

S.O.621. There is no provision for the registration of a copy of a will nor can a grant of probate in England with a copy of the will annexed be admitted to registration under sections 17 and 18 of the Act.

(G.O.No. 1618, Judicial, 12th October 1903).

S.O.623. The Registration Act does not exclude the ordinary law of agency or provide that the testator or donor must personally or himself present his will or authority to adopt for registration. Section 32 moreover provides that "every document" to be registered under the Act may be presented for registration by an agent, and prescribes that such agent shall be duly "authorised by power of-attorney executed and authenticated in manner hereinafter mentioned". The presentation under section 40 of the Act of a will or an authority to adopt may therefore be made by a duly authorised agent, notwithstanding the omission in section 41 or any reference to section 32. Accordingly a will can be presented open for registration by the testator himself during his lifetime or by his duly authorised agent. Presentation by a claimant is invalid.

(Advocate-General's opinion-G.O.No. 1667, Judicial, 3rd August 1914).

S.O.624. Under the general principle of law that a guardian may do all acts which are for the benefit of his ward, a will may be accepted for registration after the death of the testator from the guardian of a person claiming under it, if the latter is a minor.

Enquiries under Section 41 of the Act

S.O.625. (a) Any person claiming as executor or otherwise under a will may present it after the death of the testator to any District Registrar or Sub-Registrar for registration. (Sec.40 (1))

(b) At the time of presentation of the will a petition setting forth the fact of the death of the testator, the title of the presentant to present the will, of places where the testator lived and died and where his properties lay and also the details about the interested persons to whom special notices should be sent should be obtained from the presentant. A deposition should also be recorded from the presentant embodying the above facts.

(c) Fee should be levied under Article 16 (e) of the Table of Fees on the day of presentation of the will.

S.O.626. The date for an enquiry under section 41 (2) of the Act shall be fixed with due regard to the date of the publication in any news paper published in the principal language of the District and having wide circulation in the District in which the testator or the donor lived and also in such a daily news paper having wide circulation in the District in which the property of the deceased is situated.

(Added as per I.G.'s D.Dis No. G5/24803/76, dt. 15.7.77).

S.O.627. (a) Delay should be avoided in the matter of levy of fees, publication of notification in news paper and issue of notices and summons.

(b) As the publication charges cannot be precisely determined before hand, the presentant may be asked to deposit a reasonable amount to meet the expenses. Such amount shall be brought to account in Account 'C'. The balance after meeting the publication charges, shall be refunded to the party on proper acknowledgement.

(c) The other charges such as postage, batta, process fees etc., should be collected from the presentant.

S.O.628. In an enquiry under section 41 (2) of the Act adjournments shall be restricted so that parties may not be put to unnecessary expense or trouble. Registration shall be refused if it is found that the presentant has not within a reasonable time taken steps to prove the execution of the will.

S.O.629. A Joint Sub-Registrar whose office has been amalgamated with that of a Registrar under section 7 (2) of the Act, does not lose his identity as a Sub-Registrar in any acts connected with original registration. Accordingly a Joint Sub-Registrar in a Registrar's Office can conduct enquires under section 41(2) and in the event of the Joint Sub-Registrar's refusal to register, an appeal lies to the Registrar.

The refusal order by the Joint Sub-Registrar and, in the event of its confirmation by the Registrar the refusal order by the latter, shall both be entered in Book 2 of the Registrar's Office.

S.O.630. A power of attorney executed by the presentant of a will authorizing the agent to appear and act in the former's behalf in an enquiry under section 41 (2) falls under article 48 (a) of the Schedule I-A to the Andhra Pradesh Stamp (Amendment) Act 1922 as it is granted for the purpose of procuring the registration of a document.

S.O.631. Request from presentant for the examination of witnesses other than those connected with the execution of the will as its scribe, attesting witnesses or in such other capacity shall not be rejected.

Similarly requests from objectors for summoning witness shall also be complied with after levying necessary process fee and batta, etc., from the objectors.

S.O.632. Although admission or denial of execution by the representative or assign of a deceased testator or donor is not a point at issue in an enquiry under section 41 (2), the registering officer may, if a representative or an assign denies the execution and he himself is not otherwise satisfied as to the execution of the deed, refuse registration on the ground of denial of execution.

S.O.633. When a witness is examined under a commission (Order 605) the endorsement prescribed by Rule 73(ii) shall mutatis mutandis be adopted.

S.O.634. A registering officer is not permitted by the Act to refuse registration of a will when presented by any person other than the testator, on the ground of the minority of the testator when he executed the will. The procedure prescribed by section 35 of the Act is not applicable to the registration of wills which under section 40 are presented for registration after the death of the testator by persons claiming under them. A clear distinction is made in section 41 between the case of a will presented by the testator himself and that of a will presented by any other person entitled to do so. In the former case, the rules laid down in section 35 are made applicable, but in the latter case special rules are given. In these special rules, no provision is made for an enquiry as to the testator's minority or sanity, for which enquiry provision is made in the rules in section 35. It would not be reasonable to hold that the special rules (a),(b) and (c) of section 41(2) are merely supplemental to the rules in section 35 because at least in one instance the same rule in substance appears in both sections. (I.L.R - 20, MAD., 254)

NOTE:- This ruling does not apply to a case in which a will is alleged to have been executed by a testator when he was in an "unconscious" state. Under clause (2) of section 41 a registering officer should satisfy himself that the will was executed by the testator. Execution or affixing one's signature presupposes that the act was consciously performed. Consequently, where it is alleged that a person had not this consciousness, a registering officer can and must take evidence on the point, and an inquiry as to the fact whether the signature was affixed to the will by the testator when he was conscious is within the province of the registering officer. But any enquiry beyond this, such as taking evidence on the question whether the testator had a competent understanding as to the state of the family and the claims of the several members is outside the province of the registering officer.

S.O.635. Registering officers will be guided by the ruling in Order 214 in the matter of presentation of will and authorities to adopt.

S.O.636. The provision in section 40 of the Act that an authority to adopt may be presented for registration after the donor's death by the donee or the adoptive son does not exclude the authority under section 32 of the representative of the adoptive son to present the document.

(I.L.R.LII Mad. 175.)

S.O.637. Where a discrepancy is noticed between the English and Indian dates inserted in a will presented for registration after the death of the testator, the will shall be registered, as it is, on proof of its execution by the testator since it is impossible to reconcile the discrepancy.

S.O.638. The enquiry primarily involves examination of witnesses and scrutiny of exhibits about the act of execution of the will by the deceased testator in a conscious and disposing state of mind.

S.O.639. The production of an extract from Register of Death should as far as possible be insisted upon before the commencement of the enquiry and it should be let in evidence through a witness examined in the case and marked as an exhibit.

S.O.640. (a) The witnesses should be examined in the order given below,

- (i) Presentant and his witnesses;
- (ii) Objectors and their witnesses, if any and
- (iii) Court witnesses if any.

(b) Witnesses of the presentant should be numbered as P. W. 1, P.W.2 etc., the objector's witnesses as D. W. 1, D. W. 2 etc., and the court witnesses as C. W. 1, C W. 2 etc.

S.O. 641. Rule 79 of the Civil Rules of Practice and Circular Orders, Volume I, dealing with the marking of exhibits in suits, is extracted below :—

“Exhibits”

“79.(1)(54) Exhibits admitted in evidence shall be marked as follows :-

(i) if filed by the plaintiff or one of several plaintiffs, with the capital letter followed by a numeral—A-1, A-2, A-3, etc.,

(ii) if filed by the defendant or one of several defendants, with the capital letter B followed by a numeral—B-1, B-2, B-3, etc.,

(iii) if third party exhibits, with the capital letter X followed by a numeral—X-1, X-2, X-3, etc.

(2) (56) The Exhibits filled by the several plaintiffs or defendants shall be marked consecutively.

(3) (57) If in a proceeding subsequent to the trial of a suit or matter, further exhibits are admitted in evidence, they shall be marked in accordance with the above scheme with numbers consecutive to the number on the last exhibit previously filed.”

S.O. 642. The instructions in Order 565 regarding conduct of enquiries by an assistant placed in charge of a sub-office in short vacancies apply mutatis mutandis to enquiries contemplated by section 41(2).

S.O.643. (a) All depositions in connexion with enquiries into will cases under section 41 (2) of the Act, whether taken in the office or at a private residence shall be on loose sheets and preserved with the other records of the enquiry. These depositions need not be copied into the deposition book. [Registration Rule 151 (ii)].

(b) The record of each day’s proceedings in respect of every such enquiry shall be noted in a case diary maintained in Form Registration II-117 separately for each case.

(c) A copy of the case diary shall at the conclusion of the enquiry be submitted to the Registrar along with the memorandum of reasons prescribed by Registration Rule 74(i). When a will returned not registered at the request of the presentant at any stage of the proceedings, the fact of such return shall be entered in the case diary.

(d) All the records connected with a will enquiry, viz, (1) the case diary, (2) the depositions, (3) notices, vakalats, summons served etc., and (4) the memorandum containing the summary of the evidence shall be stitched together chronologically with a facing sheet indicating the document to which the enquiry appertains and the number and year of the enquiry followed by a table of contents giving the date and a brief abstract of each document in the file.

(e) These records shall be preserved in the order of the dates of the memoranda for thirty years and be then destroyed.

(f) According to Rule 9 of Order XIII of the First Schedule to the Code of Civil Procedure, any person, whether a party to a suit or not, desirous of receiving back any document produced by him in the suit and placed on record shall unless the document is impounded, be entitled to receive back the same :—

(i) Where the suit is one in which an appeal is not allowed, when the suit has been disposed of, and

(ii) Where the suit is one in which an appeal is allowed, when the court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred, when the appeal has been disposed of;

Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor delivers to the proper officer a certified copy to be substituted for the original and undertakes to produce the original if required to do so.

S.O. 644. Intimation in writing of refusal to register a will in an enquiry under section 41 (2) of the Registration Act shall be given to the parties concerned as well as to their vakils, agents or representatives on the day on which the refusal order is passed.

S.O.645. (a) Entries in Book 5 shall be made and the alphabetical index prescribed by Registration Rule 126 shall be prepared by the officer himself who receives for deposit or delivers or opens a sealed cover under sections 43 to 46 of the Act. Whenever a sealed cover is opened after the death of a testator under section 45 or removed to court on requisition therefrom under section 46, the entry in column 13 of Book 5— Register of deposits of wills—shall be attested by the Registrar with date. When intimation is received from a court that a will forwarded to it has been permanently retained there, the fact shall be noted in column 13 (b) of Book 5. These duties shall not be delegated to an assistant.

(b) When a will is forwarded to a court under Registration Rule 8 or by registered post, insured, the cover containing the will shall be entrusted to a responsible assistant for its being insured at the post office.

S.O.646. Registrars shall obtain from the Superintendent of Stationery and maintain a sufficient stock of specially made envelopes and superior sealing wax for supply to intending depositors of wills, free of charge, and the advantages afforded by the use of such covers and wax in the preservation of wills shall be explained to depositors.

S.O.647. Every Registrar receiving a sealed cover for deposit under section 42 shall intimate to the depositor that no steps will be taken by Government to ascertain when the testator dies and to communicate after his death with the beneficiaries and that the sealed cover is liable to be opened and its contents copied in Book 3 and re-deposited under the provisions of sections 45 (2) and 46 (2) of the Registration Act.

(G.O.No. 793, Judicial, dated 20th May 1898)

S.O.648. (a) Mukhtor-namahs and vakalatnamahs, for the stamping of which provision is made in article 10, Schedule II of the Court Fees Act, are documents given to and presented by duly certified mukhtors and pleaders under the Legal Practitioners Act. A person who is not a legal practitioner should not be permitted to deposit or to withdraw a sealed cover on behalf of the testator under the authority of a so-called vakalatnamah stamped under the Court Fees Act. He should be required to produce a power-of-attorney stamped under article 48 of Schedule I of the Indian Stamp Act. [Article 40 of Schedule I-A of the Andhra Pradesh Stamp (Amendment) Act, 1922].

(I.L.R. 33, All. 487).

(b) When a sealed cover is deposited or withdrawn by an agent under a power-of-attorney, an endorsement shall be made on the power in the form prescribed by Registration Rule 50 with suitable alterations. The power shall be retained or returned according as it is a special or a general power and in the former case, it shall be kept with the sealed cover itself.

S.O.649. When a cover has been accepted for deposit and action taken with reference to section 43 (1) of the Act and Rule 80 (v) of the Registration Rules, the cover shall, before it is deposited in the safe [Section 43 (2)] be placed in an outer transparent cover with eyeletted flaps and a string shall be passed through the eyelets and tied and sealed with the Registrar's private seal. The outer cover shall not be opened unless there is a permanent change in the personnel of the Registrars or unless an occasion arises for the opening of the inner sealed cover or its removal to court.

S.O.650. Unopened sealed covers shall be preserved in brass racks consisting of a frame provided with two rows of movable upright spikes which can be fixed sufficiently far apart to admit of each cover being placed edgewise, separately and comfortably, along its length between the spikes.

S.O.651. A register shall be maintained in Form C-1 in which the particulars regarding wills sent to court shall be entered.

S.O.652. In respect of a will sent to court but not received back within six months from the date on which it was sent, the Registrar shall remind the court for its return and continue reminding till it is got back or information is received that it is permanently retained by the court.

S.O.653. All the records connected with the sealed cover shall be stitched together chronologically with a facing sheet indicating the number in Book 5 and the year to which the file relates, followed by a table of contents giving the date and a brief abstract of each document in the file. The file will include (i) a power-of-attorney or a vakalatnamah on the authority of which the cover is deposited or withdrawn (Order 648), (ii) an application for the opening of the cover, (iii) an application for its withdrawal [Order 648 (b)] and (iv) summons received from the court for its production and acknowledgment of receipt by the court (Rule 82). These records shall be preserved with the cover, or the will which shall not be stitched, but kept loose.

Register of Sealed Covers

S.O.654. (a) The register prescribed in Registration Rule 80 (v) designated the "Register of sealed covers" shall be maintained in Form Regn. II-50 and three lines shall be left blank between two entries.

(b) When any defect in the seals of a cover or in the cover itself is discovered, a note of such defect shall be made in the register and in the report forwarded under Registration Rule 80(vi).

(c) The results of the checking of the sealed covers and wills with the entries in this register under Registration Rule 80(vi) shall be recorded in a certificate at the end of the register.

(d) The undermentioned instructions shall be observed in making entries in the register:—

(i) Column 1. — Whenever a cover is opened on the application of a party under section 45 or for production before a court under section 46, the date of opening shall be entered with the serial number and year given in Book 5 noted within brackets, e.g.-

20-9-27

27-9-27

(1/1924)

(5/1922)

(ii) Columns 2,3,4 (a) and 4 (b) ; - The serial number and year of the cover as given in Book 5 shall be noted within brackets, e.g. (7/1920), (3/1925).

(iii) Columns 6 and 7 :— The total number of covers sent to court and not received back shall be shown by a plus entry. Thus, if, out of 89 sealed covers, 8 are still in court, the figures in column 7 will be 81 plus 8.

(e) Wills transmitted under Registration Rules 77 and 80 (iv) shall, when forwarded by post, be sent registered.

Copies of Entries in Book 5

S.O. 655. Section 57 of the Indian Registration Act does not debar the grant of copies of entries in Book 5 Register of deposits of wills, if such grant is otherwise unobjectionable.

(G.O.Ms. No. 2129, Revenue, 25th August 1938).

Wills Received by Post

S.O.656. When a cover, which does not on the face of it purport to contain a will, is, on opening, found to contain a will, information shall be given to the testator or the sender that the will cannot be registered or secured under the Act, since it has been received by post and cannot, therefore, be considered to have been presented for registration or deposit within the meaning of the Act and he shall be requested to take delivery of the same in person or by a duly authorised agent.

S.O.657. Such wills as also those retained under rule 80 (ii) shall, immediately on receipt by post, be brought to account in the register of sealed covers referred to in rule 80 (v).

S.O.658. If, in the case referred to in Order 656, the party does not appear within a fortnight, the will with its cover shall in a Registrar's office be kept with the covers referred to in Registration Rule 80, the particulars mentioned in the last part of clause (ii) of that rule being entered on the cover. In a Sub-Registrar's office, the will cannot be retained and the Sub-Registrar shall forward the will with its cover to the Registrar with full particulars.

CHAPTER XV

ATTENDANCE AT PRIVATE RESIDENCES

General

S.O. 659. Except in very urgent cases or when persons, who are seriously ill, have to be examined, a registering officer may postpone an attendance to a holiday when such attendance involves a journey to a distant village. In that event a statement shall be obtained in the application to the effect that the applicant has no objection to the postponement of the attendance to the holiday, which should be specified. When compliance with a requisition for a private attendance cannot be made without interfering with the regular business of the office, a commission shall be issued, wherever practicable and unobjectionable. When in such a case the issue of a commission is impracticable or objectionable, the registering officer shall obtain in his deposition book a statement from the party concerned justifying the urgency, whether due to illness or otherwise, and a copy of this statement shall be attached to the report of private attendance submitted to the Registrar. In case of illness the application should be supported by a certificate from a medical practitioner that the patient is in a precarious condition. All cases of closure of office partially or wholly on a working day in consequence of a private attendance shall be reported forthwith by the Registrar to the Inspector General with a full statement of facts necessitating such a course.

S.O. 660. Persons of rank especially exempted by the Government under Registration Rule 45 (i) (b) are exempted from personal appearance in Registration Offices. These are the persons who are exempted by Law from personal appearance in Courts under the Code of Civil Procedure, 1908. The High Court of Andhra Pradesh clarified that there is no power in the State Government to exempt persons of rank from personal appearance in Courts and that Section 133 (1) of Civil Procedure Code as amended in 1956 enumerates the persons entitled to exemption from personal appearance in Courts. They are;

- i) The President of India.
- ii) The Vice-President of India.
- iii) The Speaker of the House of the People.
- iv) The Minister of the Union.
- v) The Judges of the Supreme Court.
- vi) The Governors of the State and the Administrators of the Union Territories.
- vii) The Chairmen of the State Legislative Councils.
- viii) The Speakers of the State Legislative Assembly;
- ix) The Ministers of States.
- x) The Judges of the High Courts and
- xi) The persons to whom Section 87B applies.

Applications

S.O.661. (a) On every application for attendance at a private residence the hour as well as the date of receipt shall be noted by the registering officer.

(b) Such application shall not be registered in the current register but shall be filed ultimately in the file of petitions. (Chapter XXXII)

S.O.662. (a) The applicant shall be informed in writing of the date and hour when the attendance will be made and the fact shall be noted on the application.

(b) When attendance is postponed beyond 48 hours, the course prescribed in Order 659 shall be followed.

S.O.663. (a) The hour of attendance and the number of the document in connexion with which the attendance was made shall be entered on the application.

(b) If the registering officer decides to issue a commission, the date of issue of the commission shall be entered on the application.

Fees

S.O.664. The fees for attendance shall be collected on the presentation of the application.

S.O.665. When in the course of attendance at a private residence the registering officer records under the provisions of Registration Rule 45 (iii) in respect of the same document, the admission of persons not entitled to the concession, an attendance fee shall be levied in respect of each such person.

S.O.666. For an attendance at the private residence both for the registration of a document under the Indian Registration Act and for the attestation of power-of-attorney as a Notary Public, two attendance fees are leviable.

S.O.667. For the services of a woman employed in the examination of gosha women, a fee of Rs. 1-50 shall be paid in the City of Hyderabad and Re. 1 in the mufassil this being met by the registering officer from his permanent advance.

(G.O.Ms. No. 2146- Judicial, 4th October 1875 and No. 1155, Judicial, 15th July 1911).

S.O.668. When an attendance is made at a private residence in respect of a party to a document who executes also an application for the transfer of revenue registry, other parties who wish to sign the application may be permitted to execute the same at the residence without the levy of a second attendance fee.

S.O.669. A registering officer who maintains a carriage of his own may claim such amount as he would be entitled to under article 11 of the Table of Fees if he travelled by a hired conveyance.

NOTE:- The use of a bicycle by a registering officer for attending at a private residence is prohibited.

S.O.670. In calculating the distance travelled to and from shall be taken into account and fractions of a kilometer below a half shall be excluded.

S.O.671. (a) The fee and travelling allowance collected shall be noted on the application for attendance and in the case mentioned in clause (5) of article 11 of the Table of Fees, a note shall be entered on the application that no travelling allowance was levied as the party himself provided the Sub-Registrar with a conveyance for the journey.

(b) There is no objection for the levy of bus fare for the attender accompanying the Sub-Registrar, even when the distance does not exceed eight kilometres each way; but the total of the travelling allowance levied for the Sub-Registrar and the attender excluding daily allowance should not exceed the amount calculated at the maximum rates under article 11 (3) of the Table of Fees.

(c) As it may not be always possible to anticipate the actual amount of expenses for levying travelling allowance, the following procedure should be followed:-

(i) The maximum amount of mileage prescribed in article 11(3) and the daily allowance for the Sub-Registrar and the attender (article 11 (4) of the Table of Fees) should be levied and credited in Account C in the first instance; and

(ii) the amount of actual expenses both for the Sub-Registrar and for the attender such as bus fare, etc., and the daily allowance shall, on completion of the attendance, be shown as a disbursement in Account C. A separate entry should be made in the account when the balance is returned to the party or to the person authorised by him to obtain the unspent money.

(d) In cases where the minimum travelling allowance is levied under article 11 (3) of the Table of Fees, the entire amount may be appropriated by the registering officer and the attender after attendance, their acquittances shall be entered on the application.

(f) No travelling allowance is liable under Art. 11(3) of the Table of Fees when a registering officer incurs no expenditure for journeys in connection with attendance at private residence.

S.O.672. Whenever a Joint Sub-Registrar attached to a Registrar's office has to attend at a private residence either during or out of office hours while the Registrar is in headquarters, he shall give previous and timely intimation thereof to the Registrar either formally or informally.

ATTENDANCE

S.O.673. A registering officer is not permitted to take an assistant with him when proceeding on a private attendance.

S.O.674. (a) Attendance at a private residence shall not made after sunset.

(b) The document in respect of which an attendance is made and all connected records, such as depositions and thumb impression slips, shall be secured and conveyed by the registering officer in his personal custody and under no circumstances shall they be entrusted an attended. On the completion of the attendance the document and the other records shall, except where owing to the lateness of the hour or other reasons

it is impracticable to follow this course, be secured in the registration office and not taken to the residence of the registering officer.

S.O.675. (a) It is impossible to detail cases falling within the meaning of special cause in section 31 of the Act. It is within the discretion of a registering officer to decide in what cases rank and position can be accepted as a 'special cause'. The decision must depend on the circumstances of each case, and more especially on the local custom and the rank and position of the family to which the person in respect of whom attendance is solicited belongs. The same reason which applies to the attendance of all, no matter of what rank in a court of law, does not necessarily hold in the case of registering documents. If the registering officer sees sufficient cause to comply with an application, he may do so, provided that the concession is not abused, that it does not interfere with the regular business of the office and that the special fees are duly paid.

(b) In the case of religious devotees held in high estimation by particular sections of the community and of women who, though not strictly gosha, are by the custom of the country debarred from appearing in public except under compulsion the provisions of section 31 shall be worked liberally. In other cases, the concession shall be allowed sparingly. Generally, in the case of persons who ordinarily attend at courts and cutcheries of their free choice, personal attendance shall be insisted upon.

S.O.676. When a gosha lady who wishes to avoid payment of the attendance fee appears before a registering officer in his office, arrangements shall be made under Registration Rule 57 to exclude the general public during the course of her examination, if this course be desired by her. If she is however unwilling to appear before the registering officer and wishes to be examined through a hammamnee, the fee prescribed for the service of the latter shall be levied.

Remission of Fees

S.O. 677. With reference to the note under article 8 of the Table of Fees, the power of remission shall be exercised freely in the case of persons who are prevented by custom from appearing in public and are in such circumstances that the payment of the full fee would be a hardship.

Commissions

S.O.678. (a) When a commission is issued under Registration Rule 46 It shall be accompanied by a set of interrogatories to the person to be examined. When the person has to be examined with reference to the execution of a document the interrogatories shall ordinarily be in the following form :—

1. What is your name?
2. What is your father's (husband's) name ?
3. Have you read through the document ?

or

Have you heard the document now read out ?

-
4. Do you admit execution ?
 5. Have you any objection to sign the endorsement ?
 6. Questions regarding consideration, etc.

(b) The signature of the person examined shall be obtained at the foot of the replies which shall also bear the authentication of the Commissioner, with date.

(c) The commission order with its accompaniment shall, when returned by the Commissioner, be filed in the file of powers-of-attorney and a serial number assigned to it.

(d) A commission issued to an officer in another district or sub-district shall, together with the interrogatories, if any, and the original document, be forwarded by registered post, the requisite postage charges for their transmission to, and retransmission by the Commissioner being levied from the presentant in advance [order 1239 (b)]. In no case shall the commission order and its accompaniment be entrusted to the presentant.

NOTE:- (1) Registering officers should note that the question of the issue of a commission arises only in cases where a valid presentation of a document has been made.

(2) There is no objection to a Sub-Registrar, while doing duty as a commissioner under section 38 of the Indian Registration Act accepting other documents under section 31 in his own capacity as Sub-Registrar from the person on whose behalf the attendance is made without levying a second attendance fee (proviso to article 8 of the Table of Fees).

Reports of Attendance

S.O. 679. The report required to be made by Sub-Registrars under Registration Rule 43 shall be in the form prescribed.

S.O.680. When the report relates to an attendance by an assistant under a commission issued by a Sub-Registrar it shall be signed by the assistant and countersigned by the Sub-Registrar.

S.O.681. (a) An assistant having the custody of keys under Order 1388 shall not comply with applications for private attendance except in really urgent cases. A case of illness of the person on whose behalf attendance is applied for shall not be treated as really urgent, unless it is supported by a medical certificate testifying to the precarious condition of the person concerned. When the assistant in charge decides to comply with the application, he may for the purpose, open the bag entrusted to him and after compliance, reseal it according to the instruction in Order 1390. The report of attendance under rule 43 shall in such cases be accompanied by a copy of the application and of the medical certificate.

(b) The Registrar, on receipt of the report, shall if the assistant had performed at the private residence any of the functions of the Sub-Registrar, declare him to have acted as such and include his name in the return of acting appointments.

(c) Cases of abuse by assistants of the powers vested in them under clause (a) shall be reported by Registrars to the Inspector-General.

CHAPTER XVI

ENDORSEMENTS AND CERTIFICATES

ENDORSEMENTS

S.O.682. Every endorsement on a document shall be dated and signed by the registering officer as soon as it is made; but when more than one endorsement is made on a document at the same time, it will suffice if he affixes his signature and date once for all at the foot of all the endorsements.

S.O.683. (a) The endorsements prescribed by Registration Rule 89 shall be made by the registering officer as soon as he has made the endorsement of presentation. These endorsements need not be dated.

(b) The endorsement prescribed by Rule 96 (i) shall be made on the duplicate or triplicate of a document at the time when the original and its duplicate or triplicate are presented for registration and shall be closed with the signature of the registering officer with date. The note prescribed by Rule 96 (i) shall be entered below the registration certificate if there is space and it should be signed by the registering officer.

S.O.684. The endorsements on the documents shall be in "Telugu"* notwithstanding the language of the document.

S.O.685. (a) In the offices, rubber stamps are supplied :—

(i) for making the endorsements and certificates prescribed by sections 52, 58 and 60 of the Act (Registration Rule 89).

(b) The instructions in Registration Rule 85(iv) regarding the custody and handling of endorsement stamps apply also to the sheet stamp.

S.O. 686. When a commission is issued for the examination of an executant (Order 605), the form of endorsement shall be as indicated in Order 605 (c).

Signatures and Additions of Parties and Witnesses

S.O.687. (a) A person who is able to write shall be required to sign an endorsement irrespective of any marks he may affix.

(b) A person who at the time of the execution of a document was able to sign his name but who, owing to any special cause, is no longer able to do so, or a person, who at the time of the execution of a document was not able to sign his name but has since become able to do so, may be allowed to affix his mark or signature as the case may be, but a deposition explaining the reason for the change shall be taken and a reference to the same noted in the endorsement on the document.

Identification

S.O.688. When a document is presented for registration by a person other than an executant, the identification of the presentant shall be endorsed as directed hereunder:—

(a) Where the presentant is identified by the executant, the registering officer shall add a note after the presentant's signature in the presentation endorsement thus "Identified by the (first, second, etc) executant".

(b) Where the presentant is identified by a person other than an executant, the signature and addition of the identifying witness shall be obtained below the presentation endorsement; but when the same witness identifies the executant also, the signature and addition of the identifying witnesses shall be obtained below the endorsement of admission of execution, the expression "the presentant and the executant have been" being prefixed to the endorsement "Identified by".

(c) These endorsements shall be made whether or not the endorsements of presentation and admission or execution are made at one and the same time.

S.O.689. Whenever the registering officer exercises the discretion vested in him under section 35 (2) of the Registration Act and records a deposition from any one present before him, the signature and addition of every person so examined shall invariably be obtained as enjoined by section 58 (1) (b) to the endorsement on every document admitted to registration, under the entry "Witness examined". If such person happens to be an identifying witness also, his signature with addition shall be obtained both under the entry, "Identified by" and under "Witness examined".

S.O.690. Where a hammannee employed for the examination of a gosha lady knows the person examined and identifies her, the signature of the hammannee shall be obtained twice in the endorsement, viz., under "Identified by" as well as under "Witness examined". Where the hammannee does not know the person examined, her signature shall be taken only under "Witness examined".

S.O.691. Section 88 (3) of the Act lays down that in the case of an instrument executed by an officer of Government or any of the public functionaries mentioned in clause (1) of that section, the registering officer may, if he thinks fit, refer to such officer or functionary or to any Secretary to Government for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument. In such cases, the registering officer shall after satisfying himself of the execution of the instrument, make an endorsement in the following form instead of the endorsement "Execution admitted by"—

"I have satisfied myself as to the execution of the instrument by who is exempted from personal appearance under section 88 (1) of the Registration Act".

This endorsement shall be added whatever procedure may be adopted by the registering officer under Order 578 to satisfy himself of the execution of the instrument.

NOTE:- (1) The above instructions apply mutatis mutandis to documents executed by persons exempted from personal appearance under other enactments.

(2) The endorsement shall be in English whatever be the language of the document.

Payment of Consideration

S.O. 692. In cases where the consideration money is stated in a document to be payable before the registering officer and is not so paid, a brief note of the explanation furnished by the parties for such non-payment shall be endorsed by the registering officer on the document itself, and the signatures of the parties obtained where possible to the note so made.

S.O.693. Where the amount of consideration mentioned in a document is paid before a registering officer, he should verify the amount actually paid before him by one party to another so that he might be able to depose to the truth of his endorsement on the document before courts of law if necessary.

S.O 694. When there are numerous executants to a document, it will suffice if the signature of the chief of them who has been permitted to actually receive the money from the payer is obtained to the endorsement of payment of consideration.

S.O. 695. Where a gosha lady receives or makes payment of consideration money or receives or delivers goods through a hammamnee in the presence of the registering officer, the endorsement of payment or of delivery prescribed in Appendix V to the Registration Rules shall mention the fact that the consideration money was paid or the goods were delivered through the hammamnee.

Endorsements of Refusal and Return

S.O.696. (a) The endorsement "registration refused" prescribed by section 71 of the Act, shall bear the number assigned to the order of refusal under order 733 (b) and shall be made only after all the executants who are expected to appear before the registering officer, either voluntarily or compulsorily, have appeared and been examined, unless their non-appearance is treated as constructive denial of execution.

(b) A document accepted for registration but not registered at the request of the party presenting it [Order 735 (ii)] shall be endorsed "not registered at the request of the party".

When such non-registration is with reference to some of the executants only, the instructions in Registration Rule 97 (i) shall apply, mutatis mutandis.

Certificates on Documents Filed under Rule 115

S.O.697. In the case of a document a copy of which is filed under Rule 115 the registration certificate shall include all the pages covered in the file book even though any of the pages whether occurring at the end or otherwise is left wholly blank.

CHAPTER XVII

TRANSFER OF REVENUE AND MUNICIPAL REGISTRY

S.O. 698. In every case of absolute transfer of landed property by a deed of conveyance, or by any other kind of instrument, registered in a registration office, it is the duty of the registering officer to obtain from the party presenting the instrument an application in one of the forms Registration II-33 and 34 for the transfer of the revenue registry of the land conveyed or transferred by the document. If both the transferor and the transferee appear before the registering officer, he shall endeavour to obtain the signatures of both to the application. He may also receive from a party to such a document who does not appear before him an application in writing for such transfer. If neither the transferor nor the transferee is willing to execute the application, the registering officer shall himself prepare a notice of the transfer in one of forms C.F. 217 to 220 filling in the columns therein for which information is available with him.

S.O.699. The applications and notices shall cover all changes of ownership or occupation of immovable property within the city, except (i) mortgages without possession, (ii) leases for a period of less than twelve months and (iii) leases for a period of more than twelve months, where the owner continues to be in joint occupation with the lessee.

S.O.700. All applications presented to registering officers and notices prepared by them shall be transmitted to the Mandaladhikari of the Mandal in which the property is situate, who will take action on them as if they had been received by revenue officials direct.

(G.O.No. 3150, Revenue, 3rd November 1914).

S.O.701. If a document in respect of which an application or a notice has been transmitted to the Revenue department is cancelled by a court under section 39 of the Specific Relief Act, 1877, or if such a document is cancelled by a subsequently registered document, intimation of the fact shall be given to the Revenue department. The intimation shall be conveyed in one of forms C.F. 217 to 220 and shall set out the names of the parties and the particulars of the land affected by such cancellation with a superscription to the effect that the registered document relating to the transaction has been cancelled by the court or by such and such a document. In the case of Hyderabad City the particulars should be furnished in Form Registration-II-36.

NOTE:- The instructions in this order apply also to cases falling under Orders 706 and 708, the intimation of such cancellation being conveyed to the holder without levying any fee in cases falling under order 706.

Applications

S.O.702. (a) Applications for transfer of registry in the revenue accounts in respect of ryotwari holdings should be stamped under the Court Fees Act, the fee being Re.1/-. Registering Officers shall inform parties who present applications to them that the applications will not be considered by the Revenue officers if they do not bear the requisite stamp.

(b) These stamps shall be cancelled or defaced by the registering officer on presentation of the application.

(G.O.No. 3150, Revenue, 3rd November 1914).

NOTE:- (1) Lands held from Government under patta and subject to a change of assessment fall under the former class and all other lands under the latter.

(2) A notice showing this distinction and the stamp fee payable shall be exhibited in every registration office.

(G.O.No. 1332, Revenue, 1st December 1885),

S.O.703. The application in the prescribed form shall be filled in by the party himself and executed in duplicate.

S.O.704. The particulars of survey numbers, extent of land and so on contained in an application shall be verified by the registering officer with the patta for the land, if produced, and the numbers mentioned in the documents concerned; but the production of the patta shall not be insisted upon.

S.O.705. The application may be executed before a commissioner deputed to examine a party in connexion with the registration of a document.

S.O.706. (a) Notices of transfer of holdings under the provisions of the Madras Estates Land Act, 1908 (as amended by Act VIII of 1934), shall be accepted by the registering officer on payment of a fee of Rs. 0-50 paise for each notice and transmitted either by registered post or by local delivery, as the case may be, to the respective land holder on the dates on which patta transfer applications are forwarded to the Revenue department [Order 701 (a)].

(b) The notices shall be detained in duplicate as in the case of Government land (Order 703).

(c) The notices shall be assigned numbers in a separate series with the letter 'Z' prefixed to the number.

(d) When the document affects different holdings though in the same village separate notices shall be obtained for each holding and separate fees levied therefor.

S.O. 707. A relinquishment of land executed by a minor cannot be accepted. Such a relinquishment must be executed by the guardian on behalf of the minor.

S.O.708. (a) Every registering officer shall furnish the executive authority of each municipality, and the president of each panchayat board levying house-tax in his jurisdiction, with particulars of all the transfers registered in his office, of titles to or over landed and house properties in the case of a municipality, and to and over house properties in the case of a panchayat.

(b) The particulars to be furnished to municipal councils and panchayat boards should be in the shape of notices, in respect of transfers registered, purporting to be addressed by the transferor and transferee to the executive authority or the president, under section 93 of Andhra Pradesh Municipalities Act, 1965 or section 101-A of the Andhra Pradesh District Boards Act, 1920, as the case may be.

(c) The notices shall be in Form Registration-II-130 to 134.

(d) To cover the cost of postage and clerical work, every panchayat levying house-tax with an annual income exceeding Rs. 200 has to pay to Government an annual fee of Rs. 5 and every municipal council a fee according to the subjoined scale :—

Population as per last census	Annual fee Payable.	
	Rs	P.
I. 30,000 and less	-	22-50
II. Over 30,000 and less than 100,000	-	45-00
III. 100,000 and over	-	135-00

(e) The fees paid by local bodies should be credited to the head "030 C. Registration - Miscellaneous - Other receipts".

(f) The notices should be numbered in a separate series for each calendar year with the letter M prefixed, and accounted for in column 8 of Account A against the entries of the concerned documents. All such notices duly filled in should be forwarded to the Executive Authority or the President of the Local Body concerned with an invoice in Form Registration II-37 after the registration is completed, the fact of despatch being noted below the entry of the concerned document in Account A, and the acknowledgement obtained for each being pasted on to the counterfoil,

(g) The prescribed annual fee due from the municipalities and panchayats should be collected by the registering officers having jurisdiction over them, before the 15th January of each year and brought to account in Account B, a report of the fact being made to the Registrar on the 15th January of each year.

(G. Os. No. 4252. L. A., 1st November 1939, and Press No. 631, L.A., 21st March 1944).

S.O. 709. At the end of each account month all the patta transfers of house properties should be sent by Registering Officers to the concerned Revenue or Local Authorities after noting the fact of despatch below the entry of the last document in Account "A" and the acknowledgements obtained from the Revenue or Local authorities as the case may be being pasted on the counterfoil.

Notices

S.O.710. (a) The notices in Forms C.F. 217 to 220 shall be prepared by the registering officer in the language of the sub-district in duplicate as soon as the document concerned has been accepted for registration. Such notice should, however, be prepared in English in Form Registration II-36 in the case of immovable property in the City of Hyderabad.

NOTE:-The actual preparation of notices may be entrusted to assistants but it is a matter for each registering officer to arrange according to the state of work in his office. The responsibility rests with the Sub-Registrar.

(b) In respect of cases falling under Order 708 if registering officers have themselves to prepare the notice by reason of the parties not presenting them, the forms mentioned in clause (c) of Order 708 shall be used,

General

S.O.711. (a) Where lands are situated in different villages a separate application shall be obtained or a separate notice prepared, as the case may be, for the lands in each village.

(b) The instructions contained in orders 698, 706 and 708 shall be followed mutatis mutandis in respect of documents, pertaining to rectification of any detail furnished in the applications for transfer of Revenue registry notices and M-notices respectively, already obtained and transmitted to the concerned authority.

S.O.712. (a) Applications presented by parties (Order 703) shall be numbered in one series and notices (Order 710) in another series, each commencing and terminating with the calendar year.

(b) In cases falling under Order 708 however, two separate series are not necessary, only a single set of numbers being assigned whether the notices are presented by the parties or are prepared by the registering officer himself.

S.O.713. (a) Applications, notices, etc, shall be sent to the officers or persons concerned on such dates and in such manner as are prescribed in separate proceedings of the Inspector-General.

(b) When an application is executed by an agent of the claimant producing a power or vakalatnama authorising him solely in that behalf the power or vakalatnama shall also be forwarded to the Tahsildar or Deputy Tahsildar.

(c) In Account A, a note regarding the despatch of all the applications, notices, etc, shall be entered on the day on which they are despatched, the entry being initialed and dated by the Sub-Registrar.

(d) An office copy of either an application or a notice shall not be maintained.

(e) If notices sent to landholders (Order 706) are returned undelivered by the post office, intimation thereof shall be given to the parties concerned and they shall be preserved in the correspondence bundle, of the year, a suitable note being entered in Account A against the entry relating to the despatch of that notice.

CHAPTER XVIII

<h3>RECEIPTS FOR DOCUMENTS AND FOR FEES, AND RETURN OF DOCUMENTS</h3>

General

S.O.714. (a) Receipts for documents and fees shall be prepared by the registering officer himself in Forms Registration-II-38, 39, 40 and 41, the latter being used for receipts ledgered in Accounts B and D and the former for all other receipts. The fee levied for transmission of notices of transfer and the postage collected from the parties for notices issued to village munsifs in connection with the registration of documents [Order 1239 (b)] ledgered in Account B, may however be included as a separate item in Forms Registration II-39 and 39 issued for the document. The receipt shall be issued to the party concerned as soon as a document is accepted for registration or a fee is paid. On days when registrations are exceptionally heavy there is no objection to the preparation of the receipt being delegated to the senior most assistant, but the entries shall be verified by the registering officer himself before he signs the receipt.

(b) The total amount of the fees levied shall in all cases be noted in figures as well as in words.

(c) Receipts shall be drawn up without corrections or alterations. Unavoidable corrections, if any, made shall be attested with the initials of the Registering Officer. Entries shall be made in such a way that the counter-foils shall be readable.

S.O.715. (a) Receipts for documents shall be granted in the serial order of the number assigned to the documents.

(b) When a number is assigned to a pending document in respect of which a receipt has already been granted, the serial number shall be noted in that receipt, and in order to explain the gap in the serial numbers a note referring to the receipt already granted shall be entered at the top of the counterfoil of the next receipt issued thus:-

“For No. see counterfoil No. of this Volume/Volume No.”

S.O.716. The address of a person nominated to receive a document shall if necessary, be recorded on the counterfoil in order that in the event of his failing to appear he may be communicated with.

Delivery of Receipts and Documents

S.O.717. (a) Receipts and documents shall be delivered to the parties by the registering officer himself.

(b) (i) If the presentant of a document is alive, the document shall not be returned to the claimant without the presentant's consent.

(ii) If the presentant is dead, a document shall not be returned to the claimant without the consent of the legal representative of the presentant.

(iii) If the presentant has nominated another person to take back his document after registration and such nominee is dead and the nominee's representative claims the document, the document shall not be returned to him without the presentant's consent.

S.O.718. (a) If the presentant of a document is dead and has not nominated any person to take delivery of it, any person claiming delivery of such document should be required to prove his title by the production of an order from a competent court, entitling him to the delivery of the document. Notices should be published in the District Gazette and also pasted both on the office notice board and in the chavadi of the village where the deceased presentant lived to the effect that the presentant of the document is reported to be dead, and that any person claiming delivery of the same should produce an order from a competent court entitling him to obtain delivery of the document.

(b) The procedure detailed in clause (a) shall be restricted to cases of doubtful and conflicting claims for the possession of the documents. In other cases the question as to who the legal representative is, shall be decided by the registering officer himself and the instructions in Order 717 followed.

S.O.719. (a) The return of a document is a duty laid upon the Sub-Registrar by law under section 61 (2) of the Indian Registration Act and is a proceeding under the Act.

(b) The following is the legal opinion on the subject :—

“Law Officer's Opinion

The learned Sessions Judge acquitted the accused on the ground that at the time when the alleged false statement was made, there was no proceeding or enquiry before the Sub-Registrar so as to make it punishable under section 82 of the Act.

The ground for acquittal that the false statement was not made in a proceeding or enquiry under the Act is not correct. The return of a document is a duty laid upon the Sub-Registrar by law under section 61 (2) of the Act, and as such, it cannot be said that there was no enquiry or proceeding at the time before the Sub-Registrar. This point was expressly decided in a case reported in 23 Weekly Reporter (Criminal) 55".

(Government Endorsement No. 1784-B-1 (General), 19th March 1935).

Return of Documents by Post

S.O.720. (a) In Account 'B' all documents required to be returned by post under Registration Rule 111 shall be exhibited.

NOTE :- A document and its duplicates presented at the same time should be treated as a single document for the purpose of Registration Rule 111 if they are returnable to one and the same person and as separate documents if returnable to different persons.

(b) Attested powers-of-attorney, certified copies and encumbrance certificates required to be sent by post for which postage is levied, shall also be entered in this register.

(c) The register shall be treated as a subsidiary despatch register and in a sub-office shall be maintained by the registering officer himself. Covers containing documents shall not be entered in the ordinary despatch register nor shall covers be passed on to the despatching clerk.

(d) The cash collected from parties as charges for the return of documents, powers-of-attorney, certified copies, etc., by registered post shall be ledgered in this register and shall not be entered in Accounts A, B or D.

(e) Before the stock of service labels is renewed the entries in column 6 of the register shall be totalled and the total transferred to the ordinary despatch register before the balance is struck there.

(f) The serial numbers shall begin and terminate with the calendar year and each document required to be returned by post shall be given a separate serial number irrespective of the fact that a number of documents are returned in a single cover.

(g) When the acknowledgement for the receipt of a document returned by post is not received within a reasonable time and a reference is made either to the postal authorities or to the addressee of the cover, an entry to that effect shall be made in column 8 of the register.

S.O.721. It is not necessary that the application for the return of a document by post should be made at the time the document is presented for registration. Applications made subsequent to the time of registration may be complied with provided that the requirements of Registration Rule 111 are observed.

S.O.722. (a) The covers in which documents are returned by post shall be sealed with the seal of the registering officer who shall ensure that they are duly posted and that the postal receipt is obtained without delay. The entry of value of the postage in the postal receipt shall be verified with the entry in the Account B, and any discrepancy in the entry shall be rectified by a reference to the postal authorities. The number of the postal receipt shall be entered on the back of the counterfoil of the document receipt.

(b) In order to minimize chances of loss in transmission of the postal acknowledgments for registered covers containing documents returned by post the

course recommended in the note to clause 109 of the Post Office Guide extracted below shall be followed :-

“The sender may himself fill up the form of acknowledgement to be signed by the addressee and is recommended to do so. Copies of the prescribed form of acknowledgment may be obtained free of charge at the post office.”

(c) The explanation under cause 337 (c) of the Post Office Guide extracted below shall be borne in mind and registering officers shall ensure that abbreviated forms of designations are not used in the addresses entered on the forms of acknowledgment :—

“Postmasters may recognize abbreviated designations provided they are generally known; but no official can claim the recognition of an abbreviation the rule being that the designation shall be entered in full”.

S.O.723. Documents presented by several persons shall not be sent in one and the same cover even though they are to be sent to the same person.

S.O.724. In order to facilitate the identification in the register of documents returned by post, of entries regarding documents with the postal acknowledgments for the same, registering officers shall when filling the form of acknowledgment referred to in Order 722 (c), enter in red ink at top of the form the document number and the book in the form of a fraction thus :

“872/1”, “34/4”

S.O.725. (a) When a cover containing a document returned by post is received back from the post office undelivered the cover shall be opened by the registering officer and, after verification of the contents, a notice shall forthwith be issued to the signatory of the endorsement on the counterfoil of the receipt authorizing the return of the document by post, requiring him to appear at the registration office with the receipt for the purpose of cancelling the endorsement and taking back the document himself. The notice shall contain an intimation that if the document is not claimed within fifteen days from the date of receipt of the notice, safe custody fee will be charged. There is however no objection to the document being delivered to the addressee in person, if he so desires it, and if the presentant had not in the mean time cancelled the endorsement.

(b) Where the signatory of the endorsement of authorization in the counterfoil is a nominee of the presentant the notice required by clause (a) shall be sent to the

presentant as well. If, in such a case, the presentant responds to the notice and claims delivery of the document he shall, subject to provision of Registration Rule 107, be required to revoke the nomination made under Registration Rule 102 before the document is delivered to him.

(c) On the date of receipt of the cover in the registration office—

(i) a note of its non-delivery to the addressee shall be made in the register thus:

(ii) “Returned by post office undelivered on

(ii) the document shall be included in column 7 of Account ‘G’ with a note in the “remarks” column in the following form: “Returned undelivered by post office.”

(iii) the date of return entered in Account A (Chapter XXXI) when the document was first posted shall be cancelled with a note explaining the circumstances.

(d) The document shall thereafter be treated for all purposes as an unclaimed document until its return to the presentant or his nominee, and shall be entered in the register of unclaimed documents (Chapter XXVIII) in due course.

(e) If the document is not claimed within thirty days from the probable date of receipt of the notice, a safe custody fee shall be charged for every thirty days or part thereof after the expiry of that period.

(f) When the document is delivered to the presentant or his nominee a note in the following form shall be entered in the register below the note entered under clause (c) : “Delivered to presentant (or Presentant’s nominee) on

“In Accounts ‘A’ and ‘G’, and in the register of unclaimed documents the fact of return shall be¹ entered in the usual manner.

S.O.726. The system of returning documents by post shall be encouraged. The Sub-Registrars shall indent and keep with them sufficient stock of service postage stamps in order to send the documents to the parties concerned by registered post acknowledgment due.

CHAPTER XIX

REFUSAL TO REGISTER

S.O.727. Registration cannot be refused merely on account of the objection of a person who is not a party to the document that his interests will thereby be affected prejudicially. A party who objects to registration on that ground should be informed in writing that he should seek redress in a court of law.

S.O.728. When an executing party is too ill to know what he is about, registration shall not be refused, but shall be suspended until he recovers. If the executant dies, the document shall be dealt with after examining the representative. If, however, the maximum time prescribed by law expires before the recovery of the executant, registration may be refused.

S.O.729. (a) Where an executant of a document does not appear to admit execution notwithstanding issue of process against him, the registering officer shall decide for himself whether registration should be refused on the ground of willful non-appearance tantamount to denial of execution [Registration Rule 161 (XI)], and in coming to a decision on this point he may admit the testimony of the claimant or of his representative or agent that the executant is willfully keeping out of the way.

(b) Where the executant of a document does not appear in spite of personal service of summons on him, his failure to appear should be treated as tantamount to denial of execution. In such a case the registration of the document should be refused immediately, without waiting for the appearance of the claimant, or for the lapse of the statutory period of eight months.

S.O.730 (a) A document is a nullity where the executant of it signed only on the first page but did not sign on the other pages, having discovered that it was not in accordance with the terms previously agreed upon.

(I.L.R, 30 Calc. 433)

(b) Where a letter purported to transfer immovable property and was presented as a non-testamentary document for registration which was refused on the ground that it contained no description of the property "sufficient to identify the same," held that the refusal was under the circumstances proper.

The provisions of section 21 of the Registration Act, are positive and imperative, and not merely directory. The object of registering a document is to give notice to the world that such a document has been executed and is in force. Persons who may seek

to acquire any property covered by such an instrument are entitled to have the instrument so clearly worded that they can, while searching the registers, come upon the deed quickly and have no doubt as to its contents. The object of the statute would be to a great extent nullified and innocent persons exposed to great hardship and loss if they could be treated as purely directory.

(I.L.R., 31 All., 523).

S.O.731 (a) Two volumes of Book 2 shall be maintained in the Registrar's office-one by the Registrar and the other by the Joint Sub Registrar. The volume maintained by the Registrar may be taken by him to the camp at which an appeal, application or original enquiry is posted for enquiry.

(b) The numbering of entries in both the books should be in the same series. Accordingly, when the Joint Sub-Registrar in a Registrar's office decides to pass an order of refusal when the Registrar's Book 2 has been taken to camp by the Registrar, he should assign a number to the refusal order and copy it in Book 2 only after obtaining information from the Registrar as to the numbers, if any that have been in the meanwhile assigned to the entries in the Registrar's volume of Book 2. A similar course should be adopted by the Registrar with regard to his orders of refusal.

(c) When a copy of an entry in the Registrar's Book 2 in camp is to be granted to any applicant, the copy shall after its preparation by the Registrar's camp assistant and authentication by the Registrar, be sent to the Registrar's office for being sealed under rule 10 (ii) (f).

(d) If any application is received at the headquarters under section 57(1) for the inspection of an entry or entries in the Registrar's volume of Book 2 when the volume is in camp, the applicant shall be instructed in cases of urgency, to proceed to the Registrar's camp and make the requisite inspection.

S.O.732. (a) A Sub-Registrar who is joint with a Registrar but whose office has not been amalgamated with that of the Registrar shall, like other Sub-Registrars, pass formal orders of refusal in all cases falling under section 71 and these orders will, in the usual course be subject to revision by the Registrar under sections 72 and 73.

(b) The refusal order of the Joint Sub-Registrar whose office has been amalgamated with that of a Registrar and in the event of its confirmation by the Registrar, the refusal order of the latter shall be entered in Book 2 of the Joint Sub-Registrar or the Registrar, as the case may be.

(c) In the case of an office which has been amalgamated, a Sub-Registrar other than the senior Joint Sub-Registrar shall not pass an order of refusal on any ground what so ever, but shall transmit the document to the senior Joint Sub-Registrar for disposal.

S.O.733. (a) The order of refusal to register recorded in Book 2, shall be in English and shall, except in the case referred to in Order 747, be in the handwriting of the registering officer and shall, after setting out the facts of the case, state the reason for the refusal fully and clearly, e.g., “The document is refused registration with reference to the provisions of section 20 (1) of the Indian Registration Act, 1908, seeing that it contains unattested interlineations and blanks”.

(b) The orders shall be assigned serial numbers as laid down in section 53 of the Act.

(c) The number of the document in the pending series should be entered in the form of a heading, above the reasons for refusal thus:— “Document No.P-5 of 1951”.

(d) The name and addition of every person from whom a deposition has been recorded by a registering officer in reference to a document which is refused registration, whether he be the claimant, executant or other person, shall be entered in column 4 of Book 2.

(e) When an executant who denies execution is personally known to the registering officer, the words “personally known to the registering officer” shall be added in brackets against his name in column 3.

(f) In the case of a document refused registration in toto, the following particulars shall be noted in column 5 :—

(i) the nature and value of the document,

(ii) names of the villages and of the sub-district,

(iii) a brief reference to the property mentioning whether it consists of land and, if so, whether wet, dry or garden, a house, or a house-site or one or more of these and the total extent affected and a description of the nature of the transaction,

(iv) names of all the claimants, the writer and the attesting witnesses,

(v) whether the executant is a signatory or a marksman.

(g) (i) The instructions in Order 870 (e) as regards the initialing by the registering officer of pages and the attestation of erasures, interlineations, etc., shall be observed

in the case of entries in Book 2 also.

(ii) The entry in column 5 shall be closed with the initials of the registering officer.

S.O.734. The number assigned to an order of refusal under Order 733(b) shall be entered on the document above the endorsement of refusal to register prescribed by section 71 of the Registration Act.

S.O.735. (1) In making entries in Book 2 in the case of appeals in Registrars' offices –

(a) in the column "Date and hour of presentation" the date and hour of presentation of the document in the sub-registry office shall be entered and not the date and hour of presentation of appeal;

(b) columns 2 to 5 shall be left blank;

(c) the number and year of the appeal with the names of the parties shall be entered at the head of the order of refusal in the column "Reasons for refusal" and the names of the witnesses examined, if any, shall be entered below the order of refusal in the same column.

(2) A document accepted for registration but returned unregistered at the request of the presentant [Order 233(b) (iii)], shall not be entered in Book 2.

S.O.736. Intimation in writing of refusal to register a document under section 71 or section 76, or of direction to register a document under section 72 or section 75, shall be given to the parties concerned as well as to their vakils or agents or representatives on the very day the order of refusal or the direction to register is passed,

S.O.737. Copies of refusal orders shall be granted without delay and with a note showing the time within which an appeal may be lodged and the authority to which the appeal lies.

S.O.738. (a) When a document is partially registered and partially refused registration, a reference to the partial registration shall be entered as a further note under the order of partial refusal as follows :-

"Registered as No. of 19 , Book , Volume page , as regards..."

(b) The notes prescribed in clause (a) shall be attested by the Sub-Registrar's initials with date.

CHAPTER XX

APPEALS, APPLICATIONS AND INQUIRIES

S.O. 739. Under section 483 of the Code of Criminal Procedure the State Government have directed that every Registrar shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code.

(G.O.No. 229. Judicial, 10th February 1890).

S.O.740. (a) A register shall be maintained in every Registrar's office (Form Registration II-50), in which shall be entered particulars regarding appeals filed under section 72, applications under section 73 and inquiries under section 74 of the Act.

(b) As soon as an appeal is admitted or an application is received or an inquiry under section 74 is decided upon, it shall be entered in this register. Appeals and applications under section 72 and 73 shall be numbered in one series and original inquiries in another, commencing and terminating in each case with the calendar year.

(c) All time-barred appeals and applications which are rejected by the Registrar shall also be ledgered in this register.

(d) When on appeal a Registrar declines to direct the registration of a document, particulars as to the book, volume and page in which the refusal has been copied as also the number of the refusal order shall be entered in column (16) of the Register of Appeals maintained under clause (a) after the substance of the decision itself.

(e) After the particulars in all the columns have been filled in they shall be attested by the Registrar with date.

(f) The Register of appeals shall be checked once in every month and the Registrar shall record the fact of such checking in the Register with dated signature.

(g) Outstanding entries of previous years shall be brought forward in this register at the beginning of each Calendar Year.

S.O.741 (a) An appeal or application may be admitted by the Registrar in camp.

(b) The application fee under Article 16 of the Table of Fee levied in camp by the Registrar shall be ledgered in Account B of the Sub-Registry office, where the Registrar is camping and the receipt therefor granted to the party from the fee receipt book of the same Sub-Registry office. All the particulars in the Sub-Registrar's Account B, except the fee entry, shall be entered by the Registrar in red ink and the fee entry in black ink. An extract of the entry shall be taken by the Registrar and sent to Registrar's office, where the particulars shall be entered in Account B in black ink and the fee entry in red ink.

(c) The extract of the entry received in the Registrar's office from the Registrar's camp shall be kept with and be preserved for the same period as the copy of Account B of the Sub-Registry office concerned.

S.O.742. A case diary (Form Registration II-87) shall be maintained for each appeal, application or inquiry in a Registrar's office and prefixed to the records of the case, entries being made therein at each stage of the proceedings.

S.O.743. Depositions shall be in English, shall be taken down by the Registrar in his own hand on loose sheets and shall be kept with the records of the case.

S.O.744. Appeals shall not, as a matter of course, be posted to be heard in camp but they shall be heard, as far as possible, at the headquarters only, unless the parties to the case belong to the sub-district to be inspected and express in writing that it may be heard while the Registrar is in camp in their sub-district.

S.O.745. (a) The final order of a Registrar, whether recorded in Book 2 or separately with reference to Registration Rule 175 shall be drawn up in the in the prescribed form. The Registrar shall, after making an order under section 75 draw up separately a decree in Form No. 1 Appendix D to Civil Procedure Code, bearing the date of the order, clearly specifying therein, the amount of costs of the inquiry and how they have to be borne. If the cost is not made payable to the successful party, the reasons therefor shall also be stated. Where owing to delay in getting full information regarding costs the decree is subsequently drawn up, it should be dated with the date on which it is actually signed.

(b) Every decree should be drawn up within nine days from the date on which the judgment is pronounced.

(c) (i) The provisions of sections 9 (1) and 10(1) of the General Clauses Act apply to the calculation of—

(1) the period of nine days allowed for the drawing up of decrees, and

(2) the period of seven days for filing the statement of costs and pleaders certificate of receipt of fees mentioned in rules 95 and 96 of the Civil Rules of Practice.

(ii) The scale of pleader's fee to be adopted will be left to the discretion of the Registrar subject to a minimum of Rs.5 and a maximum of Rs. 100.

(iii) The production of the pleader's certificate of receipt of fees prescribed by rule 95 of the Civil Rules of Practice should be insisted on. If the certificate is not filed within the prescribed period, the decree should be drawn up without pleader's fee (Rule 95 of the Civil Rules of Practice).

(iv) The period of nine days allowed for drawing up the decree may be extended in cases where extension of time is allowed for the filing of the pleader's certificate of receipt of fees (rule 95) and the statement of costs under rule 96 of the Civil Rules of Practice.

S.O.746. In every registration office a file designated File of Appeal Orders and Judgements shall be maintained and in it shall be preserved.....

(i) the final order of the Registrar in appeals, applications and inquiries when registration is ordered (Registration Rule 175);

(ii) the drafts of the orders of refusal referred to in Order 747:

(iii) copies of Registrar's final orders communicated to Sub-Registrars under Registration Rule 174;

(iv) copies of orders or decrees of courts filed by parties directing the registration of documents, and copies of orders and decrees received from courts cancelling the registration of documents or declaring documents to be benami transactions;

(v) copies of judgments of criminal courts, whether they are copies received from courts or are copies thereof prepared departmentally (Order 1043);

(vi) the orders of the Registrars passed on applications under sections 25 and 34 regarding delay in presentation and appearance;

(vii) statements containing particulars for the indexing of documents in the case of joint offices (Order 895): and

(viii) memoranda mentioned in Order 899.

S.O.747. When a Registrar refuses to direct the registration of a document under section 72 or section 75, the order passed by him may be copied in Book 2 by an assistant the copy so made being created as the original and signed by the Registrar himself without addition of the words "True copy". The Registrar's draft from which the copy is made shall be filed in the File of Appeal Orders and Judgments.

S.O.748. In cases where an appeal or an application is withdrawn by the party or an original enquiry is stopped at his instance, an order should be briefly recorded stating the circumstances in which the document was returned to the party, but no entry need be made in Book 2. Copies of such orders need not also be forwarded to the Sub-Registrar.

S.O.749. When a Registrar directs registration of a document under section 75 of the Registration Act, he shall specify in his order that the provisions of sections 19, 20, 21, 23 and 32 have been complied with.

S.O.750. Registrars shall ensure that the requirements of Order 736 have been complied with, in cases falling under that order.

S.O.751. The records connected with each appeal, application or inquiry shall be filed together chronologically in two parts, the whole being preceded by a list (Form Registration II-51) and the case diary (Form Registration II-87) the papers in each part being numbered in a separate series.

Part-I shall contain the appeal petition, the suit document, a copy of the refusal order, protest petitions, depositions, exhibits filed, a copy of the judgement and of the decree, execution petition and orders thereon, memorandum of costs and all other papers of importance bearing on the case.

Part-II shall contain the list of witnesses, batta memorandum, list of records to be produced, summons and notices issued, vakalats, petitions fore adjournments, petitions fore return of exhibits, receipts for documents and money and all other records of minor importance.

In the remarks column of the list shall be noted such facts as the return of the suit document and other exhibits.

S.O.752. Rubber stamps for marking the exhibits filed in appeals, applications and inquiries are supplied to Registrars in whose offices the number of exhibits filed in a year does not fall short of 100.

S.O.753. If the rejection of an appeal or application is found to be irregular on account of any assistant or arithmetical mistakes committed in calculating the period of time-limit within which an appeal or application lies, a Registrar may on the analogy of the provisions of section 152 of the Civil Procedure Code (Act V of 1908) rectify the error, take back the application on file and proceed with the hearing.

S.O.754. In an appeal under section 72 preferred against an order of refusal to register based on the ground that the executant of the document is a minor, an idiot or a lunatic, the Registrar shall, when ordering its registration on finding the executant to be a major or of sound mind, as the case may be, direct that the document be registered if the executant appears before the Sub-Registrar again and admits execution of the document.

S.O.755. In an appeal filed under section 72 against an order of refusal to register for want of sufficient description of property, a Registrar has no power to call for fuller description of the property.

S.O.756. Registrars shall be guided by the following rulings:-

A

The provisions of Part XII of the Registration Act regarding appeals are applicable to wills.

(Judgment of the Madras High Court, 12th August 1909).

B

The appeal against an order of refusal to register does not require to be stamped under the Court Fees Act.

(G O.No.1859, Judicial, 12th September 1878).

C

The presentation of an appeal to a Registrar after the time limited therefor against the refusal of a Sub-Registrar to register a document on denial of execution does not give any locus standi for the institution of a proceedings for enquiry as to the execution of the document.

(Grey's "Digest of Indian Cases", 1908, 322).

D

The Indian Registration Act is a special Act dealing with the special subject of Registration. By the amendment made in section 29 of the Indian Limitation Act by the Indian Limitation Amendment Act, 1922 (Act X of 1922) the period of 30 days prescribed in sections 72 and 73 of the Indian Registration Act takes effect as if it were prescribed in the schedule to the Indian Limitation Act. Accordingly, in computing the period of 30 days prescribed in the above sections, the party is not entitled to the exclusion of the time necessary for obtaining a copy of the Sub-Registrar's reasons for refusing to register.

E

The meaning and intention of the words "within thirty days from date of the order" and "within thirty days after making the order" in sections 72 and 73 of the Registration Act are identical.

(G.O.No.2490, judicial 18th October 1880).

F

The expression "making of the order" in section 77 of the Registration Act means not merely recording the order of refusal in writing but communicating it to the party concerned, so as to bind him by it. An order, does not become an order unless and until steps are taken by the officer passing it to bring it to the consciousness and knowledge of the party against whom it is passed. If the party affected by the order acts in such a way as to prevent the officer from communicating it to him within a reasonable time after he has written it, it may be that the date of the order would be the date when it could have been brought to the knowledge of the party within a reasonable period.

(I.L.R. 28 Bom , 8.)

G

An order was passed by a Sub-Registrar refusing registration of a document on the ground that the executant did not appear and admit its execution; a party affected by the order applied to the Registrar under section 73(1) of the Registration Act to establish his right to have the document registered more than thirty days after the Sub-Registrar passed the order, but within thirty days after the communication of the order reached the applicant; the Registrar dismissed the application as barred by limitation under the section; the party then instituted a suit in civil court under section 77 (1) of the Act to enforce registration, more than thirty days after the date of the Registrar's order, but within thirty days after the communication of the order reached the plaintiff:

Held that an order under section 73 (1) or section 77 (1) of the Registration Act, 1908, cannot be deemed to have been made unless passed in the presence of the parties, or after notice to them; or until it has been communicated to them;

that in a case where an order was not passed in the presence of the parties or after notice to them of the date when the order would be passed, the expression within thirty days after the making of the order "used in section 73(1) and section 77 of the Act, means within thirty days after the date on which the communication of the order reached the parties affected by it; and that, consequently, in this case, both the application before the Registrar and the suit in the civil court were within time under section 73(1) and section 77, respectively, of the Act.

Held also that the order of the Registrar dismissing the application as being barred by limitation is an order of refusal within the meaning of section 77 (1) of the Act.

(ILR L III-Mad.. 491-508).

H

It is hardly possible, in the absence of judicial decision, to lay down what is to be the nature of the inquiry which a Registrar is empowered to hold under section 74 of the Act. The duty of a Registrar is to inquire whether the document was executed and upon this question he may deem himself entitled to receive all relevant evidence offered by the parties. At the same time, a Registrar would exercise a sound discretion if he confined the inquiry as closely as possible to the question of execution or non-execution.

(G.O.No. 1004. Judicial, 19th May 1881).

I

In a case regarding the genuineness of a document, the Madras High Court held that the question was one of fact and they did not accept the contention that the finding of the Registrar that the document was genuine was conclusive and could not be reopened in a regular suit in the civil courts.

(S.A.No. 1147 of 1911, Madras High Court).

J

Where an application for registration of a sale-deed had been presented after the expiry of the period prescribed by law for registration and had been dealt with under section 25 of the Registration Act and the Registrar had passed an order under that section directing that the document should be registered (accepted for registration) on payment of the prescribed fine and such fine was paid: Held that the requirements of the law had been complied with, and that it was not competent for the successor in office of the Registrar dealing with the document under section 74 of the Registration Act to go behind the order of his predecessor, nor was it for the court in a suit instituted under section 77 to question the propriety of that order, which was given in pursuance of the discretionary power allowed to the Registrar to accept documents for registration after the time prescribed.

(I.L.R. 6 All., 460).

K

A Registrar is competent to arrest and imprison for nonpayment of costs decreed by him in connexion with an inquiry under section 74 and 75. He has no authority to direct that the person committed shall be detained for any specific period. The amount of costs due shall invariably be stated in the warrant of commitment. It is competent to a Registrar to transfer a decree for costs under section 75 of the Act to a District Munsif's Court for execution, whenever such a course is required by the decree holder and appears proper.

(G.O.No.1597, Judicial,8th July 1879).

L

A Registrar is not a Court within the meaning of the provisions of the Civil Procedure Code and the High Court has held that they cannot interfere with his proceedings awarding costs in appeal presented under section 73 of the Registration Act.

(I.L.R. 30 Mad.. 326).

M

A Sub-Registrar refused to register a document presented to him and on the application of one of the parties, the Registrar directed an inquiry under section 74 of the Indian Registration Act, 1908. On the date fixed for the inquiry, however, the parties failed to appear, and the Registrar accordingly dismissed the application. Held that this amounted to a refusal to register within the meaning of section 77 of the Act and a suit to compel registration would lie.

(I.L.R.34 All..165).

N

The question having been raised whether a defamatory statement made by the person opposing the registration of a will, in his petition to the Registrar objecting to the registration, is absolutely privileged so as to exempt the party making it from liability to be punished for an offence under section 499 of the Indian Penal Code, it was held that the Registrar is not a court for the purpose of rendering the statement a statement made on a privileged occasion.

(Madras High Court Criminal Revision Case No. 421 of 1911).

O

Though the provisions of the Limitation Act are inapplicable to suits provided for by section 77 of the Registration Act. the general principle recognized in section 10 of the General Clauses Act, viz., that where a plaintiff cannot, owing to the court being closed, present his plaint on a particular day on which it ought to be presented, he should not be allowed to suffer if he presents it at the earliest possible opportunity thereafter, applies to them.

(A.S.O. No. 123 of 1908, Madras High Court).

P

Where on the failure of the executant of a deed presented for registration to appear though twice summoned, the plaintiff asked the Sub-Registrar either to register or to return it to him and the Sub-Registrar returned it to the plaintiff.

Held that under the circumstances the Sub-Registrar's order returning the document amounted to a refusal to register.

(A.S.O. No. 123 of 1908, Madras High Court)

Q

The Joint Sub-Registrar acts under section 75 (4) of the Indian Registration Act merely as if he were a civil court; but he is not a court subordinate to the High Court within the meaning of section 115 of the Civil Procedure Code; consequently the High Court cannot interfere in revision with his order.

(I.L R. Mad., LI 245).

S.O.757. Registrars have powers to demand for production of prisoners in inquiries under section 74 of the Registration Act.

In such cases Registrars should provide for the escort of civil prisoners who are summoned to appear before them.

(G.O Ms.Nos. 417 Law (General) dated 1st February 1930 and 927 Law (General), dated 18th March 1935).

S.O.758. No appeal lies to a Registrar in respect of a document which is not refused registration by a Sub-Registrar but is withdrawn from registration by the presentant, i.e., returned to him at his request.

S.O.759. A register (Form E-I) shall be maintained in every registration office showing particulars of documents discredited by civil courts and the reasons for discrediting those documents.

S.O.760. When the registration of a document is refused by the Registrar and the party obtains a decree from the civil court ordering its registration a copy of the judgment delivered by the court should be submitted to the Inspector-General for perusal.

S.O.761. (a) When a Sub-Registrar refuses Registration as to some or all Executants of a document on the ground of denial of execution, an application may be presented under Section 73 before the District Registrar. In the absence of the District Registrar on tour or on other duty, the Senior Joint Sub-Registrar can accept such application under Section 73 by virtue of power vested in him under Notification 198, dt. 11-3-1915, Judicial Department, Government of Madras (Page 60 of Registration Manual-Part-I). The said application should be presented in person by the party or by an agent holding a Power of Attorney but not by a Pleader or an Advocate under Vakalat. The Senior Joint Sub-Registrar can also admit appeals under Section 72 if presented by the appellant or by a pleader duly authorised on his behalf by vakalat or by an Agent holding a power of attorney. Such appeals or applications should not be accepted or acted upon if sent by post.

(b) The fact that the content of the applications under section 73 have been duly verified should be appended and signed by the applicant separately.

S.O.762. (i) Appeals, applications and original inquiries shall ordinarily be disposed of within 8 weeks.

(ii) Adjournments shall not be granted on flimsy grounds and shall be restricted to the minimum.

(iii) Judgements shall be pronounced normally within 4 days after the evidence and arguments are closed.

CHAPTER XXI

DOCUMENT WRITERS

S.O.763 (a) Except in a very few instances where parties draft their own documents, the public in general approach the Village Officers (now abolished) particularly Karnams and patwaris and Document Writers to get their documents written for monetary consideration which has not been uniform or systematic. Instances were not rare where the Document Writers were alleged to have fleeced the parties dubious grounds and misrepresenting the parties on in the document resulting in grievous injury, material and mental. As some of the parties are unlettered, they hardly realized the loss occurred to them on account of the nefarious activities of the Document Writers. In order to insulate the public from such activities and regulate the work of Document Writers, Registration rules have been framed according to which Licences are granted and their work is governed by the conditions laid down in Licences. Breach of the rules or violations laid down in the conditions shall be viewed seriously.

(b) The scheme of Licensing the Document Writers is introduced to protect the Registering public against the possible harassment when they approach the Document Writers to get their documents drafted. Sternaction shall be taken against the guilty Licenced Document Writers. The Licensing Authorities should realize that light hearted and desultory attitude hardly ensures discipline and proper conduct by the Document writers.

S.O.764. When Registration Rule 200 is extended to a Sub-District it is also extended to Itinerating Centre in the Sub-district.

S.O.765. No additional fee under Registration Rule 200 is leviable for a special power of attorney by a Non-Licenced Document Writer when it is intended for attestation and not for registration.

S.O.766. A period of 5 years continuous practice for an applicant for grant of Document Writers Licence is necessary even in respect of newly opened offices which came into existence in less than 5 years period.

S.O.767. Licences may be presented for renewal without payment of any fine on or before 31st December and on payment of fine on or before 30th June.

S.O.768. On formation of a new Sub-District the Document Writer desires to have a licence only for a Sub-District, he has to choose anyone Sub-District and submit his application for renewal for the subsequent year to the District Registrar under whose jurisdiction that particular Sub-District lies. The same principle is applicable to the Document Writers holding Licence for a Registration District.

S.O.769. As soon as Registering Officer receives the Licence, newly granted or renewed, he shall send an intimation within 2 days to the Document Writer to take delivery of the Licence. The communication may go in a service paid post card if the Document Writer is not a resident of Headquarters and otherwise by local delivery.

S.O.770. The word "Family" should be used in wider and not in a legal sense while granting Licences for the Document Writers and Stamp Vendor in the same family. Where an Aunt is a Stamp Vendor and her nephew is a Document Writer and they live together, both can be viewed as from the same

(Govt. Memo. No. 3525/U2/78-3 dt. 1-7-1981)

S.O.771. The opinion of the Government Pleader is as follows:- Renewal is generally issuing for a fresh Licence for a period covered by such renewal on the conditions specified. Therefore, if a person is entitled to a Licence under the relevant Rules at any point of time, he is entitled for renewal of the existing Licence. So it may be seen that when any Licence holder conducts himself contrary to the conditions of the Licence or becomes liable for any other reason for suspension or cancellation of the Licence, the question of renewal or claiming renewal as of right does not arise. So keeping this principle in view the renewals may be dealt with.

S.O.772. There cannot be a question of draft of the deed prepared by a Licenced Document Writer and the document written by his assistant who is not a Licencee. The document has to be prepared and written by a single licensed Document writer and attested by him as prescribed in Rule 204.

S.O.773. i) The Document writer who prepares Annexures I-A and other forms accompanying the document presented for registration should affix his full signature with date and number.

ii) The document writer should invariably mention in fee receipts issued to the parties, the particulars entitling them for higher rate of fees.

iii) When the forms and annexures are alone prepared without preparing the documents the fees charged for the purpose should be indicated in receipts granted to the parties and in the registers maintained by the Document Writers.

S.O.774. (a) (i) The Document writers shall maintain registers and Receipt Books as prescribed by Registration Rule 213 (a).

ii) Every Document Writer before opening the registers and receipt books, should get them certified by the Registering Officer concerned as to the number of pages each register and receipt book contain.

iii) Every Document Writer should, clearly and distinctly in ink assign page numbers consecutively to each of the registers and receipt books.

(b) The Licensed Document Writers shall maintain fresh register and receipt books for each calendar year.

S.O.775. i) The Registering Officer before whom type-written documents attested by Licenced Document Writers are presented for registration, he may call for original manuscript copies prepared by the Licenced Document Writer in case of doubt to satisfy himself that they are actually drafted by Licenced Document Writer and not others,

The Licenced Document Writers shall maintain manuscript copies of typed documents attempted by them and produce before the Registering Officer concerned when called for inspection.

S.O.776. (a) The document writers have to levy fees under Appendix-X (Schedule of fees for preparation of documents) for writing the undermentioned documents as shown against them,

- i) Duplicate- Same as original
- ii) Partition deed-On the value of the entire property dealt with in the deed,
- iii) Exchange deed - On the value of the property of the higher value.

(b) (i) Collection of fees by a Document Writer has to be on the value for which the Stamp and Registration fee are charged on a document.

(ii) In the case of an agreement, the fees has to be collected on the earnest money.

(c) The Document Writers and Notaries shall issue duly stamped receipts in cases where they acknowledged receipt of amount exceeding Rs 20/-.

S.O.777. (i) With a view to check malpractices such as levy of more fee than prescribed, the presentant shall be asked to produce along with the document, the receipt issued by the Document Writer. The Registering Officer should then explain to the party the contents of receipt.

ii) If the party is unable to produce the receipt along with the document, for the reasons such as the document, having been drafted by a Document Writer in a village and the party being ignorant that the receipt should be produced, he may be asked to bring the receipt at the time of taking delivery of the document.

iii) The fact of such verifications, clauses (i) and (ii) above, shall be recorded on the counter-foil of the receipt granted by the Sub-Registrar to the presentant.

iv) If the Document Writer fails to issue the receipt or has charged more, a statement should be recorded from the party and witnesses and report made to the District Registrar.

S.O.778. i) Under Sub-Rule (f) of 204 of Registration Rule, the Inspector General of Registration and Stamps authorised the Deputy Inspectors General, District Registrars, Vigilance Officers, Assistant to District Registrars and Registering Officers to inspect the records maintained by the Document Writer licensed to write documents in more than one district.

ii) Under the said Sub-Rule, the Inspector General has also authorised the above officers to inspect records maintained by Document Writer licensed to write documents within a village, Sub-District or District.

S.O.779. A Register called “The Register of Applications for Document Writers Licences and Renewals” in the form shown below shall be maintained for Sub-Districts and Districts.

Register of applications for Document Writers Licences and Renewals :-

- i) Serial Number.
- ii) Date of receipt of application.
- iii) Name and address of the Applicant.
- iv) Whether the Application is for licence or renewal.
- v) Amount remitted with No. and date of challan.
- vi) Name of-Treasury or Bank where the amount was remitted.
- vii) Whether licence is granted or refused. If granted, Licence No. and date:

In the case of refunds :

- viii) Date of application for refund ;
- ix) No. and date of refund order.
- x) Date of receipt of compliance letter.
- xi) Remarks.

CHAPTER XXII

SALE OF STAMPS

General

S.O. 780. Instruments covered by the Indian Stamp Act, 1899, unless otherwise exempted, are to be executed on stamp papers which are Non-judicial and suits and cases filed in Courts require to be levied with judicial stamps. Both judicial and nonjudicial (Non-Postal stamps) of different categories and denominations are sold through two agencies (1) Official and (2) Private. All varieties of stamps irrespective of value and denomination are sold officially through District Treasuries and certain Sub-Registry Offices, which are declared as Local Depots and Sub-Depots. In so far as Hyderabad city is concerned, the General Stamp Office of the Inspector General of Registration and Stamps, shall also be a Local Depot. Since stamps are required by the registering and litigant public and commercial concerns at different places, both Urban and Rural, some private individuals are also licenced to vend these stamps on commission. Their appointment is governed by the conditions laid down in their licences. The District Registrars in the District and Assistant Inspector General of Stamps in the twin cities of Hyderabad and Secunderabad are the appointing authorities for private stamp vendors. The sale of stamps through official and private media is regulated by the Standing orders printed in the Andhra Pradesh Stamp Manual. The public should not be allowed to suffer for want of Stamps of any kind and denomination. As scarcity of stamps may result in undesirable repercussions, all the local and Sub-Depots and private Stamp Vendors shall preserve adequate stocks keeping in view the public demand.

The Sub-Registrars and District Registrars may apprise the Sub Treasuries and District Treasuries in case they are aware of shortage of stamps.

Vide Separate sheet :

c) While granting Licences the Licensing authority can specify any special conditions warranted such as sale of only Judicial stamps, sale of particular denomination etc.

d) It is not mandatory to issue a Licence to old and lapsed Licencees. The applications from them can be treated as fresh and can be disposed of along with other applications for the same area.

e) The posts of Stamp Vendors located within 3 kilometres of a Stamp Counter (Sub Depot) may not be filled if vacancy arises on account of resignation or demise etc.

(Note:- Private Stamp Vendors should not use office premises. See S.O. 1498).

f) It is desirable to discourage the monopoly of sale of stamps in the same family. Renewal in respect of Stamp Vendor who is a relative of a Document Writer should not be considered. The word "Family" should be used in a wider sense and not in a legal sense. Registration Rule 201 (hh) of the Rules relating to Document Writers may be followed in this context.

g) The Registrar shall ensure that Stamp Vendors are evenly distributed in the district and also in the towns and that there is no concentration of Stamp Vendors in a particular place leading to unhealthy competition in some places and dearth of stamps in other places.

h) The Registrar shall critically review the work of Stamp Vendors with reference to indents made, when he visits Sub-Registrar Offices for annual inspection or otherwise. He may avail the opportunity to contact the Sub-Treasury Officer to find out whether all the Stamp Vendors are evincing interest in making the stamps readily to the public by indenting stamps promptly and preserving adequate stocks. He may also write to the Sub-Treasury Officers to satisfy whether the Stamp Vendors are earnest in their business by indenting regularly for the stamps of all denominations which are normally required by the public. If the Stamp Vendors are inactive and fail to maintain the required stocks of different categories of stamps for which they are licenced, their holding licences does not serve any public good. By issuing suitable notices, the Registrar may take steps to substitute them.

i) If the Stamp Vendors proceed on long leave it is evident that they are not evincing keen interest in their profession. If the absence of a Stamp Vendor is more than 6 months, the Registrar may appoint a new Stamp Vendor in his place instead of nominee of the Stamp Vendor.

j) The Registrar shall maintain Registers for issue, renewal of Licences and for punishments awarded to Stamp Vendors.

k) If the Registrar is satisfied as to the reasons explained by an applicant a duplicate licence can be granted without any fees.

Forms of Application for Licensed Stamp Vendors and Renewal :-

Application for Licence to Vend Stamps B.S.O 77(2)

1. Name of the Applicant (in Block letters)
2. Father's/Husband's name
3. Educational qualifications if any
4. Age and date of birth.

-
5. Nationality.
 6. Residential address.
 7. Address(es) of the place(s) of vending where the applicant seeks to vend stamps (to be specified in order of preference).
 8. The capital intended for investment in the business.
 9. The description of stamps which he she intends to sell.
 10. Whether the conduct and character and Solvency Certificates have been appended.
 11. In case, the applicant desires to vend stamps at the premises of any officer or court, whether letter of recommendation of presiding officer of the Court or officer is enclosed.
 12. Whether any of his/her family members are in possession of such a licence; if so, the name, Licence No, and relationship to be specified.
 13. Whether he/she is writing documents to the parties.
 14. Whether he/she has been previously granted such a licence any where in the State of Andhra Pradesh and if so, the reasons for its cancellation or otherwise.

Station :

Date :

Signature

NOTE :(1) The application should be stamped with a Court of fee of Re. 1/-.

(2) It should be filled in the hand-writing of the applicant.

(3) The appended Certificates should be signed by respectable gentlemen of his/her locality, where the applicant is residing.

Appendix -1

Conduct and Character Certificate

This is to certify that the above named Sri/Smt..... son of / Wife of residing at House No. is known personally to me for the last years and that his/her conduct and character are good.

Station : Signature

Date: Designation/Occupation

(Seal)

Appendix – II

Solvency Certificate

This is to certify that the above named Sri/Smt Son of/wife of Residing at House No Is personally known to me for the last years and that he is solvent upto Rs.

Station : Signature

Date: Designation/Occupation

(Seal)

Sub-Registrar's remarks

Endorsement No. Dated.....

Application for the Renewal of Stamp Vendor's Licence

1. Full name with father's/Husband's name:
2. Address, permanent home address,,
local address
3. Changes in local address (to be specified
with details as in Col,2)
4. Details of previous Licence number.
5. Period for which renewal is sought.
6. Date of last renewal.
7. Nature of stamp allowed to be sold
under Licence.

-
8. Any punishment for violation of Stamp Vendor Licence Rules suffered during the year.
 9. Was he selling stamps at the place originally prescribed in the Licence?
(The Sub-Registrar should certify to that effect)
 10. Amount, number and date and name of Treasury of challan receipt.
 11. Whether the applicant or any member of his family has been appointed as D.W. or S.V.
 12. Whether the stock and sale registers maintained during the previous years have been surrendered to the Sub-Registrar/ District Registrar concerned. If so, the date of such surrender (to be testified by the Sub-Registrar concerned).
 13. Recommendations of the Sub-Registrar:
(It should be exhaustive including the character and conduct of the Stamp Vendor and performance of his stamp vending).

Declaration

I (full name) do hereby solemnly declare that I have not been declared to be of unsound mind or involved for any offence involving moral turpitude or adjudged as insolvent by any Court of competent jurisdiction during the past one year.

Place:

Date:

Signature.

Enclosure : Challan receipt and Licence in original.

NOTE:- 1. The renewal made on the strength of this application is liable to suspension or cancellation at anytime. If it is found that any information or particulars furnished in the application are false or not true or incorrect.

2. The duplicate of the challan issued by the Treasury or Bank shall be enclosed to the application.

S.O. 783. The form of certificate of renewal of Stamp Vendors Licence shall be as below :-

Renewal No.

I, District Registrar of Assurances do hereby renew the Stamp Vendor Licence No. 19 of Sri S/oresident of athorised to vend Non-Judicial/ Judicial/ L.I.C. Stamps at fromtoin Renewal No 19..... whose signature is obtained hereunder.

Place:

Date:

Signature of the Licencee.

Signature of the Licensing
Authority (with seal)

S.O.784. A Register of Records received from Vendors in the following Proforma shall be maintained in the Registering Office and the period for preservation of this register is 12 years.

Register of Records received from the Stamp vendors

S.No.	Date	Name of the Stamp Vendor	Description of the record	Period of the record
1	2	3	4	5

Signature of the Sub-Registrar	Remarks
6	7

Action Against Stamp Vendors

S.O.785. i) The Private Stamp Vendors shall strictly adhere to the stipulations of Licences and the Standing Orders governing their appointment and Sale of Stamps. They shall not resort to sale by antedate, alteration in endorsements, sale at higher rate than face value etc., which may be reviewed by appointing authorities as serious violations requiring exemplary punishment. The Registrar shall take appropriate, including criminal action against the sale by unauthorised persons and touts. Care shall also be taken against sale by one Licensed Vendor for another.

(ii) Greater check shall be exercised against the practice of family members of Stamp Vendor making Stamp endorsements in his absence or family members selling stamps over which the stamp vendor has already made endorsements.

(iii) The action taken by the District Registrars against Stamp Vendors for grave violations should be commensurate with gravity. The action contemplated should have a salutary effect on the erring Vendors, the appointing authority should realise that soft pedalling and pusillanimous attitude towards the guilty will not produce the desired results of ensuring discipline among the Stamp Vendors and act as deterrant against other Stamp Vendors who are prone to such tendencies.

(iv) Whenever a prima facie contravention of any Rule or order or condition of licence by any Stamp Vendor is noticed, the Registrar has to give an opportunity to the concerned to explain for the irregularities. Principles of natural justice will have to be observed and a show-cause notice lies to be issued specifying the allegation in detail before action is taken. The particular Rule for the distribution and supply of stamps or the Board Standing Order which he contravened should be quoted. If the allegation is supported by the recorded evidence, it must also be mentioned. In the case of oral evidence, the names of witnesses under each item of allegation shall be noted. Final orders may be passed after receipt of explanation from the Stamp Vendor fully discussing the evidence adduced and explanation offered in respect of each and every allegation holding or otherwise the charge as proved. The punishment imposed shall be specified in the order.

(v) Cancellation/suspension of Licence can be ordered for any breach of Rules / Standing Orders including violation of stipulations contained in the Engagement Bond based on the gravity of offence. Forfeiture of any sum not exceeding Rs. 200/- to the Licencing Authority by the Licencee can be imposed for less grave violations.

Miscellaneous

S.O.786. The Stamp Vendor should not prepare Annexures I-A under Section 47 A of Indian Stamp Act, 1899, 37-G of Income Tax Act, Patta Transfer Application, 'M' Notices, Plaints, etc., accompanying a document.

S.O.787. Though Board Standing Orders of Andhra Pradesh Stamp Manual contemplate sanction of temporary licence regarding the disposal of stock of a stamp vendor whose Licence lapsed or who died leaving stock or otherwise yet it should be discouraged. The Stamp Vendor or representative of the deceased Stamp Vendor may be advised to apply for refund of excess stock.

S.O.788. i) The Sub-Registrars shall append a certificate regarding the number of pages in the Sales and Stock Register of the Stamp Vendors in their respective jurisdictions.

ii) They shall collect records of the Stamp Vendors at the end of each calendar year and scrutinize them. Any grave irregularities noticed by them shall be submitted to District Registrars concerned for initiating suitable action.

(See for Rules relating to preservation of records of Stamp Vendor in Volume II)

iii) The Sub-Registrars may sanction leave for one month and below to the Stamp Vendors. Leave for more than a month should be sanctioned by the District Registrars (Appointing Authority)

iv) There is no objection to grant a certified copy of Stamp Vendor Licence (which is a public document) to a third party who produces a Court's Certificate to the effect that a copy of it is required to be produced in a Court or file some other documentary evidence to show to the satisfaction of the authority empowered to grant such copy that he requires a copy bonafide for his own use.

(Board's Spl. Q3/3461/75 dated 28-8-1975).

Sale by Stamp Counters of the Department

S.O.789. Some Sub-Registry Offices are declared by Chief Controlling Revenue Authority as Sub-Depots for sale of stamps of all varieties. Those Stamp counters shall preserve a stock of stamps prescribed by the Inspector General of Registration and Stamps from time to time. The Joint Sub-Registrar-I in Registrar Offices and Sub-Registrar shall be responsible, though assisted by an Assistant and Shroff, for indenting and preserving the required stock, proper sale of stamps, making necessary endorsements, maintaining indents, Stock and Sale Registers etc., due accounting of the stock received and remitting the money.

S.O.790. i) The Sub-Registrar shall prepare the indent, obtain the required stamps and preserve the stock.

ii) He shall place an indent to replenish the stocks whenever necessary. All denominations of stamps, to cater to the needs of the public, shall be maintained.

iii) He shall maintain :—

a) Stock Registers of each category of stamps, i.e., Non-judicial, judicial, Court fee and copy stamps. As soon as the stock is received it should be entered in the ledgers in red ink as a receipt and attested by Sub-Registrar with dated initials.

b) Separate Sale Registers in the proforma given below should be maintained for each category of stamps. At the end of each day, the number and the value of denomination of stamps sold should be accounted for in the relevant register i.e., stock register as "Sales" and the "balance" should be struck and attested by the Sub-Registrar with dated initials.

c) A cash book should be maintained in the proforma given hereunder. The cash book should be signed by the Sub-Registrar with the date at the end of each day.

d) The sales to the public should be made upto 4-00 P.M. normally, though can be continued when the work is less, with usual lunch break. A notice may be displayed prominently about the sale of stamps to the public indicating the timings of sale.

e) i) The Indent form to be obtained from the public is also given hereunder.

ii) The indents for stamps presented with cash should be received from the public by the Assistant or Shroff. After receipt of indent together with cash he should check the accuracy of value of stamps required and thereafter enter the amount in cash register. The Stamps should then be taken out and necessary entries made in the Sales Register and on the stamp papers. Thereafter these stamps so endorsed are to be passed on to the Sub-Registrar who is an Ex-Officio Stamp Vendor for his verification and signature on the Stamps. Then the stamp papers should be delivered to the parties after obtaining acknowledgements on the indents.

f) The sale proceeds of the stamps should be remitted through Shroff on the next working day. The amount shall be remitted in the heads of account given below. The Joint Sub-Registrar or Sub-Registrar shall personally satisfy that the correct amounts for remittance are noted in the Challan under respective heads. He shall also check the cash to be entrusted for remittance. After remittance, he shall similarly satisfy that the amounts were duly credited to the appropriate heads of account. Likewise he shall also satisfy that the remittable amounts are noted both in words and figures and get due reconciliation and confirmation at once in case he entertains a doubt on remittance, or notices delay or any alteration or tampering on the challan if any.

g) Permanent, reliable and experienced Assistants having at least 5 years of service shall be appointed to the posts of Assistants in Stamp counters. Likewise, only persons whose reliability can never be doubted shall be appointed as Shroffs and security should be obtained from them for an amount of Rs. 2000/- from each following provisions under Articles 276,277 and 279 of Andhra Pradesh Finance Code - volume-1.

h) The Sub-Registrars shall adhere to the Rules for the supply and distribution of stamps and Board Standing Order 77 regarding the duties of Ex-Officio Stamp Vendors.

i) The Sub-Registrar, Assistant and Shroff will be held jointly responsible, unless otherwise proved, for any shortage of stock, or cash remittance.

S.O.791. The following are the duties of Assistant and Shroff attached to the Stamp Counters, apart from other:-

1. Assistant:-

i) Preparation of indents for stocks.

ii) Making necessary entries in the relevant stock registers i.e.. Ledgers.

iii) Acceptance of indents for stamps from the parties, to scrutinize them and to issue stamps to the parties.

iv) Writing the following endorsements on each and every Stamp paper before its actual issue:-

a) Serial number

b) Date of sale of stamps

c) Value of stamps

d) Name with father's name and address of the purchaser i.e., the person who actually tenders the money.

e) Name with father's name and address of the person for whom the stamps are purchased.

v) Making entries of the above particulars in the sale registers.

vi) Making entries of each day transactions in the stock accounts of stamps (Ledger).

vii) Receipt of cash (irrespective of the value of stamps) and maintenance of cash register.

viii) Preparation and transmission of monthly returns to the Sub-Treasury Officer.

2. Shroff :-

i) He shall present the indents for stamps before the Sub-Treasury Officer and take delivery of stamps thereof.

ii) He will remit the sale proceeds into the Sub-Treasury or Bank as the case may be through challan.

iii) He will receive cash together with the indents for stamps from the parties whenever he is not attending to the duties mentioned in item (i) and (ii) above.

iv) He will check the stamps with reference to the indents before they are handed over to the parties.

v) He will attend to any other duties as may be entrusted to him by the Sub-Registrar in the matter of vending the stamps.

Sale Register

Non-Judicial
Judicial
Court Fee labels
Copy stamps

Sl. No.	Denomination	No. of sheets	Value	Sold to (Name of the person who tenders money with father's name and Address)	For whom purchased (Name of the person with father's name and address).
---------	--------------	---------------	-------	---	---

Total of the day

NOTE :- The Sl. No. in the Sale Register is yearly starting with the calendar year and ending with the calendar year.

Cash Register

Office of the Sub-Registrar

Indent No.	Total value of the Indent	Cash received

Signature of the Sub-Registrar

Note :- The indent number has to be marked on the indent as noted in this register in column No. 1. The Serial numbers of the indents has to be commenced afresh every day.

Head of the Account

Category of Stamps	Head of account.
Impressed Court Fee Stamps (i.e.. Judicial Stamps, Adhesive Court Fee Stamps i.e.. Court fee labels) Copy Stamps:	Major Head: 030 Stamps and Regis- tration Fees. Minor Head: (B) Stamps Judicial Sub - Head: Court Fee realised in Stamps (a) Sale of Stamps.
Non-Judicial impressed Stamps;	Major Head: 030 Stamps and Regis- tration Fees. Minor Head: (c)Stamps Non-Judicial Sub-Head: (f) Sale of Stamps.

Indent for Stamps

Form: 4.

1. Category and value of stamps Non-Judicial Rs.
required. Judicial Rs.
2. Name of the purchaser (who tenders
money with father's name or husband's
name in block letters).
3. Full address of the purchaser;
4. Name of the person with father's/
husband's name and address for
whom the stamps are purchased.

Signature of the person who
tenders money.

Dated :

Received cash Rs.

Serial Number of the Indent () Dated:

Signature of the Shroff.

Acknowledgement.

Received stamps

(Signature)

Form: 5

Office of the Sub-Registrar,

Indent for supply of stocks from the Sub-Treasury Office _____

Date :

Category of stamps	Denomination	Number	Value Rupees
--------------------	--------------	--------	--------------

Total

NOTE: This indent will be sent to the Sub-Treasury Office through the Shroff in duplicate. The Sub-Treasury Officer will retain one copy and return the other enclosing the particulars of stocks supplied. The stock will be handed over to the Shroff under acknowledgement in the copy retained by the Sub-Treasury Office.

Form 6.

Abstract Register

Category	Denomination	Number	Value
Non-Judicial			
Total Non-Judicial			
Court Fee Labels			
Total			

Impressed Court Fee Stamps

Copy Stamps

Grand Total

NOTE: At the end of each day's transactions an abstract of the sales under each denomination for different categories of stamps, viz., Non-Judicial, Judicial, etc., shall be prepared. This will facilitate the posting in the ledger.

Form 7. Office of the Sub-Registrar,

Year :

Ledger

Transactions	Denomi- nation	Denomi- nation	Denomi- nation	Denomi- nation	Denomi- nation
No. Value	No. Value	No. Value	No. Value	No. Value	

Balance.....

Receipts.....

Total

Sales

Balance

On each sheet 5 to 6 denominations may be entered. 20 sheets may be left for each set of 5 to 6 denominations.

On the last set of denomination the last column may be utilised for striking the grand total of number of stamps sold and total value of the stamps.

CHAPTER XXIII

CHIT FUNDS

General

S.O.792. i) The Andhra Pradesh Chit Funds Act, 1971 and the Rules made thereunder came into force from 17-1971. The Act is intended to regulate the activities relating to Chits by different Firms and Companies within the State. It is concerned with only the conventional Chits as distinguished from the Prized Chits. What constitutes a conventional Chit has been explained in the said Act. While this Act is administered by the Registration Department, the administration of the Prized Chits and Money circulation (Bannig) Act, 1978 is entrusted to the Revenue Department by appointing the Joint Collectors as 'Authorised Officers' under that Act.

ii) The Central Government with a view to bring about an uniform legislation on Chits all over the country had passed an enactment, "The Chit Funds Act, 1982 (Act No. 40 of 1982)". The different State Acts on Chits get repealed after the implementation of the Central Chit Fund Act 1982 by the respective States. The State of Andhra Pradesh is yet to implement the Central Act and therefore the State Act continues to be in force.

iii) Companies, Partnership Firms and individual proprietors engage in Chit business. At present there is no impediment to open any number of branches any where in the State. Nor is there any restriction to have any number of Chits by any branch. Each Chit in a particular branch is reckoned as an Unit for the purpose of administering the Act.

vi) The Act mainly deals with Registration of Byelaws, agreement, offering of Security, filing of certain returns and minor penal action for omission to file those returns.

v) The relationship between the Foreman (Promoter) and a Subscriber is essentially contractual, as one agrees to contribute subscriptions regularly and the other undertakes to run the Chit on the stipulations contained in the agreement. If in the process of business, there is a breach of contract, one can take the other to a court by filing a suit. In case fraud or deceit is practised it is also open for the one to prefer a criminal complaint. However, the Chit Registrar or Inspecting Officer and District Registrar is not precluded from proceeding against the Foreman for contraventions of provisions of Act and Rules.

S.O.793. The Government had appointed the following officers of the Department in their respective jurisdictions as:-

- i) The Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad.
- The Director of Chits.
- ii) The District Registrars - Inspecting Officers.
- iii) The Sub-Registrars - Chit Registrars.

Where there are more than one Sub-Registrar in respect of any area, the seniormost Sub-Registrar shall discharge the duties imposed upon the Chit Registrar under the Act.

(G.O.Ms.No.830 (Home Gen B) Dt. 28-6-1971)

S.O.794. In Chit Fund business considerable public money is involved and Foreman has to operate it in accordance with bye-laws and agreements. Mutual trust and confidence should away the Chit operations. Since heavy amounts from public are entrusted to the Foreman and are in circulation, the Foreman's monetary contribution being limited, the scope for fraud and cheating cannot be ruled out. Moreso, when a Foreman is an outsider to a place. The officers of the Department will have to, therefore, be more vigilant against mismanagement, fraud, cheating and failure to comply with the provisions of the Act.

S.O.795. The following Books and Forms are prescribed for the use of Registrar of Chits. The Forms are printed at the end of this Chapter.

Books and Forms :

1. Form No.I-A: Register of By-laws etc. registered or filed.
(Book of 200 pages consisting of first 150 pages of Form No. I-A and last 50 pages of Form I-B)
2. Form No.I-B: Particulars of documents registered or filed
3. Form No. 2 : Daily account of Fees, Stamp, if any borne or received, together with suspense account (Book of 200 openings).
4. Form No.3 : Register of Securities (Book of 200 pages).
5. Form No.4 : Register of receipt and disposal of balance sheets (Book of 200 pages)
6. Form No.5 : Audit Register (Book of 200 pages).
7. Form No.6 : Record Register (Book of 200 pages).
8. Form No.7 : Register of prosecutions (Register of pages).
9. Form No.8 : Alphabetical Index of Foreman of Chits
(Book of 300 pages).
10. Form No.9 : Memorandum acknowledging receipt of documents
(Book of 100 Memoranda in duplicate).
11. Form No.10: Receipt for fees (Book of 100 receipts in duplicate).
12. Form No.11: Monthly statistical return (loose forms).

I. VERIFICATION UNDER CHIT FUND ACT CHIT BYE-LAW

S.O.796. 1. Only one chit shall be allowed to be conducted under a set of bye-laws; that is there must be a separate set of bye-laws for each chit.

2. On the receipt of an application for the registration of bye-laws, the Registrar shall as soon as possible scrutinise the bye-laws presented therewith and ensure that all the particulars required to be furnished have been embodied and that the bye-laws are not repugnant to the provisions of the Act and the Rules. Any errors or omissions should be got corrected or supplied as the case may be in both the copies of the bye-laws which shall there after be compared and a note to that effect made at the end in the duplicate copy and signed and dated by the Registrar. The certificate of registration (Form No. II) shall then be endorsed on both copies of the bye-laws. The Registrars should note that every set of bye-laws registered under the Act shall be numbered serially in separate series for each financial year.

3. A brief note shall be entered at the top of the application as regards the nature of its disposal, i.e., whether the bye-laws were registered or refused registration, giving the number and year of registration or refusal.

4. If the registration of the bye-laws is refused, the registration fee levied shall be refunded after obtaining the sanction of the Inspecting Officer for the refund.

5. Every order of refusal to register bye-laws shall be numbered serially in a separate series for each financial year.

6. A proper acknowledgement for the receipt of the duplicate of the bye-laws and the certificate of registration or order of refusal shall be obtained from the foreman in cases where the Registrar does not send them by post.

7. The order of refusal shall be brief and shall indicate clearly the specific reasons on account of which the bye-laws are refused to be registered, mentioning the relevant provisions of Act or Rules contravened. The date of communication of the order of refusal shall also be endorsed on the application for registration. In the copy of the order of refusal sent to the foreman, a note regarding the time within which an appeal may be filed shall be entered.

8. The above procedure shall be followed in the case of applications for registration of amendments to the bye-laws also.

9. When the Registrar specially order that amendment shall take effect from a date other than the date of registration, the following shall be added in the Certificate of Registration of the amendment "I also order, that the amendment shall take effect from".

10. No serial number need be assigned to the certificate of registration of an amendment to the bye-laws; but such a number shall be assigned to the refusal order if an amendment to the bye-laws is refused to be registered.

II. Chit Agreement and Certificate

S.O.797. (i) The Chit agreement shall be checked with the concerned bye-laws to ensure that it is not at variance with any of the provisions contained in the bye-laws. The chit shall be further checked to ensure that it contains full and complete particulars on the points specified in the Act and Rules. It may also contain such other terms and conditions as may be mutually agreed upon by the foreman and the Subscribers. The Registrar shall satisfy himself that they are not contrary to the provisions of the Act and Rules. Any defects noticed shall be got rectified by the foreman who shall be required to attest all corrections.

ii) It should be verified that all the subscribers and the foreman signed the Agreement. The Certificate of Commencement of Business shall not be issued till the copies of the agreement signed by all the subscribers and the foreman have been received and filed by the Registrar.

iii) The chit agreement may be executed separately by each subscriber or jointly by all subscribers or a group of subscribers. Each such agreement shall be sent in duplicate by the foreman with the fee prescribed to the Registrar in whose office the bye-laws have been registered for filing.

iv) The Chit agreement shall be filed with the file of records of the Chit referred in the last Standing Order in this chapter after endorsing particulars prescribed on original and duplicate copies of Agreement which shall be compared. A note regarding the comparison of the original with the duplicate shall be entered by the Registrar on the duplicate before the Chit Agreement is filed. A separate note shall be entered on the original in regard to the return of the duplicate Agreement to the foreman.

v) If the Chit Agreement is found to be defective, the Registrar shall return it, pointing out the defects with a view to the errors, etc., being rectified.

vi) Whenever a Certificate is to be issued, two copies there of (In From No. III) shall be prepared. One copy shall be retained as "Office copy" with the records of the Chit and the other shall be issued to the party.

III. Minutes of Proceedings and Drawings

S.O.798. (i) As soon as a copy of the Minutes of proceeding of a drawing is received for filing, it shall be checked to see if it is filed in time and it contains all the particulars. The Registrar should particularly scrutinise whether security has been taken by the foreman for the disbursement of the prize amount to the concerned prized subscribers. He shall also see that the prize amount remaining unpaid has been promptly deposited in the approved Bank. If he is in doubt in regard to the deposit of amounts by the foreman or about the amount withdrawn by the foreman from the Bank, the Registrar

shall call upon the foreman to produce the pass book or other evidence (To be specified by the Registrar) and verify it.

(ii) The Registrar may not refuse out-right, to file the copy of the minutes if they are deficient in any particular aspect. He shall return the copy of the minutes with a view to getting the omissions supplied. It may be filed after it is received back from the foreman after rectification of the defects.

IV. Security Offered by the Foreman

S.O.799. (i) A foreman offering security for the proper conduct of a Chit shall be required to make an application to the registrar in the following form.

Application for Permission to Furnish Security to Conduct a Chit

1. Name and address of the applicant.
2. Age and occupation.
3. Chit Amount (if grain chit, market value)
4. Details of immovable properties offered as Security.

.....district
Sub-district

Taluk.....

.....Village

.....S.No.....

.....area,
etc.,
5. Rights of the applicant over the property:
6. Market value of property:
7. Details of prior encumbrances, if any on the property,
8. Details of all movable and immovable properties belonging solely to the applicant (to be shown separately).
9. Whether the applicant has any debts and if so the amount of any such debts and to whom they are due.
10. Whether the applicant has conducted any chit before and if so whether there is any subsisting liability under it.

11. Details of money, Government securities or other movables offered as security.

I am appending herewith— —

(1) Two copies of the indenture of mortgage to be executed by me in favour of the Registrar.

(2) The original documents in support of my title to the property offered as security (to be listed); and

(3) In the case of immovable property an encumbrance certificate regarding the property for the past 24 years.

I hereby declare that the information and particulars furnished herein are true and correct to the best of my knowledge and belief.

Station:

Date: SIGNATURE OF FOREMAN

Decision of the Registrar

Signature of Registrar
(Seal)

Received back a copy of the approved draft indenture of mortgage.

Station:

Date: SIGNATURE OF THE FOREMAN

The application shall contain full and correct particulars of the property offered as security.

(ii) If immovable property is offered as security the foreman shall be required to furnish with his application :

(a) An encumbrance certificate in respect of the property for a period of 24 years immediately preceeding the date of application: and

(b) the documents of title to the property.

(iii) If the Registrar is in doubt in regard to the value of the immovable property offered as Security he may write to the Tahsildar for information on the point.

(iv) If the security offered is accepted as sufficient by Registrar, he shall record in writing on the application of the Foreman a certificate in the following form and inform the foreman that the Security has been accepted.

Certificate of Sufficiency of Security

In the case of:-

(a) Security of immovable property :

I hereby certify that the valuation of the properties as given in the draft indenture of mortgage and trust filed by the Foreman Sri/Srimathi/Kumari Subscriber-foreman is correct and that the indenture can be accepted as security.

Station:

Date:

Signature of Registrar

(Seal)

(b) CASH SECURITY

I hereby certify that I am satisfied that the amount of Rs specified in the draft security bond has been deposited in an approved bank and transferred in my favour and that the Security can be accepted.

Station:

Date:

Signature of Registrar

(Seal)

(c) Government Securities

I hereby certify that I am satisfied that Government securities of the value (market or face value whichever is less) of Rs. have been transferred in my favour as security in accordance with the provisions of the Act, and that the security can be accepted.

Station:

Date:

Signature of Registrar

(Seal)

(d) Security of Movable Property:-

I hereby certify that the movable property gold/silver/jewellery made of valued in the draft security bond has been deposited in an approved bank and that the security can be accepted.

Station:

Date:

Signature of Registrar

(Seal)

(v) Refusal to Accept Security :-

If the Registrar refuses to accept the security offered by the foreman he shall record his reasons for such refusal in writing and communicate a copy of the order to the foreman. A note should be added on the copy indicating therein the time within which an appeal may be preferred to the Director of Chits against the order.

(vi) The Registrar shall obtain an acknowledgement, for his communication sent to the approved Bank. The acknowledgement shall be filed along-with the bank pass book or receipt as the case may be mentioned in the above rules. These documents shall be secured in the iron safe or the Cash chest of the Office.

vii) In the case of security offered in the shape of Government Securities, the Registrar shall deposit the securities in the nearest Sub-Treasury. The receipt for this deposit shall be secured in the iron safe or cash chest of the office.

viii) If immovable property is offered as security, the Registrar shall scrutinise carefully the mortgage deed to be executed by the foreman before it is got registered by the foreman. The Certificate of Commencement of Business shall not be issued till the mortgage deed is received after registration under the Indian Registration Act and filed by the Registrar.

The Registrar shall ensure that the mortgage deed shall be attested by at least two witnesses, where movable property is offered as security, the deed does not require registration.

ix) When substituted security is offered the Registrar shall before following the procedure prescribed direct the foreman to have the particulars given in the bye-laws regarding the property offered as security amended suitably.

V. Securing of Records by Chit Auditor

S.O.800. (i) The chit auditor should pass in review the accounts, receipts and vouchers maintained by the foreman and report to the Registrar any infringement of the provisions of the Act and the rules on the part of the foreman. The Registrar shall thereupon call, the accounts and books, if necessary, from the foreman. If he finds that any of the serious irregularities have been committed by the foreman he should submit a detailed report to the Director of Chits through the Inspecting Officer.

(ii) Prompt action shall be taken by the chit auditor to audit the accounts and the balance sheet when the application of the foreman for the audit of balance sheet is received from the Inspecting Officer.

Transfer of Rights of Subscribers

S.O.801. (i) If the Registrar files a copy of the entry in the register relating to the substitution of any subscriber by the foreman he shall watch for the receipt of the chit agreement signed by the substituted subscriber to be filed.

(ii) The foreman shall be required to have the notice referred to in sub-section (1) of section 20 served either personally or by Registered post, obtaining an acknowledgement in either case.

Transfer of Rights of Foreman

S.O.802. (i) A foreman intending to transfer his rights shall be required to apply in writing to the Registrar for sanction, furnishing a list of non-prized subscribers as on the date of the application.

(ii) The Registrar shall thereupon give notice in writing to the non-prized and unpaid prized subscribers calling for objections to be filed within fourteen days from the date of issue of the notice.

(iii) Statements of the persons objecting the transfer shall be recorded on loose sheets of paper. The deposition of each person shall be read over to him and his signature obtained below it. The fact that it was read over to him and acknowledged by him to be correct should be entered as a note below his signature and the same authenticated by the Registrar with date.

(iv) After the enquiry into the objections is over, the Registrar shall draw up an order containing a summary of evidence and his decision. The result of the enquiry shall be communicated to the foreman and to the objectors, if any, forthwith. In the communication to the objectors, it shall be indicated in case the application of the foreman is allowed, that an application may be made to the Inspecting Officer against the decision of the Registrar. If as the result of the enquiry the Registrar refuses to comply with the request for the transfer of the right of the foreman the order shall be communicated to the parties concerned informing them that an appeal will lie to the Director of Chits.

(v) It should be noted that a transfer of the right of a foreman to receive subscriptions from only prized subscribers can either be sanctioned or refused to be sanctioned by the Registrar. If the request for sanction for such a transfer is rejected, an appeal will lie to the Director of Chits. If the Registrar allows transfer under any non-prized or unpaid prized subscriber may make an application to the Inspecting Officer.

VII. Filing and Acknowledgement of Document

S.O.803. (i) Whenever any document required by the Act to be "Filed" with the Registrar, is filed, the Registrar shall make an endorsement in the document in the following form and authenticate it with his signature.

"No. and year of registration of the
bye-laws of the chit to which the

document relates :

Nature of document :

Date of filing : Signature of the Registrar

(ii) A Memorandum of acknowledgement shall be issued to the foreman in the prescribed form whenever he files any document required to be filed by the Act.

VIII. Inspection and Grant of Copies

S.O.804. Inspection and copies of chit records maintained by the Registrar shall be allowed or granted to interested persons only. The Registrar shall satisfy himself in such cases that the inspection is necessary for the protection of the interests of the applicant.

IX. Refunds of Fees

S.O.805. (i) A file shall be maintained in which shall be filed all office copies of vouchers relating to refunds.

(ii) Refund of fees may be made from the permanent advance of the office provided the amount to be refunded is small.

(iii) The Treasury rules relating to refunds of revenues shall be carefully observed in the matter of refunds of fees levied.

Accounts and Remittance of Collections into Treasury.

S.O.806. (i) The Registrar shall maintain the following account in the form prescribed therefor :-

Form No. 2 Daily Account of fees received etc..

The account shall be written up immediately an amount is received. Proper receipt for the amount shall be issued immediately on receipt. All amounts received by money order shall in the first instance be brought to account in the suspense account of the Register and credited thereafter to the cash account of the Register after making a disbursement entry in the suspense account of the Register.

(ii) A copy of Form No. 2 should be submitted to the Inspecting Officers on or before the 5th of every month.

(iii) All the collections of each day ledgered in Form No.2 which are credited to Government straightaway shall be remitted into the treasury or the State Bank as the case may be on the days on which the collections under the Registration Act are remitted. No remittance need be made if the amount to be remitted, is less than

Rs. 5/- Total collections under the Chit Funds Act shall also be taken into consideration for making at non-treasury stations special remittance of collections under the Indian Registration Act.

- (iv) The amount shall be remitted in a separate challan in duplicate under the head
- 104 Other General Economic Services
 - 015 Regulation of other Business undertakings
 - (05) Administration of Chit Fund Act.

(v) The duplicate challan shall be scrutinised by the Registrar after receipt from the treasury after remittance. The date stamp of the Office and the initials of the Registrar shall be affixed on the back of the challan in token of such scrutiny. The challan thereafter shall be filed in a separate file which shall be maintained separately for each official year. The challans shall be numbered serially in a separate series for each official year.

(vi) The Inspecting Officer shall cause the copies of accounts of each to be checked thoroughly each month by the clerks of his office and the senior Joint Sub-Registrar and pass them in general review himself. A review on the accounts shall be issued to the Registrar after check in the Office of the Inspecting Officer. The accounts shall be recorded within four weeks from the date on which they are received.

XI. Winding up of Chits

S.O.807. (i) In all cases where it comes to the knowledge of the Registrar that a winding up petition has been presented by any person to the Court he shall take steps to apply for a copy of it and watch the receipt of the orders of the Court. He shall render all help to the receiver in the matter of the winding up of a chit.

(ii) No petition for the winding up of a chit shall be presented by the Registrar without the previous permission of the Director of Chits. If in any case the Registrar considers that it is absolutely essential that the Department itself should present a petition for winding up, he shall submit proposals in that behalf to the Director of Chits through the Inspecting Officer setting forth fully the facts of the case and the reasons for deciding on such a winding up.

XII. Prosecutions

S.O.808. (i) The Registrar or the Inspecting Officer as the case may be, on being satisfied that there are grounds for instituting a prosecution under the Act, submit a full report of the case to the Director of Chits. If the report is made by a Registrar it shall be submitted through the Inspecting Officer. The Director of Chits shall decide whether a prosecution shall be launched and return the file to the Registrar or Inspecting Officer as the case may be with a copy of the order passed by him.

(ii) Whenever action is taken by the Registrar or the Inspecting Officer, such officer shall, ordinarily, before sending a report to the Megistrate, submit a full statement of the case direct to the Director of Chits and obtain his approval for the action proposed to be taken.

XIII Security from the Prized Subscribers

S.O.809. (i) When due to any error of judgment on the part of the foreman in taking sufficient security from prized subscribers any loss is caused, such loss shall be borne by the foreman himself.

(ii) (1) If the foreman himself is the prized subscriber at any drawing, before drawing the prize amount he shall furnish to the Registrar security sufficient for the realisation, in full of all future subscriptions that is to say for an amount not less than the total of all future subscriptions without any deduction in the form of:

- (i) Cash deposited in an approved bank.
- (ii) Government Securities.
- iii) Movable property;
- (iv) Immovable property; or
- (v) Security bond with two personal sureties.

(2) If the security furnished is in the form of Government securities or in the form of a charge on movable or immovable property, the procedure laid down in instructions in S.O.799 (i) to (viii) shall apply mutatis mutandis.

(3) If cash security is offered, the foreman shall deposit the amount in approved bank in a separate current or savings account in his name, hand over the pass book to the Registrar and inform the bank of the fact.

The foreman shall withdraw moneys from the account only with the permission of the Registrar. Such withdrawals shall be made only for the purpose of payment of the installments of the chits as and when they fall due and for no other purpose.

The Registrar shall on the termination of the chit and after the final balance sheet of the chit has been received and after satisfying himself that all the subscriptions due in respect of the ticket have been fully paid return the pass book to the foreman and permit him to withdraw the balance if any, standing to his credit.

(4) Procedure in case of security bond : Where the foreman executes a security bond he shall furnish two personal sureties with sufficient financial stability acceptable to the Registrar.

(iii) Registrars when they check the copy of the minutes of proceedings shall ensure that the provisions of instruction (ii) above are strictly followed by the foreman. Any infringement of instruction (ii) above by the foreman shall be promptly reported to the Director of Chits.

XIV Condonation of Delay in Filing Documents by the Foreman under the Act

S.O.810. Under section 53 the Registrar may in his discretion and upon application by the foreman condone delay in filing the documents mentioned in that section. The application should contain the reasons for the delay. Orders of the Registrar on such applications shall be brief and shall be communicated to the applicant without any delay.

XV Monthly Statistical Return

S.O.811. (i) The Registrar of Chits shall submit a Monthly Statistical Return to the Inspecting Officer on the 5th of each month in the form prescribed. The Inspecting Officer shall scrutinise the reports and submit a consolidated report of the monthly statistical return for his district in a similar form to the Director of Chits not later than the 15th of each month.

(ii) The Chit Auditor shall submit a monthly report on the progress of the work done by him in the previous month to the Director of Chits through the Inspecting Officer on or before the 10th of each month.

XVI Miscellaneous

S.O.812. (i) Registrars should note that the application for registration of bye-laws or any other document can be either presented in person by the party himself, or sent through a messenger or post, to the Registrar.

(ii) On all documents received, the Registrar should affix his office date stamp or dated initials so that the date of receipt of the documents may be readily available for future reference.

(iii) A copy of instructions in S.O.799 (i) and (ii) and a copy of Table of Fee shall be pasted on the office notice board for the information of parties.

(iv) The several papers relating to every order passed by the Registrar under the Act shall be kept neatly arranged with the document or other record to which they relate with a view to their being readily traced whenever required for reference.

(v) The original records relating to each chit shall be maintained in a separate file. Each such file shall contain the following five different groups of papers, each group having a fly leaf indicating the name of the group;

Group I : Bye-laws and amendments thereto.

Group II : Chit Agreements and Certificate of Commencement.

Group III : Minutes of proceedings of drawings.

Group VI : Balance Sheets.

Group V : Miscellaneous.

In the group "Miscellaneous" shall be kept all papers and documents that do not fall under any of the other groups.

(vi) The correspondence relating to each chit shall be maintained in a separate file.

(vii) The files mentioned in instructions in S.O.812 (v) and (vi) should be secured between Hinged file Boards superscribed as "File of records relating to Chit No of" or "File of Correspondence relating to Chit No.of" as the case may be, with a neatly written chronological index of the contents of the files.

Check on Unauthorised Chits and Frauds

S.O.813. (a) The Inspecting Officers and Chit Registrars (Investigation and Prosecution) shall ceaselessly strive to detect unauthorised Chits. The Inspecting Officers shall provide necessary drive and momentum to the Subordinate staff to come down heavily against the unregistered Chits and take steps to prosecute the offenders.

(b) With a warrant issued by a 1st class Magistrate, they can enter into a premises of a person who is responsible for the conduct of a Chit in contravention of the provisions of Chit Fund Act with the assistance of the police force, if necessary and search or inspect the Books, Registers, Accounts or documents in such place and may take them to the office for further investigation as they consider necessary and launch prosecutions against the offenders, if case is established.

S.O.814. i) The Chit Registrars shall ensure that the amounts payable to the Prized subscribers when not paid for any reason on the due date shall be credited in an approved bank. This will largely check the scope for abuse of public money.

ii) The Act enjoins a Foreman to offer security to the satisfaction of Chit Registrar for the due payment of future subscriptions when he is a prized subscriber. The Officers shall satisfy that this is adhered to strictly by the Foreman.

iii) In order to instill public confidence, protect public interest and see that Chit business is conducted on sound lines, officers incharge of Chits shall satisfy that the copies of minutes filed reflect true facts. Instances of filing false minutes by Foreman showing the amounts due to prized subscribers as having been paid or deposited in the banks without actually so paying or depositing shall be curbed. Some Foreman with dubious motives may delay payment due to the prized subscribers on sinister

plea that either security is not offered or that the security offered is not to their satisfaction and thus allowing huge public money accumulated with them. This tendency by the Foremen shall be checked by the Officers.

iv) Each offence should be judged from the facts of the case with a particular reference to intentions behind such act, whether there is any violation of the spirit of the Act for which it is intended to. If the lapses on part of the Foreman are deliberate or willful or with a view to deprive the Government with legitimate dues, they attract penal provisions of Chit Fund Act. If a Foreman acts or forbears to act in such away as to cause adverse interest to any or all the subscribers or for the gain to the Foreman at the expense of any or all subscribers, such acts shall be viewed as substantial offences.

S.O.815. a) Whenever amounts payable to prized subscriber are not paid within the stipulated period as prescribed under the Act, the Foreman shall deposit those amounts in an Approved Bank. The Officers shall insist on the Foreman to obtain a certificate of proof of such deposit from the Banker and file it with Chit Registrar along with the copy of minutes.

b) A true copy of the minutes to be filed shall be accompanied with a receipt for payment signed by the prized subscriber in case money is paid in time or a certificate of proof from the Banker of the deposit of amount due to the prized subscriber. The Chit Registrar shall satisfy either the payment in time or deposit in the Bank based on the receipt or certificate produced. He shall retain along with copy of minutes, the receipt given by the prized subscriber or certificate from the Banker in proof of deposit in the Bank. He shall also verify the signature of the prized subscriber on the receipt with that of the signature in the Chit Agreement before accepting the minutes for filing.

S.O. 816. The Chit Registrar (Investigation and Prosecution) shall take effective measures to detect unregistered Chits. They may ascertain the conduct of such chits by discreet enquiries by contacting local and knowledgeable persons particularly the existing Foreman in the area. He may record depositions from various persons including Foreman, he so contacted on unauthorised Chits and enclose them with his Tour diaries.

S.O.817. a) The Inspecting Officers (District Registrars) shall subject the Chit Funds records to more purposeful scrutiny in their inspections. They shall also see that the prosecutions are launched expeditiously, whenever there are defaults by the Foreman to prevent them by getting time barred.

b) They shall make frequent visits to Chit Companies and also make independent enquiries about their sound functioning to reinforce public confidence,

Chit Registrars (Investigation & Prosecution) - Duties

S.O.818. i) The Chit Registrar (Investigation and Prosecution) and his Attender will form part of the establishment of the District Registrar's office to which they are attached.

ii) Investigation into complaints of conduct of unauthorised chits:

a) The primary responsibility for ensuring that no unauthorised chits are conducted in any sub-district is that of the Chit Registrar concerned. Hence, Chit Registrars should make discreet enquiries of village officials and others with whom they may be coming into contact in the course of their official duties, and satisfy themselves that no unauthorised chits are conducted in their sub-districts. If information is received from any source suggesting that an unauthorised chit is being conducted any where in the sub-district, and the Chit Registrar considers that the allegation may be true he should forthwith book the case or report to the District Registrar with all the particulars available, and all such complaints should be investigated by the Chit Registrar (Investigation and Prosecution) without delay.

b) Petitions may be received to the District Registrars and Chit Registrars alleging conduct of unauthorised chits. Such petitions received by Chit Registrar should be submitted by them to the District Registrars with their remarks. If the District Registrar considers that there may be truth in any of such petitions whether the petition is signed, pseudonymous or anonymous they should be referred without delay to the Chit Registrar (Investigation and Prosecution) for investigation and report.

c) Chit Registrar (Investigation and Prosecution) during his tours may come across cases of unauthorised chits. Such cases should be investigated by Chit Registrars (Investigation and Prosecution) and further action taken.

d) All investigations in regard to cases of unauthorised conduct of chit should be completed by Chit Registrars (Investigation and Prosecution) and reported to the District Registrar ordinarily within a month from the date of the District Registrar's order directing investigation.

e) The District Registrar should examine all cases after investigation on the basis of the reports of Chit Registrar (Investigation and Prosecution) and the evidence available, and direct such further action as he deems fit.

A Chit Registrar (Investigation and prosecution) should visit every Chit Registrar's Office in his district once in every year, and on every such visit the Chit Registrar (Investigation and Prosecution) may discuss with the Chit Registrar the measures to be taken to prevent conduct of unauthorised chits in the sub-districts and peruse such records in Chit Registrar's Office as may be necessary for the purpose, and submit a report to the District Registrar in regard to the position in this regard in the Sub-district, suggesting also what further measures, if any should be taken to ensure that no unauthorised chits are conducted in the sub-district. Such visits by Chit Registrar (Investigation and Prosecution) to Chit Registrar's Offices would be particularly necessary in regard to offices at which the number of chits registered is low suggesting

that chits were being conducted without registration in the sub-districts. The Chit Registrar (Investigation and Prosecution) should visit such Chit Registrar's Offices so frequently as may be necessary and take all possible measures to put an end to the conduct of the unauthorised chits in the sub-district.

iii) Inspection of records of foremen and conduct of local enquiries in connection with offence committed by foreman of registered chits :

a) Chit Registrars (Investigation and Prosecution) need not inspect records of foreman in routine course as is being done by Chit Registrars. Inspection of Chit records of the Foreman by Chit Registrars (Investigation and Prosecution) should, therefore, be confined to cases where such special inspections are necessary in connection with offences committed or suspected to have been committed under the Chit Fund Act.

b) Local enquiries in regard to offences committed by foreman may also be entrusted to Chit Registrars (Investigation and Prosecution).

iv) Preparation of Complaint Petitions to be filed in Courts in respect of offences under the Act in consultation with the Assistant Public Prosecutors concerned:-

Orders for launching prosecution are passed by Director of Chits and communicated to District Registrars. In such cases Chit Registrars (Investigation and Prosecution) should prepare draft complaints in consultation with Assistant Public Prosecutor, and assist Chit Registrars concerned in filing the complaints in the court.

v) Attending Courts and helping in conduct of prosecution for offences under the Act :-

a) Chit Registrars (Investigation and Prosecution) may attend court whenever necessary, to help in conduct of prosecution in regard to offences under the Act.

b) The Chit Registrar (Investigation and Prosecution) should not be allowed more than one day for the purpose of verifying the Chit Records of the office of Chit Registrars.

c) Journey day may be allowed to Chit Registrars (Investigation and Prosecution) only in rare cases, where the station visited is at a distance exceeding 80 kilometers.

S.O.819. Prompt release of security under Section 12 (4) :

Security held by Chit Registrars should be released by them as early as possible after satisfying themselves, that the prescribed conditions have been satisfied.

S.O. 820. No fresh agreement is necessary with the transferor when a subscriber transfers his right under section 27 of the Act as the transferee steps into the shoes of the transferor.

S.O.821. (i) The Chit Registrars (Investigation and Prosecution) shall be attached to Inspecting Officer and District Registrar of his head quarters and he submit his Tour diary to the Director of Chits through the concerned Inspecting Officer and District Registrar.

(2) The Inspecting Officer and District Registrar under whom he is, shall be responsible for the work attended to by the Chit Registrar (Investigation and Prosecution).

(3) They shall be on tour atleast 20 days in a month, covering different areas in his jurisdiction.

They may attend to, inter-alia, the following duties :-

- a) Detection of unauthorised chits:
- b) Investigation into Complaints of conduct of unauthorised chits.
- c) Entering and searching places where unregistered chits are conducted.
- d) Inspection of records of Foreman and conduct of enquiries in connection with offences committed by the Foreman of registered Chits;
- e) Preparation of Complaint petitions to be filed in Courts in respect of the offences under the Act in consultation with the Assistant Public Prosecuting Officer and Public Prosecuting Officer concerned.
- f) Helping the Chit Registrars in conduct of prosecutions for the offences under the Act.

(5) Their Tour Diary shall be as below:-

Annexure

1. Region:
2. Period covered by the Diary:
3. Name of Officer:
4. Number of Chit Registrars Office is in each District of the region.

Day	Date of the week	Name of the District and Sub-district visited	Particulars of work done	Remarks
-----	------------------	---	--------------------------	---------

Station :

Date: Chit Investigator.

II. Investigation into complaints of conduct of unauthorised Chits and any other complaints also.

a) (i) No. of complaints pending investigation at commencement of the month. Name of the District.

(ii) No. received in the month

(iii) No. of cases in respect of which investigation was completed and report submitted to the Inspecting Officers in the month.

(iv) No. of such cases completed and reports submitted to Inspecting Officer in the calendar year upto the end of the month.

(v) No. of cases pending for over a month at close of the month with particulars giving dates of receipts of the complaints.

III. Entry and searching of place under Section 59.

(a) No. of places entered and searched under Section 59 of Chit Fund Act in the month.

(b) No. so entered and searched in calendar year up to the end of the month.

iv. Inspection of foreman's records under section 37.

(a) No. of inspections of foreman's records made under section 37 in the month.

(b) No. of inspections made in the calendar year upto the end of the month.

V. Preparation of complaints to be filed in Court.

-
- (a) No. of complaints/petitions prepared and filed in the court in the month.
 - (b) No. of complaints Name of the District petitions prepared and filed in the calender year upto the end of the month
 - (c) No of complaints Name of the District petitions pending preparation or filing in court for over a month at the close of the month with the particulars of such cases

VI. Helping prosecution:

No.of case in which prosecutions were launched.

(All the above particulars should be furnished District-wise in detail by the Chit Investigators)

General Irregularities under Chits:

S.O.822. The Chit Registrars shall subject the byelaws, agreements, securities and minutes etc., filed by Chit Fund Companies to deeper scrutiny and see that the following irregularities are not allowed to be committed by them. The Chit Registrars and the Senior Assistants Incharge of Chit Fund work shall be severely taken if they fail to detect these irregularities :-

- i) Transfers of prized chits by the prized subscribers though there is no provision for such transfer in the Act;
- ii) Where a foreman takes more than one prized chit, he does not furnish security for the prized chits other than the privileged chit thereby contravening provisions of Chit Fund Act;
- iii) Failure to file copies of minutes which should have been detected when the subsequent copies of minutes are filed;
- iv) Accepting pronotes of Foreman as Security for the additional prized chits drawn by him though the Act does not provide for acceptance of pronotes as security.
- v) Subscriber declared as prized subscriber even before he was Inducted as subscriber.
- vi) Delays in filing copies of Minutes
- vii) While the Foreman is entitled to only 5% of the Chits amount, he is collecting additional amounts towards enrolment fee and document charges etc.

-
- viii) Failure to obtain signatures of the subscribers in the minute.
 - ix) The Chit agreements do not contain the dates of execution.
 - x) The signatures of the witnesses are not decipherable and their addresses are not furnished.
 - xi) When subscribers are substituted, the fact is not intimated to Chit Registrar.
 - xii) Certificates are not filed under section 8 (2) of the Act to the effect that the provisions of Section 8 (1) were complied with.
 - xiii) Copies of minutes contain signatures of persons who are not subscribers and who purport to be agents without filing copies authorisation letters to ensure compliance of the provision of the Act.

Chit Securities

S.O.823. (a) When a firm is acting as a Foreman, a partner of a firm may offer his immovable property as security, when the firm itself has no such immovable property to offer as security.

S.O. 824. There is no objection to a Foreman for execution of a single Mortgage deed in respect of any number of Chits commenced simultaneously provided that specific mention of registration numbers of all the Bye-laws relating to such chits is made in the document and the Chit Registrar satisfies himself that the property mortgaged is sufficient to cover all the Chits.

S.O. 825. Chit Registrars should not accept as security any mortgage in respect of property not owned by the Foreman himself even though the owner may offer to join the Foreman in the execution of the document.

Miscellaneous

S.O.826. The application for registration of Bye-laws or any other documents can either be presented in person by the party himself or send through a messenger or post to the Chit Registrar.

S.O.827. The Receipts and Expenditure shall be credited to :-

a) Receipts: 104 Other General Economic Service 015 Regulation of other Business under takings.

(05) Administration of Chit Fund Act.

b) Expenditure:

304 Other General Economic Services

020 Regulation of other business undertakings

03 Administration of Chit Fund Act.

S.O.828. Since Chit business is run on time programme any delay on the part of Chit Registrar and staff in attending to Foreman's work may adversely affect the transactions. They shall therefore be very prompt and leave no room for complaint of any nature.

S.O.829. 1 (a) The following records shall be preserved permanently :-

- i) Record Register - Form 6.
- ii) Alphabetical index of Foreman of Chits - Form 8
- iii) File of Government orders and proceedings of Director of Chits.

1. (b) All other records maintained in connection with the work relating to Chit Fund Act shall be preserved for a period of 12 years in all offices of the Department.

2. (a) A Register of Appeals shall be maintained. The Inspecting Officer shall use only the Register of Appeals, the Daily Account of Fees (Form No. 2) and the Receipt book for fees (Form No. 10) maintained by the Joint Sub-Registrar. Form No. 2 and Form No. 10 shall be used in the office of the Director of Chits.

Annexure

Form No: 1-A

Register of Bye-Laws etc., Registered or Filed

1. Number and year of registration of the bye-laws.
2. Name and address of the foreman or foremen.
3. Chit amount:-
 - (a) Number of tickets in the chit.
 - (b) Amount of each installment.
 - (c) Minimum Number of Tickets or the minimum fraction of a ticket and the maximum number of Tickets, if any, fixed for which subscription can be made by a subscriber.
4. Date of registration of the bye-laws:
5. Date of dates of filing of the Chit agreement.
6. Date of issue of certificate of commencement of chit business.
7. Security offered by the foreman.
 - (a) Nature with particulars of document registered or the approved bank in which the amount is deposited.
 - (b) Value.
8. Date of termination of the Chit:
9. Date of release of security/holding over of the security.
10. Date of filing of application for winding up the Chit, if any.
11. At whose instance the application for winding up was filed.
12. Name and address of the receiver appointed.
13. Date of order of Court to wind up the chit.
14. Date of final order of the Court in the winding up.

FORM IA

PARTICULARS OF DOCUMENTS REGISTERED OR FILED

Date of registration or filing	Serial No. and year	Description of document quoting section of the Act.	Whether registered or filed	Signature of the Registrar
1	2	3	4	5
Size R.A. 3 30.5x43 cms. i.e. (12" x 17")		(Book of 200 pages) (Consisting of first 150 pages of Form No. I-A and last 50 pages of Form No. I-B).		

FORM NO. I-B

PARTICULARS OF DOCUMENTS REGISTERED OR FILED

Date of registration or filing	Serial No. and year	Description of document quoting section of the Act.	Whether registered or filed	Signature of the Registrar
1	2	3	4	5
Size R.A. 3 30.5 x 43 cms. i.e. (12" x 17")			50 pages of this form to be bound with 150 pages of form No. I-A	

Form No.2

DAILY ACCOUNT OF FEES, STAMP, IF ANY, BORNE OR RECEIVED TOGETHER WITH SUSPENSE ACCOUNT UNDER THE CHIT FUND ACT

MONTH _____ YEAR _____ OFFICE OF THE REGISTRAR OF CHITS

			ACCOUNT OF FEES			SUSPENSE ACCOUNT				
D a t e	Number and year of regist- ration of Bye- laws of the chit	By whom the amo-unt was paid	For what purpose of the fee was paid with rele- vant section of the Act	F e e s	Stamp if borne or recei- ved	Colle- ctions	Disb- urse- ments	Bal- ance	Total of Colu- mns 5 & 9	Re- mar- ks
						Amo- unt with par- ticul- ars if any	Amo- unt with par- ticul- ars if any			
1	2	3	4	5	6	7	8	9	10	11
				Rs.Ps.	Rs.Ps.	Rs.Ps.	Rs.Ps.	Rs.Ps.	Rs.Ps.	

Note : (a), (b), (c), (d) omitted in typing so type this point.

Form No.3

Register of Securities

1. Number and year of registration of the bye-laws of the Chit
2. Name and address of the Foreman.
3. Chit amount. Rs.
4. Security offered by the Foreman
 - a) Nature.....
 - b) Value
5. Description of property in the case of security offered in the shape of immovable property.
6. Registration no. of the mortgage deed in respect of immovable property.
7. Particulars of Security offered other than immovable property.
8. Bank/Treasury/Sub-Treasury in which the cash movable property/Government securities are deposited.
9. Pass Book Number/receipt number of the bank which holds the security in deposit.
10. Date of release/holding over of the Security.
11. In the case of holding over Registration Number or Numbers of bye-laws of chits for which the security has been held over.
12. Remarks.

Signature of the Sub-Registrar.

NOTE : When additional or substituted security is offered entry should be made on a separate page. (Book of 200 pages).

SIZE : R.A.3 as in Form No. I-A printed on each page vertically in the form and ruled.

Form No. 4

Register of Receipt and disposal of Balance Sheets.
Number and year of registration of bye-laws.

Sl. No.	Date of commencement of chit	Duration of the chit	Date
			On which balance sheet is to be prepared
1	2	3	4

DATE

On which application for audit is due with reference to Rules	of issue of notice to Foreman.	of receipt of application with fees
5	6	7

DATE

Of submission of the application to the Inspecting Officer	Of receipt of audit report from the Chit auditor by Foreman	Of filing of the audited balance sheet by the Foreman	Remarks
8	9	10	11

Etc., as in Form No. II.
Register of 200 pages.

Form No.5

Audit Register

Particulars of the chit to which the balance sheet relates			Date of receipt of the Balance Sheet	Serial number of the balance sheet and the period to which it relates	Name and address of the foreman
Number and year of registration of the by-laws of the chit	Office of registration	Chit amount			
(1.a)	(1.b)	(1.c)	(2)	(3)	(4)

D A T E

Fixed for audit	Of sending intimation to the foreman	Of production of Chit book and records	Of completion of audit	Number and date of issue of audit certificate and report to the foreman.	Remarks
(5.a)	(5.b)	(5.c)	(5.d)	(6)	(7)

Size, quantity – etc.
As in Form No. II

Book of 200 pages

Form No.6
Record Register

Volume No.	Name of record	Period		Remarks
		From	To	
1	2	3	4	5

Form No.7
Register of Prosecutions.

Sl. No.	Number and year of registration of the bye-laws of the chit	Name and address of the defaulter	Nature of the default:
1	2	3	4

Number and date of order of the Director of Chits sanctioning the prosecutions	Court in which the charge sheet was filed	Date of filing of the charge sheet	Date of judgment	Result of the case	Remarks
5	6	7	8	9	10

Size, etc.,
As in Form No. II

(Book of 100 Pages).

Form No. 8

Alphabetical Index of Foreman of Chits

Name of Foreman with addition	Proposed place of chit	Chit amount	REFERENCE			
			Number and year of registration of Bye-laws	Date of Registration	Volume number of Register of Bye-laws	Page
1	2	3	4	5	6	7

ORIGINAL

Form No : 9

Memorandum Acknowledging Receipt of Documents

The Registrar of Chits hereby acknowledges the receipt of the undermentioned document/documents and intimates that it has/they have been filed in pursuance of the Andhra Pradesh Chit Funds Act, 1971.

REGISTRAR OF CHITS

(BOOK OF 100 MEMORANDA IN
DUPLICATE).

Station :

Dated :

Size, etc.,

As in Form No. 8.

Form No. 10

ORIGINAL

Counterfoil

Receipt for fees

Received from Sri

Rs. Ps.

- i) fee for Registration of bye-laws.
- ii) fee for issue of certificate of commence
of chit business.
- iii) Other receipts (details to be specified).
- iv) Total Rupees..... and paise.

Station :

Date :

Signature of the Registrar

Size : R A.6.

5.76 X 15.25 Cms.,

i.e., (4 ½" C 6")

Book of 100 receipts in
duplicate

Form No. 11 Monthly Statistical Return

Month..... Office of the

Year..... Registrar of Chits

Inspecting Officer.....

Pending disposal at the end of last month	Received in the month	Total	Disposal during the month	Balance
1	2	3	4	5

- I. Registration of Bye-laws.
- II. Chit Agreements.
- III. Other Statutory documents required to be filed under sections 8 (2), 11, 16, 20(2), 21(2), 29, 32 and 46.
- IV. Applications for furnishing security by the Foremen.
- V. Applications for the issue of Certificate of Chit Business.
- VI. Applications for the grant of certified copies.
- VII. Chits :-
 - i) Functioning at the beginning of the month
 - ii) Commenced during the month
 - iii) Total
 - iv) Terminated during the month
 - v) Wound by during the month
 - vi) Functioning at the end of the month
- VIII. Cash collections.
 - i) Fees remitted during the month
 - ii) Balance of amount in the suspense account on the last day of the month

Station :

Signature

Date :

Size : R.A(3) Double

Registrar of Chits/
Inspecting Officer.

CHAPTER XXIV

ENTRIES IN REGISTER BOOKS

General

S.O.830. (a) Documents admitted to registration shall be transcribed in the register book with the least possible delay. Except in unavoidable circumstances, no document admitted to registration on or before the close of a calendar year shall be allowed to remain uncopied at the close of the calendar year.

(b) One or more special volumes, in addition to the usual number of volumes maintained, may be opened with the sanction of the Registrar for the transcription of exceptionally lengthy documents.

S.O.831. Each volume shall continue in use until all the pages are filled; a fresh volume need not be opened at the commencement of each calendar year.

S.O.832. (a) When for any special reason a register book is closed on a page other than the last page mentioned on the title page, a certificate to that effect shall be appended at the foot of the last entry and a certificate specifying the number of pages which have been utilized shall be entered on the title page each signed and dated by the registering officer.

(b) If a page is by oversight left blank in any part of a volume, a certificate stating that the omission is accidental shall be entered on such page.

S.O.833. Additional pages shall not on any account be inserted in a volume.

S.O.834. (a) Except as provided in Order 944 (a) no ink other than the black ink supplied for the purpose shall be used in register books and indexes and in endorsements, certificates and other entries made on documents by a registering officer.

(b) When the supply of Registration ink from the Director of stationery is not regular or adequate, the following types of standard inks of black and blue-black alone and not; blue shall be used provided they conduce to the permanency of the entries-

(i) Krishnaveni, (ii) Raman (iii) Dayalbag, (iv) Sulika (v) Bril and (vi) Camel.

S.O.835. Copyists shall write with a distinct pressure on the pen.

S.O.836. The several register books and indexes which were maintained from time to time in registration offices prior to the 1st January 1909 and which correspond to the existing register books 1 to 5 and indexes I to IV are set out in Appendix XIX.

Numbering of Volumes

S.O.837. (a) The volumes of register books shall be numbered consecutively, a separate series being assigned for each class of registers. The serial numbers shall not terminate with the year but shall be carried on perpetually.

(b) (I) The file books and additional volumes referred to in Registration Rules 13 (i) and 115 and Order 830 (b) shall, as they are brought into use, have a number assigned to them in the general series of the book to which they relate

(ii) The file book 1 maintained under Rule 115 shall be designated file Book 1-B so that it may be readily distinguished from the file Book 1 maintained under Rule 13 (i).

(c) The file for placing photo prints received under sections 65 and 67 of the Indian Registration Act should be numbered in the same series of Book 1 volumes as is mentioned in clause (a).

(d) The file book of copies and translations (Registration Rule 13 (ii) forms a separate class and shall be given a special set of serial numbers.

Numbering of Entries

S.O.838. The consecutive numbers assigned to documents copied in each ordinary volume shall differ by the number of ordinary volumes in use of, if one or more special volumes are also in use, by integral multiples of that number. Thus, when three ordinary volumes are in use, the numbers will be:-

		Document Numbers
First volume		1 4 7
Second volume	2 5 8
Third volume	3 6 9

When three ordinary and one special volumes are in use, the plan of numbering will be :-

First volume		1 4 7
Second volume		2 8
Third volume	3 6 9
Special volume	5

S.O.839. (a) The number of the document shall be shown in the register book in the middle of the column reserved for the entry of the document and on separate line immediately above the commencement of the entry, and no portion of the line upon which the number is entered shall be utilized for the entry of the document or the endorsements thereon.

(b) When (i) the entry of a document commences at the top of a page or (ii) the entry is continued to another page or (iii) the entry is continued from another volume, the document number shall be entered in the space between the lower line, of the heading and the first ruled line, the word “continued” in brackets being added in case (ii) and the words “continued from volume...” “in case (iii).

(c) Ruled lines shall not be drawn on either side of the entry of the number of the document.

S.O.840. Whenever a document is copied in a special volume or in a wrong volume, a note of the fact shall be made against the next number in the ordinary volume in which it would have otherwise been copied, thus:- “No. 8 (No 5 copied in volume).”

S.O.841. When a document is partially copied in one volume and completed in another volume, cross references shall be entered in both the volumes; viz, a note in the form “continued in volume” at the foot of the incomplete entry in the volume in which the copying was commenced and a note as prescribed for case (iii) in Order 839 (b) at the head of the first page of the volume in which the copy is continued.

S.O.842 (a) The stamp-vendor’s endorsement and any certificate relating to the stamp shall be copied at the end of the entry of the document in continuation of the signatures of the executants and witnesses, and the value of the stamp (stamp papers or labels) shall then follow in words, in the language of the document. After the close of the entry so made, a line shall be drawn to the end of the column so as to prevent any addition being made.

(b) When a document is engrossed on two or more stamps, the entry regarding the value of stamps shall show the number of stamps and their total value thus:- “Two stamps Rs. “, “Three stamps Rs. “.

(c) While transcribing the endorsements made by proper officer stamping the special adhesive labels, the value of each label or labels which are defaced with one common signature or initials should be copied in figures and words. Thereafter the initials or signatures as the case may be (if decipherable) should be copied followed by the Designation of the Officer. This procedure should be repeated in respect of the other label or labels defaced with another signature or initials as the case may be. In the end the total No. and value of stamps should also be denoted.

Example: Three (No.) Special adhesive stamps Rupees sixty (value).

S.O.843. (a) In the case of a document impounded after registration for adjudication of stamp duty, the certificate of stamp added by the Registrar shall, before the document is returned to the party, be copied as a footnote below the entry in the register thus:-

“This document was impounded after registration for adjudication of stamp duty and the Registrar has certified on it as under—

(Here enter the certificate and signature of the Registrar with designation and date)”

The entry shall be signed and dated in the Registering officer.

(b) In the case of deposition recorded to supplement additional information to a document, a cross reference to the entry made in the deposition book shall, before the document is returned to the party be made as a footnote below the entry of the document in the register thus;-

The correct value/nature/Survey No/Extent/Boundaries of properties/ Names and additions of parties has been obtained by a deposition recorded from the executant/ claimant in the deposition book volume page... ..

The note shall be signed and dated by the Registering Officer”

S.O.844. (a) Any portion of the column allotted for the endorsement and certificate which is likely to remain unoccupied after they have been copied and the small seal has been affixed may be utilized for the entry of the document.

(b) Similarly, any unoccupied portion of the column allotted for the copy of the document may be utilized for the endorsement and certificate. If in the latter case the stamp entry closes at the end of a line, the whole of the next line shall be ruled across so that it may be seen at a glance where the copy of the document ends.

S.O.845. (a) If a page of a register book is not fully occupied by the entry of a document, the copy of the next document shall be commenced on the same page, after leaving a space of two lines at the foot of the last entry for footnotes, such as notes regarding the rectification or the cancellation or the destruction of a document, which may be entered subsequent to the authentication of the entry by the registering officer. If the space of two lines is found insufficient for entering any subsequent notes, the notes shall be entered on the fly-leaf.

(b) If footnotes under any entry, such as notes of cross references, occupy or are likely to occupy more than two lines, sufficient space shall be reserved so as to leave two blank lines after the space occupied by such notes-

(c) The entries of two documents on the same page shall be separated by a thick line ruled across the register immediately above the line which contain the number of the second document.

(d) If the copying of a second document is commenced before the entry of a previous document on the same page has been compared, closed and authenticated, seven lines shall ordinarily be left blank after the closing line of that entry for footnotes and signatures and for the two lines referred to in clause (a).

S.O.846. Every entry of a registered document shall be an exact copy of the original. If any abbreviation is used in the original it shall be reproduced in the copy. If a word in the original is misspelt, or if a word is repeated by mistake, or if some word necessary to complete the sense is omitted, the error or omission shall be indicated by underscoring the passage in which it occurs and by the entry of a letter above, with a corresponding footnote, e.g., “(a) sic”, “(b) repetition”, “(c) omission”; but no attempt shall be made to correct the error or to delete the repetition or to supply the omission. If a blank in a document for a name, date or word has not been filled up, the blank space shall be denoted by a dash and a letter shall be entered over it with a corresponding footnote, e.g., “(a) blank.”

S.O.847. An erasure in an original document need not be reproduced in the entry in the register, but the place in the document where an erasure exists shall be indicated in the register by a line and a corresponding footnote.

S.O.848. A word or a figure wrongly copied in the register shall be scored out and the correct word or figure written above the incorrect transcription and initialed by the registering officer.

S.O.849. A blank space shall not appear as such in the entry of a document or of an endorsement in the register book, but all gaps, e.g., unoccupied spaces at the end of the entry of a paragraph or in the entry of a schedule, shall be ruled across.

S.O.850. Whenever a line is left blank, e.g., before the entry of a schedule of property or of an inventory or other information, the line shall be ruled across, initialed at either end, and numbered in the same series as other corrections in the entry. Where such rulings of blank lines are continuous and on the same page, it will suffice if the whole portion is enclosed by brackets on either side and initialed on either side.

S.O. 851. No writing shall appear beyond the outer side lines which bound the columns “copy of document” and “copy of endorsement.”

S.O. 852 The signature in the documents and in the endorsement shall be copied in the register book without the word “signed” prefixed to them.

Where a party or witness is a marksman, the words “mark of” prefixed to the name shall be copied in the register, and the mark itself shall be denoted in the register by a cross, “X”.

S.O. 853, If a document contains a signature in a language not understood by the registering officer or any of his clerks, the registering officer shall ascertain from the party what letters the signature contains and cause them to be entered in the register in the language in which other portions of the document are copied with the following addition in brackets “Signed in the original in (language).”