

**STANDING COMMITTEE ON RURAL DEVELOPMENT**

**(2014-2015)**

**9**

**SIXTEENTH LOK SABHA**

**MINISTRY OF RURAL DEVELOPMENT  
(DEPARTMENT OF LAND RESOURCES)**

**'THE REGISTRATION (AMENDMENT) BILL, 2013'**

**NINTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

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**MINISTRY OF RURAL DEVELOPMENT  
(DEPARTMENT OF LAND RESOURCES)**

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Presented to Lok Sabha on 08.05.2015

Laid in Rajya Sabha on 08.05.2015



**LOK SABHA SECRETARIAT**

**NEW DELHI**

*May, 2015/Vaisakha, 1937(Saka)*

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**COMPOSITION OF THE STANDING COMMITTEE ON RURAL DEVELOPMENT  
(2014-2015)**

Dr. P. Venugopal -- *Chairperson*

**MEMBERS**

**LOK SABHA**

2. Shri Sisir Kumar Adhikari
3. Shri Kirti Azad
4. Shri Harish Chandra Chavan
5. Shri Biren Singh Engti
6. Shri Jugal Kishore
7. Shri Manshankar Ninama
8. Shrimati Mausam Noor
9. Shri Mahendra Nath Pandey
10. Shri Prahlad Singh Patel
11. Dr. Ramesh Pokhriyal "Nishank"
12. Shri Gokaraju Ganga Raju
13. Dr. Anbumani Ramadoss
14. Shrimati Butta Renuka
15. Dr. Yashwant Singh
16. Shri Naramalli Sivaprasad
17. Shri Balka Suman
18. Shri Ladu Kishore Swain
19. Shri Ajay Misra Teni
20. Adv. Chintaman Navasha Wanaga
21. Shri Vijay Kumar Hansdak\*

**RAJYA SABHA**

22. Shri Munquad Ali
23. Shri Gulam Rasool Balyawi
24. Vacant<sup>@</sup>
25. Shri Ram Narain Dudi
26. Shri Mahendra Singh Mahra
27. Shri Ranvijay Singh Judev\*\*
28. Dr. Vijaylaxmi Sadho<sup>\$</sup>
29. Shri A. K. Selvaraj
30. Shrimati Kanak Lata Singh
31. Vacant<sup>#</sup>

**SECRETARIAT**

- |                          |   |                     |
|--------------------------|---|---------------------|
| 1. Shri Abhijit Kumar    | - | Joint Secretary     |
| 2. Shri R.C. Tiwari      | - | Director            |
| 3. Smt. B. Visala        | - | Additional Director |
| 4. Smt. Meenakshi Sharma | - | Deputy Secretary    |

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\* Nominated to the Committee w.e.f. 07.10.2014.  
\*\* Nominated to the Committee w.e.f. 25.09.2014 vice Shri Narayan Lal Panchariya.  
@ Vacancy caused on account of resignation of Shri Srinjoy Bose from membership of Rajya Sabha w.e.f. 05.02.2015.  
\$ Nominated to the Committee w.e.f. 28.11.2014 vice Shri Jairam Ramesh  
# Vacancy caused due to retirement of Prof. Saif-Ud-Din Soz on 10.02.2015

## INTRODUCTION

I, the Chairperson of Standing Committee on Rural Development (2014-15) having been authorized by the Committee to present the Report on their behalf present this Ninth Report (16<sup>th</sup> Lok Sabha) on 'the Registration (Amendment) Bill, 2013' relating to the Ministry of Rural Development (Department of Land Resources).

2. 'The Registration (Amendment) Bill, 2013' was introduced in Rajya Sabha on 8 August, 2013 and was referred by the Speaker, Lok Sabha in consultation with the Chairman, Rajya Sabha to the Standing Committee on Rural Development (2013-14) on 14 August, 2013 for examination and report thereon. However, due to dissolution of the 15<sup>th</sup> Lok Sabha, the examination of the Bill could not be completed. Consequent upon the constitution of 16<sup>th</sup> Lok Sabha, the Bill was re-referred by Speaker, Lok Sabha to the Standing Committee on Rural Development (2014-15) on 16 September, 2014 for examination and report.

3. Considering wider ramifications of the Bill, the Committee invited memoranda/suggestions regarding 'the Registration (Amendment) Bill, 2013' from individuals, organizations, stake-holders etc. through print and electronic media. The Committee also invited suggestions on various provisions of the Bill from all the States/UTs. The Committee had briefing meeting with the representatives of Department of Land Resources, (Ministry of Rural Development) on 12 February, 2015. The Committee thereafter heard the views of some individuals and organizations from amongst the public in its sitting held on 27 February, 2015. A local on the spot study visit to the Registration Office, Kapashera at Delhi was undertaken by the Committee on 15 April, 2015 to have better insight in the functioning of the Registration Office. The Committee also took the evidence of the representatives of State Governments of West Bengal, Gujarat, Tamil Nadu, Punjab, Uttar Pradesh and the Government of NCT of Delhi in connection with the examination of the Bill on 16 April, 2015. The Committee further took evidence of the representatives of the Department of Land Resources,



(Ministry of Rural Development) and also the representatives of Ministry of Law & Justice on 16 April, 2015 on the proposed amendments in the Registration Act, 1908.

4. The Committee at their sitting held on 7 May, 2015 considered and adopted the Draft Report. The Committee were immensely benefitted by the suggestions/contribution made by the Members of the Committee for which I express my sincere thanks to them.

5. The Committee wish to express their thanks to the representatives of the Department of Land Resources (Ministry of Rural Development) and the Legislative Department, Department of Legal Affairs (Ministry of Law & Justice) who tendered their evidence before the Committee. The Committee also wish to express their thanks to the representatives of various State Governments and other organizations/individuals who furnished written information/views as well as to those who appeared before the Committee and expressed their views which were of great help to the Committee in formulating its opinions on various issues.

6. The Committee would also like to place on record their deep sense of appreciation of the invaluable assistance rendered to them by the officials of Lok Sabha Secretariat attached to the Committee.

7. For the facility of reference and convenience, the observations/recommendations of the Committee have been printed in bold in the body of the Report.

**NEW DELHI;**  
**7 May, 2015**  
**17 Vaisakha, 1937 (Saka)**

**Dr. P. Venugopal**  
***Chairperson,***  
**Standing Committee on Rural Development**

## **REPORT**

### **A. Background**

The Registration Act, 1908 is a Central Act which was enacted to consolidate the laws relating to the registration of documents. The provisions relating to the registration of documents were earlier scattered about in seven enactments and therefore, the Registration Act, 1908 collated these provisions and incorporated them into one single Act. It is a significant piece of procedural legislation that provides for the registration of certain documents.

2. The "Registration of deeds and documents" is a concurrent subject under the Constitution of India. This item has been mentioned against entry no. 6 in the List III (Concurrent List) of the Schedule VII of the Constitution. The administration of the Registration Act, 1908 was transferred to the Department of Land Resources, Ministry of Rural Development, Govt. of India in the year 2006.

3. The Registration Act, 1908 is an Act which was enacted more than 100 years ago and a lot of technological and administrative changes have occurred since then. Most important developments in the recent past have been computerization of land records and registration offices in the country, integration of textual and spatial data, issuance of digitally signed documents, integration of Land Records and Registration Offices, automatic generation of mutation notices, blocking of particular survey numbers from further transactions, capturing and storage of the biometrics of the executants, and establishment of centralized data bases (State Data Centres) and online payments

(Payment Gateways) etc. These developments necessitated certain changes in the provisions of the existing Act.

4. The Government therefore appointed a Committee of Inspectors General of Registration (IGRs) under the Chairmanship of the Secretary, Department of Land Resources, Ministry of Rural Development on 7<sup>th</sup> June, 2011 to examine the Registration Act, 1908 and to suggest amendments thereto. After detailed deliberations, the Committee of Inspectors General of Registration (IGRs) suggested certain amendments to the Registration Act, 1908.

5. The draft amendments put on the website of the Department of Land Resources, Ministry of Rural Development were also sent by the Ministry to the States /UTs for their comments. The Government in consultation with the State Governments finalized amendments to The Registration Act, 1908 and the Cabinet approved the Registration (Amendment) Bill, 2013 on 04 June, 2013

6. During the Fifteenth Lok Sabha, 'The Registration (Amendment) Bill, 2013' was introduced in Rajya Sabha on 8 August, 2013 and was referred by the Speaker, Lok Sabha in consultation with the Chairman, Rajya Sabha to the Standing Committee on Rural Development (2013-14) on 14<sup>th</sup> August, 2013 for examination and report thereon. However, due to dissolution of the 15<sup>th</sup> Lok Sabha, the examination of the Bill could not be completed. Consequent upon the constitution of 16<sup>th</sup> Lok Sabha, the Bill was re-referred by Speaker, Lok Sabha to the Standing Committee on Rural Development (2014-15) on 16<sup>th</sup> September, 2014 for examination and report.

7. The Committee invited memoranda/suggestions regarding the Registration (Amendment) Bill, 2013 from individuals, organizations, stake-holders etc. through print and electronic media. The Committee also invited suggestions on various provisions of the Bill from all the States/UTs. The Committee had briefing meeting with the officers of Department of Land Resources, Ministry of Rural Development on 12 February, 2015. The Committee thereafter heard the views of some individuals and organizations from amongst the public in its sitting held on 27 February, 2015. A local on the spot study visit to the Registration Office, Kapashera at Delhi was undertaken by the Committee on 15 April, 2015 to have better insight of the functioning of the Registration Office. The Committee also took the evidence of the representatives of State Governments of West Bengal, Gujarat, Tamil Nadu, Punjab, Uttar Pradesh and the Government of NCT of Delhi in connection with the examination of the Bill on 16 April, 2015. The Committee further took evidence of the representatives of the Department of Land Resources, Ministry of Rural Development and also the representatives of Ministry of Law & Justice on 16 April, 2015 on the proposed amendments in the Registration Act, 1908.

8. The Secretary, Department of Land Resources during the evidence before the Committee highlighted the need of amendment in the Act as under:-

“The NLRMP has actually encouraged the computerization of land records and computerization of registration process, but the Registration Act does not give cognizance to registered documents. Therefore, there is a need for amendment. कुछ और संशोधन प्रपोज किये गये थे, जैसे कि लड़की के एडॉप्शन का रजिस्ट्रेशन नहीं होता है, केवल लड़के के एडॉप्शन के बारे में लिखा गया था। लोगों ने कहा है कि जब कई स्टेट्स में कम्प्यूटरीकरण हो गया है तो कहीं से भी उनका रजिस्ट्रेशन किया जाना चाहिए। कुछ एस.आर.ओज. के पास यह पावर नहीं है कि अगर सरकारी प्रॉपर्टी को ट्रांसफर किया जा रहा है तो उसे रोक सके। उसको यह अधिकार मिलना चाहिए कि **the properties, which cannot be transferred, he has a right to refuse to register those properties and facilitate the online electronic mode of registration, including the biometrics of executants, etc.** बहुत सारे राज्य इन सब चीजों के लिए अभी तैयार नहीं हैं, क्योंकि वहां कम्प्यूटरीकरण नहीं हुआ है।

9. The Registration (Amendment) Bill, 2013 proposes to amend various sections of 'The Registration Act, 1908' and also proposes to insert new sections in the Act to deal with specific situations. The Bill proposes the following major amendments in the Act :-

- i. Amendment in section 2 relating to definitions; and substitution of clause 7 in the section to define the "lease" comprehensively.
- ii. Insertion of sub-section (3) in section 3 of the Act empowering the State Government for making appointments of officers for registration and also specifying the duties of such officers.
- iii. Amendment in section 6 for omitting the expression "whether public officers or not".
- iv. Amendment in section 8 relating to Inspectors of Registration Offices.
- v. Substitution of section 10 of the Act relating to absence of Registrar or vacancy in his office.
- vi. Substitution of clause (d) of sub-section (1) of section 17 of the Act to make the registration compulsory irrespective of the leases of immovable property for any term. However, in case the lease is for a term less than one year, the State Government may specify the amounts of annual rent, etc., which shall not be less than fifty thousand rupees per month.
- vii. Insertion of new clauses from (f) to (k) after clause (e) in sub-section (1) of section 17 bringing different types of instruments under the ambit of compulsory registration.
- viii. Substitution of section 18 of the Act to provide that the Wills, authority to adopt by a Will and any document notified by the State Government, may be registered at the option of the parties.
- ix. Insertion of a new section 18A which prohibits the registration of certain documents relating to (a) transaction which is prohibited by any existing Central or State Act for the time being in force; (b) transfer of property by way of agreement for sale, sale, etc., in respect of any immovable property owned by the Central or State Government or any authority or undertaking; executed by any person other than those statutorily empowered to do so; (c) transfer of property by way of agreement for sale,

sale, etc., which is attached permanently by any competent authority; and  
(d) any document which is likely to affect the accrued interest in immovable properties of the Central or State Government, local bodies, etc., and other properties as may be notified by the State Government.

- x. Omitting of section 28 of the Act which were related to place of registering documents relating to land.
- xi. Amendment in section 29 of the Act relating to place for registering other documents.
- xii. Substitution of section 32 of the Act relating to persons to present documents for registration.
- xiii. Substitution of section 32A so as to provide that every person presenting any document at the proper registration office shall affix in the document a passport size colour photograph and get photographed by a digital camera and affix thumb impression in the document.
- xiv. Amendment in section 33 of the Act relating to power of attorney recognizable for purposes of section 32.
- xv. Amendment in section 35 relating to procedure on admission and denial of execution respectively.
- xvi. Insertion of a proviso in section 52 of the Act relating to "duties of registering officers and document presented".
- xvii. Amendment in section 57 of the Act relating to "registering officers to allow inspection of certain books and indexes and to give certified copies of entries."
- xviii. Amendment in section 60 relating to certificate of registration.
- xix. Amendment in section 61 relating to endorsements and certificate to be copied and document returned.
- xx. Amendment in section 64 relating to procedure where documents relates to land in several sub-districts.
- xxi. Amendment in section 65 relating to procedure where documents relates to land in several districts.

- xxii. Amendment in section 69 relating to power of Inspector General to superintend registration offices and make rules.
- xxiii. Insertion of the new sections 80A and 80B so as to make the provisions for the recovery of deficit registration fee and refund of excess fee.
- xxiv. Insertion of sub-section 2 in section 82 of the Act relating to cancellation of documents.
- xxv. Insertion of a new section 82A relating to punishment for failure to send a copy of order under section 89.
- xxvi. Amendment in section 89 of the Act providing that all banks and financial institutions granting loans on the basis of equitable mortgage, may send the copy of the same online to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situated.
- xxvii. Insertion of a new section 89A empowering the State to make rules to carry out the provisions of 'The Registration Act'.

**10. The Committee note that the amendments proposed by the Government in the Registration Act, 1908 through the Registration (Amendment) Bill, 2013 are intended to take cognizance of various technological updations and also to meet the various administrative requirements for which the necessities have been felt by the people as well as by the administering agencies. The Committee appreciate the initiative of the Government to come forward with amendments in a century old legislation which had become unavoidable due to the recent developments in the computerization of land records as well as the registration processes in different registration offices and also the necessity of usage of the biometrics and electronic data to prevent the fraudulent practices. The Committee find that certain sections have been proposed to be amended to fine tune them with the present day requirements and some new sections have been**

proposed to be inserted in the Act to deal with the peculiar situations and address the specific problems. The Committee are hopeful that these amendments would help in introducing new techniques in registration process and would also make the registration process faster, transparent and accurate. This would also not only facilitate the citizens in availing the technologically advanced services but will also give avenues to the States for generating more revenues. The Committee expect that the new mechanism would gradually help in building centralized land records database which will not only reduce the disputes but will also prevent fraudulent transactions of immovable property.

11. The Committee's examination of the Bill brought to light certain key issues pertaining to the specific amendment proposals of the bill which have been dealt with in the subsequent sections of this Report. The Committee recommend consideration of the Bill, subject to the observations made/modifications suggested in this Report.



**B. Clause 1 of the Bill : Section 1 - Short Title and Commencement**

1.1 The existing provision of Section 1 of the Registration Act, 1908 reads as under:

- (1) This Act may be called The Registration Act, 1908.
- (2) It extends to the whole of India except the State of Jammu and Kashmir: Provided that the State Government may exclude any districts or tracts of country from its operation.
- (3) It shall come into force on the first day of January, 1909.

1.2 The Registration (Amendment) Bill, 2013 seeks to amend the Section 1 (Short Title and Commencement) of the existing Act as under:

- (1) This Act may be called the Registration (Amendment) Act, 2013.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

1.3 This clause seeks to provide the short title and commencement of the proposed legislation.

1.4 The Government of Kerala furnished their written submission about the proposed amendment as under:

"At present, by virtue of the said proviso, the State Government is empowered to exclude areas comprised in Special Economic Zone, Tribal areas, defense areas etc. From the operation of the Act considering the necessity and in public interest. The proposed amendment intends to take away the said power of the State Government and hence the proposed amendment cannot be agreed to"

**1.5 The Committee observe that the proposed amendment in the existing Section 1 of the Act gives liberty to the Central Government to bring the Act in force on such date which may be fixed by notification in the official Gazette and also to make different provisions of the amended Act enforceable from different**

dates. It is however observed that apprehensions have been expressed that the proposed amendment will take away the power of the State Government for excluding certain areas from the jurisdiction of the Act. The Committee's analysis reveal that the subject matter of the Act is a Concurrent Subject under the Constitution of India (entry 6 of the list III – Concurrent List of the Schedule VII) and, therefore, the specific need and requirement of a particular State could be taken care of by the State legislation provided it is in harmony with provisions of the Central legislation. The Committee however desire that such apprehensions should be examined by the Ministry before giving finality to this Clause.

## Clause 2 of the Bill : Section 2 – Definitions

2.1 The existing provision of Section 2 of the Registration Act, 1908 reads as under:

In this Act, unless there is anything repugnant in the subject or context-

(1) "addition" means the place of residence, and the profession, trade, rank and title, (if any) of a person described, and, in the case of an Indian, his father's name, or where he is usually described as the son of his mother, then his mother's name;

(2) "book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book;

(3) "district" and "sub-district" respectively means a district and sub-district formed under this Act;

(4) "District Court" includes the High Court in its ordinary original civil jurisdiction;

(5) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act;

(6) "immovable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass;

(6A) "India" means the territory of India excluding the State of Jammu and Kashmir;

(7) "lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease;

(8) "minor" means a person who, according to the personal law to which he is subject, has not attained majority;

(9) "movable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immovable property; and

(10) "representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

2.2 The Registration (Amendment) Bill, 2013 seeks to amend the Section 2 (Definitions) of the existing Act as under:

**Clause 2 of the Bill**

(i) in clause (1), the words and brackets "rank and title (if any)" shall be omitted;

(ii) in clause (2), after the words "or portion of a book" occurring at the end, the words, brackets, letter and figures "and includes electronic records as defined in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000" shall be inserted;

(iii) for clause (7), the following clause shall be substituted, namely:-

‘(7) "lease" means a lease of immovable property and also includes—

(a) a patta;

(b) a *kabuliyat* or undertaking in writing to cultivate or occupy, or pay rent for immovable property;

(c) any instrument by which tolls of any description are let;

(d) any writing on an application for a lease, where premium or average annual rent, money advanced, payment in lieu of rent, intended to signify that the application is granted;

(e) an agreement to lease stating an annual rent or premium or both or such amount in lieu of rent as notified by the State Government;

(f) any instrument by which mining lease is granted in respect of minor minerals as defined in clause (e) of section 3 of the Mines and Minerals (Regulation and Development) Act, 1957;’;

(iv) after clause (9), the following clause shall be inserted, namely:–

‘(9A) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly;’;

(v) after clause (10), the following clause shall be inserted, namely:-

“(11) the words and expressions related to electronic registration used herein and not defined in this Act but defined in the Information Technology Act, 2000 shall have the meanings, respectively, assigned to them in that Act.”.

2.3 This clause seeks to amend section 2 of the Registration Act, 1908 relating to “definitions”. It is also proposed in the Bill to substitute clause (7) of section 2 of the Act relating to the definition of the term of “lease” so as to define the same comprehensively.

2.4 On Section 2 in Clause (2) of the Act, the Government of Odisha in a written note furnished to the Committee suggested that the following should be inserted at the end:-

"and the information storage devices like floppy disk, hard disk or compact disk or any other electronic devices;"

2.5 On the same issue of Section 2 of the Act, the Government of Uttar Pradesh in a written communication stated as under:-

"This amendment is being proposed with the view to implement and strengthen the process of Computerized registration and ensure transparency hence acceptable. Through this amendment the definition of lease has been widened hence acceptable. Also the system of rank and title is proposed to be removed which is acceptable."

2.6 On Section 2 sub Clause (1), the Government of Kerala in a written note suggested as under:-

"Addition" means the place of residence; and the profession, trade, of a person described and in the case of an Indian his father's name or where he is usually described as the son of his mother then his mother's name and in the case of married woman, her husband's name."

2.7 On Section 2 sub Clause (2), the Government of Kerala in a written note suggested as under:-

"The proposed amendment intends to make the definition of the term 'book' more comprehensive and wider so as to partake within its purview the electronic forms and records also considering the pace in the development of information technology. Hence the amendment is agreeable."

2.8 The Government of Kerala in a written note suggested as under :-

"For the word 'patta' the word 'pattam' may be substituted. In Kerala the word 'pattam' is commonly used. This tenure was originally in the nature of a lease, without any proprietary or transferable right of occupancy for the holder. 'patta' means a certificate prepared and issued by tehsildar for conferring the absolute property right to any person. It cannot be included in the definition of lease, because the absolute property right is given to any person wide a 'patta' and it is entirely different from a lease. Since the transfer of movable property does not include in the definition of the term 'lease' under the Transfer of Property Act, 1882, the amendment suggested as item no. 2 (7)(g) may be excluded from the definition of the term 'lease' under the Registration Act, 1908. "

2.9 The Government of West Bengal on Section 2 clause (5) of the Act stated as under:-

"The words and expressions defined in the Indian Stamp Act, 1899 may be included together with the words and expressions used in the Information Technology Act, 2000"

2.10 The Committee received suggestions from the public regarding Clause 2 Section 2 of the Act as under:-

"The term 'lease' as defined under the Registration Act, 1908 ("Act") includes an agreement to lease. Sub-clause (e) of revised Clause 7, as provided under Clause 2(iii) of the Bill also includes an agreement to lease under the definition of lease. For sake of convenience, sub-clause (e) of the revised Clause 7 is reproduced below:-

'(e) an agreement to lease stating an annual rent or premium or both or such amount in lieu of rent as notified by the State Government."

**2.11 The Committee observe that section 2 of 'The Registration Act, 1908' related to the definition of various terms used in the Act. The clause 2 of the Registration (Amendment) Bill, 2013 seeks to amend the definition of some**

existing terms and also to insert some new terms to bring them within the ambit of definition. The Committee observe that among other terms, the term “India” has also been defined in sub-section (6A) of section 2 of the Act. The Committee observe that the term “India” denote the sovereign character of the nation and therefore its meaning and interpretation should be derived from the basic law of the land i.e. Constitution of India and thus, there is no need to define it in each and every legislation separately.. The Committee therefore recommend that sub-section(6A) of section 2 of the Act should be deleted.

2.12 The Committee note that the word “Indian” has been used in sub-section(1) of Section 2 of the ‘The Registration Act, 1908’. The Committee observe in the present day context, the use of such term in the legislation is not required. The The Committee therefore recommend that the words “in the case of an Indian” in sub-section(1) of section 2 of the Act should be deleted.

2.13 The Committee observe that sub-section (7) has been substituted making the definition of the term 'lease' wider and comprehensive. During examination of the Bill, the Committee received suggestions from various quarters relating to various connotations of the definition of the term 'lease' taking into account the local terminology and usage. The Committee therefore while endorsing the amendment suggested in the Bill desire that the Government should comprehensively take care of the localized terms used in different parts of the country for the term ‘lease’ and accordingly make a suitable mention in the proposed amendment.

2.14 The Committee observe that insertion of the words “and includes electronic records” in clause (2) of section 2 makes the definition of the book wider and takes into account the technological development. The Committee hope that this definition of “Book” will now bring within its ambit all electronic forms like CD, DVD, Pen Drive, Floppy, Hard Disk, etc. and therefore, it is desirable that for removal of all doubts in future, if necessary, the definition of the

**“Book” at this stage may be made more clear by specifically mentioning these terms.**

**2.15 The Committee appreciate the insertion of new clause (11) in section 2 whereby the words and expression related to electronic registration will derive their meaning from the Information Technology Act, 2000. The Committee observe that this step was necessary to deal with the various finer nuances of the technological terms. With these observations, the Committee endorse the amendments.**

**2.16 The Committee observe that the Registration Act mainly deals with the registration of documents and its related procedures and formalities. The Registration Office and the post of Registrar and Sub-Registrar are the crucial functionaries in the system. The Committee however observe that surprisingly none of the terms “Registrar”, “Sub-Registrar”, “Registration Office” has been defined in the Registration Act. The Committee, therefore, recommend that the Government should use this opportunity to define these terms also in the amendment Bill.**



### **Clause 3 of the Bill : Section 3 – Inspector General of Registration**

3.1 The existing provision of Section 3 of the Registration Act, 1908 reads as under:

(1) The State Government shall appoint an officer to be the Inspector-General of Registration for the territories subject to such government:

PROVIDED that the State Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the State Government appoints in this behalf.

(2) Any Inspector-General may hold simultaneously any other office under the Government.

3.2 The Registration (Amendment) Bill, 2013 seeks to insert the following sub-section after sub-section (2):

“(3) The State Government may appoint one or more Additional Inspector General of Registration, Joint Inspector-General of Registration, Deputy Inspector General of Registration and Assistant Inspector-General of Registration for the territories and may specify the duties of such officers and authorize them to exercise all or any powers and duties of the Inspector-General of Registration.”

3.3 This clause seeks to amend section 3 of the Act relating to “Inspector General of Registration”. It proposes to insert a new sub-section (3) which provides that the State Government may appoint one or more Additional Inspector General of Registration, Joint Inspector General of Registration, Deputy Inspector General of Registration and Assistant Inspector General of Registration for the territories and may specify the duties of such officers and authorize them to exercise all or any powers and duties of the Inspector General of Registration. This has been necessitated due to the fact that various posts in the registration department have been created in the recent past in view of the increasing workload of the department.

**3.4 The Committee observe that a new sub-section (3) has been added in section 3 of the Act to enable the States to make appointments at different levels in the Registration Offices and the immediate reason for making such enabling provision in the Act is stated to be creation of various posts in the recent past in registration department in view of the heavy work-load. The Committee feel that proper cadre need to be formed based on the actual requirements of staff in Registration Offices. For this purpose, a work study could be undertaken to find out the actual requirements of strength at various levels and also for determination of the hierarchical pattern. The Committee also observe that before initiating any recruitment process, it should be mandatory for the States/Department to frame proper recruitment rules specifying the eligibility conditions for making recruitment/appointment at various levels in the cadre. The Committee hope that these observations will be suitably incorporated in the Act.**

## **Clause 4 of the Bill : Section 6 – Registrars and Sub-Registrars**

4.1 The existing provision of Section 6 of the Registration Act, 1908 reads as under:

“The State Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.”

4.2 The Registration (Amendment) Bill, 2013 seeks to amend the Section 6 of the existing Act as under:

“In section 6 of the principal Act, the words “whether public officers or not” shall be omitted.”

4.3 This clause seeks to amend section 6 of the Act, relating to “Registrars and Sub-Registrars”, so as to omit the expression “whether public officers or not” in the said section.

4.4 During the course of evidence the representatives of the Government of Punjab on the proposed amendment to Section 6 of the Act stated as under:-

“In that context, the existing provision says that the State Government may appoint such persons whether public officer or not as it thinks proper to be Registrars of several Districts and to be Sub-Registrar of several sub-districts. Now, the proposal by way of amendment is to delete the words “whether public officers or not”. After deletion the Section would read as “The State Government may appoint such persons as it thinks proper to be Registrar or Sub-Registrar.” Once the words “public officers or not” are deleted, one interpretation is that it leaves the field open to the State Government to appoint any person including a juridical person, a legal entity like a corporate body as Sub-Registrar. So, the only clarification is whether it is the intent of the Legislature or the Parliament to open the field wider by making this amendment.....”

4.5 Further on the issue of appointing Sub-Registrars, the representatives of Government of Punjab explained as under:-

"Our view is that in addition to State cadre of Sub-Registrars and Revenue Officers, the State Government may also have the option of appointing persons from outside the Government cadre. For example, a public sector undertaking may be assigned this task....."

4.6 During the course of evidence on enquiring about any criteria practiced for appointment of Non-Government officials as Registrars and Sub-Registrars, the representative of DoLR replied as under:-

"With respect to appointment of non-Government officials as Registrars and Sub-registrars, policy decision is to be taken by Ministry. There is no legal provision involved in this matter."

4.7 The Committee received public opinion in this regard as under:-

"Section 6 of the Act provides that the State Government may appoint any person, as Registrar or Sub-Registrar, as it thinks proper, whether such persons are public officers or not, Clause 4 of the Bill seeks to omit the language, 'whether public officers or not'. The deletion maintains the existing position under the Act, which is to allow the State Government to appoint any person as Register or Sub-Registrar, whether or not such person is a public officer or not. Since, the Registrar enjoys various executive powers under the Act and the Bill, including the power to refuse registration; it should not be allowed to be carried out by a private person. Further, there are checks and balances to ensure transparency and non-profit motive of a public servant. Therefore, if a private individual is empowered with such crucial Government functions, it may lead to profiteering the favoritism, with no corresponding check and balance. Therefore, only public officer should be appointed as Registrar and Sub-Registrar."

4.8 In this context, the DoLR in a written note clarified as under:-

"The issue raised is that the term "whether public officers or not should not be removed from section 6 of the Act. Rules for recruitment of Sub-Registrars are in force in most of the States. Thus no private individual can be recruited without following the procedure laid done in rules. Therefore, this suggestion is not justifiable."

**4.9 The Committee observe that clause 4 of the Registration (Amendment) Bill, 2013 seeks to delete the words "whether public officers or not" from section 6 of the Act which by implication will mean that Government will be at liberty to appoint any person with any qualification to the post of Registrar and Sub-Registrar. The Committee do not approve such vague clause to exist in the Act as it will lead to ambiguous situation leading various and conflicting interpretation in future. Therefore, the Committee is of the strong view that the post of Registrar and Sub-Registrar should be filled only from amongst those persons who fulfill the eligibility conditions as laid down in the recruitment rules framed in this regard by the Department/States. The Committee therefore desire**

**that this recommendation of the Committee should be appropriately incorporated in section 6 of the Act.**

## **Clause 5 of the Bill : Section 8 – Inspectors of Registration Offices**

5.1 The existing provision of Section 8 of the Registration Act, 1908 reads as under:

(1) The State Government may also appoint officers, to be called Inspectors of Registration offices, and may prescribe the duties of such officers.

(2) Every such Inspector shall be subordinate to the Inspector-General.

5.2 The Registration (Amendment) Bill, 2013 proposes to amend section 8 of the principal Act as under :

"(a)in sub-section (1), for the words "officers, to be called Inspectors of Registration-offices", the words "officers to be designated as Inspectors of Registration-offices from time to time" shall be substituted;

(b) in sub-section (2), for the word "Inspector-General", the word "Inspector-General of Registration" shall be substituted."

5.3 This clause seeks to amend section 8 of the Act, relating to "Inspectors of Registration Offices', so as to substitute the words "officers to be called Inspectors of Registration offices", with the words "officers to be designated as Inspectors of Registration Offices from time to time" in sub-section (1) of the said section:

**5.4 The Committee note that clause 5 of the Registration (Amendment) Bill, 2013 seeks to amend section 8 of the Act which relates to appointment of Inspectors of Registration Offices. The Committee endorse the amendment.**

## **Clause 6 of the Bill : Section 10 – Absence of Registrar or vacancy in his office**

6.1 The existing provision of Section 10 of the Registration Act, 1908 reads as under:

(1) When any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the State Government fills up the vacancy.

(2) When the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf shall be the Registrar during such absence, or until the State Government fills up the vacancy.

6.2 The Registration (Amendment) Bill, 2013 seeks to amend the Section 10 (Absence of Registrar or vacancy in his office) of the existing Act as under:

For section 10 of the principal Act, the following section shall be substituted, namely:—

“10. When any Registrar is absent otherwise than on duty in his district, or when his office is temporarily vacant, any public officer whom the Inspector-General appoints in this behalf, shall be the Registrar during such absence or until the State Government fills up the vacancy.”

6.3 This clause seeks to substitute section 10 of the Act relating to "Absence of Registrar or vacancy in his office" so as to provide that when any Registrar is absent otherwise than on duty in his district, or when his office is temporarily vacant, any public officer whom the Inspector - General appoints in this behalf, shall be the Registrar during such absence or until the State Government fills up the vacancy.

6.4 The Government of Kerala in this regard submitted as under:-

"The proposed amendment is intended to simplify the provisions and to empower the Inspector General of Registration to fill up the temporary vacancy of any Registrar considering the administrative exigency so as to ensure the smooth functioning of the office and the amendment is agreeable"

**6.5 The Committee note that clause 6 of the Registration (Amendment) Bill, 2013 seeks to amend section 10 of the Act which relates to making arrangements in situations of absence of Registrar or vacancy in his office. The Committee endorse this amendment but at the same time express their view that similar provisions must be made for the absence of Sub-Registrars also.**



## **Clause 7 of the Bill : Section 17 – Documents of which registration is compulsory**

7.1 The existing provision of Section 17 of the Registration Act, 1908 reads as under:

(1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 1877 or this Act came or comes into force, namely:-

- (a) instruments of gift of immovable property;
- (b) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees, and upwards, to or in immovable property;
- (c) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and
- (d) leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent;
- (e) non-testamentary instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property:

Provided that the State Government may, by order published in the Official Gazette, exempt from the operation of this sub-section any lease executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rent reserved by which do not exceed fifty rupees.

(1A). The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of

Property Act, 1882 (4 of 1882) shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2001 and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the section 53A.

(2) Nothing in clauses (b) and (c) of sub-section (1) applies to-

- (i) any composition deed; or
- (ii) any instrument relating to shares in a joint Stock Company, notwithstanding that the assets of such company consist in whole or in part of immovable property; or
- (iii) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immovable property except insofar as it entitles the holder to the security afforded by a registered instrument whereby the company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or
- (iv) any endorsement upon or transfer of any debenture issued by any such company; or
- (v) any document other than the document specified in sub-section 1A not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or
- (vi) any decree or order of a court except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject-matter of the suit or proceeding; or

- (vii) any grant of immovable property by government; or
- (viii) any instrument of partition made by a revenue-officer; or
- (ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the Land Improvement Loans Act, 1883; or
- (x) any order granting a loan under the Agriculturists Loans Act, 1884, or instrument for securing the repayment of a loan made under that Act; or
- (xa) any order made under the Charitable Endowments Act, 1890, (6 of 1890) vesting any property in a Treasurer of Charitable Endowments or divesting any such treasurer of any property; or
- (xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; or
- (xii) any certificate of sale granted to the purchaser of any property sold by public auction by a civil or revenue-officer.

Explanation: A document purporting or operating to effect a contract for the sale of immovable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any earnest money or of the whole or any part of the purchase money.

(3) Authorities to adopt a son, executed after the 1st day of January, 1872, and not conferred by a will, shall also be registered.

7.2 The Registration (Amendment) Bill, 2013 seeks to amend the Section 17 (documents of which registration is compulsory) of the existing Act as under:

In Section 17 of the principal Act, in sub-section (1), -

(i) for clause (d), the following clause shall be substituted, namely:—

“(d) leases of immovable property for any term:

Provided that in case where the lease is for a term less than one year, the State Government may, by notification, specify the amounts of annual rent, money advance, payment in lieu of rent or premium which shall not be less than fifty thousand rupees per month;”

(ii) after clause (e) and before the proviso thereof, the following clauses shall be inserted, namely:—

“(f) any document which purports or operates to effect any contract for sale of any immovable property including developer’s or promoter’s agreement by whatever name called for development of any property or construction of structure;

(g) agreement relating to the deposit of title deeds, where such deposit has been made by way of security for the repayment of a loan or an existing or future debt, except where it is filed under section 89;

(h) sale certificate issued by any competent officer or authority under any Central Act or State Act for the time being in force;

(i) power of attorney authorising transfer of immovable property with or without consideration;

(j) instruments in respect of amalgamation, reconstruction, merger and demerger of companies and transfer of immovable property at the time of formation of companies pursuant to any order made by the High Court under the Companies Act, 1956;

(k) instruments which purport or operate to create, declare, assign, limit, extinguish any right, title or interest whether vested or contingent in immovable property pursuant to any decree or order or any award made by a court.”;

(iii) in sub-section (2), clause (xii) and the *Explanation* there under shall be omitted;

(iv) for sub-section (3), the following sub-section shall be substituted, namely:-  
“(3) Authorities to adopt a son or a daughter and not conferred by a Will, shall also be registered.”.

7.3 Clause 7 of the Bill seeks to amend section 17 of the principal Act relating to 'documents of which registration is compulsory'. It proposes to substitute clause (d) of sub-section (1) of the said section so as to provide that registration is compulsory in matters relating to leases of immovable property for any term. However, in case where the lease is for a term less than one year, the State Government may, by notification, specify the amounts of annual rent, money advance, payment in lieu of rent or premium which shall not be less than fifty thousand rupees per month. It also proposes to provide that registration is compulsory in matters relating to (i) any document which purports or operates to effect any contract for sale of any immovable property including developer's or promoter's agreement by whatever name called for development of any property or construction of structure; (ii) agreement relating to deposit of title deeds, where such deposit has been made by way of security for the repayment of a loan or an existing or for future debt, except where it is filed under section 89; (iii) sale certificate issued by any competent officer or authority under the Central Act or State Act for the time being in force; (iv) Power of Attorney authorizing transfer of immovable property with or without consideration; (v) instruments in respect of amalgamation, reconstruction, merger and de-merger of companies and transfer of immovable property at the time of formation of companies pursuant to any order made by the High Court under the Companies Act, 1956; (vi) instruments which purports or operates to create, declare, assign, limit, extinguish any right, title or interest whether vested or contingent in immovable property pursuant to any decree or order or any award made by a court. It also proposed to substitute sub-section (3) of the said section so as to provide that Authorities to adopt a son or a daughter and not conferred by a will, shall also be registered.

7.4 The Government of Kerala has submitted their suggestions as under:-

"The proposed amendments is agreed to with the suggestion that all partnership deeds and Gahan/Release of Gahan may also be specifically included in Section 17 as compulsorily registerable documents."

7.5 The Government of Madhya Pradesh has submitted their comments on 17(1)(e) as under:-

"Every lease of immovable property, agreement to sale, development and construction agreements, agreement relating to deposit of title deeds, sale certificate, power of attorney, instruments of amalgamation, reconstruction, merger and de-merger of companies and transfer of immovable property pursuant to order made by the High Court and decree or order or award made by a court have been made compulsorily registrable."

7.6 During the course of evidence for the proposed amendment in Section 17 about documents for which registration is compulsory, the Government of Tamil Nadu stated as under:-

".....Then, next is amendment proposed in clause 7, where document registration is made compulsory. It is 17 (i). It is Power of Attorney which is executed outside the country. Currently in our State that is exempted because there the authentication is done before the Embassy official and the document is sent to the other person and that person presents before the sub-registrar who adjudicates and accepts the document. Now, when it is made compulsory, the person from abroad has to come physically every time when he executes the documents. It creates practical difficulty in the execution of the documents for that person. So, we request that, that exemption should continue, which is available for the person who executes the Power of Attorney who is residing abroad."

7.7 During the course of evidence on the issue of execution of power of attorney, the representatives of Government of Tamil Nadu stated as under:-

"..... supposing somebody after executing a power of attorney cancels the power of attorney, then what happens. That is the line of discussion. For cancellation of power of attorney, both the members have to physically appear before the sub registrar. That is a provision in Tamil Nadu as of now. For execution, both have to come. For cancellation also, both the parties have to

physically appear before the sub registrar office in Tamil Nadu. Regarding the doubt expressed by the hon. Member, we have power of attorney which is being registered outside Tamil Nadu. After all, registering abroad is not an issue. Now, outside Tamil Nadu the provision we have is this. It is a Tamil Nadu State amendment: provided that every document may be presented for registration in the office of the sub registrar within whose jurisdiction the principal ordinarily resides. So, suppose somebody is a resident of Delhi and he has a property in Tamil Nadu, he can execute the power of attorney document in sub registrar office of Delhi. "

7.8 On the issue of Power of Attorney, representatives of the Government of NCT of Delhi stated as under:-

".....Power of attorney now is compulsorily registrable. What we suggest is that, if the power of attorney is registered in a foreign country, I mean if it is a case of power of attorney by a person living in a foreign country, he should get it authenticated in our embassy. That embassy should officially forward it to the sub registrar office concerned. It will be an authentic way of doing the things."

7.9 During the course of evidence on the issue of amendment in Section 17 sub-section (iv)(3) of the Act, the representatives of Government of Uttar Pradesh stated as under :-

“महोदय, यह अमेंडमेंट हो गया है। पुत्र के साथ पुत्री को भी शामिल कर दिया गया है। इसमें एक लाइन और एड हो जाए - ‘An instrument recorded adoption of a child executed shall also be registered.’”

महोदय, दो प्रोसीजर्स हैं, एक, अथॉरिटी टू एडाप्ट है और दूसरा, एडॉप्शन की रजिस्ट्रेशन होनी है। इसलिए हम सेक्शन 17(3) के सब्सटीट्यूट करके उसमें पुत्र और पुत्री को एड कर रहे हैं। अभी यह प्रपोजल है :“Authority to adopt a son or a daughter executed after the 1<sup>st</sup> day of January, 1872 and conferred by a will. ”

यहां पर आकर वर्तमान अमेंडमेंट रुक जाता है। हमारा अमेंडमेंट यही एड करने के लिए कहता है कि ‘and an instrument recording adoption of a child.’ अगर ये वर्ड्स इसमें एड हो जाएं तो उससे एडॉप्शन की रजिस्ट्रेशन और अथॉरिटी टू एडाप्ट की रजिस्ट्रेशन, दोनों ही हो जाएगा।

7.10 On being enquired about the various provisions in Section 17 of the Act during the course of evidence the Secretary, DoLR stated on the issue of adoption as under:-

"..... The registration of adoption of girl child should be made registerable. The penal provision as far as I know is this. If it is not registered, the document is not recognised and then the penal provision would be redundant in a way because the document itself will not be considered a registered document....."

7.11 During the course of evidence on the issue of registration of immovable property the representatives of Ministry of Law & Justice replied as under:

"..... It says that: "No document required by Section 17 to be registered, shall affect any immovable property comprised therein, confer any power to adopt, be received as evidence of any transaction unless it is registered". In case it is not registered these are the affects; the immovable property shall not be taken effect and it will not confer any power to adopt and it will not give any evidentiary value. These are the affects of non-registration. So, I do not think penal provision is required in this regard. However, the Committee may suggest it "

7.12 The suggestions received by the Committee from the public are as under:-

"The Proviso to Section 17(1) of the Act deals with the power of the State Government to exempt any lease, the term granted by which do not exceed five years and the annual rent reserved by which do not exceed fifty rupees. A plain reading of the proviso suggests that it pertains to lease arrangement, which is now specifically covered under Clause (d) of Section 17 (1) as provided in the Bill.

The Registration (Amendment) Bill should also provide for Compulsory Registration of all the Rent Deeds/Agreements also as has been being provided for the Registration for the Leases of Immovable property for any term. For the hassle free Registration of all Lease Agreements/Rent Agreements complete work be delegated to e-Sampark/Jan Sampark Centres in cities like Chandigarh with all prescribed Charges paid through at the e-sampark etc. itself."

7.13 The Department of Land Resources in this connection stated as under:-

"(1) Registration of lease deed is already compulsory under section 17 of the Registration Act. Lease deed for a period of less than one year with monthly rent Rs. 50000/- can be notified for compulsory registration by States.

(2) Registration fee is fixed by State Government under section 78 of the Act. Therefore, the Central Government cannot fix the registration fees for the whole country."

7.14 The Department of Land Resources, Ministry of Rural Development in a written note in this connection further stated as under:-

"(1) Today students are staying in hostels and need a residence proof for opening a bank account, to take a SIM card. A registered lease deed for a period of less than one year is an affordable proof of residence. Therefore, it is necessary to provide for registration of leases for a period of less than one year.

(2) The number of lease deeds for a short period is too high. In order to cope up with the new volume of work, the State Government needs time to develop



infrastructure facilities. Therefore, the States have been given the power to issue notification to begin registration of such leases."

**7.15 The Committee observe that clause 7 of the Registration (Amendment) Bill, 2013 seeks to amend section 17 of the Registration Act, 1908. This section deals with the categories of documents whose registration is compulsory. The significant amendment suggested is making registration compulsory for the leases of immovable property for any term with the proviso that when the term of lease is less than one year, the State Government may notify the amount which shall not be less than Rs. 50,000/- per month. During examination of the Bill, Committee received a number of suggestions on this issue. The Committee's analysis reveal that while compulsory registration of lease will on one side generate revenue to the Government but on the other side will increase the workload of the registration offices as a large number of leases are regularly executed. The Committee further observe that fixing uniformly the amount of Rs.50,000/- per month as a minimum amount of rent, premium etc. as a criterion for making the lease compulsory registerable will also be not logical as the amount of rent, premium etc. is not uniform across the States The Committee therefore while endorsing the amendment to bring "leases of immovable for any term" under the category of compulsory registration, recommend that the criterion of exemption should be left with the States to decide.**

**7.16 The Committee further observe that registration of power of attorney authorizing transfer of immovable property with or without consideration has also been made compulsory in the proposed amendment. The Committee endorse the amendment.**

**7.17 The Committee observe that sub-section (3) of section 17 have been substituted whereby registration of authorities to adopt a son or a daughter has been made compulsory. The Committee observe that the registration of not only the "authorities" but also of the "adoption deed" should be made compulsory.**

**The Committee therefore recommend that sub-section (3) of section 17 should be suitably modified to incorporate the recommendation of the Committee.**

## **Clause 8 of the Bill : Section 18 – Documents of which registration is optional**

8.1 The existing provision of Section 18 of the Registration Act, 1908 reads as under:

“Any of the following documents may be registered under this Act, namely:-

- (a) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;
- (b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;
- (c) leases of immovable property for any term not exceeding one year, and leases exempted under section 17;
- (cc) instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immovable property;
- (d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable property;
- (e) wills; and
- (f) all other documents not required by section 17 to be registered.

8.2 The Registration (Amendment) Bill, 2013 seeks to amend the Section 18 (documents of which registration is optional) of the existing Act as under:

For section 18 of the principal Act, the following section shall be substituted, namely :-

“18. The following documents may be registered under this Act, namely:—

- (a) Wills, authority to adopt by a Will;
- (b) any document notified by the State Government.”

8.3 This clause seeks to substitute section 18 of the Act relating to “documents of which registration is optional” so as to provide that the wills, authority to adopt by a will and any document notified by the State Government may be registered at the option of the parties.

8.4 On the issue of optional registration of will, one public witness in his written submission suggested as under:

"It is suggested that WILL which is very important has been kept optional for registration in respect of movable/immovable property as per section 18 of the registration act 1908 should be made compulsorily registered to registered WILL should be given upper hand as in many cases two wills appear by the same person and legal litigation starts."

8.5 The Department of Land Resources (Ministry of Rural Development) responded to the above suggestion as follows:

"Will is a document by which title to a property pass to a person after the death of the testator of the Will. Therefore, registration of Will has been optional and a Will can be registered by any registering officer. The suggestion of making wills compulsorily registrable is not acceptable."

8.6 On the proposed substitution, the State Government of Kerala in a written note furnished to the Committee, submitted as under:

"The proposed amendment intends to simplify the provisions of section 18 and confers power upon the State Government to notify the documents the registration of which is optional. Thus as per the proposed amendment, the State Government is empowered to notify any instrument which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property as document, the registration of which is optional and hence agreeable."

8.7 The State Government of West Bengal in a written note submitted as under:

"The revised sub-section (b) may be modified in the following manner:  
Any document registration of which is not compulsory under section 17 of the Act and also not prohibited under the Act or by any notification of the State Government."

8.8 During the course of evidence, a representative of State Government of West Bengal further stated as under:

"Then, coming to Section 18, it is written –Documents of which registration is optional, kindly see to it. पहले सेक्शन 17 में एक लाइन था कि जो कुछ सेक्शन 17 में नहीं होगा, वह सेक्शन 18 में होगा।

Sir, Section 18 (f), in the end, says 'all other documents not required by section 17 to be registered.' यह लाइन यहां रहनी चाहिए। सेक्शन 18 में अमेंडमेंट के बाद यह लाइन नहीं रहने से राज्य और केन्द्र सरकार के लिए यह डिक्लेयर करना मुश्किल हो जाएगा कि कितने डॉक्यूमेंट्स होंगे। क्योंकि हर

रोज़ नये-नये डॉक्युमेंट्स आ रहे हैं। इसको कैसे स्पेसिफाई किया जाएगा कि सेक्शन 18 में ये-ये डॉक्युमेंट्स होंगे? इसको राज्य सरकार भी नहीं कर सकती है और केन्द्र सरकार भी नहीं कर सकती है।  
I have one more point, which I want to make. In the existing Section 51 of the Registration Act, there are mentions of sub-section (d) and (f) of section 18. So, this (d) and (f) will no longer be there. So, this has to be removed in section 51 because we have reduced section."

**8.9 The Committee observe that the existing provision of section 18 of the Act gives details of those documents for which registration at present is optional but the amendment proposed in the Bill suggest optional registration of documents falling only in two categories – one relating to the Wills and authority to adopt by a will and the other relating to any document notified by the State Government. The Committee observe that suggestions have been received for making compulsory registration of Will as unregistered Will give rise to a lot of disputes on death of testator. The Committee therefore, recommend that the Government may examine the possibility of placing the "Will" under the category of compulsory registration.**

**8.10 The Committee further observe that the proposed amendment cast responsibility on the State Governments to notify from time to time the categories of documents whose registration is optional. The Committee feel that such situation may create confusion in future as not only the decision of one State may differ from that of another State but also it may create an atmosphere of uncertainty about the documents falling in the category of optional registration. The Committee therefore, recommend that the Government should prepare an exhaustive list of the documents whose registration is proposed to be optional and simultaneously provision may be made for the States to notify documents other than those listed which they consider for optional registration.**

**8.11 The Committee further observe that the existing sub-section (f) of section 18 of the Act gives wider coverage of documents under optional registration as it says, 'all other documents not required under Section 17 to be registered'. However, the proposed amendment excludes such wider categories of documents and therefore, suggestions have been received to keep this clause**

**alive in the amended legislation. The Committee therefore recommend the Government to consider this aspect before finalizing the amendment of section 18.**

**8.12 The Committee also observe that certain consequential changes will be required in other sections of the Act if the amendments proposed in the Bill are carried forward. It is observed that sub-Section (3) of the existing Section 51 mentions sub-Sections (d) and (f) of the existing Section 18 and therefore, if the proposed amendment to Section 18 is carried out, consequential changes would be required in Section 51 of the principal Act. Accordingly, the Committee recommend that the Government should take care of making consequential changes in other sections of the principal Act due to the proposed amendment in section 18.**

**Clause 9 of the Bill : Insertion of new section 18A (Refusal of registration of certain documents)**

9.1 Clause 9 of the Bill proposes to insert the following section after section 18 of the principal Act as under:

" 18A. The following classes of documents shall be refused for registration, namely:

(a) the document relating to transaction, which is prohibited by any existing Central Act or State Act for the time being in force;

(b) the document relating to transfer of property by way of agreement for sale, sale, gift, exchange or lease or otherwise in respect of any immovable property owned by the Central Government or State Government or any Authority or undertaking of the Central Government or State Government or any Authority or undertaking constituted or established under any Central Act or State Act, for the time being in force, executed by any person other than those statutorily empowered to do so;

(c) the document relating to transfer of property by way of agreement for sale, sale, gift, exchange or permanent alienation or lease or otherwise pertaining to any immovable property which is attached permanently or provisionally by any competent authority under any Central Act or State Act for the time being in force or any court or Tribunal;

(d) any document or class of documents which are likely to affect adversely the accrued interest in immovable properties of the Central Government, State Governments, local bodies, educational, cultural, religious or charitable institutions including Waqf Boards, Bhoodan Yagan and other properties as may be notified by the State Government:

Provided that nothing in this clause shall apply in respect of any document or class of documents for which sanction in this regard has been issued by the competent authority under any law for the time being in force."

9.2 This clause seeks to insert a new section 18A relating to "refusal of registration of certain documents". The said section proposes to provide that (a) the document relating to transaction, which is prohibited by any existing Central Act or State Act for the time being in force; (b) the document relating to transfer of property by way of agreement for sale, sale, gift, exchange or lease or otherwise in respect of any immovable property owned by the Central Government or State Government or any

Authority or undertaking of the Central Government or State Government or any Authority or undertaking constituted or established under any Central Act or State Act, for the time being in force, executed by any person other than those statutorily empowered to do so; (c) the document relating to transfer of property by way of agreement for sale, sale, gift, exchange or permanent alienation or lease or otherwise pertaining to any immovable property which is attached permanently or provisionally by any competent authority under any Central Act or State Act for the time being in force or any court or Tribunal; (d) any document or class of documents which are likely to affect adversely the accrued interest in immovable properties of the Central Government, State Governments, local bodies, educational, cultural, religious or charitable institutions including Waqf Boards, Bhoodan Yagan and other properties as may be notified by the State Government are prohibited for registration.

9.3 On the rationale of the proposed insertion of a new section 18A, the State Government of Tamil Nadu in a written note informed as under:

"It may be stated that the proposed amendment provides for refusal of registration of documents relating to transaction of properties belonging to Central Government or State Government. Though it is imperative to protect the interests of the properties owned by the Central Government or State Government, it is very much essential that the details of properties belonging to the Central and State Governments are provided to the Registration Department so that the registering officers would be aware of such properties and they would refuse the registration of documents relating to such properties. If no such details are provided and the proposed amendment is implemented, then situations may arise wherein the registering officers are unaware of the properties belonging to the Government and they may register the documents relating to those properties and unknowingly they would violate the provisions of the Act. This amendment may be accepted and it may also be necessary to ensure that the properties held by them are made available to the concerned Sub-Registrar Office."

9.4 In this regard, the State Government of West Bengal in a written note submitted to the Committee, stated as under:

"The following sub-section may be added:

(e) the document relating to transaction of any property, whether movable or immovable, transfer of which is prohibited by the Central or State Government in order to protect greater public interest."



9.5 During the course of evidence, a representative of State Government of Tamil Nadu stated as under:

"Then the next point is the amendment proposed in clause 9, section 18(a) to provide for refusal of certain documents. If it is an unauthorized transaction with respect to the Central and the State Government property, the sub-registrar can refuse it. There is no problem regarding that. We agree to that proposal. The only thing is if the list of Government properties could be made available to the sub-registrar in some form, that will make the process easy for the sub-registrar. Otherwise, he may not have the knowledge as to which is a Government property and which is not a Government property. It also talks about educational institutions, public undertakings and a lot of other authorities under the Government of India as well as under the State Governments."

9.6 The Secretary, Department of Land Resources, during the course of evidence explained as under:

"This is a suggestion which came from the State Governments whether government property should be notified and list made available. The States are empowered to do it because land is a State subject and registration is a Central subject. So, the States should be in a position to come up with a view on this matter."

**9.7 The Committee observe that the Bill proposes to insert a new Section 18A to enable the Registrar and Sub-Registrar to refuse registration of certain classes of documents. The documents which could be refused for registration relate to the transaction of properties belonging to Central Government or State Government and also those which are prohibited by any Central or State Act. The suggestions have been received that unless the details of properties belonging to Central and State Governments are available in the public domain, the purpose of insertion of new section 18A will not be served because the documents relating to the properties prohibited for registration could be registered unintentionally by the Registrar or Sub-Registrar. Although it is a fact that land is a State subject and the States, as mentioned by the department, are empowered to notify such properties, the fact remains that the Central Government has to take initiative in this regard and persuade the States as well as other Governmental Authorities to identify their properties properly and put them in public domain so that the**

**Registration Office could use that information for denying registration of governmental properties. The Committee while appreciating the initiative of the Government to insert new section 18A to prevent fraudulent registration of governmental properties, recommend the Government to take necessary steps for identifying the governmental properties and placing the details of such properties in public domain.**

## **Clause 10 of the Bill : Omission of Section 28 – Place of registering documents relating to land**

10.1 The existing provision of Section 28 of the Registration Act, 1908 reads as under:

“Place for registering documents relating to land - Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c), (d) and (e), section 17, sub-section (2), insofar as such document affects immovable property, and section 18, clauses (a), (b) (c) and (cc), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.”

10.2 Clause 10 of the Bill seeks to provide for omission of Section 28 relating to “place for registering documents relating to land” of the principal Act.

10.3 Objecting to the amendments proposed, the State Government of Tamil Nadu in a written note furnished to the Committee stated as under:

"Omission of section 28 can be enabled only when web-based registration or real time registration are possible. Otherwise, it will lead to lot of frauds as well as loss of revenue to the States. Hence Section 28 may be retained. Further, to arrest frauds relating to lands under the National Land Records Modernisation Programme, it is proposed to link the revenue and registration records. If anywhere registration is introduced in the absence of linking of registration records of one State with the registration records of another State, registrations will take place without verifying the ownership of the property in revenue records which will provide room for fraudulent registration. If jurisdiction is extended to anywhere in India, there is scope for large scale fraudulent registration as well as evasion of stamp duty. Section 28, as far as in its applicability to this State, provides for every document relating to immovable property shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such documents relates is situate in the state of Tamil Nadu and any document registered outside the State in contravention of these provisions shall be deemed to be null and void. If the section 28 is omitted as proposed, then it will lead to a situation where registration of documents relating to immovable properties situated in Tamil Nadu can be registered in any of the registration office in the Country. It is also not clear how the details of the registration of a document in a Sub-Registrar Office other than the office in which the jurisdiction of the property lies would be communicated to the concerned Sub-Registrar Office. Moreover, it has been proposed to refuse the registration of properties belonging to Central Government and State Government Departments/Organisations. It is also not clear how this provision could be implemented if it is permitted to register documents relating to immovable properties in any registration office in the Country. Further, the stamp duty and registration fee rates in respect of various types of instruments vary across the States and if registration of document anywhere in the Country is permitted, it would give an option to the Public to register in a State where the stamp duty and registration fee is low. This would deprive the legitimate revenue due to the State. Even though the Statement of Objects and Reasons states that the purpose of

omitting the section 28 and deleting certain words from section 29 is to provide that the immovable property can be registered only in the State in which it is actually located, it is felt that omitting this Section will lead to a situation wherein registration of a document relating to property situated anywhere could be registered anywhere across the country also. Even if the proposal of allowing registration anywhere within the State is permitted, it would pave way for fraudulent registrations. Hence this amendment is strongly objected to and it is informed that the Section 28 may be retained and the Central Act may be suitably amended as available in Section 28 (a) and (b) of Tamil Nadu."

10.4 Expressing concern with regard to the removal of section 28, the State Government of Madhya Pradesh submitted as under:

"The removal of this Section implies that a document can be presented in any sub-registrar office, irrespective of the location of the property in question. Since the office where the document is presented is also the office where it shall be subsequently registered, the removal of this Section actually means that a document may be registered anywhere. In any case, the enquiry before registering officer under Section 34 and 35 can be irrevocably proved only on the basis of biometrics identification. Thus, it is not advisable to remove the Section till all offices are enabled with Aadhar authentication."

10.5 Regarding the amendments to Section 28 of the Act, one public witness in a written note submitted as under:

"Such modification to Section 29, together with deletion of Section 28 will allow parties to present documents for registration before such Sub-Registrars, who do not have any territorial jurisdiction over the property in question. This step may ease the process of registration by making it convenient for the parties to register a document at the place of their choice. However, on the other hand it may lead to surge in fraudulent transactions. At the same time, it will be almost impossible for a third person to verify the title of a property, as he may not be aware of the exact place to inspect and procure the copy of the relevant title deed. For instance, an owner may sell a property by registering a sale deed in one Sub-Registrar's jurisdiction and may sell the same property again by registering another sale deed in another Sub-Registrar's jurisdiction. There is no central repository that maintains records of transactions with respect to immovable property. Therefore, in absence of any effective safeguards against such potential risks, it may not be advisable to omit Section 28 in its entirety.

This brings us to another crucial question that whether existing Section 28 requires any modification. As per Section 28, it has to be presented in the office of the Registrar, within whose sub-district the whole or part of the property to which such document relates is situated. The expression "some portion of the property" has been interpreted to mean any portion and not necessarily substantial portion. The interpretation has again given rise to the mischief, as parties include fictitious, non-existing or insignificant item of property in the deed to enable registration in the office of their choice. Therefore, we suggest not to omit existing Section 28 of the Act but to modify it in the following manner:

"28. Place for registering documents relating to land – Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1),

clauses (a), (b), (c), (d) and (e), Section 17, sub-section (2), insofar as such document affects immovable property, and section 18 , clauses (a), (b), 31 (C) and (cc), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the property to which such document relates is situate. If a document affects immovable property situated in the sub-districts of more than one Sub-Registrar, such document shall be registered in office of each such Sub-Registrar, where any portion of the immovable property is situate."

10.6 The Department of Land Resources (Ministry of Rural Development) in a written reply on the above suggestion stated as under:

"Section 28 has been proposed to be omitted. Under section 29, a document can be registered in the office of sub-registrar where the document has been executed or anywhere within the State the property State, the executants desire it to be registered. This proposed amendment will help e-registration. In the State of Andhra Pradesh, Maharashtra, Rajasthan such experiment of anywhere registration within the district has been conducted successfully."

10.7 During the course of evidence, a representative of State Government of Tamil Nadu stated as under:

"The next point is very important one, which is amendment proposed in clauses 10 and 11, relating to sections 28 and 29. Currently section 28 has two portions. Portion (a) says that immovable property will be registered only within the jurisdiction of the sub-registrar office. Our Tamil Nadu (b) provision says that if it is registered anywhere else in the country, it is null and void. That is the provision we have because a lot of people would go to the neighbouring State, Kerala, and buy a small property in Kerala and big property in Kerala and register it in Kerala. They were doing a lot of stamp duty evasion. To avoid that, this amendment was introduced in the State of Tamil Nadu in the year 1997. Now, in the proposed amendment, that section 28 is proposed to be omitted fully. We wish that section 28 should continue as it is. Now, in the proposal section 28 is omitted. In section 29, which talks about registration with respect to other documents, that is the title of section 29, which means the land document can be registered anywhere in the country. That is the meaning we try to understand though the Statement of Objects and Reasons says it is registration anywhere within the State. But once you remove section 28 and only section 29 is there which talks about registration of other documents, then what do we do with the land document? It can be registered anywhere. That is the meaning we get. We can interpret as if it can be registered anywhere. Maybe the intention of the amendment is to treat section 29 as the only section. It includes land also. It can be registered where it is executed or where either party wishes to present. So, suppose somebody executes it physically elsewhere, then he can go to that sub-registrar office and register it in the neighbouring State. This will lead to a huge loss of revenue as well as fraudulent registrations may happen in a big way. Moreover, in an IT developed State like Tamil Nadu also, our level of computerization of registration activities as well as land documents is not that advanced enough to switch to a system where 'anywhere registration' can take place within the system within the State. Even within the State we are not yet ready to do 'anywhere registration'. So, it will lead to a lot of confusion even within the State, even if we try to make it 'anywhere registration' within the State.

We wish that these amendments can include the provisions which is there in Tamil Nadu. In Tamil Nadu, we say that if it is registered outside Tamil Nadu, then it is null and void. That is the explicit provision that we have made in our section 28 (b). If that also could be examined to be included at the national level and if the Committee feels that it is good enough, then it can be considered."

10.8 During the course of evidence, a representative of the Government of Uttar Pradesh stated as under:

"अभी सेक्शन 28 को ओमित करने की बात हो रही है, इसके बारे में हमारा सम्मिशन है कि इसे एबॉलिश न किया जाए। इसे एबॉलिश करने से स्टेट में कई परेशानियां हो सकती हैं। अगर कुछ राज्य इसको एबॉलिश करने की स्थिति में हैं और एनीव्हेयर रजिस्ट्रेशन करने की पोजीशन में हैं तो इसमें एक ऐसा प्रॉविजन डालकर राज्यों को एम्पावर्ड कर सकते हैं कि अगर वे उचित समझें तो अपने यहां इसे लागू कर सकते हैं। एबॉलिश करने के बाद अगर हम एनीव्हेयर रजिस्ट्रेशन करने की स्थिति में नहीं हैं तो हमें परेशानी होगी। देश के कुछ राज्य इतने एम्पावर्ड हैं, कंपीटेंट हैं, उन्होंने अपनी टेक्नोलॉजी बढ़ा ली है तो उनको इसके लिए छूट दे सकते हैं कि वे इसके लिए नियम बना सकते हैं।

10.9 A representative of the Government of West Bengal during the course of evidence stated as under:

"Now, I come to Sections 28 and 29. इस पर काफी चर्चा हुई है। आप सेक्शन 29 देखिए, the only problem is that the heading is misleading, and the heading says: "place for registering other documents". Section 28 deals with land. Section 29 deals with the place for registering not other documents. If we want to amend it, we have to write it as "place for registering documents" and also the actual contents should be redrafted. In that case, Section 28 can be removed. Otherwise, we have to keep Section 28 again. It talks about place for registering not other documents. Under Section 29, it will be all documents because Section 28 will not be there."

10.10 In this regard, the Department of Land Resources (Ministry of Rural Development) submitted as under:-

"From 1908 onwards documents of transfer of property are being registered by the registering officer of the place where the property is situate. With advancement of information technology, States want to use web-based registration of documents. The object is that there should be fewer footfalls of registrants at sub-registrar offices. The rate of registration fees for transfer of immovable property is the same throughout the State. Now, the public has the option to get the documents registered either at the place where the property is situate or within the State where both parties to the document desire to get it registered. The places where there is no electricity, the documents will be registered by pasting the copy in the record and returning the original document to the party after registration."

**10.11 The Committee observe that the existing provision under Section 28 of the Registration Act, 1908 provides for registering documents relating to land in the**

office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate. The Bill seeks to omit the above Section 28 of the Act which by implication will mean that the provisions of section 29 of the principal Act which deal with the place of registering other documents will automatically come into operation which would enable the parties to get the documents registered anywhere in the country. During examination of the Bill, the Committee received various suggestions. The Committee's analysis however reveal that the demographic composition in the country, status of availability of infrastructure and the typical topography of locations throughout the country clearly indicate that some more time is still needed to go into the concept of "anywhere registration in the country" because introduction of any new concept without well preparedness on the ground level will, in all likelihood, create problems to the genuine people on one hand and give rise to fraudulent registration on the other hand. The Committee also observe that even the present position in the Act allowing registration within the State also causes problems in verification of the title and encumbrance of the property and therefore a strong view emerges that registration of document should be confined within the revenue districts. The Committee therefore strongly recommend that section 28 of the principal Act need to be retained with the modification that the documents will be registered in the same revenue district in whose territorial jurisdiction the property situates. The Committee further recommend that if a document affects immovable property situated in different districts, such document should be registered separately in each of such districts.

## **Clause 11 of the Bill : Section 29 – Place for registering other documents**

11.1 The existing provision of Section 29 of the Registration Act, 1908 reads as under:

(1) Every document not being a document referred to in section 28 or a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the State Government at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made or, where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under the State Government at which all the persons claiming under the decree or order desire the copy to be registered.

11.2 The Registration (Amendment) Bill, 2013 seeks to amend the Section 29 (place for registering other documents) of the existing Act as under:

In section 29 of the principal Act,—

(a) in sub-section (1), the words and figures “not being a document referred to in section 28 or a copy of a decree or order,” shall be omitted;

(b) in sub-section (2), the words “where the decree or order does not affect immovable property,” shall be omitted.

11.3 This clause seeks to amend section 29 of the Act to provide for anywhere registration in the State, It is proposed in the Bill to amend sub-section (1) of the said section so as to omit the words and figures “not being a document referred to in section 28 or a copy of a decree or order”. It is further proposed to amend sub-section of the said section so as to omit the words “where the decree or order does not affect immovable property”.



11.4 In their written submission furnished to the Committee regarding the proposed amendment to Section 29, the State Government of Odisha submitted as under:

"The heading 'Place for registering other documents' should be amended as 'Place for registering documents'."

11.5 Regarding the option for implementation of anywhere registration, the State Government of Uttar Pradesh in a written submission stated as under:

"It is pertinent to note that amendment in section 28 & 30 have already been done through UP amendment Act No. 27 of 1994 effective from 01-10-1994. Through this amendment it has been laid out that transfer deeds of immovable property related to a particular sub district shall be registered in the office of sub registrar in whose jurisdiction the property lies. As such the provision for registration of immovable property within the state itself has already been incorporated in the state amendment. The option for implementation of Anywhere registration within the state should rest with the state government till the completion of online registration process & availability of online data. For attaining the objectives proposed through amendment in this section it is also advisable that section 30 of the Act should accordingly be amended."

11.6 The State Government of West Bengal furnished the following suggestions regarding the proposed amendment to section 29:

" There is no relation between the place of execution and place of registration in case of document relating to land. Hence, the words, "relating to immovable property" after the words "Every document" may be added and also the words "document was executed" may be replaced by the words "whole or some portion of the property to which such documents relates is situate. The word "same" may be added after "or in the office of any other Sub-Registrar under the" and before "State Government". At the end "and where the document does not affect immovable property, in the office of any Sub-Registrar under any State Government at which all the persons claiming under the decree or order desire the copy to be registered" may be added. It may be better to delete the words "or the original decree or order was made" so that the document is registered only in the State where the immovable property situates. In cases where the decree or order does not affect immovable property, delete the word "other" before Sub-Registrar and also replace the word "the" by "any" before State Government."

**11.7 The Committee observe that the proposed deletion of Section 28 and modification of Section 29 may lead to a lot of fraudulent registrations unless registration records of all Sub-Registrar Offices throughout the country are linked online. The Committee also find that this could lead to evasion of revenue as stamp duty and registration fee rates vary across the States which would give an**

option to the public to register in a place where the fees are lowest. The Department of Land Resources have informed that the proposed amendment would help e-registration and that the States of Andhra Pradesh, Maharashtra and Rajasthan have successfully conducted the experiment of anywhere registration within the district. The Committee do appreciate that some States might have achieved certain degree of success in technological advancement which facilitated the registration process in wider areas but at the same time, Committee express its serious apprehension that the Government has to see the wider ramifications of any such proposal. The Committee are of the view that omission of Section 28 and modification of Section 29 would not yield the desired result without developing proper infrastructure to enable all the offices of Registrar and Sub-Registrar to go for computerized registration process with online uploading of data on public portal. The Committee, therefore, recommend that the States may be persuaded to develop appropriate infrastructure facilities and complete the computerized land record data base with the technological upgradation of all registration offices so that the concept of anywhere registration could be materialized in near future. The Committee therefore desire that the suggestions given by the Committee for modifications in section 28 of the principal Act may suitably be incorporated.

**Clause 12 of the Bill : Section 32 - Substitution of new section for section 32 regarding persons to present documents for registration**

12.1 The existing provision of Section 32 of the Registration Act, 1908 reads as under:

“Except in the cases mentioned in sections 31, 88 and 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office,-

(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or

(b) by the representative or assignee of such a person, or

(c) by the agent of such a person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.”

12.2 The Registration (Amendment) Bill, 2013 proposes to substitute Section 32 as under:

For section 32 of the principal Act, the following section shall be substituted, namely:—

“32. Except in the cases mentioned in sections 31, 88 and 89, or when the document is presented by electronic means, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office, in the manner as may be prescribed,—

(a) by the person executing or claiming under the same, or, in the case of a copy of a decree or order, by a person claiming under the decree or order; or

(b) by the representative or assignee of such person; or

(c) by the agent of such person, representative or assignee, duly authorised by the power of attorney executed and authenticated in the manner hereinafter mentioned.”

12.3 This clause seeks to facilitate electronic registration by substituting a new section for the existing section 32 of the Act relating to “persons to present documents for registration” so as to provide that except in the cases mentioned in sections 31, 88 and 89, or when the document is presented by electronic means, every document to be registered under this Act, whether such registration be compulsory or optional, shall be

presented at the proper registration office, in the manner as may be prescribed (a) by the person executing or claiming under the same, or, in the case of a copy of a decree or order, by a person claiming under the decree or order; or (b) by the representative or assignee of such person; or (c) by the agent of such person, representative or assignee, duly authorised by the power of attorney executed and authenticated in the manner hereinafter mentioned.

12.4 Agreeing with the proposed amendment, the State Government of Kerala in a written note submitted as under:

"The proposed provisions will certainly facilitate the increased use of electronic means for registration in this era of computerisation which will help the people save time and will provide more convenience. Moreover, it will help to prevent corruption, reduce the interruption of middle men and will ensure transparency in the procedure and hence agreeable."

12.5 Expressing apprehensions on the issue of documents presented by electronic means, the State Government of Madhya Pradesh stated as under:

"Identity of executants in case of documents presented electronically can be proved irrevocably only by biometrics identification, so this Section also should remain the same till such date as biometrics identification is enabled everywhere."

**12.6 The Committee observe that the Bill proposes to substitute Section 32 whereby a provision is made for presentation of documents by electronic means for registration. The Committee note that the proposed provision would facilitate the increased use of electronic means for registration which in turn would reduce corruption and ensure transparency in the procedure. The Committee, however, observe that the identity and genuineness of the executants in case of electronic registration can be ascertained and proved only through biometric identification and other similar mechanism without which the possibility of fraudulent registrations cannot be ruled out. The Committee, therefore, recommend the Department of Land Resources to impress upon the States to allow electronic registration only when all Sub-Registrar Offices are well-equipped with the facilities of not only for online registration but also for fool-proof identification of genuineness of executants.**

**Clause 13 of the Bill : Section 32A – Substitution of new section for section 32A regarding Compulsory affixing of photograph etc.**

13.1 The existing provision of Section 32A of the Registration Act, 1908 reads as under:

“Every person presenting any document at the proper registration office under Section 32 shall affix his passport size photograph and fingerprints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document.”

13.2 The Registration (Amendment) Bill, 2013 proposes to substitute the following in place of the existing section 32A :

For section 32A of the principal Act, the following section shall be substituted, namely:—

“32A. (1) Every person presenting any document at the proper registration office under section 32 shall affix in the document his passport size colour photograph and get photographed by digital camera and affix thumb impression by manual or by biometric device in the document and both executants and claimant shall sign in the document, if such document falls in the following category, namely:—

- (a) agreement to sell immovable property including developer’s or promoter’s agreement by whatever name called, for development of any property or construction of structure;
- (b) conveyance;
- (c) exchange;
- (d) gift;
- (e) lease including transfer of lease by way of assignment and surrender of lease;
- (f) mortgage;
- (g) partition;
- (h) settlement;
- (i) trust;
- (j) power of attorney.

(2) The passport size photograph and thumb impression of each executant and claimant shall also be affixed to the document referred to in sub-section (1).

(3) The State Government shall notify the order for taking photographs of identifying witnesses before the registering officer.”

13.3 This clause seeks to facilitate capturing of bio-metrics by substituting a new section for section 32A relating to “compulsory affixing photographs etc.” sub-section (1) of the said section provides that every person presenting any document at the proper registration office under section 32 shall affix in the document his passport size colour photograph and get photographed by digital camera and affix thumb impression by manual or by biometric device in the document and both executants and claimant shall sign in the document, if such document falls in the following category, namely (a) agreement to sell immovable property including developer’s or promoter’s agreement by whatever name called, for development of any property or construction of structure; (b) conveyance; (c) exchange; (d) gift; (e) lease including transfer of lease by way of assignment and surrender of lease; (f) mortgage; (g) partition; (h) settlement; (i) trust; (j) power of attorney. Sub-section (2) of the said section provides that the passport size photograph and thumb impression of each executant and claimant shall also be affixed to the document referred to in sub-section (1). Sub-section(3) of the said section provides that the State Government shall notify the order for taking photographs of identifying witnesses before the registering officer.

13.4 On the issue of affixation of colour photos and the need to qualify documents, one public witness in a written note submitted as under:

"The proposed requirements as being proposed under section 32A (1), are already prevalent in most of the States with regard to affixation of photos etc., by the parties to the document. But, the photograph being affixed is in black & white and not colour photos. Further, photo taken via biometric device in the Sub-Registrar’s office is black-&-white. These beings so, why insist on colour photo? It should be colour or black -&-white photo? But such should be recently taken and not having any imprints on it. Further, there is no need to qualify the documents which requires such affixation etc. It should be made applicable for “any document presented for registration”.

13.5 The Department of Land Resources (Ministry of Rural Development) in a written reply on the above suggestion stated as under:

"Under the proviso to section 32A, all documents in which ownership of property is transferred, photograph and execution by both parties have been made compulsory. It has been suggested that there is no need to qualify the documents; it should be made applicable to any document presented for registration. The list mentioned in amendment to section 32A contains almost all documents generally presented for registration. This is being followed in all States."

13.6 Agreeing with the amendment suggested in section 32A, State Government of Kerala in a written note stated as under:

"The proposed provisions will help the registering officer to identify the executants claimants relating to each document presented for registration. The provisions will help to deter the misuse of immovable property by unscrupulous elements including terrorist outfits and hence agreeable."

13.7 Expressing concerns regarding limiting the documents on which the photograph and thumb impression has to be affixed, State Government of Tamil Nadu stated as under:

"It may be stated that at present section 32A provides for affixing the photograph and thumb impression of the person presenting the document and in respect of documents relating to transfer of ownership of immovable property, the photograph and thumb impression of the person claiming under the document shall also be affixed. The existing section 32 A does not limit the types of documents on which photograph and thumb impression has to be affixed whereas the proposed section limits the same. One important document, which is chiefly employed in getting loans from financial institutions (i.e.) Agreement relating to Deposit of Title Deeds, does not find place in the types of documents on which photograph and thumb impression has to be affixed. This may lead to fraudulent transactions. Hence it is considered that instead of limiting the documents on which the photograph and thumb impression has to be affixed, it may be made compulsory in respect of all documents registered as available now so that the photograph and thumb impression are obtained on all types of documents that are registered."

13.8 During the course of evidence, a representative of the State Government of Tamil Nadu stated as under:

"Then my next point is amendment proposed in clause 13. This is to amend section 32 (a), to provide for thumb impression as well as photograph in certain types of documents. In Tamil Nadu currently we are insisting on photograph, and

thumb impression on all documents. So, it cannot be restricted to only a certain types of documents alone. It can be made compulsory for all types of documents as it is being done in Tamil Nadu. Thumb impression with photograph is recommended for certain types of documents. Now, in Tamil Nadu we are insisting it for all types of documents. Anybody who wants to register any document in sub-registrar's office, his photograph and thumb impression we are taking. So, it can be made applicable to all documents."

13.9 The Representative of the Government of Gujarat during evidence stated as under:

"Sir, I have only one suggestion. Clause 13 A, Section 32 A, photograph by digital mechanism etc. is a good suggestion. But it should be with 'identifier'; that is what I would suggest. गुजरात में वर्न 2001 से यह प्रावधान है। It is for transfer of ownership of immovable property only. मगर उसके जो आइडेंटिफायर हैं, उनके भी फोटोग्राफ एफिक्सिंग और फिंगर प्रिंट लिया जाए, तो अच्छा रहेगा। क्योंकि कई बार गवाह भी गलत आ जाते हैं। रजिस्ट्रार ऑफिस के अगल-बगल में घूमने वाले को भी गवाह के रूप में इस्तेमाल कर लिया जाता है।"

**13.10 The Committee observe that Clause 13 of the Bill seeks to substitute a new Section for the existing Section 32A and the amended provision makes it necessary for affixing colour passport photograph and thumb impression on certain documents that have been listed in the new Section. The Committee observe that it has become necessary to apply maximum safeguards to stop the fraudulent registrations and therefore appreciate the Government for specifying various new measures in the amended section for ensuring the genuineness of the executants. During examination of the Bill, opinions received from different quarters clearly indicated that affixing colour photographs, photographing by a digital camera and taking thumb impressions of executants should not be limited to only some documents but it should be made compulsory for registration of all documents. The Committee, therefore, recommend that affixation of photographs, photographing by digital camera and taking thumb impressions of executants should be made compulsory for registration of all documents. The Committee also recommend that these photographs, thumb impression and signature of the executants may be obtained in the presence of the witnesses whose photographs and biometrics may also be taken on record in similar manner.**



**Clause 14 of the Bill : Section 33 – Power of Attorney recognizable for purposes of section 32**

14.1 The existing provision of Section 33 of the Registration Act, 1908 reads as under:

(1) For the purposes of section 32, the following powers-of-attorney shall alone be recognised, namely:-

(a) if the principal at the time of executing the power-of-attorney resides in any part of India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;

(b) if the principal at the time aforesaid resides in any part of India in which this Act is not in force, a power-of-attorney executed before and authenticated by any Magistrate;

(c) if the principal at the time aforesaid does not reside in India, a power-of-attorney executed before and authenticated by Notary Public, or any court, Judge, Magistrate, Indian Consul or vice-consul, or representative of the Central Government:

Provided that the following persons shall not be required to attend at any registration-office or court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely-

(i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

(ii) persons who are in jail under civil or criminal process; and

(iii) persons exempt by law from personal appearance in court.

Explanation: In this sub-section "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (10 of 1897)

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal,

may attest the same without requiring his personal attendance at the office or court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or court hereinbefore mentioned in that behalf.

14.2 The Registration (Amendment) Bill, 2013 proposes to amend the existing section 33 of the Act as under :

In section 33 of the principal Act, in sub-section (4),—

(a) for the words “may be proved”, the words “shall be proved” shall be substituted;

(b) the following proviso shall be inserted, namely:—

“Provided that a proof to the effect that the person executing the power of attorney is alive shall be produced.”

14.3 This clause seeks to amend section 33 of the Act relating to “power of attorney recognizable for purposes of section 32”. It is proposed in the Bill to amend sub-section 4 of the said section so as to substitute the words “may be proved” with the words “shall be proved”. It is also proposed to insert a proviso in the said sub-section so as to provide that a proof to the effect that the person executing the power of attorney is alive shall be produced.

14.4 Regarding the proposed amendment to section 33, one public witness in a written note furnished to the Committee stated as under:

"Proof to the effect that the person executing the power of attorney is alive shall be produced. It is necessary to name the document and to specify the issuing authorities for proving that the principal is alive or this will lead to lot of confusion.

Each sub-registrar will name his own document as proof and there will be no uniformity. Further, the question will be again regarding the principals staying abroad. It is also necessary to specify that such proof should be either original or computer print from scanned copy thereof."

14.5 The Department of Land Resources, Ministry of Rural Development in a written reply to the above suggestion stated as under:

"This suggestion has been complied with and proof that the person executing power of attorney is alive been provided in the amendment proviso to section 33 (4) of the Act."

**14.6 The Committee observe that Clause 14 of the Bill proposes to amend subsection (4) of Section 33 of the Registration Act, 1908 by substituting the words "may be proved" with "shall be proved" and inserting the proviso "Provided that a proof to the effect that the person executing the power of attorney is alive shall be produced." The Committee while endorsing the amendment, desire that the Government should explore the possibility of naming the document which could be produced by the executants as a proof in compliance of the requirement under the proviso suggested in the section 33 of the Bill.**

**Clause 15 of the Bill : Section 35 – Procedure on admission and denial of execution respectively**

15.1 The existing provision of Section 35 of the Registration Act, 1908 reads as under:

(1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in Sections 58 to 61, inclusive.

(2) The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine anyone present in his office.

(3) (a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII:

Provided further that the State Government may, by notification in the Official Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-Section and of Part XII.

15.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 35 of the principal Act as under:

In Section 35 of the principal Act,—

“(i) in sub-Section (1), in clause (a), after the words “appear personally”, the words “or through electronic means, as the case may be” shall be inserted;

(ii) in sub-Section (3),—

(a) in clause (c), the word “or” shall be inserted at the end;

(b) after clause (c), and before the words “registering officer shall refuse”, the following clause shall be inserted, namely:—

“(d) on such circumstances and such documents as may be prescribed.”

15.3 This clause seeks to amend section 35 of the Act relating to “procedure on admission and denial of execution respectively”. It is proposed in the Bill to amend clause (a) of sub-section (1) of the said section so as to insert the words “or through electronic means, as the case may be” after the words “appear personally”. It is further proposed to amend sub-section 3 of the said section so as to insert clause (d) which provides that the registering officer shall refuse to register on such circumstances and such documents as may be prescribed.

15.4 Government of Uttar Pradesh is of the view that the proposed amendment seeks to make the process of computerized registration more effective and transparent and hence are in agreement to the proposed amendment.

15.5 Government of Kerala are of the opinion that insertion of new clause (d) is intended to check fraudulent transfers of immovable property without having any title and possession by persons who have already transferred or permanently alienated that property to some others than the new purchaser. The insertion of new clause (e) would enable the registering officer to detect and prevent impersonation. Insertion of new clause 'd' and 'e' after clause 'e' of Sub Section (3) of Section 35 is agreed to with the suggestion that the words and colon 'the Registering Officer shall refuse to register the document as to the person so denying, appearing or dead.' shall be inserted after the proposed clause (e) and before the first proviso in Sub-Section (3) of Section 35 of the Act.

15.6 Governments of Gujarat and Madhya Pradesh are in agreement to the proposed amendment.

15.7 In a Memoranda submitted to the Committee it was suggested that allowing the person executing document to appear through electronic means is a welcome move as it makes the registration process more convenient but proper safeguard should be put in place.

15.8 About the safeguard for appearing through electronic means the Department of Land Resources has clarified that power has been granted to the State Governments to prescribe rules for refusal of registration of e-documents and the details can be worked out according to the specific situation in the States.

**15.9 The Committee observe that Clause 15 of the Bill seeks to amend section 35 of the Act which relates to the procedure on admission and denial of execution. The amendment suggested in the Bill allow the use of electronic means as an option for the executants in place of their personal appearance before the registering officer. The Committee appreciate that in the changed technological scenario, it is a desirable step to use the electronic means as it could be more convenient to the executants and will also reduce the time in the**

registration process. The Committee however desire that appropriate safeguard mechanism need to be developed so that no unscrupulous element take advantage of the new system.

**Clause 16 of the Bill : Section 52 – Duties of registering officers when document presented**

16.1 The existing provision of Section 52 of the Registration Act, 1908 reads as under:

- “(1) (a) the day, hour and place of presentation, the photographs and finger prints affixed under Section 32-A and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;
- (b) a receipt for such document shall be given by the registering officer to the person presenting the same; and
- (c) subject to the provisions contained in Section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriate there for according to the order of its admission.
- (2) All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector-General.”

16.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 52 of the principal Act reads as under:

In Section 52 of the principal Act, in sub-Section (1), after clause (c), the following proviso shall be inserted, namely:-

“Provided that when a document is registered through the electronic means, the rules made by the State Government shall be followed in this regard.”

16.3 This clause seeks to facilitate electronic registration by amending section 52 of the Act relating to “duties of registering officers when documents presented”. It is proposed in the Bill to amend clause (c) of sub-section (1) of the said section so as to provide that when a document is registered through the electronic means, the rules made by the State Government shall be followed in this regard.

16.4 Government of Uttar Pradesh, Gujarat and Madhya Pradesh are in agreement with the proposed amendment.

16.5 Government of Kerala has agreed with the modification that "In Section 52, in sub-Section (1) in clause (a), for the words, figures and letter "the photographs and



finger-prints affixed under Section 32A" the words, figures and letter "the photograph and thumb impression affixed under Section 32A shall be substituted."

16.6 Government of Odisha in their written note suggested the following:-

"In Section 52 of the principal Act in sub-section (1) in Clause (c) after the 4 words "book appropriated therefor" the words "or stored in electronic or other storage device" shall be inserted.

**16.7 The Committee observe that section 52 of the principal Act makes provision for duties of registering officers when documents are presented before him for registration. The proposed amendment in section 52 makes a proviso that when a document is registered through the electronic means, the rules made by the State Government shall be followed. In this connection, suggestions have been received that the words "or stored in electronic or other storage device" should also be inserted in clause (c) of sub-section (1) of section 52. The Committee therefore recommend that the suggestion about the insertion of the above clause appropriately in the section 52 may be considered by the Government.**

**Clause 17 of the Bill : Section 57 – Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries**

17.1 The existing provision of Section 57 of the Registration Act, 1908 reads as under:

(1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No.1 shall be at all time open to inspection by any person applying to inspect the same; and, subject to the provisions of Section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No.3 and in the Index relating thereto shall be given to persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No.4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this Section for entries in Book Nos. 3 and 4 shall be made only by the registering officer.

(5) All copies given under this Section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

17.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 57 of the principal Act as under:

In Section 57 of the principal Act,—

“(a) in sub-Section (1), for the words and figures “Books Nos. 1 and 2”, the words and figures “Books Nos. 1, 2 and 4” shall be substituted;

(b) sub-Section (3) shall be omitted;

(c) in sub-Section (4), for the words and figures “Books Nos. 3 and 4”, the words and figure “Book No. 3” shall be substituted.”

17.3 This clause seeks to ensure transparency by amending section 57 of the Act relating to “registering officers to allow inspection of certain books and indexes and to give certified copies of entries”. It is proposed in the Bill to amend the said section so as to provide that the Book 4 relating to miscellaneous register is proposed to be made open to inspection by the public to ensure greater transparency.

17.4 Governments of Uttar Pradesh, Kerala, Gujarat and Madhya Pradesh are in agreement to the proposed amendment.

**17.5 The Committee note that section 57 of the principal Act deal with the inspection of certain books and indexes and also about providing certified copies of entries. The clause 17 of the Bill seeks an amendment to allow inspection of Book 4 also. The Committee appreciate the proposed amendment as it will give greater transparency in the process and public will have wider access to the documents in the registration office.**

## **Clause 18 of the Bill : Section 60 – Certificate of registration**

18.1 The existing provision of Section 60 of the Registration Act, 1908 reads as under:

“(1) After such of the provisions of Sections 34,35,58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered", together with the number and page of the book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in Section 59 have occurred as therein mentioned.”

18.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 60 of the principal Act as under:

"In Section 60 of the principal Act, in sub-Section ( 1), after the words “the document has been copied”, the words “or the true copy of the document has been filed” shall be inserted.”

18.3 This clause seeks to amend section 60 of the Act relating to “certificate of registration”. It is proposed in the Bill to amend sub-section(1) of the said section so as to insert the words “or the true copy of the document has been filed” after the words “documents has been copied”.

18.4 Governments of Uttar Pradesh, Kerala, Gujarat and Madhya Pradesh are in agreement to the proposed amendment.

18.5 Government of Odisha in their written note submitted to the Committee stated as under:-

"In Section 60 of the Principal Act in sub-section (1) after the words "registered" "or where the document in stored in an electronic or other devices the certificate shall contain the word "registered" with document Number, year, Book No. and date" shall be inserted at the end."

**18.6 The Committee note that section 60 of ‘The Registration Act, 1908’ deal with the provision of certificate of registration. Clause 18 of the Bill seeks to**

amend section 62 by adding the words “or the true copy of the document has been filed” at the end of the sub-section (1) of section 60. The Committee observe that some suggestions in this regard have been received about making a mention of the document which is stored in electronic or other devices. The Committee therefore recommend that these suggestions may be considered for making suitable amendments in the section alongwith those proposed in the Bill.

**Clause 19 of the Bill : Section 61 – Endorsements and certificate to be copied and document returned**

19.1 The existing provision of Section 61 of the Registration Act, 1908 reads as under:

“(1) The endorsements and certificate referred to and mentioned in Sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in Section 21 shall be filed in Book No.1.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in Section 52.”

19.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 61 of the principal Act as under:

In Section 61 of the principal Act,—

(a) for sub-Section (1), the following sub-Sections shall be substituted, namely:—

“(1) The endorsements and certificate referred to and mentioned in Sections 59 and 60 shall thereupon be copied into the true copy of the document presented along with the document, and the true copy of the map or plan, if any, mentioned in Section 21 shall be filed along with the true copy of the document in Book No. 1.

(1A) The endorsement sheet and the signature sheet generated through the electronic means shall be scanned along with the document and numbered accordingly:

Provided that in the office of the registering officer notified by the State Government as a computerised office, the copying of the items shall be done by using the electronic devices.”

19.3 This clause seeks to amend section 61 of the Act relating to the “endorsements and certificate to be copied and document returned”. It is proposed in the Bill to amend the said section so as to provide for keeping the copies of endorsements, certificate and map or plan in the Register-book and Book No.1 by electronic means.

19.4 Governments of Uttar Pradesh, Kerala, Gujarat and Madhya Pradesh are in agreement to the proposed amendment.

19.5 The Government of West Bengal has in a written note submitted that the endorsement and signature sheets may not require scanning. It may be tagged automatically to the scanned copy of the document.

**19.6 The Committee observe that the section 61 of 'The Registration Act, 1908' relate to the endorsement and certificate to be copied and return of documents. Clause 19 of the Bill seeks to substitute sub-section (1) which will enable the registration office to take care of the endorsement sheets and signature sheet generated through the electronic means and also copying of the items by using the electronic devices. The Committee appreciate the proposed amendment and endorse the same.**

**Clause 20 of the Bill : Section 64 – Procedure where document relates to land in several sub-districts**

20.1 The existing provision of Section 64 of the Registration Act, 1908 reads as under:

"Every Sub Registrar on registering a non-testamentary document relating to immovable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1."

20.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 64 of the principal Act as under:

"In Section 64 of the principal Act, after the words and brackets "endorsement and certificate (if any) thereon," the words "either hard copy or in electronic form, as the case may be," shall be inserted."

20.3 This clause seeks to amend section 64 of the Act relating to "procedure where document relates to land in several sub-districts". It is proposed in the Bill to amend the said section so as to provide for making of memorandum, endorsement and certificates in electronic form by the sub-registrar when such documents relate to land in several sub-districts.

20.4 Governments of Uttar Pradesh, Kerala, Gujarat and Madhya Pradesh are in agreement to the proposed amendment.

20.5 The Government of West Bengal in their written note submitted that after introduction of the concept of any where registration, sending documents either in electronic form or in hard copy will be a herculean task. Further, in a centralized registration system, all registration data are kept in the central server, not in the office of the registering officer hence, applicability of this Section may be relaxed.



20.6 The Committee observe that section 64 of 'The Registration Act, 1908' deals with the procedure where documents relates to land in several sub-districts. The Clause 20 of the Bill seeks an amendment in section 64 to include the copy generated in electronic form. The Committee however observe that the Committee have already emphasized the necessity of registration of the documents in each of the districts separately if the property situates in more than one district and therefore, have recommended earlier in this Report in this regard. The Committee however endorse the amendment in section 64 subject to their observations made above.

**Clause 21 of the Bill : Section 65 – Procedure where document relates to land in several districts**

21.1 The existing provision of Section 65 of the Registration Act, 1908 reads as under:

(1) Every Sub-Registrar on registering a non-testamentary document relating to immovable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in Section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

(2) The Registrar on receiving the same shall file in his Book No.1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

21.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 65 of the principal Act as under:

"In Section 65 of the principal Act, in sub-Section (1), after the words and brackets "endorsement and certificate (if any) thereon," the words "either hard copy or in electronic form, as the case may be," shall be inserted."

21.3 This clause seeks to amend section 65 of the Act relating to "procedure where document relates to land in several districts". It is proposed in the Bill to amend the said section so as to provide for forwarding copies of documents, endorsement and certificate in electronic form by the sub-registrar when such documents relate to land in several districts.

21.4 Governments of Uttar Pradesh, Kerala, Gujarat and Madhya Pradesh are in agreement to the proposed amendment.

21.5 The Government of West Bengal in their written note submitted that after introduction of the concept of any where registration, sending documents either in electronic form or in hard copy will be a herculean task. Further, in a centralized registration system, all registration data are kept in the central server, not in the office of the registering officer hence, applicability of this Section may be relaxed.

**21.6 The Committee observe that section 65 of 'The Registration Act, 1908' deals with the procedure where documents relates to land in several districts. The Clause 21 of the Bill seeks an amendment in section 65 to include the copy generated in electronic form. The Committee have already emphasized the necessity of registration of the documents in each of the districts separately if the property situates in more than one district and therefore, have recommended earlier in this Report in this regard. The Committee however endorse the amendment in section 65 subject to their observations made above.**

**Clause 22 of the Bill : Section 66 – Procedure after registration of documents relating to land**

22.1 The existing provision of Section 66 of the Registration Act, 1908 reads as under:

(1) On registering any non-testamentary document relating to immovable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No.1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No.1.

22.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 66 of the principal Act as under:-

“In section 66 of the principal Act, in sub-section (2), after the words and brackets "together with a copy of the map or plan (if any)", the words "either hard copy or in electronic form, as the case may be," shall be inserted.”

22.3 This clause seeks to amend section 66 of the Act relating to “procedure after registration of documents relating to land”. It is proposed in the Bill to amend the said section so as to provide for forwarding of copies of memorandum of documents electronically by the Registrar to his subordinate sub-registrar, if such documents are registered by the Registrar himself.

22.4 Governments of Uttar Pradesh, Kerala and Gujarat are in agreement to the proposed amendment.

22.5 Government of West Bengal in a written note has submitted that after introduction of the concept of any where registration, sending of documents either in electronic form or in hard copy will be a herculean task. Further in a centralized registration system, all registration data are kept in the central server, not in the office of the registering officer. Hence, applicability of this section may be relaxed.

22.6 On the justification of the proposed insertion of words, the DoLR in a background note, stated, as under:

"This clause seeks to amend section 66 of the Act relating to "procedure after registration of documents relating to land". It is proposed to amend the said section so as to provide for forwarding copies of documents, endorsement and certificate in electronic form by the sub-registrar when documents relate to land in several districts."

**22.7 The Committee observe that section 66 of 'The Registration Act, 1908' deals with the procedure to be followed after registration of documents relating to land. The Clause 22 of the Bill seeks an amendment in section 66 to include the copy generated in electronic form. The Committee have already emphasized the necessity of registration of the documents in each of the districts separately if the property situates in more than one district and therefore, have recommended earlier in this Report in this regard. The Committee however endorse the amendment in section 66 subject to their observations made above.**

**Clause 23 of the Bill : Section 69 – Power of Inspector-General to superintend registration offices and make rules**

23.1 The existing provision of Section 69 of the Registration Act, 1908 reads as under:

(1) The Inspector-General shall exercise a general superintendence over all the registration-offices in the territories under the State Government, and shall have power from time to time to make rules consistent with this Act-

- (a) providing for the safe custody of books, papers and documents;
- (aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section(1) of section 16A;
- (b) declaring what language shall be deemed to be commonly used in each district;
- (c) declaring what territorial divisions shall be recognised under section 21;
- (d) regulating the amount of fines imposed under sections 25 and 34, respectively;
- (e) regulating the exercise of the discretion reposed in the registering officer by section 63;
- (f) regulating the form in which registering officers are to make memoranda of documents,
- (g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under sections 51;
- (gg) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;
- (h) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;

(i) declaring the holidays that shall be observed in the registration offices;  
and

(j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

(2) The rules so made shall be submitted to the State Government for approval, and, after they have been approved, they shall be published in the Official Gazette, and on publication shall have effect as if enacted in this Act.

23.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 69 of the Principal Act as under:-

In section 69 of the principal Act, in sub-section (1),—

(a) clause (i) shall be omitted;

(b) after clause (j), the following clauses shall be inserted, namely:—

“(k) regulating the procedure for presentation of various types of documents, appearance of executants for admission of execution, endorsements, and the manner of fixing signature and seal of registering officer, mode of payment of registration fees and other fees and such other processes when the document is presented for registration by electronic means;

(l) regulating the procedure of registration;

(m) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A;

(n) regulating the procedure for taking of photograph of identifying witnesses to a document presented before a registering officer;

(o) providing for online registration of documents and enquiry before the registering officer when the document is presented before the registering officer by electronic means at any office of the registering officer;

(p) providing for scanning the documents for their safety in electronic form;

(q) providing for sending of memoranda of documents registered in electronic form;

(r) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;

(s) regulating the manner of recopying of books, indexes or portions thereof.”

23.3 This clause seeks to amend section 69 of the Act relating to “procedure after registration of documents relating to land”. It is proposed in the Bill to amend the said section so as to provide for powers of Inspector General to superintend registration offices and make rules.

23.4 Government of Uttar Pradesh and Gujarat are in agreement to the proposed amendment.

23.5 Government of Kerala while agreeing to the proposed amendment stated that the said amendment is to enable the computerization of the registration process to ensure more transparency and to enlarge the powers of the Inspector-General of Registration. The public will also get easy access to the service.

23.6 Government of Tamil Nadu in a written note expressed views regarding retention of Section 69 (i) i.e. declaring the holidays that shall be observed in the registration offices, which are as under:-

"It may be stated that holidays are observed in different States based on the religious and other needs. Accordingly, the State Government declares the list of holidays that are to be observed in the State and invariably the Inspector-General of Registration declares those days to be observed as holidays in the registration offices. If the proposed amendment is enacted it would deprive the Inspector-General of Registration from declaring the holidays for the registration offices in this State. Hence, it is considered that the present provision empowering the Inspector-General of Registration to declare the holidays to be observed in the registration offices shall remain."

23.7 On the aforesaid issue of omission of Section 69(i), the representative of Government of Tamil Nadu, while tendering evidence before the Committee stated as under:



"....Section 69 of the Act gives powers to IG (Registration) to make rules for various activities. In that we already had the power to declare holidays because local holidays vary from place to place and the IG knows the local situation better. Now, the power to declare holidays by the IG has been taken away through this section. So, if that section is retained giving the power to IG to declare what are the appropriate local holidays, that would be good. Section 69(i) is about declaring the holidays that shall be observed in the registration offices. This is the existing provision. This is proposed to be omitted now. That can be retained. The IG can declare local holidays. ....But, in our State, Collectors have got the powers to declare holidays in their respective districts when there is some local function or something like that to facilitate the public to conduct the function. So, such offices are declared to be observing holidays by the respective Collectors. The power is also with the IG to regulate the registration to be done being stopped in those districts. So, we want this power to be retained."

23.8 Government of West Bengal in their written note submitted that this may be kept in changed form of Registration Offices shall remain open on any Government notify holiday looking at the volume of registrable documents.

23.9 On the issue of verification of identify documents/cards of executants, one of the public witnesses in a memorandum submitted to the Committee suggested that only Aadhaar Card Xerox is to be added. In this context, the DoLR in a note submitted to the Committee stated as under:

"Under section 69 of the Act, it has been proposed to grant power to the Inspector-General of Registration to frame rules for registration/e-registration of documents and for verification of identify documents/cards of executants. This will protect forged registration of documents. In the rules, the use of aadhar cards and other cards for identification of executants shall be considered."

**23.10 The Committee observe that section 69 of 'The Registration Act, 1908' deals with the Power of Inspector-General to superintend registration offices and make rules. The Clause 23 of the Bill seeks an amendment in section 69 which will in effect take away the power of Inspectors-General to declare the holidays in the registration offices and also will confer additional power to them to make rules for regulating the procedure of registration of various types of documents etc. With regard to declaration of holidays, apprehensions have**

been expressed by the States that in case the powers are not vested with the Inspectors-General, the local needs of the people may get ignored. The Committee however observe that it would be appropriate if the holidays declared by the respective States are observed by the registration offices also and therefore, the Committee endorse the deletion of sub-section (1)(i) of section 69.

23.11 The Committee further observe that the proposed amendment in section 69 further empowers the Inspectors-General to make rules for regulating the procedure of presentation of various types of documents, appearance of executants, mode of payment of registration and other fees, procedure of registration, providing safeguards for keeping the books in computer floppies or in other electronic form, regulating the procedure for taking of photograph, online registration of documents, scanning the documents etc. The Committee observe that suggestion has been received that aadhar card and other cards should be used for identification of executants and witnesses. The Committee find it a valid suggestion. The Committee therefore recommend that aadhar card, PAN card, Voter Identity Card etc. should be used for the purpose of identification of executants and witnesses. The Committee also hope that Inspectors-General will make appropriate rules for regulating the various procedures as outlined in the new clause (k) proposed to be inserted in Section 69 and these rules will make the process smooth and enhance the quality of public services.

## **Clause 24 of the Bill : Section 80 – Fees payable on presentation**

24.1 The existing provision of Section 80 of the Registration Act, 1908 reads as under:

"All fees for the registration of documents under this Act shall be payable on the presentation of such documents"

24.2 The Registration (Amendment) Bill, 2013 seeks to insert new sections 80A and 80B after the existing Section 80 of the principal Act reads as under :-

After section 80 of the principal Act, the following sections shall be inserted, namely:—

"80A. (1) Notwithstanding anything contained in section 80, after the registration of a document, if it is found that the fee payable under this Act, in relation to that document has not been paid, or has been insufficiently paid, such fee for the deficit, as the case may be, on a certificate of the registering officer, be recovered from the person who presented such document:

Provided that no such certificate shall be issued unless an inquiry is made and such person is given an opportunity of being heard:

Provided further that no such inquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be specified by the State Government.

(2) The certificate of the registering officer issued under sub-section (1) shall, subject to appeal under sub-section (3), be final.

(3) Any person aggrieved, by certificate of the registering officer under sub-section (1), may prefer an appeal to the Registrar if it is a certificate of the Sub-Registrar, or to the Inspector-General of Registration if it is a certificate of the Registrar, and all such appeals shall be preferred within such time and be heard and disposed of in such manner as may be prescribed.

80B. (1) Where the Registrar finds that the amount of fee charged and paid is in excess of that which is legally chargeable and payable under this Act, he may, upon an application in writing or otherwise, refund the excess amount of fee so charged and paid.

(2) An application for the refund of registration fee, referred to in sub-section (1), shall be made within a period of six months from the date of registration:

Provided that after the expiry of the period of six months from the date of registration, the State Government may entertain the application up to a period of one year, and direct the Registrar to refund the excess amount of fee so charged and paid within the period of six months from such direction."

24.3 This clause seeks to insert new sections 80A and 80B relating to "recovery of deficit registration fee" and "refund of excess fee" respectively. The said new clauses are proposed to provide for the provisions relating to recovery of deficit registration fee, if insufficiently paid at the time of registration or had not been paid and also making provision for refund of fee, if received in excess.

24.4 On insertion of new sections 80A and 80B to the Principal Act, the Secretary, DoLR during the briefing meeting stated as under:

"The present Act has no provision for recovery of deficit registration fees or refund of the excess registration fees collected by the Registering Officer. Amendment to provide for recovery of the deficit registration fees as arrears of land revenue and refund of the excess registration fees within the specified time periods."

24.5 In this context, Government of Odisha while proposing the addition in Clause 24 of the Registration (Amendment) Bill, 2013 submitted as under:-

"Clause 24, Section 80, Sub-section (2) after Section 80A(1) may be added with the following:-

(2) The fee payable under Sub-section (1) may be recovered as an arrear of land revenue."

24.6 Government of Kerala are in agreement to the proposed amendment with the following suggestion which is as under:

"The proposed amendment suggested by the Central Government is agreed to with the suggestion that suitable provisions to the effect that an enquiry shall be held and the person against whom such recovery is proposed be given a reasonable opportunity of being heard before issuance of such certificate may also be incorporated in the proposed Section 80-A"

24.7 Government of Uttar Pradesh, however, informed that the proposed amendment has already been done through UP Amendment Act No. 48 of 1975 effective from

01.11.1975. Through this amendment the provisions for recovery of deficit registration fees as arrears of land revenue and refund of excess registration fees charged have been made in the State.

**24.8 The Committee observe that amendment of section 80 of the Registration Act, 1908 relates to the fees payable on presentation of documents for registration. The Registration (Amendment) Bill, 2013 seeks to add sections 80A and 80B as two new sections to regulate the recovery of the deficit fee and also to refund of the excess fee paid at the time of registration. The Committee appreciate the insertion of these new sections which on one side will give legal right to the Government to recover the deficit fee and on the other side will help the executants to get the balance fee refunded to them in case excess fee was paid at the time of registration. The Committee endorse the amendment.**

**Clause 25 of the Bill : Section 82 – Penalty for making false statements, delivering false copies or translations, false personation and abetment**

25.1 The existing provision of Section 82 of the Registration Act, 1908 reads as under:

“Whoever -

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of map or plan; or

(c) falsely personates another, and in such assumed character presents any documents, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act,

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.”

25.2 The Registration (Amendment) Bill, 2013 seeks to amend section 82 of the principal Act as under :-

Section 82 of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1), as so numbered, the following sub-section shall be inserted, namely:-

“(2) In addition to the punishment specified under sub-section (1), documents referred to in clauses (b) and (c) of sub-section (1) shall be liable for cancellation in such manner and procedure as may be prescribed by the State Government.”

25.3 This clause seeks to amend section 82 of the Act relating to “penalty for making false statements, delivering false copies or translations, false personation and abetment. It is proposed in the Bill to amend the said section so as to provide for cancellation of documents, if intentionally delivered, false copies or translation and false personation.

25.4 On the insertion of new sub-section (2) in Section 82 of the principal Act, Government of Uttar Pradesh in their written note stated that the purpose of this amendment is to curb impersonation and fraudulent registration and the proposal is acceptable to them.

25.5 Government Madhya Pradesh is in agreement to the proposed amendment under Section 82(1). As regards insertion of new Section 82(2) after Section 82 of the principal Act, they stated that the State Government has agreed to the new provision but has requested that rules shall have to be framed for cancellation of such documents.

25.6 On amendments in Section 82 of the Principal Act, the Committee also received written suggestion from the public which states as under:-

"Documents once registered cannot easily be cancelled and especially unilaterally at the behest of one party to the document or even by the State Government. There could be great inconvenience, would not be in public interest and would work counter to the purpose in the event of collusive forces at work. There are prescribed penalties or provisions for impounding of documents for insufficient stamp duty, enquiries, police assisted investigations for land grabbing, fraud investigation, forgery, legal process for fraudulent transactions, impersonations and the like. That would have to a Court decided issue. The Courts may decide appropriate course of action including the fate of the registered document and should not be left to the Executive (Registration Department) in the clauses as framed herein by cancellation."

25.7 On insertion of sub section (2) of the Section 82 of the Principal Act, the Committee received suggestions in writing from the public as under:-

"The procedures should be uniform for the entire country. If such power is given to the State Government for prescribing the procedure then the procedure may vary from State to State."

**25.8 The Committee observe that section 82 of the Registration Act, 1908 relates to penalty for making false statements, delivering false copies or translations, false personation and abetment. The amendment proposed in the Bill suggest that in addition to the punishment prescribed in the section 82, the documents shall also be liable for cancellation. The Committee appreciate the proposed amendment as it will be a deterrent for those who indulge in fraudulent practices. The Committee therefore endorse the amendment.**

**Clause 26 of the Bill : Insertion of a new section 82A after section 82 of the principal Act.**

26.1 The Registration (Amendment) Bill,2013 seeks to insert the following section after the existing section 82 of the principal Act :

"82A. Every officer who fails to send a copy of the order within one month under section 89 to the registering officer shall be punishable with a fine which may extend to rupees twenty five thousand."

26.2 This clause seeks to insert a new section 82A relating to "punishment for officers who fail to send copy of the order within one month under section 89. The proposed new section provides for punishment for officers who fail to send copies of the order within one month under section 89.

26.3 Insertion of new Section 82 A in Section 82 of the principal Act is also acceptable to the Government of Uttar Pradesh.

26.4 On insertion of a new section 82A regarding punishment for failure to send a copy of order under Section 89, the Government of Madhya Pradesh stated that the State Government's Section 82A has to be re-numbered as 82B and 82B have to be repealed because of Central amendment.

26.5 On the reduction of penalty under section 82A from Rs. 25,000/- to Rs. 15,000/-, the DoLR in their written reply submitted to the Committee as under:

"In the proposal of amendment in Section 82A of the Registration Act, 1908, it is "punishable with a fine which may extend up to rupees twenty five thousand". The amount of penalty is on a graduated scale with; a minimum of Rs. 100/- and maximum of Rs. 25000/- depending on various factors viz. (1) Period of delay in sending the copy which may start from one day to one year, (2) knowingly not sending a copy or (3) copy not sent by mistake.

**26.6 The Committee observe that clause 26 of the Registration (Amendment) Bill, 2013 seeks to insert a new section 82A after section 82 of the principal act.**



**The proposed section make such officers punishable who fail to send a copy of the order within one month under section 89 to the registering officer. The Committee appreciate the proposed amendment as it will definitely inculcate the sense of responsibility and accountability on the part of officers who are required to send the copy of the order to the registering officers. The Committee therefore endorse the amendment.**

**Clause 27 of the Bill : Section 89 – Copies of certain orders, certificates and instruments to be sent to registering officers and filed**

27.1 The existing provision of Section 89 of the Registration Act, 1908 reads as under:

(1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (19 of 1883), shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908 (5 of 1908), shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such officer shall file the copy in his Book No.1.

(3) Every officer granting a loan under the Agriculturists' Loans Act, 1884 (12 of 1884), shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.

(4) Every Revenue Officer granting a certificate of the sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1."

27.2 The Registration (Amendment) Bill, 2013 seeks to amend Section 89 of the principal Act as under:-

In section 89 of the principal Act,—

- (a) in sub-section (1), after the words and figure “Book No.1”, the words “or get it scanned” shall be inserted;
- (b) sub-section (2) shall be omitted;
- (c) in sub-section (3), after the words and figure “Book No.1”, the words “or get it scanned” shall be inserted;
- (d) sub-section (4) shall be omitted;
- (e) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) All banks and financial institutions, granting loans on the basis of equitable mortgage whereby immovable property is mortgaged by deposit of title deeds for the purpose of securing repayment of the loan, may send the copy of the same online to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situated either directly or through an agency appointed by the Central Government or the State Government and such registering officer shall keep the copy or copies in computer diskettes or in any electronic form, as the case may be, in his Book No.1.”.

27.3 This clause seeks to amend section 89 of the Act relating to “copies of certain orders, certificates and instruments to be sent to registering officers and filed”. It is proposed in the Bill to amend the said section so as to provide for forwarding copies by the banks and financial institutions, granting loans on the basis of equitable mortgage whereby immovable property is mortgaged by deposit of title deeds for the purpose of securing repayment of the loan, online to the registering officer

27.4 Government of Kerala furnished clause-wise comments on the above amendments, which are as under:

- (i) Section 89(2) - The State Government has not agreed to the proposal of Central Government to delete sub-section (2) from section 89 of the principal Act with the reasons that if the certificate of

sale of immovable property granted by the Court under the Code of Civil Procedure, 1908 are not properly filed in the Book No. 1 of the Registering Office where the property is situated, there would be no record of transfer of title, ownership and possession of such properties in the concerned registering offices. As such the proposal for deletion of sub-section (2) of section 89 of the Act cannot be agreed to.

- (ii) Section 89(4) – The proposal of Central Government to delete sub-section (4) from section 89 of the Act is agreed to with the reasons that the proposal to delete sub-section (4) from section 89 of the principal Act is consequential to the amendment proposed to section 17 wherein sale certificate issued by a competent officer or authority under any recovery Act of the Central or State Government is proposed as a compulsorily registerable document and hence agreeable.
- (iii) Section 89(5) - As regards, the proposal of the Central Government for insertion of new sub-section (5) of section 89 of the Act is agreed to with the suggestion that the said sub-section may be renumbered since sub-section (5) inserted by the Kerala Amendment Act 7 of 1968 already exists in the Statute Book.

27.5 The Government of Kerala also submitted suggestion stating that section 89 of the Act may be amended for making it incumbent upon the authorized officer of the secured creditor to send a copy of the notice issued before taking possession of the immovable property of borrower for realizing secured assets under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Act 54 of 2002) for filing in Book No. 1, as it would enable the Registrar Offices to have accurate records regarding title and possession of such immovable properties.

27.6 On insertion of sub section 4 of section 89 of the Registration Act, 1908, the Committee received a suggestion in the form of Memorandum which stated as under:-

"The banks and financial institutions SHALL send the copy, this is to prevent fraud and multiple document registrations on same property by same owner to different parties especially in POA cases. Multiple loans being availed on same property by same person from different lenders is another issue. The Books in the Registration Department should keep entries and show these transactions elsewhere in whichever Books they are meant to be registered so that anyone who applies for an Encumbrance Certificate can be aware of the Status. It is for this reason equitable mortgage should also be reflected in the records if it involves the public interface lending institutions, banks, and so on."

27.7 The Secretary, DoLR during the briefing meeting on the aspect stated as under:-

"Section 89 (2) & (4) of the Act provides for filing of the certificates of sale of immovable property granted by the Courts and the Revenue Officers. Certificates of sale are to be compulsorily registered by the Registering Officer. This is to facilitate build up of better land records database and improve land governance."

**27.8 The Committee observe that section 89 of the Registration Act, 1908 related to forwarding of copies of certain orders, certificates and instruments to the registering officers. The important amendment in the section is insertion of new sub-section (5) which makes cast responsibility on the lending agencies namely, banks and financial institutions for sending the copies of the title deeds online to the registering officers. The Committee however observe that the sub-section (5) use the words "may send the copy" which gives an impression that it is optional for the financial institutions to send or not to send the copy of the title deeds. The Committee therefore recommend that the words "shall send the copy" should be used in the proposed sub-section (5) in section 89 of the Act. With these observations the Committee endorse the amendment.**

**Clause 28 of the Bill : Insertion of a new section 89A after section 89 of the Registration Act, 1908 (Power of State Government to make rules).**

28.1 The Registration (Amendment) Bill, 2013 seeks to insert a new section 89A after the existing section 89 of the principal Act as under:-

“89A. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the manner of presentation of every document to the registration office under section 32;

(b) such circumstances and such documents under clause (d) of sub-section (3) of section 35;

(c) the time within which and the manner of hearing and disposing of appeals under sub-section (3) of section 80A;

(d) the manner of cancellation and the procedure to be adopted under sub-section (2) of section 82; and

(e) any other matter which is required to be, or may be, prescribed

(3) Every rule made under this Act by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.”

28.2 This clause seeks to insert a new section 89A in the Act after the existing section 89. The new section proposes to deal with the “power of State Government to make rules”. It is therefore proposed in the Bill to insert the new section which empowers the State Government to make rules for carrying out the provisions of the legislation.

28.3 Government of Odisha on the proposed amendment of Section 89 stated as under:-

In the principal Act in Section 89 in sub-sections (1), (2), (3), (4) and (5) the following shall be inserted at the end, namely:-

"or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be."

28.4 Government of Kerala furnished comments on the above amendments as under:

"The Government of Kerala is not agreed to with the reasons that the section 89 of the Act does not prescribe any time limit for sending copies of orders certificates etc. by the Court or the Revenue officer etc. to the registering officer. Mandatory filing of notice is not required by the said section. Hence, implementing the provisions of the proposed section 89 A is not practicable. Hence, the proposal for inserting new section 89A in the Act cannot be agreed to. Moreover Section 89 A inserted by the Kerala Amendment Act 7 of 1968 prescribing the rule making power of the State Government regarding filing of true copies of documents already exists in the Act."

**28.5 The Committee observe that the Registration (Amendment) Bill, 2013 seeks to insert new section 89A after the existing section 89 in the Registration Act, 1908. The proposed new section 89A confer powers to State Governments to make rules to carry out the provisions of the Registration Act. These rules may make provisions for different aspects of registration. The provisions of the proposed new section 89A make it clear that every rule made by the State Government in this regard shall be laid before the State Legislature. The Committee appreciate the insertion of new section 89A. The Committee however feel that there is no time limit prescribed for the State Government to make rules in this regard and therefore it is apprehended that the State Governments may take their own time for framing the rules. The Committee therefore recommend that the Government should prescribe some time period for the State Governments to frame the rules after the commencement of the amended Act. With this observation the Committee endorse the amendment.**

**NEW DELHI;  
7 May, 2015  
17 Vaisakha, 1937 (Saka)**

**Dr. P. Venugopal  
*Chairperson,*  
Standing Committee on Rural Development**

**STANDING COMMITTEE ON RURAL DEVELOPMENT (2014-2015)**

**MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE HELD**

**ON THURSDAY, THE 12 FEBRUARY, 2015**

The Committee sat from 1500 hrs. to 1605 hrs. in Committee Room 'D', Ground Floor, Parliament House Annexe (PHA), New Delhi

**PRESENT**

Dr. P. Venugopal - *Chairperson*

**MEMBERS**

**LOK SABHA**

2. Shri Biren Singh Engti
3. Shri Jugal Kishore
4. Dr. Ramesh Pokhriyal "Nishank"
5. Shrimati Butta Renuka
6. Dr. Yashwant Singh
7. Adv. Chintaman Navasha Wanaga

**RAJYA SABHA**

8. Shri Gulam Rasool Balyawi
9. Shri Mahendra Singh Mahra
10. Shri Ranvijay Singh Judev
11. Shrimati Kanak Lata Singh

**SECRETARIAT**

1. Shri Abhijit Kumar - Joint Secretary
2. Shri. R.C. Tiwari - Director
3. Smt. B. Visala - Additional Director

**REPRESENTATIVES OF DEPARTMENT OF LAND RESOURCES**  
**(MINISTRY OF RURAL DEVELOPMENT)**

1. Smt. Vandana Kumari Jena - Secretary
2. Smt. Seema Bahuguna - Additional Secretary & Financial Advisor
3. Shri Prabhat Kumar Sarangi - Joint Secretary
4. Shri Sandeep Dave - Joint Secretary
5. Shri Surinder Singh - Economic Adviser
6. Shri K. Unnikrishnan - Director Administration
7. Shri B.B. Patel - Director



2. At the outset, the Chairperson welcomed the Members of the Committee convened to have briefing by the representatives of the Department of Land Resources (Ministry of Rural Development) in connection with examination of the 'the Registration (Amendment) Bill, 2013'.

*[Witnesses were then called in]*

3. After welcoming the witnesses, the Chairperson read out Direction 55(1) regarding confidentiality of the proceedings. After permission from the Chairperson, the Secretary, Department of Land Resources made a power point presentation on various issues relating to amendments to 'the Registration Act, 1908' *inter-alia* covering the background, legal position, recent developments *viz* computerization of land records, Integration of textual and spatial data, issuance of digitally signed documents, integration of Land Records and Registration Offices, online payments, etc. leading to 'the Registration (Amendment) Bill, 2013', compulsory registration in the cases where transaction of immovable property occurs through Power of Attorney (PoA), refusal of registration of documents relating to transactions prohibited by Central/State Acts, anywhere registration in the State/UT, facilitation of electronic registration of documents, refund/recovery of Registration fees, etc.

4. The members sought clarifications on various issues pertaining to refund and recovery of registration fees, determination of Circle rate, compulsory registration of leases of Rs.50,000, single window approval for all the process relating to registration, place of registration of property, position with regard to the States in which the registration process has not been computerized, undervaluation of property at the time of Registration, Stamp Duty evasion and amendment to the Stamp Duty Act, etc. The clarifications sought were responded to by the witnesses. On those queries, on which the information was not readily available, the Department was directed to furnish written replies to the Secretariat. The Committee also agreed to the suggestion of the Ministry to undertake visit to the Registration Office for better understanding of the process.

*[Witnesses then withdrew]*

A verbatim record of the proceedings was kept.

*The Committee then adjourned.*

**STANDING COMMITTEE ON RURAL DEVELOPMENT (2014-2015)**

**MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE HELD ON  
FRIDAY, THE 27 FEBRUARY, 2015**

The Committee sat from 1540 hrs. to 1710 hrs. in Committee Room No. 'B', (PHA) Ground Floor, Parliament House Annexe (PHA), New Delhi.

**PRESENT**

Dr. P. Venugopal                      -                      *Chairperson*

**MEMBERS**

**LOK SABHA**

12. Shri Kirti Azad
13. Shri Harish Chandra Chavan
14. Shri Manshankar Ninama
15. Smt. Mausam Noor
16. Shri Mahendra Nath Pandey
17. Shri Prahlad Singh Patel
18. Dr. Ramesh Pokhriyal "Nishank"
19. Smt. Butta Renuka
20. Dr. Yashwant Singh
21. Shri Balka Suman
22. Shri Ajay Misra Teni
23. Shri Vijay Kumar Hansdak

**RAJYA SABHA**

24. Shri Gulam Rasool Balyawi
25. Shri Ram Narain Dudi
26. Shri Mahendra Singh Mahra
27. Shri Ranvijay Singh Judev
28. Dr. Vijaylaxmi Sadho
29. Shri Kanak Lata Singh

**SECRETARIAT**

1. Shri Abhijit Kumar                      -                      Joint Secretary
2. Shri R.C. Tiwari                              -                      Director
3. Smt. B. Visala                                -                      Additional Director
4. Smt. Meenakshi Sharma                      -                      Deputy Secretary

**Non-Official Witnesses**

**a. Representatives of Sarthak Advocate & Solicitors**

1.
  - i. Shri Abhishek Nath Tripathi
  - ii. Ms. Mani Gupta
  - iii. Ms. Sampurna Nayak

**b. Representatives of New Mahavir Nagar Welfare Association**

2.
  - i. Shri A. E. Chandrasekhar
  - ii. Dr. Prem Sagar
  - iii. Shri S. P. Singh Anand

**c. Individual Witnesses**

3. Shri Munavar Hussain M
4. Shri Arun Mohan Patra
5. Shri Subhash Chandra Agrawal
6. Shri Ram Babu Aggrawal

2. At the outset, the Chairperson welcomed the members of the Committee to the sitting convened to take evidence of the non-official organization and witness on 'the Registration (Amendment) Bill, 2013'.

*[Witnesses were then called in]*

3. After welcoming the witnesses, the Chairperson read out Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. Thereafter, the Committee heard all the witnesses one by one. The issues highlighted by the witnesses *inter-alia* included lowering of Registration fees, removing discretionary quota in land allotment, bringing 'agreement to lease' in the purview of definition of lease, registration of Power of Attorney (PoA), issue of payment of registration fees in case of registration of lease, deletion of Section 28 of the original Act, issuing single passbook containing record of all lands and immovable property, opening of a Cell to issue 'No Objection Certificate' in case of transaction of land, etc. The members sought clarifications on various issues which were replied to by the witnesses.

*[The Witnesses then withdrew]*

4. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**STANDING COMMITTEE ON RURAL DEVELOPMENT (2014-2015)**

**MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE HELD ON THURSDAY,  
THE 16 APRIL, 2015**

The Committee sat from 1100 hrs. to 1245 hrs. in Committee Room No. 'G-074', Ground Floor, Parliament Library Building, New Delhi.

Dr. P. Venugopal - Chairperson

**Members**  
**Lok Sabha**

30. Shri Kirti Azad
31. Shri Biren Singh Engti
32. Shri Jugal Kishore
33. Shri Mahendra Nath Pandey
34. Shri Prahlad Singh Patel
35. Dr. Yashwant Singh
36. Shri Ladu Kishore Swain
37. Adv. Chintaman Navasha Wanaga
38. Shri Vijay Kumar Hansdak

**Rajya Sabha**

39. Shri Gulam Rasool Balwayi
40. Shri Ram Narain Dudi
41. Shri Mahendra Singh Mahra
42. Dr. Vijaylaxmi Sadho
43. Smt. Kanak Lata Singh

**SECRETARIAT**

1. Shri Abhijit Kumar - Joint Secretary
2. Shri R.C.Tiwari - Director
3. Smt. Meenakshi Sharma - Deputy Secretary

**WITNESSES**

**Representatives of State Government of Punjab**

1. Shri Karan Avtar Singh - Financial Commissioner Revenue

**Representatives of State Government of Tamil Nadu**

1. Shri S. K. Prabakar - Commercial Tax Department
2. Shri S. Murugaia - Inspector General of Registration
3. Shri S.S. Poovlingna - Secretary, Law Department

**Representatives of NCT of Delhi**

1. Shri Ashwani Kumar - Inspector General Registration
2. Shri S. Murugaia - Special Inspector General of Registration
3. Shri Kannan - Collector Stamp Headquarter

### **Representatives of State Government of Uttar Pradesh**

1. Shri Ajay Kumar Singh - Inspector General Registration
2. Smt. Sangeeta Singh - Additional Inspector General Registration
3. Shri Radha Narayan Shukla - Additional Inspector General Registration
4. Shri Arvind Singh Chandel - Deputy Inspector General Registration

### **Representatives of State Government of West Bengal**

1. Shri Biswajit Gangopadhyay - Secretary, Finance (Revenue) Department and Inspector General of Registration & Commissioner of Stamp Revenue
2. Shri Abhijit Das - Deputy Inspector General of Registration (Revenue)
3. Shri Anup Kumar Mondal - Additional District Sub-Registrar

### **Representatives of State Government of Gujarat**

1. Shri R. M. Machhar - Deputy Inspector General of Registration
2. Shri M. D. Makwana - Inspector of Registration

2. At the outset, the Chairperson welcomed the members of the Committee to the sitting of the Committee convened for taking evidence of the representatives of the State Governments of Punjab, Tamil Nadu, NCT of Delhi, Uttar Pradesh, West Bengal and Gujarat on various provisions of 'the Registration (Amendment) Bill, 2013.

*[The representatives of State Governments of Punjab, Tamil Nadu, NCT of Delhi, Uttar Pradesh, West Bengal and Gujarat were then called in]*

3. After welcoming the witnesses, the Chairperson read out Directions 55(1) of 'the Directions by the Speaker' regarding the confidentiality of the proceedings of the Committee. Thereafter, the Committee heard the representatives of the State Governments one by one on various provisions of Bill.. The major issue highlighted before the Committee by the representative of the State Government of Punjab *inter-alia* included appointment of persons whether public officer as Registrar or Sub-Registrar under Section 6 of the Principal Act. The major issues highlighted by the representatives of Government of Tamil Nadu *inter-alia* included Clause 9 Section 18(a) regarding refusal of registration of certain documents, Clause 10 and 11 relating to Sections 28 and 29 of 'the Registration Act, 1908' relating to place of registration, Clause 24 which takes away the power of IGR to declare holidays. Major issues put forth by the representatives of NCT of Delhi *inter alia* included drafting of Section 29 of the Registration Act to stop revenue leakage from the State by way of registration. Afterwards, the representatives of Government of Uttar Pradesh *inter alia* suggested not to omit Section 28 of the Principal Act.. Lastly, the representatives of West Bengal in their submission *inter alia* pointed some amendments to Sections 28, 29 and 57 of the Act. Thereafter, the Members sought clarifications which were responded to by the witnesses.

*[Witnesses then withdrew]*

4. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

**STANDING COMMITTEE ON RURAL DEVELOPMENT**  
**(2014-2015)**

**MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE HELD ON THURSDAY,  
THE 16 APRIL, 2015**

The Committee sat from 1400 hrs. to 1540 hrs. in Committee Room No. 'G-074', Ground Floor, Parliament Library Building, New Delhi.

**PRESENT**

Dr. P. Venugopal - Chairperson

**Members**

**Lok Sabha**

44. Shri Kirti Azad
45. Shri Biren Singh Engti
46. Shri Jugal Kishore
47. Shri Mahendra Nath Pandey
48. Shri Prahlad Singh Patel
49. Dr. Yashwant Singh
50. Shri Ladu Kishore Swain
51. Adv. Chintaman Navasha Wanaga
52. Shri Vijay Kumar Hansdak

**Rajya Sabha**

53. Shri Gulam Rasool Balwayi
54. Shri Ram Narain Dudi
55. Shri Mahendra Singh Mahra
56. Dr. Vijaylaxmi Sadho
57. Smt. Kanak Lata Singh

**SECRETARIAT**

1. Shri Abhijit Kumar - Joint Secretary
2. Shri R.C.Tiwari - Director
3. Smt. Meenakshi Sharma - Deputy Secretary

**Representatives of the Department of Land Resources (Ministry of Rural Development)**

1. Smt. Vandana Kumari Jena - Secretary
2. Shri K. P. Krishnan - Additional Secretary
3. Shri Prabhat Sarangi - Joint Secretary
4. Shri Surinder Singh - Economic Adviser
5. Shri K. Unnikrishnan - Director
6. Shri B.B. Patel - Director

**Representatives of Department of Legal Affairs (Ministry of Law & Justice)**

1. Shri Ramayan Yadav - Joint Secretary & Legal Adviser
2. Shri O. Venkateswarlu - Deputy Legal Adviser

**Representatives of the Legislative Department (Ministry of Law & Justice)**

1. Dr. G. Narayana Raju - Additional Secretary
2. Shri R. Sreenivas - Deputy Legislative Counsel
3. Shri R. S. Jayakrishnan - Assistant Legislative Counsel

2. At the outset, the Chairperson welcomed the members of the Committee and apprised them that the sitting had been convened to take evidence of the representatives of the Department of Land Resources (Ministry of Rural Development), Legislative Department and the Department of Legal Affairs (Ministry of Law and Justice) on the various issues relating to the Registration (Amendment) Bill, 2013 and consideration and adoption of draft Report on Demands for Grants (2015-16) in respect of Ministry of Drinking Water & Sanitation.

*[The witnesses were then called in]*

3. After welcoming the witnesses, the Chairperson read out Direction 55(1) regarding confidentiality of the proceedings and briefly reflected on issues which came up during various sittings held in connection with the examination of the Registration (Amendment) Bill, 2013. The main issues discussed *inter-alia* included appointment of non-government officials as Registrar or Sub-Registrar, Notifying Government properly restriction on registration anywhere in the State, taking Photographs and biometrics of witnesses alongwith buyers and sellers, linkage with Aadhar, registration of adoption of girl child, for determination of circle rate and status of computerization of in the States/UTs. The Members raised queries on various issues which were responded to by the witnesses.

*[The witnesses then withdrew]*

- |    |    |    |     |    |
|----|----|----|-----|----|
| 4. | XX | XX | XX  | XX |
|    | XX | XX | XX  | XX |
| 5. | XX | XX | XX. |    |
|    | XX | XX | XX  |    |

6. A verbatim record of the proceedings has been kept.

The Committee then adjourned.

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\* Relevant portions of the Minutes not related to the subject have been kept separately.

**COMMITTEE ON RURAL DEVELOPMENT (2014-2015)**

**MINUTES OF THE TWENTY-FIRST SITTING OF THE COMMITTEE HELD ON  
THURSDAY, THE 07 MAY 2015**

The Committee sat from 1000 hrs. to 1020 hrs. in Committee Room No. 'B',  
Ground Floor, Parliament House Annexe, New Delhi.

**PRESENT**

Dr. P. Venugopal      --      *Chairperson*

**MEMBERS  
LOK SABHA**

58. Shri Harish Chandra Chavan
59. Shri Jugal Kishore
60. Shri Manshankar Ninama
61. Shrimati Mausam Noor
62. Shri Prahlad Singh Patel
63. Shri Gokaraju Ganga Raju
64. Dr. Yashwant Singh
65. Shri Ladu Kishore Swain
66. Shri Ajay Misra Teni
67. Adv. Chintaman Navasha Wanaga
68. Shri Vijay Kumar Hansdak

**RAJYA SABHA**

13. Shri Ram Narain Dudi
14. Shri Mahendra Singh Mahra
15. Shri Ranvijay Singh Judev
16. Dr. Vijaylaxmi Sadho
17. Shri A. K. Selvaraj
18. Shrimati Kanak Lata Singh

**SECRETARIAT**

- |                          |   |                     |
|--------------------------|---|---------------------|
| 5. Shri Abhijit Kumar    | - | Joint Secretary     |
| 6. Shri R. C. Tiwari     | - | Director            |
| 7. Smt. B. Visala        | - | Additional Director |
| 8. Smt. Meenakshi Sharma | - | Deputy Secretary    |



2. At the outset, the Chairperson welcomed the members to the sitting of the Committee. The Committee then took up for consideration the Draft Report on 'the Registration (Amendment) Bill, 2013'. After discussing the Draft Report in detail, the Committee adopted the report without modifications.

3. The Committee then authorized the Chairperson to finalize the aforesaid Draft Report and present the same to the House.

The Committee then adjourned.

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