

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

(2) In the case of a document purporting to be executed by an attorney, or by a guardian of a minor, or by a legal curator of an idiot or lunatic, such attorney or guardian or curator shall be held to be person executing the document for the purpose of sections 32, 34, 35 and 58 of the Act; but for the purposes of section 55, the principal or minor or idiot or lunatic as well as the attorney or guardian or curator shall be considered to be the executing parties.

(3) Meaning of execution.-The legal meaning of the phrase 'execution of a document' is 'signing a document as a consenting party thereto' and the word 'signing' includes the affixing of a mark. Before signing a document a man is supposed to take every reasonable means of satisfying himself as to its terms and if he signs it without due care and attention unless his signature was obtained by illegal compulsion or fraud he must take the consequences, at the least so far as registration of the document is concerned. The registering officer has no option but to accept the document as actually signed and all he can do for the executor in such cases is to record a note of his refusal to endorse the document.

113. **Refusal to register to be made with caution.**-Orders refusing to register should be made only after due care and consideration, and if the impediment to registration is a mere informality or defect capable of remedy, opportunity should always be given to the parties to correct the flaw. In such cases registration shall be deferred, and no final order of refusal shall be made until the document concerned becomes time-barred.

114. **Denial of receipt of consideration.**-If any person admits the execution of a document presented for registration, denies the receipt in whole or part the consideration recited therein, registration shall not be refused because of such denial, but a note of the denial shall be made in the endorsement required by section 58.

115. **Documents not duly stamped.**-The fact that a document is not duly stamped under the Indian Stamp Act, 1899, is not of itself a sufficient reason for recording an order refusing to register it. The proper course is for the registering officer to impound the document and send it to the Collector, as prescribed in that Act; and if the document is received back from the Collector, cured of the defect of stamp, and it is otherwise admissible, the registering officer shall register it. If, however, the executant of a document, who is in doubt as to the proper stamp to be affixed, consults a registering officer on the subject before formal presentation, the required information may be given to him without impounding the document.

116. **When registration is admitted qua some, but refused qua other parties.**-(1) When under section 35 of the Act, registration is admitted as to some of the parties to a document, but is refused as to the rest, the registering officer shall endorse thereon an order in this form: "registration refused as to A.B., and C.D." and shall record the reason for this partial refusal in his Book 2; but in all other respects he shall proceed with the registration of the document in the ordinary manner.

(2) If a document of which registration was refused qua some of the executants is subsequently registered against them under an order of the Registrar or a decree of a civil court it is not necessary to re-copy the deed in the registration book concerned, but the new endorsement and certificate recorded on the deed should be copied under the certificate previously copied in the book or if there is not sufficient blank space in the book for that purpose the new endorsement and certificate should be copied in column 1 of the book under the last deed copied therein on the date of the registration. In the latter case the number of the page and volume of the book where the copy of the deed will be found should be noted in column 3 against the new endorsement and certificate.

117. **Procedure on denial of execution.**-If the person by whom the document purports to be executed denies its execution or if he appears to the registering officer to be a minor* an idiot or a lunatic, or if he be dead and his representative or assign denies its execution, the registering officer, if a Sub-Registrar, is bound to record an order of refusal to register. A Sub-Registrar on any such denial

* Note:-The Government of India has decided that in accordance with second paragraph of section 3 of the Indian Majority Act, 1875, the age at which British subjects domiciled in India attain majority for purposes of the Registration Act is 18 years.

has no authority except when specially empowered under section 35 of the Act to enquire into the fact of execution, but a Registrar may do so either on appeal from the order of the Sub-Registrar under section 73, or when the denial is made before him under section 74 of the Act.

118. Refusal to admit execution is a denial of execution.-Refusal to admit execution of a document is a denial of execution within the meaning of the Act, as also is a wilful refusal or neglect to attend for the purpose of admitting execution when a summons has been served for such purpose and when such refusal or neglect occurs, a suit will be under section 77 of the Act, for the purpose of having the document registered. It should be noted that there must be something to show that there was wilful neglect to appear or a wilful evasion of service. Mere non-appearance is not sufficient.

119. Refund of registration fees on refusal to register.-In cases in which registration is refused the registration fees received shall be refunded. *upto 3 years Acc Rule 163*

120. Copies of reasons of refusal should be stamped with court fee stamps.-The words without payment in section 71 of the Act must be taken as referring to copying fees and not to the stamp, and copies of reasons for refusal should be stamped, with court-fee stamps according to article 9 of schedule I to the Court-Fees Act, 1870.

PROCEDURE ON ADMISSION TO REGISTRATION

121. Copying of document into register.-When a document has been admitted to registration and the necessary endorsement have been recorded it should be made over to the registration muharrir to be copied into its appropriate book, and the registering officer should see that no unnecessary delay occurs, and that documents are always entered in the books in the order of their admission. In the first column of the register should be entered the value of the stamp (if any) and the number of stamps used; and if they are court-fee stamps, this should be noted. Thereafter, the several endorsements made in the office (including the certificate of registration prescribed by section 60 of the Act), the several signatures of the registering officer, presenter, executant and witnesses examined, shall all be copied in their proper places. In the second column will be noted the serial number of the entry, a brief abstract of the contents of the document (e.g. "mortgage of agricultural land for Rs.500, with possession"), and the amount of fees and fines levied. The third column will contain an exact copy of the document registered and should show all interlineations, blanks, erasures, and alterations which appear in the original. All such entries must be authenticated by the registering officer daily, in the manner prescribed in paragraph 79.

122. Certificate of registration.-After the document has been copied the certificate required by section 60 of the Act shall be endorsed on it. It shall be signed by the registering officer and sealed with the seal of his office. This certificate shall contain the serial number of the entry, and the book, volume and page, wherein the document has been registered, as well as date of registration, which is the date on which the instrument is copied into the register, and not the date on which it was presented for registration. The endorsement shall then be copied into the register as required by section 61 of the Act.

123. Return of registered documents by hand.-The registering officer shall retain the registered documents in his possession upto the time appointed for returning them, and shall then cause each to be delivered in his own presence to the proper party, the receipt given for it under paragraph 72 being at the same time taken back. If the party to whom the receipt was granted represents that he has lost or mislaid it, the document may be returned to him, on his written acknowledgement of its return. The document shall in no case, except as provided in the instructions regarding the return of document by post, be returned to any one but the person who presented it for registration, or to his representative or agent, unless the person claiming to receive it produces the original receipt with a nomination in writing thereon as contemplated in section 61 of the Act.

124. Documents to be promptly returned.-The registering officer should see that documents are promptly returned after registration to the presenters or other persons authorised to receive them; and the accumulation in the registry office of registered documents should be avoided as much as possible. If the documents are at once copied in the registers, and a fixed hour is appointed for their daily return, it will generally be found that people will attend at that hour to receive them; but if delay is allowed to take place in registration, and the time at which the documents will be available for return is uncertain, the parties will probably proceed to their homes, and will not, until summoned,

call again for their instruments, which will accumulate in the registry office. When a month elapses after the registration of a document without the party calling to receive it back, he should be summoned through the post by the registering officer to come and receive it.

125. Return of registered documents by post.-(1) In all registration office, however, where the convenience of the public is likely to be served thereby, the system of returning documents after registration through the post may be adopted, in accordance with the following instructions.

(2) Procedure for presenter.-Any person presenting a document for registration and wishing to have it returned through the post must conform to the following regulations:-

- (a) he must hand in the receipt for the document to the Sub-Registrar with the name and address of the person to whom the document is to be forwarded plainly endorsed thereon;
- (b) the receipt so endorsed must be accompanied by a large registration envelope on which the applicant has inscribed the address to which the document is to be sent. The address must be the same as that endorsed on the receipt for the document;
- (c) the envelope must also bear postage stamps to cover postage for its despatch and acknowledge receipt of the addressee.

(3) Procedure for Sub-Registrar.-The Sub-Registrar on receiving a receipt for a document on which an address has been endorsed shall retain it, along with its accompanying envelope, in his possession until the document has been copied and shall give to the presenter a slip stating that the document in question will be returned by post within such and such a time.

(4) As soon as document has been copied the Sub-Registrar shall enclose it in its proper envelope, and after signing the receipt for the document shall hand the receipt and the envelope over to the muharrir.

(5) When the envelope has been posted the muharrir shall complete the entries on the back of the receipt for the document, adding thereto the number and date of the postal receipt and shall then paste the receipt for the document on to its proper counterfoil. He shall also enter the despatch of the document in the despatch book mentioned in paragraph 72.

(6) The postal receipt shall be pasted into a book provided for the purpose, and the addressee's acknowledgement, on arrival, shall be pasted on to the same page. Should the addressee's acknowledgement not be received within 15 days, enquiries about it should be made from the local post office.

(7) Sub-Registrar should apply to the Registrar for a file-book to enable the instructions contained in clause (6) to be complied with and the local postmaster should be asked to keep a sufficient stock of large registration envelopes in hand for sale.

126. Control to be maintained over muharrir.-Registering officers shall maintain a vigilant control over their muharrirs, and not place them in closer contact with the public than is unavoidable. The receiving of documents or of money, the recording of endorsements, and the returning of the documents shall not be left to the muharrirs to do whether in the presence or in the absence of registering officer.

127. Endorsement.-Endorsement shall always be written by or in the presence of the registering officer and, except in the case of endorsement recorded under section 60 of the Act, of the parties concerned. All endorsements on English documents should be written in English and on Hindi documents in Hindi except the endorsement recorded under sub-section (2) of section 62 of the Act, which should be written in Hindi. All Sub-Registrars shall record the endorsement required by sections 52 and 58 of the Act with their own hands, unless they are unavoidably prevented from so doing, in which case the reason of the inability shall invariably be noted with the endorsements on any document thus registered. Suitable forms for endorsements are given in appendix IV and should be adhered to so far as the circumstances of each case permit.

128. Endorsements may be written or contained on orders.-When there is no sufficient vacant space on the back of a document for the necessary endorsements, they may be written or continued on a separate piece of paper attached to the document (vide definition of "endorsement" in clause (5) of the section 2 of the Act) but in such case both the document and its rider must bear the seal and signature of the registering officer.

129. Endorsements in the case of authenticated documents.--When a document is both registered and authenticated (paragraph 58), the endorsement of authentication under section 33 of the Act should be recorded on it in addition to the ordinary endorsements required under sections 52, 58 and 160, but only the latter endorsements should be copied in Book 4, the particulars required by paragraph 57 being entered in Book 6. A certificate under section 60 of the Act is not required on a power-of-attorney authenticated under section 33 of that Act, but a certificate of authentication showing the number of entry, page and volume of Book VI should be recorded on such power in the form prescribed in paragraph (19) of appendix to the Registration Manual.

MEMORANDA OF DOCUMENTS

130. Memorandum of documents, how to be prepared.--(1) The memoranda of documents registered, required to be made under section 64, 65, 66 and 67 of the Act, shall be prepared upon printed forms, containing the following headings:-

1. date of execution;
2. name and addition of executant;
3. name and addition of person in whose favour executed;
4. nature and value of transaction;
5. description of immovable property concerned;
6. particulars of registration;

(2) The "addition" of the persons concerned to be entered under headings (2) and (3) is the "Addition", as defined in section 2 of the Act, and the word is to have the same meaning when similarly used throughout this Manual. Under heading (4) the transaction should be described briefly, as "sale of agricultural land", or as the case may be. The description of the property under heading (5) should contain, as nearly as possible, the particulars mentioned in section 21 of the Act; and should always be sufficient for its identification; and only that portion of the property which is situated in the sub-district to which the memorandum is sent should be entered. Under heading (6) should be shown the date and office of registration, the registry number, and the book, volume and page where it has been registered.

131. Sending of memoranda to be noted in Book 1.--(1) When a Sub-Registrar registers a document relating to immovable property, not wholly situate in his own sub-district, he shall note in his Book 1, opposite the entry, in the column provided for remarks the date on which he sends memoranda or copies thereof, under section 64 or 65 of the Act (as the case may be), to the other registering officers concerned.

(2) Similarly, when a Registrar registers documents relating to immovable property, he shall note in his Book 1, opposite the entry, in the column provided for remarks, the date on which he sends memoranda or copies thereof, under section 66 or 67 of the Act (as the case may be), to the registering officers concerned.

(3) Lastly when a Registrar receives a copy of a document relating to immovable property under section 65 or 66 or 67 of the Act (as the case may be); he shall, when filing it in his supplementary Book, endorse on such copy the date on which he sends memoranda thereof to the Sub-Registrar concerned.

(4) Registering officers should see that there is no unnecessary delay in sending memoranda or copies under this rule to the other registering officer concerned, and should take severe notice of any neglect or delay on the part of registration muharrirs in the matter.

132. Memoranda of alienations of agricultural land.--All registering officer shall cause their muharrirs to enter up a memorandum of every alienation of agricultural land and of land assessed to land revenue within the limits of towns and cities, registered before them including hypothecations without transfer of possession but excluding cases in which the mortgage money on an existing mortgage has been merely increased (izadi-zar rahin). The memorandum shall be written up immediately after the deed admitted to registration has been copied into Book 1, and shall be attested by the registering officer. A similar memorandum shall be prepared in regard to every document of which a memorandum or a copy has been received under sections 64 to 66 and section 67 respectively of the Act, as soon as the memorandum or the copy has been filed in Supplementary Book 1. At the close of each month all memoranda prepared under this paragraph during the month, shall, together with an invoices, be despatched to

the Tehsildar of the tehsil in which the land registered is situate. A note shall at the same time be made in the remarks column of Index-II against each deed relating to agricultural land that necessary memorandum has been prepared and sent to the Tehsildar concerned. A Sub-Registrar, before whom no alienations of agricultural land have been attested for registration during the month, should send a blank invoice for the information to the Tehsildar of the tehsil in which the Sub-Registrar's office lies. Forms of the memorandum and invoice will be found in appendix III.

133. Re-registration for error of description.-Re-registration of a document may take place in the following three cases:-

- (a) the first is where a deed is altered, after registration, by consent of parties, to correct an error of description and in furtherance of their original intention. Such alteration, in effect, makes the document a new one, different from the one already registered; and if it is a document covered by section 17 of the Act, re-registration becomes obligatory. Another mode of correcting such a misdescription is to draw up of supplementary document, reciting the error in the former one and the correction now intended to be made, and to register this document also. Such supplementary document will however have to be treated in every respect in the same way as the original, and will be liable to the same fees. Moreover, it should be properly stamped and unless section 4 of the Indian Stamp Act, 1899, operates to reduce the stamp duty, it will generally be found preferable to draw up an entirely new instrument and have it registered;
- (b) Re-registration when a document has been executed by several persons of different times.- In the second place a document may have to be registered more than once when it purports to be executed by several persons, but at the time of first registration had in fact been executed by some only of those persons. If after registration, the other persons also execute the document, it must be registered afresh, but in the latter case, limitation will run, under the proviso to section 23 of the Act not from the date of the document, but from the date of the last execution;
- (c) in the third place it may be necessary to re-register a document which was presented at the time of its first registration by a person not duly empowered to present it. In such a case any person claiming under the document may present it for re-registration as provided in section 23-A of the Act.

134. Procedure on re-registration.-Whenever a document is re-registered, it will be treated in all respects as if it were an entirely new document, and must be re-copied in its altered form in the proper register and the full fees levied. If there is no sufficient room on the back of the document for the new set of endorsements required, owing to its being already occupied with the endorsements recorded at the first registration, they may be written or continued on separate piece of paper, as provided for in paragraph 128.

SPECIAL REGISTRATION UNDER SECTION 89

135. Effect of provisions of section 89.-(1) The provisions of section 89 of the Act have the following effect:-

- (a) they render obligatory the registration of all documents of the classes mentioned therein without regard to value;
 - (b) the obligation to register is imposed upon the officer granting the loan, or the court or officer granting the certificate (as the case may be), and not upon the person to whom the loan or certificate has been granted, or the person claiming thereunder;
 - (c) a particular mode of registration is prescribed-the revenue officer is to send a copy of his order, or of the instrument securing repayment of the loan, to the registering officer having jurisdiction; and in similar manner, the court or officer is to send the registering officer a copy of his certificate, the registering officer will then file such copy in his supplementary Book I-and this is sufficient registration for all legal purposes.
- (2) Though the law requires that documents of the kinds in question shall be registered by revenue officers or courts, and not by the parties, there is nothing to prevent the holder of such a document, or any person claiming thereunder, from taking it, within four months from its date, to a registering officer, having jurisdiction, for registration in the usual way, irrespective of any separate registration effected by the revenue officer or court (as the case may be); but every such second registration is

entirely voluntary, and in all such cases the registration is to be treated as optional (fees being regulated accordingly), and classed as such in the periodical returns.

APPEALS TO THE REGISTRAR

136. Procedure on appeal.—(1) When application is made to a Registrar to reverse the order of a Sub-Registrar refusing to admit a document to registration, the Registrar should examine it so as to see, first, whether it was made within time (i.e. 30 days after the date of the order), and, secondly, whether it was of the nature of an appeal under section 72 or of an application under section 73 of the Act.

(2) If the application is brought within time, and is of the nature of an appeal under section 72 of the Act, the Registrar shall pass such order thereon as seems to him proper under the circumstances. If it is made within time, and is of the nature of an application under section 73 of the Act (i.e., an application to establish a right to have a document registered which the Sub-Registrar has refused to register on account of denial of execution), the Registrar must make the enquiries prescribed in section 74 of the Act, and pass an order accordingly. This is an obligation imposed upon him by law, which he is not at liberty to evade by referring the applicant to a civil court.

(3) When the Registrar, after enquiry, directs registration of the document, he should inform the Sub-Registrar concerned thereof. The order directing registration should be endorsed on the document, thus—"Registration ordered", and the document should then be handed back to the applicant with a view to his presenting it for registration at the proper officer within the time allowed by law.

APPLICATIONS FOR COPIES

137. Procedure on receipt of applications for copies.—(1) On an application for a copy of a registered document being received the muharrir should be called upon to see whether there was such a document registered on the date given in the application. If there was, the muharrir should at once ascertain the amount of copying fee realisable and report to the registering officer, who will collect the fee and credit it in the accounts that day.

(2) If the document is not found on the date specified, or if the particulars referred to in the first proviso to article II of the table of fees given in Appendix I are not stated in the application, the applicant should be called on to deposit a search fee as prescribed which should be credited at once, and directed to await the result of the search. If the search through the index register extends beyond a year's entries the fee to be levied will be according to article II of appendix I.

(3) When the document is discovered, the muharrir should at once report the amount of copying fee to the registering officer, who will call upon the applicant to deposit this fee.

(4) If the copy cannot be completed on the date on which the application is made, the registering officer on realising the fees should intimate to the applicant a specific date on which he should attend and receive his copy.

CHAPTER VI PERIODICAL RETURNS

MONTHLY

138. Monthly returns of Sub-Registrars.—(1) Every Sub-Registrar shall submit to the Registrar of his district the following monthly returns, which should reach the Registrar's office not later than the second day of the month following that to which they appertain:—

- Return No. I—an abstract statement showing the transactions of the month;
 - Return No. II—a statement showing the income and expenditure of the month;
 - Return No. III—a detailed daily record of transaction.
- Commission bill.

(2) Returns Nos. I, II and III shall be prepared in the vernacular on printed forms to be supplied by the office of the Registrar; the commission bill may be in either English or the vernacular.

(3) The orders in paragraphs 62, 70 and 74, prescribing the maintenance of only one set of registers, books and files where the Sub-Registrar and Joint Sub-Registrar are located in the same building and use the same muharrir do not apply to the returns referred to above which must be prepared separately for Sub-Registrars and joint Sub-Registrars.

139. Return No. I.—Return No. I will contain the headings given in form A, appendix II, and will exhibit in an abstract form the business done during the month. The necessary particulars for columns 2 to 19 will be obtained merely by transferring thereto the monthly (red ink) totals of the fees book. Columns 8, 9, 10 and 14, which relate to the procedure of Registrars only, will, of course, be left blank in the Sub-Registrar's return. In column 20 will be entered the number of copies and memoranda received during the month under section 64 to 67 and 89 of the Act, and filed in Supplementary Book I; but it should not include copies of plans and maps filed under section 21 (3), nor the translations and copies of documents in foreign languages filed under section 19 of the Act. Column 21 will show the number of refusals to register (if any) made during the month. In column 22 will be entered the number of registered documents remaining undelivered at the close of the month; and Sub-Registrars should always check this entry by comparison with the documents themselves. A note of any travelling allowance levied for visits paid or commissions issued during the month, under Article V of the table of fees, should be made at the foot of the return. It is not necessary for Sub-Registrars to retain office copies of this return.

140. Return No. II.—Return No. II will contain the headings given in form B, appendix II, and will exhibit, in juxtaposition, the income and expenditure of the office for the month. The total in column 3 should correspond with that in column 19 of Return No. I. Column 6 as sub-divided will show pay and percentage drawn by the Sub-Registrar in the establishment pay bill and commission bill respectively, to be described hereafter; as well as the share of fees (if any) levied under Article V of the Table of Fees and paid to the person by whom a commission issued under section 33 or 38 of the Act is executed, as provided in paragraph 10; and column 7 will show the pay of the office establishment. Column 9 for contingencies will be blank in the case of Sub-Registrars who are remunerated by a percentage of the fees collected; and in the case of offices presided over by a Tehsildar or Naib-Tehsildar, the only entry in this column will be the annual advance for contingencies made in the month of April under paragraph 22. A copy of this return should be retained for record in the Sub-Registrar's office.

141. Return No. III.—Return No. III will contain the headings given in form C, appendix II, and will form a detailed register of the transactions of the office, one line being given to each transaction. It must be written up daily, and such work should on no account be allowed to fall into arrears; the return so written up will retain as a record of the office, and a copy of it will be sent at the end of the month with the other returns, to the Registrar of the district. This is a very important return, and great care must be taken in its preparation. By means of it the Registrar is enabled to a great extent to exercise the superintendence and control vested in him by section 68 of the Act and to maintain uniformity and correctness of procedure throughout the district. Instructions for its preparation are therefore given below in some detail.

142. Transactions to be recorded in return No. III.—The transactions to be recorded in return No. III are the following:—

- (a) registration of documents in Books I, 3 and 4;
- (b) filing copies and memoranda received from other offices under sections 64 to 67 and 89 of the Act, in Supplementary Book I;
- (c) refusal to register, recorded in Book 2;
- (d) authentication of powers of attorney under section 33 of the Act, recorded in Book 6;
- (e) searches and grants of copies under section 57 of the Act.

143. Particulars entered in return No. III when a document is registered.—When a document is registered, the following particulars will be entered in return No. III.—

- Column I—number of book in which registered (i.e. 1, 3 or 4 as the case may be);
- Col. 2—date on which the document was executed;
- Col. 3—date on which it was presented for registration;
- Col. 4—date on which it was registered—and here it must be borne in mind that the date of registration is not necessarily the same as the date of presentation; the date to be entered in this column is the date given to the certificate of registration, vide section 60 of the Act, which should be the date on which the document is copied into the register;
- Col. 5—date on which the document was returned after registration—and note that when the document is not returned in the same month in which it is registered this column must remain blank in the copy of the return which is sent to the Registrar, but when the document is at length returned, the date of return should be entered in its proper place in the office copy, and a note of

such return, showing book, serial number, and date of return, should be entered on the back of the Registrar's copy of the current month's return;

- Col. 6-serial number of the Registrar;
- Col. 7-nature of the document; this should be a transcript of the entry in column 2 of the register, and should briefly describe the document, e.g., "conveyance of a house", "mortgage of agricultural land with possession"; "will", "bond", and etc., in the case of a sale or mortgage of land, it should be stated whether the land is agricultural or non-agricultural, and if the instrument deals with property of both kinds, it should be classified as "agricultural", but in the abstract (to be hereafter described) the value of the agricultural property sold or pledged should be shown separately from that of the non-agricultural property where these values can be so distinguished; in the case of mortgage, it should be stated whether it was with or without possession; a power of attorney should always be described sufficiently to admit of the scrutinizing officer seeing that the instrument was properly stamped; a document should never be described in this column merely as an "agreement", a description too vague to be of any use, but the nature of the agreement should be briefly stated;
- Col. 8-amount of consideration set forth in the document;
- Col. 9-stamp (if any) on the document-not only should the value be shown, but in a case where more than one stamp has been used, the number of such stamps, and where the stamp is a judicial (court-fee) one, as, for instance, on a power of attorney for the conduct of a case in court, this fact should also be noted; if a document, ordinarily requiring a stamp, is admitted on plain paper, the reason for its exemption from stamp duty should be stated;
- Col. 10-registration fee levied under article I of the table of fees;
- Col. 11-fee for filing translation (where the document is in a foreign language) levied under article VI;
- Col. 12-fines levied for delay in registering, under the Registrar's authority;
- Col. 13-fees levied under article V (if any) for domiciliary visits or commissions issued;
- Col. 15-total fees and fines levied (other than copying fees);
- Col. 16-copying fees levied under article III.

144. When a copy or memorandum is filed.-When a copy of memorandum, received from another officer under sections 64 to 67 and 89 of the Act is filed in supplementary Book I, the following particulars will be entered in return No. III:-

- Col. 1-number of book (i.e., supplementary Book 1);
- Col. 2-date of execution of document of which a copy or memorandum has been filed;
- Col. 3-date of receipt of copy or memorandum;
- Col. 4-date of filing in supplementary Book 1;
- Col. 6-serial number;
- Col. 7-nature of document;
- Col. 8-amount of consideration.

145. When registration is refused.-When the Sub-Registrar refuses to register a document, and records his reasons in Book 2, the following particulars will be entered in return No. III.-

- Col. 1-number of Book (i.e., 2);
- Col. 2-date of execution of document;
- Col. 3-date of presentation;
- Col. 4-date of refusal;
- Col. 5-date of return of document;
- Col. 6-serial number;
- Col. 7-nature of document;
- Col. 8-amount of consideration;
- Col. 17-reasons (briefly stated) for refusing to register.

146. When a power of attorney is authenticated.-When a power of attorney is authenticated by a Sub-Registrar under clause (a) of sub-section (1) of section 33 of the Act, the following particulars will be entered in return No. III:-

- Col. 1-number of book (i.e., 6);
- Col. 3-date of application for authentication;
- Col. 4-date of authenticating;

- Col. 5-date of return;
- Col. 6-serial number;
- Col. 7-description of power (i.e., general or special);
- Col. 9-value and other particulars of stamp;
- Col. 10 and 15-fee levied under Article VIII of appendix I.*

147. In cases of searches and grant of copies.-In the case of a search and grant of copy under section 57 of the Act, the following particulars will be entered in return No. III:-

- Col. 1-number of book searched, or from which a copy is granted;
- Col. 2-date of execution of document of which copy is granted;
- Col. 3-date of application for search or copy;
- Col. 4-date of search;
- Col. 5-date of grant of copy;
- Col. 6-serial registry number of entry of which copy is granted.
- Col. 7-nature of entry of which copy is granted;
- Col. 9-stamp on copy granted;
- Cols. 14 and 15-fees for searching levied under article II of Appendix I;
- Col. 16-copying fees levied.

148. Abstract of return No. III.-Return No. III will be accompanied by a monthly abstract prepared according to Form D, appendix II, in the preparation of which care must be taken to distinguish in the case of registrations in Book 1, between compulsory and optional registrations, and in the case of sales and mortgages, between agricultural land and other immovable property; also that the figures given in this abstract not only correspond with the details of return No. III, but with the statistics given in return No. 1. The figures for the column headed "value of transactions" should be worked out with care.

149. Monthly returns to be prepared according to month of account.-The monthly returns described above will be prepared, not according to the calendar month, but according to the month of account. Thus the accounts for January must be closed on the 27th of that month, the accounts for February on the 25th, those for March on the 31st, and those for the remaining months of the year on the 27th day of the month; the returns for February will therefore comprise the transactions occurring between the 28th January and 25th February (both days inclusive), those for March will include the transactions from 26th February to 31st March, those for April from 1st to 27th of that month, those for May from 28th April to 27th May, and so on. By this expedient the total collections of registration and other fees shown in the monthly return should correspond with the cash credits under this head in the monthly treasury accounts.

150. Scrutiny of Sub-Registrar's returns in Registrar's office.-When the Registrar of the district receives the monthly returns of his Sub-Registrars as described above, he will with the aid of his muharrir, carefully examine them to see that they have been correctly prepared, that the figures in the several returns are not discordant, that the amount returned as income from fees, etc., corresponds with the treasury credits, and that the proper amount has been drawn in the commission bill. He will especially scrutinize return No. III, and issue to the Sub-Registrars concerned such orders in regard to faulty procedure or otherwise as this scrutiny may suggest, noting the purport of such orders, and any other remarks that occur to him either in column 18 of the statement opposite the entry concerned, or on the back, or on a separate piece of paper attached.

151. Return No. III in Registrar's office.- (1) A return No. III will be written up from day to day in the Registrar's office in the manner prescribed in paragraph 141 for Sub-Registrars; and the detailed instruction given in paragraph 142 to 148 with the following modifications and additions are applicable to its preparation:-

- (a) when a document is registered in book 1 or 3 or 4, the additional fee (if any) levied under Article IV of appendix I will be entered in column 10, as well as the ordinary fee under Article I;

* Note:- No fee, beyond that prescribed in article VIII, should be levied for authenticating a power of attorney under section 38(1) (a) of the Act no copying fee should be levied under article III.

- (b) when a sealed Will is deposited under section 43 of the Act, the following particulars will be entered:-
 Col. 1-Number of book (i.e., 5);
 Col. 3-date of presentation;
 Col. 4-date of deposit;
 Col. 6-serial number of entry;
 Col. 7-nature of document (i.e., sealed Will);
 Cols. 10 and 15-fees levied under Article VII of appendix I.
- (c) When a deposited Will is withdrawn under section 44 of the Act, the following particulars will be entered:-
 Col. 1-number of book (i.e., 5);
 Col. 3-date of application for withdrawal;
 Col. 4-date of original deposit;
 Col. 5-date of return;
 Col. 6-serial number of entry;
 Col. 7-nature of document (i.e., deposited Will);
 Col. 10 and 15-fees levied under Article VII of appendix I;
- (d) When a sealed Will is opened under section 45 or 46 of the Act, the following particulars will be entered:-
 Col. 1-number of Book (i.e., 5);
 Col. 2-date of Will;
 Col. 3-date of application to open the envelope containing the Will.
 Col. 4-date of opening of the envelope containing the Will;
 Col. 5-serial number of entry;
 Col. 7-nature of document (i.e., opened Will);
 Col. 10 and 15-fees levied under Article VII of appendix I;
- (e) when an opened Will is copied into Book 3, the following particulars will be entered:-
 Col. 1-number of Book (i.e., 3);
 Col. 2-date of will;
 Col. 4-date of copying into Book 3;
 Col. 6-serial number of entry in Book 3;
 Col. 7-nature of document (i.e., opened Will);
 Col. 16-copying fee;
- (f) when a copy of an opened Will is granted on application, the particulars given in paragraph 147 will be entered.
- (2) The return thus prepared will remain as an office record.

152. Monthly returns of Registrars.-Every Registrar should submit in English to the office of the Inspector-General of Registration a monthly statement of receipts under the head "IX-Registration". This statement should be submitted not later than the eighth day of the month following that to which it relates.

153. Statement of receipts.-It should be borne in mind that in paragraph 2 of Punjab Government, Finance Department, Resolution No. 299, dated the 5th February 1876, the duty of the collecting officer is declared to be "to see that all income claimable is duly claimed, and that all realisations are duly credited," and that of the controlling authority "to check and supervise the proceedings of officers primarily responsible, and to see that the amounts reported as collected have been duly credited in the accounts". Registrars can best perform the duty thus imposed on them as "collecting officers", by examining the monthly return No. III submitted by Sub-Registrars, with a view to seeing that the full amount of fees, etc., has been levied on each transaction, and by comparing the total of such fees, etc. with the treasury accounts. The stamp duty leviable on all such transactions should also engage the Registrar's attention. The statement of receipts has been prescribed for the purpose of enabling the Inspector-General to perform, in part, the duty of "controlling authority" over registration income imposed on him by the resolution. It enables him to watch the receipts, and to compare them not only with those of the corresponding periods of the previous year, but also with budget anticipations.

154. District returns to accord with each other and with treasury accounts, and causes of fluctuations of business to be noted.-The Registrar should especially see that the total income of the district

for the month under report, as entered in his statement of receipts corresponds with the total registration income credited in the treasury accounts. If all the registry offices of the district are situated at places where there is a Government Treasury, and the daily collections of fees, etc., are paid into it according to the standing orders of Government, there cannot be any discrepancy if the accounts have been correctly prepared. But in cases where a registration office is at a distance from the sadar or a tehsil, and the collections of the month are transmitted to the nearest treasury by the registering officer in a lump sum it may sometimes happen that such amounts are not received at the treasury in time for inclusion in the accounts of the current month; this should never happen in the month of March, and with proper care should very rarely occur at other times, but in the event of its happening, the entire statistics of the office in question should with a view to preventing a disagreement between the accounts of the Registration Department and the treasury, be omitted from the current month's accounts, an explanatory note being made in the column for remarks; the following month's return will therefore contain the statistics of two months for the office in question, but each should be shown separately, thus:-

Sub-Registrar, Nadaun

.. December, 1909

Sub-Registrar, Nadaun

.. January 1910

ANNUAL

155. Annual statistical statements.-(1) Five statistical statements have been prescribed by the Government of India for submission by the Inspector General with his annual notes and triennial reports on the administration of the department and the forms of these statements will be found in appendix II. They are to be prepared according to the calendar year and will be compiled from returns furnished by Registrars. Blank printed forms of each of the statements in English or Hindi will be supplied by the Controller, Printing and Stationery, Himachal Pradesh before the close of the calendar year to each Registrar, who will retain two forms for his own office, and distribute the remaining forms to all Sub-Registrars in his district, two forms being sent to each Sub-Registrar. As soon as possible after the close of the year, each Sub-Registrar will collect the necessary figures and fill up the several columns of the blank statements. One set of the statements will be sent to the Registrar of the district, so as to reach him not later than the 20th January, and the other set retained as part of the records of the Sub-Registrar's office.

(2) Each Registrar will, in like manner, fill into the forms the statistics of his own office, and thereafter transcribe into them, in proper order, the figures furnished by Sub-Registrars, and make a total for the whole district; all these figures are to be written with black ink. For purposes of comparison the corresponding figures of totals for the previous year will be added in red ink at the foot of the statements. Every third year when the triennial report described in the following paragraph is submitted the corresponding figures of totals of each of the preceding two years will be given at foot of the statements. Registrars should be careful to check these annual returns by the monthly ones, to see that the figures in the former exactly coincide with the aggregate of those of the latter; also that the red ink figures exactly correspond with the statistics given in the previous year, or years, as the case may be, and all discrepancies should be fully explained. Inattention to these matters will only lead to unnecessary delay, trouble and correspondence. One set of the forms will remain in the Registrar's office, the other set should be despatched so as to reach the office of the Inspector-General not later than the 10th of February.

156. Triennial report and annual note.-(1) The annual statements which Registrars are required to submit should be accompanied every third year by a report prepared for the calendar year, reviewing in a clear, concise and narrative form the operations of the triennium, commenting on or explaining any noticeable details in each statement in turn, and containing such further remarks as the statistics, or the Registrar's inspections during the triennium may suggest. To facilitate the preparation of the report Registrars will be furnished along with the annual circular of instructions issued by the Inspector-General with printed subjects-sheets indicating the special heads under which the Registrar's remarks and criticisms are more particularly invited.

(2) Under the orders of the Government of India the length of the provincial triennial report is limited to eight pages, and it will therefore be necessary for Registrars to keep their reports within proportionately circumscribed limits, the insertion of statements of figures in the body of the report being, so far as possible avoided.

(3) For the years intervening between the triennial reports only a brief note, prepared according to the calendar year, should accompany the annual statements. These notes should be prepared in narrative form, each statement being taken in turn, and any remarkable variations exhibited by the figures in them being noticed. This done, any noteworthy features of the year's administration should be added in a final paragraph.

CHAPTER VII MISCELLANEOUS LANGUAGE

157. **Languages.**—With reference to section 19 of the Act, it has been declared that the languages deemed to be commonly in use in Himachal Pradesh are English and Hindi but documents presented for registration may be written in any language. In case, however, of the language being other than Hindi, they must be accompanied by a true Hindi translation, and also by a true copy; provided that documents written in English need not be accompanied by translations or copies when presented at the office of a Registrar, or of a Sub-Registrar when he and his muharrir know English. (Also see Not. No. 17-1/67-Rev. 1., dt. 8-1-1970, appended).

158. **Transliteration.**—In all English endorsements and entries, proper oriental names of places shall be spelled according to the "modified Jonesian system" prescribed in Punjab Government Circular No. 64, dated 3rd October, 1873, published in the Punjab Government Gazette of 9th idem. Provided that where the spelling of any place has been authoritatively fixed by Government, that authorised spelling shall be followed. The same rule applies to the spelling of proper names of persons subject to the qualifications laid down in Punjab Government Circular No. 3, dated 18th June, 1906, where it is stated that the main principle to be observed in such transliterations is that each name should be spelt as commonly written and pronounced by an educated person and detailed instructions as to the method to be followed are given.

TERRITORIAL DIVISIONS

159. **Territorial divisions.**—The territorial divisions to be recognised under section 21 of the Act are usually the "district" and the "tehsil" as existing for revenue purposes. But in some cases a cantonment or a portion of a tehsil may constitute a division. A list of the divisions is given in appendix V. The name of the division shall be entered in all documents relating to houses (other than those situate in towns) and lands, in addition to the name of the village and the boundaries of the property.

FINES

160. **Fines for delay in presenting or in appearance.**—(1) Fines for delay in presenting documents for registration shall be levied, under section 25 of the Act, according to the following scale. No registration fees shall be levied in addition to these fines:—

where the delay has not been more than one month,	an amount equal to twice the prescribed registration fee;
where the delay has been more than one month, but not more than two,	an amount equal to three times the prescribed registration fee;
where the delay has been more than two months, but not more than three	an amount equal to six times the prescribed registration fee;
where the delay has been more than three months.	an amount equal to ten times the prescribed registration fee.

(2) Additional fines for delay in appearance shall be levied, under the proviso to section 34 of the Act, according to the same scale.

(3) When a document has been executed by more than one person and such persons appear before the registering officer on different dates the amount of fine recovered under section 34 of the Act shall be according to the delay in the appearance of the executant who appears last and only one fine shall be recovered in such a case. (See paragraph 109 ante).

161. **When a fine should be levied for delay in appearance.**—(1) When a document has been presented under section 23 of the Act, i.e., within four months from the date of its execution the presenter must take action under section 36 of the Act to secure the presence of the executant before the lapse

of the full period of four months. At the end of the four months the case should be reported to the Registrar who may under section 34 of the Act, allow the deed to be registered upto a date not more than eight months from the date of execution subject to the payment of a fine. If the executant appears within eight months the deed should be registered, but otherwise not. If, however, a document has been presented under section 25 of the Act, that is, if the Registrar has on payment of a fine permitted its presentation up to eight months, then the executant must appear within eight months, or the presenter must, within the period of eight months take action under section 36 of the Act to secure his appearance. On the expiration of eight months from the date of execution the Sub-Registrar must report the case to the Registrar who may order under section 34 of the Act, that on payment of a fine the deed may be registered upto twelve months from the date of execution.

(2) The period on which the amount of fine under section 34 of the Act, will be calculated will, in the former case, be from the beginning of the fifth month and in the latter case from the beginning of the ninth month upto the date of appearance of the executant.

162. Remission of fine.—Applications to the Inspector-General for remission in whole or in part, under section 70 of the Act, of any fine levied in accordance with the foregoing rules, shall be in writing, and shall be forwarded by the Registrar of the district, who shall record his opinion thereon. No such application shall be received or forwarded unless the document has been registered, and the fine or fines paid.

163. Refunds of registration and copying fees.—The State Government has delegated to Registrars power to sanction refunds of registration and copying fees on account of excess collections and refunds rendered necessary by an order which Registrars are themselves competent to pass:

"Provided that sanction shall not be granted when a period of three years has elapsed since the deposit of the fees or when the document has been destroyed under section 85 of the Act." Such refunds no longer require the countersignature of the Inspector-General of Registration.

PROSECUTIONS

164. Reports of Prosecutions.—Full reports of all prosecutions instituted under Part XIV of the Act shall be made to the Inspector-General as soon as possible after decision, and shall be accompanied by a copy of the judgment of the court.

OATHS

165. Oaths to be administered cautiously.—The discretion vested in registering officers by section 63 of the Act, should be used with reserve, and oaths should be administered only in exceptional cases. For the purposes of this section an oath includes an affirmation under section 6 of the Indian Oaths Act, 1873.

166. Statements on oath how to be recorded.—Statements made on oath under section 63 of the Act, shall not be recorded on the document to which they relate, but on separate sheets of paper, which shall be filed in the office. A note, however, to the effect that recorded evidence has been taken, shall in such case be endorsed on the document, and entered in the book in which it is registered, in the column provided for copies of endorsements.

HOLIDAYS

167. Holidays.—The holidays to be observed in registration offices shall be those authorised by the State Government.

SEALS

168. Use of seals.—Every Registrar and Sub-Registrar is provided with a seal, as required by section 15 of the Act bearing an inscription in English and Hindi of the authorised designation of his office. This seal shall always remain in the personal custody of the registering officer, and shall be used for the authentication of the following documents:—

- (a) all powers of attorney under sub-section (1) of section 33;
- (b) all commissions issued under sections 33 and 38;
- (c) all applications for the issue of summons to witnesses under section 36;
- (d) all copies of entries in register books and indexes granted under section 57;
- (e) all certificates of registration made under section 60;
- (f) all copies of reasons for refusal to register granted under section 71 or 76;

- (g) all orders issued by Registrars under section 72 or 75 directing documents to be registered;
- (h) all summons issued by Registrars under section 75.

169. **Supply and renewal of seals.**—When a seal which has become unfit for use is replaced by a new one, the former shall be forwarded to the office of the Inspector-General of Registration for destruction. The seals of offices permanently closed shall be dealt with in the same manner; those of offices temporarily closed shall remain in the personal custody of the Registrar of the district. All new seals required for newly created offices, or for the purpose of replacing others which have become unfit for use, shall be supplied from the office of the Inspector-General.

STOCK BOOKS

170. **Stock book of stores.**—(1) Punjab Government consolidated Circular No. 29 prescribes for each registration office the maintenance of (a) a stock book of stores (paragraph 22) and (b) a stock register of office furniture (paragraph 26). This latter register is dealt with in paragraph 171 below. The only stores to be found in a registration office which could be included in the stock book are the iron safe for Wills, duplicate keys of locks of strong boxes kept by the Registrar and approved locks in the various registration offices.

(2) In the circumstances all that is required for complying with paragraph 22 of Punjab Government Consolidated Circular No. 29 is that each registration office should keep a list of whatever of the articles, iron safe, approved locks and their duplicate keys are held by the officer-in-charge. This list in the Registrars office will be kept in the iron safe.

(3) About April each year there shall be an annual verification of the stock in hand with that entered in the list, and the result shall be noted on the list by the registering officer.

171. **Stock book of office furniture.**—The stock book of office furniture shall be in form 5 given in appendix III. Having once been written up with reference to the stock in hand, it should be written up again concurrently with each purchase or strike off of furniture. About April each year there shall be an annual stock-taking and the result of the verification of the stock in hand with that shown in this record and the condition of the articles in stock shall be duly noted in the column provided for the purpose. To facilitate identification each article should be marked with a label.

OFFICIAL CORRESPONDENCE

172. **Correspondence of Sub-Registrars with Inspector-General.**—Save in emergent and exceptional cases, Sub-Registrars should not correspond with the Inspector-General, except through their respective Registrars.

173. **Correspondence between Registrars and Sub-Registrars.**—Official correspondence between Registrars and Sub-Registrars should ordinarily be in Hindi.

174. **Transmission of references from Sub-Registrars to Inspector-General.**—When a Registrar receives a communication from a Sub-Registrar which requires a reference to the Inspector-General, he should, in ordinary cases, transmit it in original, accompanied by such remarks as he thinks necessary, and the reply will be communicated in the same way. But where a point of law, or of procedure not already provided for is raised, or where the question is one of general application, the Registrar should refer it for orders by means of a letter or memorandum, which should fully state the case and the Registrar's opinion thereon.

175. **Registrars to dispose so far as possible of references from Sub-Registrars.**—Registrars should, so far as possible, themselves dispose of references from Sub-Registrars, and should not transmit them to the Inspector-General unless his orders are really required. This caution is necessary because a great proportion of the references that reach the Inspector General's Office are on points which have already been distinctly provided for, and should have been disposed of in the Registrar's office. At the same time as it is very desirable that uniformity of practice should be maintained throughout the State, all instructions of general applicability or involving general principles issued by Registrars to Sub-Registrars, should be communicated to the Inspector-General without delay.

176. **Speculative references to be discouraged.**—Some registering officers, and especially some muharrirs, are prone to raise hypothetical questions on points of law or procedure in imaginary cases. This practice should be discouraged; no such question should be permitted, unless it has actually arisen in practice, and a decision on the point is necessary.

177. Correspondence between Registrars and Inspector-General.—The office correspondence between Registrars and Inspector-General shall be in Hindi and in the conduct of such correspondence Registrars will be guided by the general rules.

178. Inspector General's requisition to be promptly attended to.—Registrars should see that no unnecessary delay takes place, either in their own offices, or in the offices of their Sub-Registrars in replying to references from the Inspector-General. Ordinarily, a Sub-Registrar should not delay replying to a requisition either from the Inspector-General or from his Registrar for more than two days. A reply to a reference from the central office should, except in exceptional circumstances, always be returned within 15 days.

INSPECTION OF OFFICES

179. Registrars to inspect offices of Sub-Registrars at least once a year.—(1) Superintendence and control over Sub-Registrars was conferred upon the Registrar of the district by section 68 of the Act and in order to enable the Registrar to exercise such supervision and control in an efficient manner, it is essential that he should visit the several sub-offices and examine the registers and other records therein as often as possible. Every Sub-Registrar's office should be inspected by the Registrar at least once a year, including the office at headquarters, which is usually the largest and most important in the district, but which is in some districts the least looked after by the Registrar, although from its position it can be examined at any time most convenient to him, and with the least trouble. If, from any cause, the Registrar is unable himself to inspect any sub-office during the year, he should depute an experienced Assistant or Extra Assistant Commissioner for such duty. The sending out of muharrirs on this duty is absolutely forbidden; it is distasteful to the registering officers concerned, and offers a temptation to extortion which should be avoided.

(2) The number of inspections made of the offices of Sub-Registrars should always be noticed in the annual reports, any Registrar who may have been unable during any particular year to inspect, at least once, the offices of the registering officers who are subordinate to him should explain his reasons for the omission.

180. Inspection reports—what to contain.—(1) When Registrar has completed his inspection of an office, he should send a report thereof to the Inspector-General, giving the following particulars:

- (a) office inspected, with names of registering officer and muharrir;
- (b) dates of present and last inspection; the object being to show how long the office remained without an inspection, and the period over which the report extends;
- (c) statistics of the business done during that period;
- (d) remarks (if any) on the registers;
- (e) remarks on the indexes and subsidiary books;
- (f) general remarks.

(2) This report may be written either in Hindi or English as the reporting officer finds most convenient. The form adopted by the Inspector-General for recording the results of his inspections is given in appendix II, form F, and Registrars are recommended to adopt that form. A supply of the forms can be obtained, on application, from the office of the Controller, Printing and Stationery, Himachal Pradesh. A note of the result of the inspection should also be recorded in the registration office minute book.

181. Points to be noted.—Inspecting officers should of course, note in their reports all errors of procedure and other defects which their inspection may bring to light, both for the Inspector-General's information and for avoidance in future by the registering officer; they should also note any other point which appears noteworthy, e.g., abnormal increase or decrease of business with the causes thereof, the general state of the work of the office, the qualifications of the muharrir, and similar matters and they should check the stock registers maintained under paragraphs 170 and 171. Reports should be as brief as is compatible with clearness. For example, if the examination of the registers discloses no errors or faults, nor any other matter calling for special remarks, it will suffice to write the single word "nil" under the heading of "remarks on the registers". A set of questions to be used as guides in such inspections will be found in appendix VI. They must not be taken as exhaustive.

182. Issue of necessary orders to registering officer concerned at end of inspection.—When the examination of a book has been completed, the inspecting officer should write the word "examined" after the last entry in it, together with his signature and the date. When the inspection has been conducted

by the Registrar, in person, he will issue such orders as he deems necessary at once to the registering officer concerned, briefly noting the purport of such orders in his report under the heading "general remarks". When the inspection has been conducted by an Assistant or Extra Assistant Commissioner, the latter officer will prepare the report in the manner prescribed above and sent it to the Registrar, who will issue necessary orders thereon, as before, to the registering officer concerned, note the purport of such orders on the inspecting officer's report and transmit the latter for the Inspector-General's information.

183. Stamp duty on applications.—Applications mentioned in the following list should bear a stamp of the value if any, shown against each:-

LIST SHOWING THE STAMP DUTY, IF ANY, CHARGEABLE ON CERTAIN APPLICATIONS WHICH ARE FREQUENTLY PRESENTED BEFORE REGISTERING OFFICERS

Submitted to Registrar or Sub-Registrar	Nature of application or appeal	Exempt or amount of court fee stamp to be affixed.	
		Rs.	P
With	Application for inspection or search	..	-
With	Application for copies	..	0.40
With	Application for attendance at a private residence	..	-
With	Applications under section 36 of the Act	..	-
Registrar	Applications under section 73 of the Act	..	-
	Appeal under section 72 of the Act	..	1.00
With	Applications for return of documents filed	..	-
With	Applications objecting to registration of documents	..	-
With	Applications agreeing to registration of documents	..	1.00
With	Other miscellaneous applications	..	1.00

TABLE OF REGISTRATION FEE
GOVERNMENT OF HIMACHAL PRADESH
REVENUE DEPARTMENT

NOTIFICATION
Simla-2, the 14th April, 1969

No. 17-13/66-Rev. I.-In supersession of this Government Notification No. R. 97-21/48, dated the 19th July, 1951 as in force in the areas comprised in Himachal Pradesh, immediately before 1-11-1966 and the Punjab Government Notification No. S.O/C.A. 16/1908/SS-78-69/66, dated the 4th February, 1966, in its application to the areas transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, and in exercise of the powers conferred by sections 78 and 79 of the Indian Registration Act (XVI of 1908) as in force in Himachal Pradesh and all other powers enabling him in this behalf, the Lieutenant Governor, Himachal Pradesh, is pleased to prescribe for the whole of Himachal Pradesh, the following table of fees for the purposes of section 78 of the said Act, namely:-

HIMACHAL PRADESH TABLE OF REGISTRATION FEES
(Sections 78 and 79 of the Act)

Article-I.-For the registration of documents:

1. In Book I, the registrar of non-testamentary documents relating to immovable property.

(a) For all optionally registerable documents except leases

Rs. 5.00¹

(b) For all compulsorily registerable documents (other than leases of immovable property)

At the rate of two percent of the value or consideration subject to a minimum of Rs. 5.00¹ and maximum of Rs. 1,000.

If the value or consideration be only partly expressed (in addition to the advalorem fee as above on the value or consideration money expressed.

Rs. 10.00

If the value or consideration be not at all expressed a fixed fee of

Rs. 40.00

(c) For lease of immovable property and surrender of lease.

At the rates given in clause (b) above on the amount of rent on which stamp duty has been assessed under article 35 of Schedule-IA to the Indian Stamp Act, 1899, and in the lease be exempt from stamp duty, rupees fees.

Note 1.-Such fee in the case of duplicates, if presented with the original shall be Rs. 2 only. Duplicate, if not presented alongwith their original shall be treated like the originals.

Note 2.-The registration fee to be paid on partition deeds shall be calculated on the value of the share or shares on which stamp duty has been assessed under article 45, Schedule IA, to the Indian Stamp Act, 1899.

(2) In Book No. 3, register of wills and authorities to adopt-

i) When Authorities to adopt

40.00

ii) For the registration of Wills:

(a) When the valuation of the property bequeathed does not exceed Rs. 1,000

12.00

(b) When the valuation exceeds Rs. 1,000.

Advalorem fee prescribed in this article

1. Amended vide H.P. Govt. Revenue Department Notification No. Rev. 1-9 (Stamp) 3/79 dated 29.1.91. Published in R.H.P. Ex-ordy. dated 22.2.1986 pages 272-273.

2. Rate of fee increased from 1% to 2% vide H.P. Govt. Revenue Deptt. Notification No. Rev. 1-9 (Stamp) 3/79 dated 9th April, 1991 published in R.H.P. extraordinary dated 12.4.91 pages 741-742.

shall be levied subject to a maximum of Rs. 40.

(c) When the value of the property bequeathed is not expressed	50.00
(3) In Book No. 4(i) Miscellaneous register for documents under clause (e) and (f) of section 18.	All non-testamentary instruments relating to Book-4 including sale certificates presented for registration in original.
ii) For the registration of a special Power of Attorney.	5.00
iii) For the registration of a general Power of Attorney	15.00
iv) For the registration of an Adoption Deed.	30.00
v) For the registration of any other document which cannot be brought under the advalorem scale prescribed by the proceeding clauses of this Table, i.e. which is incapable of valuation.	10.00

Under section 80 of the Indian Registration Act, 1908, all fees for the registration of documents shall be payable on the presentation of such documents; provided that no fee shall be levied for the registration of security bonds furnished by Court Inspectors and Assistant Court Inspectors under the provisions of paragraph 5, Chapter 27 of the Punjab Police Rules, Volume-III (1934).

1. Provided also that under the notification of Government of India, Home Department No. 376, dated 24th April, 1914, all fees payable:-

- (a) by or on behalf of Co-operative Society for the time being registered under the Co-operative Societies Act, 1912 (11 of 1912), Punjab Co-operative Societies Act, 1961 (No. 25 of 1961) and the Himachal Pradesh Co-operative Societies Act, 1956 (13 of 1956); and
- (b) in respect of any instrument executed by any officer or member of such a society and relating to the business thereof, are remitted:

2. Provided further that no registration fee shall be charged in respect of any document relating to the transfer of any property out of the compensation poor, under the provision of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the Rules made thereunder:

3. Provided further that no registration fee shall be charged in respect of loan agreements and mortgage deeds executed by the Cottage and Small Scale Industrialists in connection with the loans advanced under the Punjab State Aid to Industries Act, 1935, as in force in Himachal Pradesh:

4. Provided further that no registration fees shall be charged in respect of the documents to be executed by the Industrialists in connection with the loans advanced to them by the Himachal Pradesh Financial Corporation. This proviso shall remain in force for a period till the end of the Fourth Five Year Plan:

5. Provided further that no registration fee shall be chargeable on a document executed in favour of or on behalf of Government where registration fee is payable by the Govt.:

6. Provided further that no registration fee shall be chargeable in respect of the loan agreements to be executed by the Himachal Pradesh Khadi and Village Industries Board in favour of the Khadi and Village Industries Commission:

7. Provided further that no registration fee shall be chargeable on a document relating to a gift of Bhudan land:

8. Provided further that no registration fee shall be chargeable on a mortgage deed executed by a borrower for securing the repayment of the loan advanced to him under the Village Housing Project Scheme:

9. (Provided further that no registration fee shall be chargeable on any instrument, executed in respect of mortgage deed by the Small Marginal Farmers/Agricultural labourers for loans borrowed

1. Added vide No. 4/86-Rev. I, dated 28.2.1972, Published in R.H.P. Extra, dt. 9.3.1972, P.-234.

from the Commercial Banks provided such loans are recommended by the Small Farmers Development Agency and Marginal Farmers and Agricultural Labourers Agency:

10.² (Provided further that no registration fee shall be chargeable on instruments of mortgage deeds executed in favour of the Life Insurance Corporation of India, for the loans granted upto Rs. 50,000 (Rupees fifty thousand only) for the construction of houses or extension or purchase thereof under the 'Own Your Home' Scheme with immediate effect):

11.³ (Provided further that no registration fee shall be chargeable on any instrument that may be presented to the Registrar/Sub-Registrar, Simla in connection with the re-construction of registration records, burnt in fire which broke out in December, 1972, in the office of the Deputy Commissioner, Simla, provided that the Registrar/Sub-Registrar is satisfied that the documents when originally presented for registration have paid the requisite registration fee):

12.⁴ (Provided further that no registration fee shall be chargeable on any instrument executed by the persons, who have been selected by the Government of H.P. under the Antyodaya Scheme in connection with the loans granted to them by the Commercial/Co-operative Banks, H.. Khadi and Village Industries Board and Department of Industries, H.P.).

Note 1.-No registration fee shall be leviable upon a mortgage deed executed by an officer of Government in Civil or Military employ for securing the repayment of an advance received by him from the Government for the purpose of construction or purchasing a dwelling house for his own.

Note 2.-(a) The fee on any instrument comprising or relating to several distinct matters shall be the aggregate of the fees with which separate instruments each comprising or relating to one of such matters, would be chargeable.

(b) An instrument so framed as to come within two or more descriptions of the documents related shall, when the fees chargeable thereunder are different, be charged with the highest of such fees.

13.⁵ (Provided further that no registration fee shall be chargeable on a document executed in favour of or on behalf of Government where registration fee is payable by the Govt.

14.⁶ (Provided further that no registration fee shall be chargeable on the instruments executed by or in favour of the persons who are given legal aid under the Himachal Pradesh State Legal Aid to the Poor Rules, 1980.

15.⁷ (Provided further that no registration fee shall be chargeable on any instruments executed by the persons who have received loans, assistance, subsidies etc. from the Himachal Pradesh Khadi and Village Industries Board upto Rs. 5,000/- in each case.

This amendment will come into force with immediate effect.

16.⁸ (Provided further that no registration fee shall be chargeable on the instruments executed by the Members of Legislative Assembly Himachal Pradesh in respect of loans/advances granted to them for house building and purchase of cars/conveyance.

2. Added vide Not. No. 5-7/70-Rev. 1., dt. 24.4.1973.

3. Added vide Not. No. 5-6/73-Rev. 1., dt. 6.7.1973, Published in R.H.P. dt. 25.8.1973, P. 1252.

4. Added vide Not. No. Rev. 1-5 (stamp) 1/78 dt. 5.3.1979, Published in R.H.P. extra. dt. 10.3.1979, p. 959 issued in supersession of Not. Rev. 1-5 (stamp) 1/78 dt. 9/13th Nov. 1978. Published in R.H.P. extra dt. 20.11.1978, p. (1457-1458).

5. Added vide Notification No. 17-1/64-Rev. -I dated 21.12.1964. Published in R.H.P., E.O. dated 23.1.1965 Page 35.

6. Added vide Notification No. Rev. 1-6(Stamp) 1-81 dated 25.7.1981, Published in R.H.P., E.O. dated 8.8.1981, page-697.

7. Added vide Notification No. 5-10/74-Rev.-I-dated 3.11.1982., Published in R.H.P., E.O. dated 13.11.82 page-1085.

8. Added vide Notification No. Rev. 1-3(Stamp) 6/79 dated 27.3.86, Published in R.H.P., E.O. dated 8.4.86 page-633.

17. ⁹ (Provided further that no registration fee shall be chargeable on any instruments executed by those persons who are living below the poverty line and the persons whose cases are recommended for loan by the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation, Himachal Pradesh Ex-Servicemen Corporation and the Himachal Pradesh Khadi and Village Industries Board upto the limit of Rs. 25,000/- (Rupees Twenty Five Thousand).

18. ¹⁰ (Provided further that no registration fee shall be chargeable on any instruments executed by the Earthquake Victims in favour of the banks pertaining to loans to be advanced to such victims.

19. ¹¹ (Provided further that no registration fee shall be chargeable on any instruments executed by the agriculturists in favour of any commercial bank for securing loan upto an amount of Rs. 1,00,000/- (Rupees One Lac) for the purchase of tractor with its accessories, tractor trolly, thresher, installation of tubewell based on diesel engine, boring and electrification of tubewell, laying of underground pipes, lining of water sources, levelling and reclamation of land and development of horticulture and upto an amount of Rs. 60,000/- (Rupees Sixty Thousand) only for purchase of pumping sets, cane crushers, bullocks or ploughs, spray equipments, sprinkler irrigation for agricultural purposes, dairy, piggery, poultry and crop loans or any other allied purposes.

20. ¹² (Provided further that no registration fee shall be chargeable on the instruments executed by the D.A.V. Centenary College, Kotkhai, Distt. Shimla in connection with the purchase of land in Kotkhai, Distt. Shimla for the construction of college building and other infrastructure required for the college.

21. ¹³ (Provided further that no registration fee shall be chargeable on the instruments executed by or on behalf of Cooperative Society or by any Officer or member thereof and relating to the business of such society or any class of such instruments or in respect of any award or order made under the H.P. Cooperative Societies Act, 1968 (Act No. 3 of 1969).

22. ¹⁴ (Provided further that no registration fee shall be chargeable on any instruments executed by the agriculturists in favour of Himachal Gramin Bank for securing loan upto an amount of Rs. 1,00,000/- (Rupees One Lac) for the purchase of tractor with its accessories, tractor trolly, thresher, installation of tubewell based on diesel engine, boring and electrification of tubewell, laying of underground pipes, lining of water sources, levelling and reclamation of land and development of horticulture and upto an amount of Rs. 60,000/- (Rupees Sixty Thousand) for purchase of pumping sets, canecrushers, bullocks or poughs, spray equipments, sprinkler irrigation for agricultural purposes, dairy, piggery, poultry and crop loans or any other allied purposes.

23. ¹⁵ (Provided further that no registration fee shall be chargeable on any instruments executed by the persons whose houses have been damaged/destroyed in the excessive rains and floods during September, 1988 in favour of the Himachal Pradesh Housing Board/any commercial banks for the loans granted to them for the construction/repair of the houses under the following schemes:-

i) HUDCO ASSISTED HOUSING LOAN SCHEME:

ii) BANK ASSISTED HOUSING LOAN SCHEME.

24. ¹⁶ (Provided further that no registration fees shall be chargeable on mortgage instruments executed by the employees of the Himachal Pradesh Govt. Public Sector undertakings and Autonomous Bodies

9. Added vide Notification No. 17-2/65, Rev. I dated 1.5.86. Published in R.H.P., E.O. dated 18.6.86, page-1058.

10. Added vide Notification No. 17-2/65-Rev. I dt. 17.5.86. Published in R.H.P., E.O. dt. 22.5.86, page-927.

11. Added vide Notification No. Rev.-I-6 (Stamp) 2-80, dt. 8.7.87.

12. Added vide Notification No. 1-6 (Stamp) 2-80 (Vol.-II) dated 14.1.1988. Published in R.H.P., E.O. dt. 4.5.88, page-6/2.

13. Added vide Notification No. Rev. I-C(15) 1/76 (Vol.-I) dated 11.3.1988.

14. Added vide Notification No. Rev. I-6 (Stamp) 2/80 dt. 2.6.1988 pub., in R.H.P., E.O. dt. 3.9.88, page-2126.

15. Added vide Notification No. 17-2/65-Rev. I dated 20.12.1988.

16. Added vide Notification No. Rev. I-3 (Stamp) 6/80 dated 10.4.1989.

in favour of such undertakings or bodies for securing the repaying of house building advance granted to them for the purpose of constructing or purchasing a dwelling house for their own.

Article-II. For inspection or searches under section 57- General Search for inspection of any number or entries or documents relating to one and the same property or executed by or in favour of one and the same individual:-

	Rs.	P.
(a) for the first year in the books of which search is made.		2.00
(b) for every other year in the book of which search is continued		1.00
(c) maximum		50.00

Provided that no search fees shall be charged in respect of document of which a copy is applied for when the names of claiming and executing parties, the nature of the document and the date of registration, are shown in the application for the copy.

Note:-The date of registration of document is the date on which it is copied in the relevant book and the endorsement under section 60 of the Indian Registration Act, 1908, is recorded on it.

Explanation I-If a search is made at the request of a civil Court for the purpose of ascertaining whether a specified property is encumbered or not the fee to be levied in each case shall be at the rates prescribed above.

¹(**Explanation II-**If a search is made at the request of Managers Branch Managers of Co-operative/Commercial Banks in respect of persons applying for loans to the said Banks, for the purpose of ascertaining whether a specified property is encumbered or not, the fee to be levied in each case shall be at the rates prescribed in this clause, and a certificate under the signature of the Registrar or Sub-Registrar as the case may be, shall be granted to show the result of search thus made).

Article-III.-For making or granting of copies of reasons, entries of documents (in English, Urdu, Punjabi or Hindi) before on or after registrations -

- (a) When the number of words does not exceed 600.....Rs.1.50 For every 300 words or part thereof in excess of 600 words.....Rs. 0.75.
- (b) If the applicant requires copy to be furnished on the day of application or in preference to other applications, an urgent fee of Rs. 2.00 shall be levied over and above the prescribed fee.

Note (a).-When registration is refused neither registration fee nor copying fee is to be levied. Copies of reasons granted before registration are those which in case of refused registration are given on the applications made by any person, executing or claiming under the document as provided in section 76 of the Act.

Note (b).-When application for a copy under section 57 necessitate search, the fee prescribed under Article-II is to be levied in addition to that chargeable under Article-III.

Note (c).-Government Officers who want to search the register or take copies of entries in registers for bonafide public purposes, will be exempted from the payment of the fees under Articles I and III on a certificate being granted by the Registrar of the district that information is required solely in the interest of Government.

Note (d).-

The fees for copying maps and plans of estates or houses, etc., such as are filed in supplementary book I, shall be determined by the Head of the office.

Note (e).-No additional charges should be levied in respect of the copying into the registration books of endorsements made in accordance with section 52, 58 or 60 of the Act.

EXTRA OR ADDITIONAL FEES

Article-iv.-For discretionary registration under section 30:-

- (1) By the Registrar of the District under sub-section (1); Rs.10.00
- (2) By the Registrar whose jurisdiction is extended to the whole of India..... Rs.10.00

1. Added vide Notification No. 5-4/71-Rev. I., dt. 22.3.1974, Published in R.H.P. Extra., dt. 25.3.1974, page-562.

Note.-The additional fee under this Article is not payable on the registration of Wills and authorities to adopt. Nor is it to be levied in cases where the Sub-Registrar, owing to his being pecuniarily interested in the transaction or to his being unacquainted with the language, in which deed is written or for any other sufficient reasons, is unable to register himself.

Article-V.-For the issue of commission and for attending at private residences-

- (1) When a satisfactory certificate is produced as to sickness or infirmity.....Rs.14.00
- When the person to be examined is in Jail..... Rs.7.00
- (2) In all other cases..... Rs.14.00

Note-1.-In addition to the above fee travelling allowance at the following rates is to be levied for the actual distance travelled over; provided that the place visited is more than one mile from the registration office.

Note-2.-In addition to the above fee the person, on whose behalf the journeys referred to in paragraph 10 of the Registration Manual are performed shall pay to the Government such additional sum as may be necessary to cover the cost of travelling allowance of registering officer or person appointed to execute a commission at the following rates:-

- (a) In the case of whole time government officials at the rates prescribed in the posts and Telegraphs Compilation of the Fundamental and Supplementary Rules.
- (b) In the case of persons appointed to execute a commission under section 33 or section 38 of the Act, at the rates prescribed for Govt. servants of the III grade in the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules provided that halting allowance, if admissible, shall be limited to Rs. 20 per diem.

Article-VI.-For filing transactions Rs. 2.00

Article-VII.-For deposit, withdrawal and opening of sealed Wills:

- (1) When deposited in sealed cover under section 42 Rs. 10.00
- (2) When withdrawn under section 44 Rs. 10.00
- (3) When opened under section 45 Rs. 10.00

Note.-No fee beyond the copying fee under Article-III shall be levied for copying into Book No. 3 of wills opened under section 45.

Article-VIII.-For the authentication of a power of attorney under section 33:-

- (a) if such power is general Rs. 5.00
- (b) if special Rs. 2.50

Article-IX.-When under section 36 application is made to issue and to serve a summon, process fee and remuneration of the person summoned, at the rates prescribed for the civil courts of the state are to be levied from the person at whose instance of the State are to be levied from the person at whose instance or on whose behalf the application is made. When, however, the person summoned is the person who has executed the document, the remuneration is not to be allowed to him.

Article-X.-For the safe custody of documents remaining unclaimed after registration is refused:-

When application for return of registered document or of a document the registration of which has been refused is made more than one month from the date of such registration or refusal and for delay in applying for return of such document beyond one month for each fortnight or fraction, thereof:

Rs. P.
0.75

Provided that the maximum fee leviable under this article in the case of single document shall not exceed. Rs.10.00

Note (1).-A Registrar is empowered in his discretion to remit, in whole or in part fee leviable under this Article by himself or by Registration Officers subordinate to him in cases in which it appears to him that levy of such fee would lead to injustice or hardship.

Note (2).-It must be understood that no custody fee is leviable when application for the return of a document is made within one month of the date of registration. Thus, if the document be registered on the 1st April and if the application made after 30th April, fees are leviable as follows:-