

PART II.

THE WEST BENGAL REGISTRATION RULES

Preliminary

1. These rules may be called the West Bengal Registration Rules, 1962. **Short title.**

2. In these rules unless there is anything repugnant in the subject or context,— **Definitions.**

- (i) "the Act" means the Indian Registration Act, 1908;
- (ii) "appendix" means an Appendix to these rules;
- (iii) "registering officer" includes both a Registrar and a Sub-Registrar;
- (iv) "registration office" includes both a Registrar's and a Sub-Registrar's office;
- (v) "rule" means a rule made under the Act and for the time being in force;
- (vi) "section" means a section of this Act.

Chapter I.—Maintenance of Register-books, papers and documents in registration offices and their custody and also destruction of documents.

3. Register-books Nos. 1, 3 and 4, prescribed by section 51 of the Act, shall be kept in Form No. I in Appendix I. Register-books Nos. 2 and 5, prescribed by the same section shall be kept in Forms Nos. 2 and 3, respectively, in Appendix I. **Forms of register-books Nos. 1 to 5.**

4. In the left-hand margin of the Register-books Nos. 1, 3 and 4 there shall be noted at the top in *black* ink the number of the document and the year and just underneath in *red* ink the value of the stamp on each document registered. The certificate of admissibility in respect of the document referred to in rule 43, and all the endorsements made in the document including the number of each thumb impression and all signatures shall be copied below it in *black* ink and in the same order as they appear in the original. In the centre, the body of the document shall be copied in *black* ink, and below the same the stamp-vendor's endorsement shall be copied in *red* ink, and the right-hand margin shall be left vacant for notes. **Register-books how to be kept.**

Separate volumes
for Register-
books.

5. (1) Several volumes of Register-books Nos. 1 and 4 may, if necessary, be kept in use simultaneously when the documents registered are so numerous as to make this course necessary.

(2) Register-books Nos. 2, 3 and 5 shall be continued from year to year until they are fully used and the same volume of Register-books Nos. 1 and 4 may, when necessary, be used for more than one year:

Provided that Register-book No. 3 shall in every case be closed after five years of its opening, whether completed or not.

File-books to be
kept.

6. (1) In addition to the bound volume of Register-book No. 1, Registering Officers shall maintain file-books as part of Register-book No. 1 in the manner following, that is to say:—

(A) Every Sub-Registrar including a District Sub-Registrar shall keep two file-books—

(a) one for filing the memoranda of registered documents which have been forwarded to his office under sections 64, 65 and 66; and

(b) the other for filing the following documents received under section 89:—

(i) copies of sale certificates from Civil Courts and from Revenue Officers;

(ii) copies of instruments and orders issued under the Land Improvement Loans Act, 1883, and the Agriculturists' Loans Act, 1884.

(B) Every Registrar shall keep two separate file-books as part of Register-book No. 1 in the manner following:—

(a) one for filing copies of documents and copies of maps and plans (if any) received under sections 65 and 66; and

(b) the other for filing the copies of sale certificates and the copies of instruments and orders referred to in sub-clause (b) of clause (A) received by him.

(2) The documents in each of the file-books referred to above shall be numbered consecutively in a separate series and bound into volumes of convenient size at the close of each year; such volumes shall be numbered in one series with those of Register-book No. 1. The pages in each volume shall be consecutively numbered.

7. Besides the Register-books Nos. 1 to 4 mentioned in rule 3, the file-books prescribed by rule 6 and the guard file mentioned in rule 61, the following books and registers shall be kept in all registration offices: the forms noted against each, namely:—

(1) Catalogue of books (Form No. 22 in Appendix I).

(2) Stock Book of furniture (Form No. 25 in Appendix I).

(3) Cash Book (Form No. 24 in Appendix I).

(4) Fee Book (Form No. 11 in Appendix I).

(5) Receipt Book under clause (b) of sub-section (1) of section 52 (Form No. 8 in Appendix I).

(6) Miscellaneous Receipt Book for fees and travelling allowance for visits and commissions or for any fee realised subsequent to registration or for any other kind of receipt, such as sale-proceeds of old stores (Form No. 10 in Appendix I).

(7) Register of fines under sections 25 and 34 (Form No. 28 in Appendix I).

(8) Register of applications for search and copy (Form No. 18 in Appendix I).

(9) Register of visits and commissions (Form No. 9 in Appendix I).

(10) Chalan Book (Form No. 23 in Appendix I).

(11) Register of refunds (Form No. 29 in Appendix I).

(12) Register of Powers-of-Attorney (Form No. 17 in Appendix I).

(13) Register of thumb impression (Form No. 4 in Appendix I).

(14) Register of documents pending admission to registration (Form No. 27 in Appendix I).

(15) Register of documents impounded (Form No. 7 in Appendix I).

(16) Register of copies, memoranda, sale certificates and short notes received from other offices (Form No. 31 in Appendix I).

(17) Register of copies, memoranda and short notes despatched to other offices (Form No. 26 in Appendix I).

(18) Register of processes and Court-fees (Form No. 30 in Appendix I).

(19) Register of letters received (Form No. 34 in Appendix I).

(20) Register of letters issued (Form No. 35 in Appendix I).

(21) Register of documents pending acceptance (Form No. 39 in Appendix I).

8. In addition to Register-book No. 5 prescribed by section 51, and the books and registers referred to in rule 7 the following registers shall be kept in the offices of all Registrars:—

(1) Register of unclaimed wills deposited under rule 103 (Form No. 5 in Appendix I).

(2) Register of appeals under section 72 (Form No. 32 in Appendix I).

Additional
records to be
kept in all
registration
offices.

Additional
records to be
kept in Regis-
trars' offices.

**Central office
of records in
each district.**

**Transmission of
records to the
district office.**

**Records to be
permanently
preserved in
Registrar's office.**

(3) Register of applications under section 73 and proceedings under section 74 (Form No. 33 in Appendix I).

(4) Register of re-copied records (Form No. 38 in Appendix I).

9. Each Registrar's office shall be a central office of records for the district, where all the books and records transferred to it from time to time under rule 10 together with the books and records of the Sadar office shall be deposited.

10. In January of each year the following records of the previous year shall be transferred from sub-registry offices to the Registrar's office, namely:—

(a) Completed or closed volumes of Register-book No. 3 and completed volumes of Register-books Nos. 1, 2 and 4, registers of powers-of-attorney and file-books containing the memoranda and copies referred to in rule 6;

(b) Indexes Nos. I, II and IV and loose sheets of Index No. III (vide rule 90);

(c) files of translations and copies filed under section 62; and

(d) completed registers of thumb impressions:

Provided that for difficulties in proper accommodation for safe custody, or for any other reason, the Registrar may, by general or special order, direct that the records of any subordinate office shall be retained there for a period longer than a year or transmitted to the Sadar office at such times within the year as he may consider necessary or expedient.

11. The following records shall be permanently preserved in all Registrars' offices, namely:—

(1) Catalogues;

(2) Kazis' records under Regulation XXXIX of 1793;

(3) Register-books (except the register of refusals) and their indexes prescribed by, and translations and true copies filed under, the various Registration Acts (Acts XVI of 1864, XX of 1866, VIII of 1871, III of 1877 and XVI of 1908);

(4) Register-books of documents and their indexes kept prior to Act XVI of 1864;

(5) Lists of records destroyed and reports of destruction of records;

(6) Lists of unclaimed documents destroyed and reports of destruction;

(7) File books of copies, memoranda and sale certificates; and

unclaimed wills deposited in Sadar

12. The following records shall be permanently preserved in other registration offices, namely:—

(1) Catalogues;

(2) Lists of records destroyed;

(3) Lists of unclaimed documents destroyed.

13. The books and indexes of the General Registry under Act XVI of 1864 and Act XX of 1866, with the exception of the abstracts of instruments received and entered in Register-books under section 42 and the memoranda of decrees and orders referred to in section 43 of Act XVI of 1864, and the copies of Indexes I and II received and filed under section 63 of Act XX of 1866 up to the year 1888, shall be preserved in the Calcutta Registry office.

14. Every Registering Officer shall be responsible for the preservation and safe custody of all registration records, including those of previous years, which have accumulated in, or have been transferred to, his office.

15. (1) When a registered document or a document the registration of which has been wholly refused, has remained unclaimed in any registration office for a period exceeding two years and is destroyed under section 86, a note to that effect shall be made in the margin opposite to the copy in the book in which the document is registered or against the appropriate entry in Register-book No. 2, as the case may be, as well as in the fee book. The note should invariably be initialled and dated by the registering officer.

(2) Before any document is destroyed, an endeavour shall always be made by the registering officer in whose office the document is kept to induce the presentant thereof to take it back.

Chapter II.—Authentication of Register Books.

16. When a Register-book is opened, the pages therein shall be counted and a certificate showing their number shall be entered at the top of the first page by the Registering Officer in the form: "This book contains.....pages consecutively numbered". When a Register-book is closed, a certificate in the form: "This book is closed" shall be appended to the last page at the end of the written portion of the book and a further certificate showing the number of pages written upon and left blank or cancelled, if any, and the number of copies of documents, maps, or plans if any, contained in it, together with the number of the pages in which such maps or plans have been pasted shall be entered at the top of the written portion of the first page of the book in the following form with such modifications as may be necessary: "Certified that.....documents have been copied on.....pages of this book and that pages.....are blank or cancelled and....."

**Records to be
permanently
preserved in other
registration
offices.**

**Registers to be
kept in the
Calcutta
Registry office.**

**Responsibility
for safe custody
of records.**

**Note of destruc-
tion of unclaimed
documents under
section 85.**

**Certificate to be
given in Register-
books.**

of copies and notes.

(1) The Registering Officer shall authenticate by his initials all corrections in the copy of every document admitted to registration which, by clause (c) of sub-section (1) of section 52, is required to be made in the Register-book and all notes in such copy which may be made under sub-section (2) of section 20.

(2) He shall also affix his initials to each page of such copy, and shall certify with his full signature that each copy is a true copy, and shall date such certificate with his own hand.

(3) All interlineations and corrections in the Register-books shall be made in *red* ink when entries are made in *black* ink, and in *black* ink when entries are made in *red* ink.

Marginal note to be made of cancellation of document by order of a Court.

(4) When a Court forwards a copy of its decree cancelling a registered instrument under section 39 of the Specific Relief Act, 1877, the Registering Officer shall note, on the margin of the copy in the book in which it has been registered, the fact of the cancellation of the instrument.

(5) If a registered document is declared by a Court to be a forgery or to have been registered by false personation, a note of the fact shall, on receipt of a copy of the decree from the court concerned, be made in the margin of the copy in the Register-book and also on the document itself, if available.

17A. (1) All copies of books maintained under sub-section (1) of section 51 and of any of the Indexes maintained under section 55 relating to documents registered on or before the 14th August, 1947, in Registration offices situated in districts or sub-districts which as a result of the award of the Boundary Commission appointed under section 3 of the Indian Independence Act, 1947, have fallen partly within West Bengal and partly within East Bengal, shall be authenticated (i.e., dated and subscribed with their names, official title and seal) by the officers of the Government who shall have custody of such copies.

(2) All such recopied records shall be indexed in the Register (Form No. 38, Appendix I) to be maintained by the officer in whose custody the copies are kept.

Mode of making corrections.

18. (1) The practice of wiping out incorrect words and figures in Register-books or scratching or erasing them out is prohibited in all registration offices.

(2) Corrections in such books shall always be made with a pen; they shall not be made by altering one word or figure into another, but the pen shall be drawn through the erroneous words or figures, and the correct ones shall be clearly written near or above those struck out or opposite to them in the right-hand margin.

(3) All corrections and interlineations in such books shall be attested by the Registering Officer's initials, which shall be affixed on each side of the erroneous words or figures or the words or figures interlined.

Chapter III.—Languages to be deemed to be commonly used in different districts.

19. The following languages shall be deemed for the purposes of section 19 to be those commonly used in the districts respectively mentioned opposite thereto,—

Languages to be deemed to be commonly used in different districts.

English and Bengali—all districts in West Bengal except Darjeeling;

English, Bengali and Hindi—Darjeeling district.

Chapter IV.—Territorial Divisions.

20. The territorial divisions to be recognised under sub-section (3) of section 21 shall be—

Territorial divisions.

- (a) registration districts, sub-districts and thanas or police-stations;
- (b) parganas and mauzas, where they exist; and
- (c) Collectorate districts, if these are different from registration districts.

Chapter V.—Procedure prior to acceptance of documents for registration.

21. On the presentation of a document for registration the Registering Officer shall first satisfy himself—

Conditions of admissibility.

- (a) that it has been presented at the proper office (sections 28, 29 and 30);
- (b) that it is duly stamped or is exempt from, or does not require, stamp duty;
- (c) that if it is written in a language which he does not understand and which is not commonly used in the district as prescribed in rule 19, it is accompanied by a true translation into a language commonly used in the district and also by a true copy (section 19);
- (d) that it contains no unattested interlineation, blank, erasure or alteration which in his opinion requires to be attested or to be entered in a duly attested note or "Kaifiyat" at the end of the document (section 26);
- (e) that if the document is non-testamentary and relates to immovable property it contains a description of such property sufficient to identify the same as laid down in section 21 or in the rule made under section 22;

- (f) that if the document is non-testamentary and contains a map or plan of the property comprised therein, it is accompanied by a true copy of the map or plan or in case such property is situated in several districts, by such number of true copies of the map or plan as are equal to the number of such districts [section 21(4)];
- (g) that if the document is one other than a will it has been presented within the time prescribed by sections 23 to 26;
- (h) that the document has been presented by some person entitled to present it (section 32 or section 40);
- (i) that if the document is executed by or in favour of an officer of the Government or a public functionary exempted, under section 88, from personal appearance, it is accompanied by a covering letter from such officer or public functionary containing a brief description of the document with the names of the executant and the claimant and admitting that the document has been executed by him, in case he has executed it;
- (j) that if the document is hit by section 3 of the Payment of Taxes (Transfer of Property) Act, 1949, the presentant produces before the Registering Officer a certificate required under the said section; and
- (k) that if the document is hit by section 34 of the Wealth Tax Act, 1957 (Act XXVII of 1957), the person presenting the document produces before the Registering Officer a certificate required under the said section.

Procedure in cases when inadmissible.

22. (1) If any of the conditions indicated in clauses (c) to (h) of rule 21 have not been complied with, or if the presentant refuses to pay the proper registration fee, the document shall be returned at once to the presentant with the endorsement "Registration refused", an entry to that effect being made at the same time in Register-book No. 2:

Provided that action under this rule may be deferred at the request of the parties in order to enable them to comply with the requirements of the law within the time prescribed by sections 23 to 26 for presentation of documents.

(2) If the date of execution is not stated in a document or it is altered or if a document bears an impossible or a fictitious date anterior to the date of purchase or stamp on which the document or any portion of it is written and the correct date cannot be ascertained, the document shall not be accepted for registration unless

Explanation.—For the purpose of this rule—

- (i) the date of execution of a document is the date on which it is signed by the person executing it and the date which a document bears at its head is not necessarily the date of its execution though it is *prima facie* so;
- (ii) the date on which a certificate of sale by a Civil or Revenue Court was signed by the Court shall be deemed to be the date of its execution by the Court;
- (iii) an alteration in the date of execution of a document made ostensibly for the purpose of evading payment of the penalty leviable under sections 25 and 34 shall not be recognised and the document shall be deemed to have been executed on the date originally entered therein.

22A. (1) An officer of Government or any public functionary mentioned in section 88 of the Act is not required to be present, in person or by agent, in any Registration office for the registration of any document executed by him or in his favour, in his official capacity. He may present such document for registration by post or through messenger, accompanied by a covering letter:—

Procedure of presentation of a document executed by or in favour of a Government Officer or public functionary.

- (i) giving a brief description of the document with the names of the executant and the claimant;
- (ii) stating whether the document has been executed by him; and
- (iii) mentioning the name of the messenger, if it is sent through a messenger.

(2) When such document is forwarded, the Registering Officer, if he is satisfied that the conditions mentioned in clauses (c) to (g) of rule 21 have been fulfilled and that fees, if leviable, have been paid, shall admit it to registration.

(3) The endorsements under section 52 on a document forwarded through messenger and on a document sent by post shall respectively be in the forms shown in notes (1) and (2) in Form No. 2, Appendix II, and the endorsements under section 58 in both the cases shall be in the form shown in note (4) of Form No. 3 in Appendix II.

(4) If the document is presented through a messenger he shall be required to put his signature

(5) Registration fees for such document may also be accepted if sent by money order, provided the necessary amount reaches the Registering Officer within the statutory period for presentation of documents.

(6) When a document, in which fee is leviable, is forwarded without fees, the Registering Officer shall record on the document, the endorsement under section 52 and under section 58, if possible, make necessary entries in the register of documents pending admission to registration (Form No. 27, Appendix I), and despatch to the presentant, by post, a receipt in Form No. 8, in Appendix I from the receipt book maintained under sub-rule (2) of rule 25.

(7) If the fees are received within the prescribed time it shall be noted on the document along with the certificate of admissibility and the document shall be admitted to registration, necessary entries being made in the fee book and the register of documents aforesaid. A receipt in Form No. 10, Appendix I, shall be given to the person paying the fee.

(8) If the fee remitted by money order or through messenger falls short of the required amount, it shall not be accepted.

(9) The covering letter hereinbefore mentioned is not obligatory. In cases where the Registering Officer is personally acquainted with the seal and signature of the exempted person, or is otherwise satisfied about their genuineness, the document shall be accepted and registration thereof proceeded with, without any further reference.

Receiving documents for registration.

23. Document presented for registration shall be received ordinarily in the order of presentation and each shall be examined and endorsed in the same order as far as practicable. No document shall ordinarily be received for registration after the hours fixed for presentation.

Registration of a document affecting immovable property situated in an area transferred after its presentation.

24. A Registering Officer having jurisdiction to accept a document affecting immovable property for registration at the time of its presentation to him shall complete its registration, notwithstanding the fact that the village in which the immovable property affected is situated has been transferred from his jurisdiction subsequent to the presentation of the document but before the completion of its registration; but a memorandum (Form No. 6 in Appendix I) shall be sent, without levy of any fee, to the office to the jurisdiction of which the village has been transferred, for the purpose of being filed in that office.

When, however, after refusal to register by a Registering Officer, the village in question is transferred whilst the document is on appeal before a Registrar or before a Civil Court, to the jurisdiction of

25. (1) When a document is presented under sub-section (1) of section 25, to a Sub-Registrar, he shall after examining it with regard to the particulars mentioned in rule 21, record on the document the endorsement under clause (a) of sub-section (1) of section 52 and also the endorsement under section 58, if possible, and shall forward the application referred to in sub-section (2) of section 25 explaining the cause of delay, to the Registrar of the district with any remarks which he may wish to make in favour of or against the acceptance of the deed.

Procedure in case of unavoidable delay.

(2) A receipt in Form No. 8 in Appendix I with the columns filled in, as far as practicable, shall be granted for the document from a separate receipt book maintained in accordance with clause (b) of sub-section (1) of section 52 an entry being made at the same time in the Register of documents pending acceptance (Form No. 39).

(3) If the Registrar passes an order that the document may be accepted for registration, the Sub-Registrar shall send a notice to the presentant requiring him—

- (i) to produce the receipt which has been granted to him under sub-rule (2),
- (ii) to pay the necessary fine and fee on or before a date to be specified in the notice and also
- (iii) to take steps for the registration of the document if the admission of execution has not been recorded.

On his complying with the requirements mentioned in clauses (ii) and (iii) above, the registration of the document shall be proceeded with.

(4) The said fine and fee may be taken either from the presentant if he appears or from any person nominated in writing in that behalf on the receipt referred to in sub-rule (2) or from the claimant if he was not himself the presentant. The requisite entries shall then be made in the fee book and in the receipt. When the fees are paid by the claimant as aforesaid and the original receipt is not produced, a receipt shall be given to him in Form No. 10 in Appendix I.

(5) If the presentant or any of the persons mentioned in sub-rule (4) fails to pay the necessary fine and fee on or before the date specified in the notice referred to in sub-rule (3), the registration of the document may be refused, provided that the Registering Officer is satisfied beyond doubt that the said notice has been received by the person to whom it was issued.

26. (1) When the executant of any document

Attestation of

(2) When he appears by a representative or agent, the attestation of such representative or agent shall be accepted, if the interlineations, blanks, erasures or alterations are of an unimportant character, or if due cause for such acceptance is shown.

Documents
presented at
wrong office.

27. (1) When a document is presented to a Registering Officer whose office is not the proper office for its registration, he shall return it to the presentant with the endorsement "Returned for presentation at the proper office".

(2) When a document is returned under sub-rule (1) it shall not be sealed by the Registering Officer, and no entry shall be made in Register-book No. 2.

Documents not
duly stamped to
be impounded.

28. (1) Whenever it appears to a Registering Officer that a document presented for registration is not duly stamped he shall not return it to the presentant but shall impound the same at once under section 33 of the Indian Stamp Act, 1899, and shall enter it forthwith in the register of impounded documents (Form No. 1 in Appendix I).

(2) In such a case the Registering Officer shall not realize any fee but shall grant a receipt to the presentant out of the separate book of receipts referred to in sub-rule (2) of rule 25 with the columns filled in as far as practicable. The words "Document impounded" shall be recorded in *red* ink on the receipt.

(3) Before forwarding the document to the Collector, the Registering Officer shall record on it—

- (i) the endorsement "Impounded and forwarded to the Collector under sub-section (2) of section 38 of the Indian Stamp Act, 1899";
- (ii) the endorsement required by clause (a) of sub-section (1) of section 52; and
- (iii) the endorsement required by section 58, if possible.

Procedure after
impounded
document is
returned by the
Collector.

29. (1) When an impounded document is received back from the Collector with his certificate that it is duly stamped or is not chargeable with duty, or that the proper or deficit stamp-duty has been paid, the Registering Officer shall send a notice to the presentant requiring him—

- (a) to produce the receipt given to him on presentation of the document;
- (b) to pay the necessary fees on or before a date to be specified in the notice; and
- (c) to take steps for the registration of the document if the admission of the execution was

(2) The fees referred to in sub-rule (1) may be paid either by the presentant, or by his nominee mentioned on the receipt granted in Form No. 8 in Appendix I, or by the claimant himself.

(3) As soon as the fees are paid the Registering Officer shall grant a receipt in Form No. 10 in Appendix I to the person making the payment and shall also make necessary entries in the Fee-book in Form No. 11 in Appendix I and in the receipt issued under sub-rule (2) of rule 25.

(4) If the presentant or any of the persons mentioned in sub-rule (2) fails to pay the necessary fees on or before the date so specified, registration may be refused for non-payment of fees, provided that the Registering Officer is satisfied that the notice referred to has been received by the presentant.

30. If the stamp-vendor's endorsement on a document is in a language not understood by the Registering Officer, and which is not commonly used in the district, the presentant shall be required to file a translation which shall be certified to be a true translation and attested by the presentant.

Procedure when
stamp-vendor's
endorsement is
in a language not
understood by
the Registering
Officer.

31. (1) If any document in which a Registering Officer is personally interested, either directly or indirectly, is presented to him for registration or if he is asked to authenticate a power-of-attorney granted for the registration of any such document, he shall recommend the parties to present the document or power at some other Registration Office under the provisions of section 29, section 30, or clause (a) of sub-section (1) of section 33, as the case may be.

Procedure on
presentation
of document in
which Registering
Officer is person-
ally interested.

(2) If the parties, after being recommended to present such document or power at some other office, insist on the registration of the document or the authentication of the power-of-attorney by the said Registering Officer, he shall register the document, or authenticate the power, as the case may be, and if he is not himself a Registrar, shall report the facts to the Registrar to whom he is subordinate, and if he is a Registrar, shall make such report to the Inspector-General of Registration.

32. A document relating to property, partly situate in India (except the State of Jammu and Kashmir) and partly out of it, may be accepted for registration of the Sub-Registrar within whose sub-district some portion of

Procedure
regarding
acceptance of
document

Chapter VI.—Visits and Commissions.

Payments to accompany applications for visits or commissions.

33. All applications for visits under the proviso to section 31, sub-section (3) of section 33, or sub-section (2) of section 38, or for the issue of commissions under sub-section (3) of section 33, or sub-section (2) of section 38, shall be accompanied by the amount of the fee or fees chargeable as well as the amount or travelling allowance claimable by the Registering Officer or Commissioner and the peon or attendant, and shall be entered in the register (Form No. 9 in Appendix I) prescribed by rule 7. No visit shall be paid or commission executed until the said fee or fees and travelling allowance have been paid by the applicant:

Provided that in cases referred to in the proviso to sub-rule (1) of rule 36 or in any other case when the actual amount of travelling allowance to be levied cannot be readily assessed, visit may be paid or commission executed before payment of the travelling allowance which may subsequently be levied as soon as it is ascertained.

Receipt for payments for visit under section 31 or section 33.

34. When the amounts referred to in rule 33 are paid in respect of a visit under the proviso to section 31, or under sub-section (3) of section 33, or in the cases referred to in the proviso to rule 33, the Registering Officer shall grant a receipt therefor in Form No. 10 in Appendix I.

Form of endorsement of commissions.

35. Every commission shall be in Form No. 5 in Appendix II, and shall be endorsed on the document in respect of which it is issued.

Commissions to whom to be issued.

36. (1) A Registering Officer shall ordinarily issue his commission to some salaried member of his establishment:

Provided that if the person to be examined resides in another district or sub-district, the commission shall be issued to the Registering Officer concerned. On receipt of the commission and on payment of necessary travelling allowance by the applicant, if the same was not deposited in the office of issue, the Registering Officer, if he cannot attend personally, may by an endorsement on the document in the Form referred to in rule 35, direct a salaried member of his establishment to the execute the commission.

(2) When a Registering Officer sends a commission to another officer under the proviso to sub-rule (1) he shall, at the same time transfer to that officer, the travelling allowance in respect of the commission if it has been deposited in his office, but shall in all cases, credit the commission fee in his own accounts. The

37. A Registering Officer may examine a commission personally, in the office of the Registering Officer, touching any of the circumstances connected with the discharge of his commission and, in particular, the reference to the voluntary nature of the admission of execution of a document.

Examination of Commissioner by Registering Officer.

38. (1) When any commission has been executed, the Commissioner shall return the document to which it relates to the office of issue with a report endorsed on the document in Form No. 6 in Appendix II with such modifications as may be necessary in cases where the executant cannot be found or where he otherwise makes any statement.

Procedure after execution of commission.

The same form of endorsement shall also be used when the Registering Officer himself attends at the residence of the executant and records his admission of execution.

(2) The Registering Officer, to whom the document was originally presented, on receipt of the report, shall make an endorsement below such report in Form No. 7 in Appendix II.

Chapter VII.—Fines to be Imposed under sections 25(1) and 34(1).

39. (1) Fines under sub-section (1) of section 25, and the proviso to sub-section (1) of section 34 shall be imposed according to the following scale:—

Scale of Fine.

Period of delay.	Amount of fine.
(a) When the delay does not exceed seven days.	A fine equal to twice the amount of the proper registration fee.
(b) When the delay exceeds seven days but does not exceed one month.	A fine equal to four times the amount of the proper registration fee.
(c) When the delay exceeds one month but does not exceed four months.	A fine equal to ten times the amount of the proper registration fee.

(2) The said fines shall be inclusive of the proper registration fees. The fines, when realised, shall be noted on the document with the number and date of the order of the Register directing the acceptance or registration of the document.

40. The fine for delay in appearance leviable under the proviso to sub-section (1) of section 34, on the second, third and subsequent occasions in respect of one and the same document shall be the difference, if any, between the total amount leviable up to the second, third and subsequent occasions and the fine or fines previously levied.

Calculation of fine for delay in appearance on second and subsequent occasions.

41. When two or more copies of a document, executed by the same parties are presented for registration at the same time, the fines leviable under sub-section (1) of section 25, or under the proviso to sub-section (1) of section 34, shall be levied on each copy.

Calculation of fine when two or more copies are presented.

Remission of
fines.

42. (1) Applications for the remission of such fines under section 70 may be filed with the Registering Officer, but no such application shall be accepted until the fine has been paid.

(2) When any such application has been accepted, it shall be forwarded to the Inspector-General of Registration through the Registrar with any remarks which the Registering Officer may wish to make.

Chapter VIII.—Procedure on Acceptance of Documents for Registration

Certificate of
admissibility.

43. If the requirements of the law have been complied with in respect of all the particulars indicated in rule 21, a certificate of admissibility in Form No. 1 in Appendix II shall be endorsed on the face of the document, and shall be signed and dated by the Registering Officer.

Documents on
more than one
sheet of paper.

44. When a document occupies more than one sheet of paper, the seal and the initials of the Registering Officer and the date shall be affixed to every sheet on formal acceptance of the document.

Receipt of fee and
fine.

45. (1) After endorsing on a document the certificate of admissibility referred to in rule 43, the Registering Officer shall receive the prescribed fees and the fine, if any, payable under sub-section (1) of section 25, and shall enter the respective amounts thereof on the document close to the said certificate, and at the same time the requisite entry shall be made in the fee-book.

(2) The amounts of the fee and the fine (if any), paid shall be respectively endorsed on the receipt given under clause (b) of sub-section (1) of section 52, in Form No. 8 in Appendix I.

Endorsements
how to be made.

46. (1) The endorsements required by section 52 and section 58 shall be recorded respectively, in Form No. 2 and Form No. 3 in Appendix II.

The endorsement of admission to registration of a will or an authority to adopt under sub-section (2) of section 41 shall be in Form No. 11 in Appendix II.

The endorsement of admission to registration of a document the registration of which is ordered by a Registrar or a Civil Court shall be in Form No. 12 in Appendix II.

(2) All endorsements under sections 52, 58 and 60 or otherwise shall be made in *red* ink and signatures thereto shall be in *black* ink.

(3) Every endorsement made by a Registering Officer shall be written in his own handwriting. Rubber stamps for the formal parts of endorsements may, however, be used in all Registration Offices unless otherwise ordered by the Inspector-General of Registration in special cases.

The Inspector-General may also authorise a Registering Officer to have the endorsements written by, or where endorsement stamps are used, to have the blanks filled in by such clerical officers or Sub-Registrars attached to his office as the Registering Officer may appoint in this behalf.

Identification of
executants.

47. (1) When the Registering Officer is not personally acquainted, with the executants of a document presented for registration, he shall require them to furnish the best testimony obtainable to establish their identity, such as that of persons known to the Registering Officer or that of persons of apparent respectability.

(2) The Registering Officer shall satisfy himself that the identifier is really acquainted with the person or persons whom he proposes to identify, and the identifier shall be asked to state the name of the person to be identified, and also whether such person is really the person who he professes to be.

Signature of
illiterate person.

48. When a person, who cannot write, signs his name by means of a mark or by touching the pen, his name shall be recorded at length and the writer of the name shall also sign his own name in attestation that the mark was affixed or the pen touched in his presence.

Thumb
Impressions.

49. (1) When the executant of a document—

(i) is unable to write, or

(ii) is not personally known to the Registering Officer,

he shall, in addition to signing his name (in the manner indicated in rule 48 if he is unable to write) imprint the mark of his left thumb on the document to be registered and also in the book of thumb impressions to be kept in Form No. 4 in Appendix I:

Provided that, if the left thumb of the executant be defective or injured, the right thumb or any other digit may be used, but in that case or in the case of an executant suffering from small-pox, leprosy or other contagious disease, a note of the fact shall be made in the space reserved for impression, in the book and also on the document, mentioning the particular digit used, and explaining why, in the case of contagious disease, no impression could be taken.

(2) The said mark shall be made by a slightly rolled impression of the executant's left thumb (or other digit, as the case may be), taken in printer's ink off a flat piece of tin properly prepared for the purpose.

(3) Each impression in the register of thumb impressions shall be initialled by the Registering Officer as well as by the officer taking the impressions or, in case of Pardanasin ladies, by their identifiers.

(4) When several documents executed by the same person are admitted to registration, a separate thumb impression need not be taken in the thumb impression register in respect of each document.

(5) Notwithstanding anything hereinbefore contained, a Registering Officer may, in his discretion, dispense with the taking of impressions in the case of persons of position regarding whose identity there can be no doubt or room for suspicion, even if the executant is not personally known to him, and in such cases a note to that effect shall be endorsed on the document.

(6) The provisions of this rule shall apply *mutatis mutandis* in the case of illiterate identifiers of executants.

Further provisions in regard to thumb impressions.

50. Thumb impressions of executants or their identifiers shall be taken in the presence of the Registering Officer. They shall be taken in the printed form of book prescribed for this purpose by sub-rule (1) of rule 49. The serial number of the thumb impression taken in the book shall be quoted against the impression taken on the document. A separate book for thumb impressions shall be kept for cases of visits and commissions.

Registration of documents executed by several persons.

51. (1) In the case of a document executed by several persons, who all appear before the Registering Officer, if any of the executants deny execution, the deed shall be refused registration in respect of him and registered in respect of those who admit. If some of the executants appear and admit execution and others do not appear, the document shall be registered in respect of those who admit, and registration shall be refused as regards others.

Denial of execution by some of the representatives.

(2) Where some of the representatives of a deceased executant deny execution while others admit it, registration of the document shall be altogether refused, subject to the provisions of section 73.

Procedure on failure of the executant to appear within four months from execution.

52. (1) When a document has been presented to a Sub-Registrar for registration within the period prescribed by section 23, namely, four months from the date of its execution, and the executant fails to appear to admit execution within the period, the Sub-Registrar shall, immediately after the expiration of the said period, record a formal order of refusal to register, leaving it to the parties to appeal to the Registrar under section 72 within thirty days if they think proper:

Provided that the Sub-Registrar shall not record such an order if the person presenting the document or claiming under it has, before the expiration of the said period, initiated proceedings under section 36 to procure the appearance of the executant, or under section 38 for his examination; but in that case the Sub-Registrar shall report the matter to the Registrar for orders at the

(2) in the case of an appeal under section 72, mentioned in sub-rule (1), the Registrar shall not pass an order directing the Sub-Registrar to register the document, unless, it is shown, on the appearance of the executant before the Registrar, that his non-appearance before the Sub-Registrar, within the period prescribed by section 23, was due to urgent necessity or unavoidable accident. If the Registrar passes such an order, a fine shall be imposed as provided in the proviso to sub-section (1) of section 34.

(3) In the case referred to in the proviso to sub-rule

(1) —

- (a) the Registrar shall, on receipt of the Sub-Registrar's report, direct the document to be kept pending till the disposal of the proceedings initiated under section 36 or section 38 but not for a period exceeding eight months from the date of execution. If the executant refuses or neglects to appear on the legal service of the summons or when the Registering Officer or the Commissioner visits the executant's residence, the Sub-Registrar shall refuse to register the document;
- (b) if the executant appears on the service of the summons under section 36 or is examined under section 38 and admits execution, his admission shall be recorded and he shall be called upon to submit an application to the Registrar for a direction under the proviso to sub-section (1) of section 34, explaining the cause of the delay in his appearance. When such an application is received, the Sub-Registrar shall forward it to the Registrar with any remarks he may wish to make and await orders;
- (c) the Registrar shall consider the cause shown for the delay in appearance of the executant and may pass an order directing the Sub-Registrar to register the document on payment of a fine as prescribed by the proviso to sub-section (1) of section 34;
- (d) if the Registrar is unable to accept the cause shown for the delay, he shall direct the Sub-Registrar to refuse to register the document;
- (e) if the executant refuses or is unable to show cause for the delay, the Sub-Registrar shall also report the case to the Registrar for orders;
- (f) in the cases mentioned in clause (e) the Registrar shall direct the Sub-Registrar to refuse to register the document;
- (g) the Sub-Registrar, on receipt of the Registrar's order under clauses (d) and (f), shall record an order of the refusal under section 34 for non-appearance of the prosecutant within the period of four months from the date of execution.

(4) The provisions of sub-rule (1) of rule 52 shall apply *mutatis mutandis* in the case of documents presented before a Registrar. In such cases there shall be no appeal to the Registrar from an order passed by himself.

Procedure on failure of the executant to appear after payment of a fine under section 25 within eight months from execution.

53. (1) If the time for accepting a document for registration has been extended under section 25, and the executant fails to appear to admit execution, within the period of eight months from the date of its execution, the Sub-Registrar shall, immediately after the expiration of the said period, record a formal order of refusal to register, leaving it to the parties to appeal to the Registrar under section 72 within thirty days, if they think proper:

Provided that the Sub-Registrar shall not record such an order if the person presenting or claiming under the document has, before the expiration of the said period, initiated proceedings under section 36 to procure the appearance of the executant, or under section 38 for his examination; but in that case the Sub-Registrar shall report the matter for the orders of the Registrar on the expiration of the said period.

(2) In the case of an appeal under section 72, mentioned in sub-rule (1), the Registrar shall not pass an order directing the Sub-Registrar to register the document, unless it is shown, on the appearance of the executant before the Registrar, that his non-appearance before the Sub-Registrar within the period extended under section 25 was due to urgent necessity or unavoidable accident. If the Registrar passes such an order, a fine shall be imposed as provided in the proviso to sub-section (1) of section 34, in addition to the fine already imposed under sub-section (1) of section 25.

(3) In the case referred to in the proviso to sub-rule (1)—

(a) the Registrar shall, on receipt of the Sub-Registrar's report, direct the document to be kept pending till the disposal of the proceedings initiated under section 36 or section 38 but not for a period exceeding twelve months from the date of execution. If the executant refuses or neglects to appear on the legal service of the summons, or when the Registering Officer or the Commissioner visits the executant's residence the Sub-Registrar shall refuse to register the document;

(b) if the executant appears on the service of the summons under section 36 or is examined under section 38 and admits execution, his admission shall be recorded and he shall be called upon to submit an application to the Registrar for a direction under the proviso to sub-section (1) of section 34, explaining

When such an application is received, the Sub-Registrar shall forward it to the Registrar with any remarks he may wish to make and await orders;

(c) the Registrar, after considering the cause shown for the delay in the appearance of the executant, may pass an order directing the Sub-Registrar to register the document on payment of a fine as prescribed by the proviso to sub-section (1) of section 34 in addition to the fine already imposed under sub-section (1) of section 25;

(d) if the Registrar is unable to accept the cause shown for the delay, he shall direct the Sub-Registrar to refuse to register the document;

(e) if the executant refuses or is unable to show cause for the delay, the Sub-Registrar shall also report the case to the Registrar for orders;

(f) in the cases mentioned in clause (e) the Registrar shall direct the Sub-Registrar to refuse to register the document;

(g) the Sub-Registrar, on receipt of the Registrar's order under clauses (d) and (f), shall record an order of refusal under section 34 for non-appearance of the executant within the period of eight months from the date of execution.

(4) The provisions of sub-rule (1) shall apply *mutatis mutandis* in the case of documents presented before a Registrar. In such cases there shall be no appeal to the Registrar from an order passed by himself.

54. A Registering Officer shall record his order of refusal to register a document under section 35 as soon as he is satisfied that the summons has been served according to law and the executant has refused or neglected to appear on the appointed date.

Wilful refusal or neglect to attend and admit execution.

55. (1) The procedure prescribed by rule 52 shall apply also in the case of documents referred to in section 26, with this exception only, that the period of four months referred to in that rule and any extended period allowed under the proviso to sub-section (1) of section 34 shall be reckoned from the date of the arrival of such documents in India, and not from the date of their execution.

Application of rule 52 to documents executed partly in India.

(2) Such documents shall not under any circumstances, be admitted to registration more than eight months from the date of their arrival in India.

56. In the case of a document executed by some of the parties in, and by others out of, India (except the State of Jammu and Kashmir), the party presenting the document may proceed at his option under section 23 or section 25, and if he does

Procedure regarding documents executed partly in India and

Registration of a document more than four months after its execution.

57. (1) When a document is presented for registration or the execution thereof is admitted more than four months after execution, and the Registrar decides that the document should be admitted to registration, he may either—

- (a) register the document himself, in which case the extra fee prescribed in Article H of the Table of Fees prepared under section 78, as well as the fine imposed under section 25 or the proviso to sub-section (1) of section 34, as the case may be, shall be levied; or
- (b) direct the registration of the document, on payment of the said fine, by any Sub-Registrar in whose office it could have been registered if presented within the said period of four months.

(2) In such cases the date on which application was made to the Registrar for his decision shall be regarded as the date of presentation.

Record of reasons for refusal to register.

58. (1) When a Registering Officer records, under section 71 or section 76, his reasons for refusing to register a document, the record shall be made in Register-book No. 2 (Form No. 2 in Appendix I) with his own hand, the reasons being fully and clearly stated.

(2) If the reasons include the fact that one out of several executants declines to comply with the requirements of the law, his name shall be given; if the Registering Officer is doubtful as to the identity of a party admitting execution, the grounds of his doubt shall be stated.

Chapter IX.—Administration and Records of Oaths

Oath when to be administered.

59. The discretion reposed in the Registering Officer by section 63 to administer an oath shall not be exercised unless he doubts the truth of any verbal statement made to him.

Note: By virtue of section 3(37) of the General Clauses Act, 1897, "oath" includes affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing. As to who may affirm, see section 6 of the Indian Oaths Act, 1873.

Form of oath or affirmation.

60. An oath or affirmation administered by a Registering Officer under the provisions of section 63 shall be administered according to the form of oath or affirmation prescribed by the High Court at Calcutta for witnesses under section 7 of the Indian Oaths Act, 1873 (X of 1873), and reproduced in Appendix III.

Oaths to be recorded separately.

61. Statements made on oath shall not be recorded on the document to which they relate, but shall be recorded by the Registering Officer in his own hand and filed and a

Chapter X.—Procedure on the Admission of a Document to Registration

62. A document shall be copied into the appropriate book after admission of its execution and compliance with all other requirements of the law. **Document when to be copied.**

63. When two or more copies of the same document are admitted to registration at the same time, each copy shall be separately numbered in the Fee and the Register-books. All endorsements shall be written upon each copy, but it shall not be necessary to copy the documents more than once in the Register-book. So far as the duplicate, triplicate or other copies are concerned, only the endorsements (including the stamp-vendor's endorsement) and the *kaifiyat*, if any, on them shall be copied. A note in the form below under the signature of the Registering Officer, shall be made in the central portion of the book reserved for the copy of a document, showing the number, volume and page of the register in which the original has been copied:

Procedure of registration of documents presented in duplicate, triplicate, etc.

"Original document No....., copied on page No....., volume.....for the year.....".

64. The copies of maps or plans which are required by sub-section (4) of section 21 to accompany document shall be attested as true copies by the signatures of the persons executing such documents, or by the signatures of their agents. The original and true copies of maps or plans contained in the documents shall, on acceptance of the documents, be signed, dated and sealed by the Registering Officer.

Copies of maps or plans to be attested.

65. When a document containing a map or plan is presented for re-registration under section 24, the parties need not deposit fresh copies of the map or plan under sub-section (4) of section 21; but the Registering Officer shall certify, on re-registration, against the copy of the document made in the Register-book that the map or plan attached to it is the same as the copy of the map or plan which was filed with the document on its first presentation.

Copies of maps or plans contained in a document brought for re-registration.

66. A document presented for re-registration shall be treated in all respects as if it were a new document. It shall be recopied in its altered form and full fees shall be levied. If there be insufficient room on the back of the document for the new set of endorsement required, they shall be written or continued on a separate piece of paper as provided in rule 73; only the fresh endorsements, together with the certificate of admissibility under rule 43 on each registration, shall be copied on the left-hand margin of the book, previous endorsements already made on the document being

Procedure of re-registration of documents.

Translations and copies.

67. (1) The translations and copies of documents required by sections 19 and 62 shall be made on cartridge paper.

(2) Such translations and copies shall be sealed, signed and dated on each page by the Registering Officer and kept in a separate file, a reference being made to the said file on the right-hand margin of the page on which the translation is copied in the book.

(3) The said file shall be bound from time to time when it contains a sufficient number of translations and copies to form a volume.

(4) When translations are filed, the endorsements referred to in rule 43, sub-rule (1) of rule 46 and section 60, and the entry referred to in sub-rule (1) of rule 45 as recorded on the original document shall be copied on the left-hand margin of the page of the Register-book into which the translations are copied.

Copyist and comparer to sign their names in registers.

68. (1) The copy of every document in a Register-book shall be compared with the original by some person other than the copyist. Whenever the staff is sufficient the reading shall also be done by some person other than the copyist. The copyist, reader and comparer shall appent to the copy in the book, their signatures in full with their designation and the date of signature, using respectively the words "Copied by" "Read by" and "Compared by".

(2) The copyist, reader and comparer of the endorsements shall likewise be required to sign and date in the left-hand margin.

Form of final endorsement of registration.

69. When a document has been copied and the Registering Officer has signed and dated the certificate of true copy in the register as provided in sub-rule (2) of rule 17, the endorsement required by section 60 shall be made on it in Form No. 4 in Appendix II. The registration of the document shall thereupon be deemed to be complete.

Interlineations, blanks, erasures, alterations and corrections to be noted.

70. Interlineations, blanks, erasures, and alterations in a document shall not be copied as such, but shall be noted in *red* ink on the right-hand margin by the Registering Officer as required by sub-section (2) of section 20, even though they may have been incorporated in a duly attested note or *kafiyat* on the document itself.

Procedure when document is copied in a wrong book.

71. (1) When a document is erroneously copied into a wrong book, the register copy of the certificate and endorsement already made on the document shall not be cancelled, but the Registrar may direct, under section 68, that a copy of the document with the certificate shall be made in the

(2) In the circumstances described in sub-rule (1), a certificate under section 60 or a final certificate, in the following form, shall be given on the left-hand margin of the book in which the document is recopied and, if possible, on the document below the former certificate:—

"Registered again under the order of the
Registrar of _____, No. _____, dated
19 _____, as Document No. _____ S.,
in Book No. _____, Volume _____, page
_____."

Seal

Signature of the
Registering Officer.

(3) A cross-reference shall, in such a case, also be made on the right-hand margin of the original entry of registration in the wrong book in respect of the copy in the appropriate register.

(4) If the error in copying is discovered after the document has been returned after registration, the same procedure shall be followed, a note being made in the margin of the copy in the wrong book, of the volume and the page of the appropriate book into which the contents are re-copied.

(5) In both the cases referred to in sub-rules (1) and (4), fresh entries shall be made in the appropriate indexes without cancelling the original entries.

✓72. (1) When a document relating to immovable property is registered through inadvertence in contravention of section 28, the Registering Officer shall instruct both the executant of the deed and the claimant thereunder to obtain from the Registrar of the district in which the property is situate a direction under section 68, to the Registering Officer in whose jurisdiction the property lies, to register the document afresh.

Procedure on registration of a document in a wrong office.

(2) When such direction is received, the Registering Officer concerned shall register the document without the levy of any fine or fee, if it is presented for re-registration within the period prescribed in sections 23 to 26. No fresh endorsements under section 58 need be recorded in such cases. In the certificate of re-registration endorsed under section 60 reference shall be made to the order of the Registrar directing the re-registration of the document. The endorsement may be

.....by order of the Registrar of.....
dated....., under section 68 of
the Indian Registration Act, 1908 (XVI of 1908)".

**Making
endorsements on
separate paper.**

73. (1) When there is no room on a document for the necessary endorsements, they shall be made on a separate sheet of cartridge paper, if supplied by the party, or on a separate quarter sheet of machine made medium paper which shall be supplied by the Registering Officer and shall be attached to the document; an explanatory note being at the same time made on the document itself and signed by the Registering Officer.

(2) Every piece of paper so added shall bear the seal of the Registering Officer and shall be signed and dated by him.

**Supply of printed
or lithographed
forms for
documents in a
common form.**

74. (1) Any person having occasion to register any considerable number of documents in the same form, such as leases, agreements, bonds, awards or certificates, may deposit in any Registration office printed or lithographed forms of such documents in bound volumes of convenient size the pages of which shall be numbered consecutively before being brought into use.

(2) Such forms shall be printed or lithographed on machine-made paper of medium size. Blank spaces shall be left in the body and at the foot of the form for filling in names, amounts of money, areas, boundaries, and any other required particulars. A margin shall be left, of one inch, on the left-hand side for binding. No margin shall be necessary for copying endorsements as in the case of other registers; but the forms shall contain a blank space, of not less than one side of a half sheet of the paper, on which the endorsements are to be copied.

(3) In cases where loose forms are supplied instead of bound volume as provided in sub-rule (1) they shall be bound into volumes before use and the pages shall be consecutively numbered. A separate volume shall be kept for each depositor and his name shall be noted outside. The volumes shall be numbered and shall be treated in all other respects as volumes of Register-book No. 1 or 4, as the case may be.

(4) On the admission to registration of a document which is an exact duplicate of any form deposited and is executed by, or in favour of, any one of the depositors, it shall be copied into the volume appropriated to that depositor's forms, that is to say, the blank spaces in the form previously deposited shall be filled up so as to make it an exact copy of such document.

(5) Priority shall be given to the registration of documents presented under this rule, and every endeavour shall be made to return the documents to the

75. (1) When owing to an error or omission in any document which has been registered, a supplementary document rectifying such error or omission is presented for registration and has been registered, a note of such rectification shall be made in the margin of the register in which the original document is registered in the form:

**Supplementary
document
rectifying error
in a previous
document.**

"This document has been rectified by document
No.....of 19....., volume....., page
.....of.....(name of office)."

(2) If the volume in which the original document was copied has been sent to the Sadar record-room, the Sub-Registrar by whom the deed of rectification has been registered shall write to the Registrar of the district requesting him to cause the necessary note of rectification to be recorded in the appropriate register, which he shall do either under his own signature or under the signature of any other Registering Officer.

76. (1) Documents shall be promptly returned, after registration, to the presentants or other persons authorized by them in writing on the receipts to receive them, and the receipts returned by the parties shall be pasted on to their respective counterfoils.

**Prompt return of
documents after
registration.**

(2) Every endeavour shall be made to return documents on the date noted on the receipt granted under clause (b) of sub-section (1) of section 52, as the probable date of return.

Chapter XI.—Memoranda and Copies of Documents

77. (1) The memoranda required by sections 64 to 66 shall be prepared in Form No. 6 in Appendix I.

**Preparation of
memoranda and
copies of
documents.**

(2) The copies referred to in sections 65 to 67 shall be made on paper of the same size and description as that used for Register-book Nos. 1, 3 and 4.

78. (1) When a copy of a document is sent to the Registrar of another district under sub-section (1) of section 65, sub-section (2) of section 66 or section 67, no memorandum required for any Sub-Registry office of that district need be sent along with the copy. The Registrar receiving the copy shall cause the required number of memoranda to be prepared in his own office and forward them to the Sub-Registrars subordinate to him. If the Registering Officer is unable to despatch copies of documents on the day they are admitted to registration a short note in Form No. 6A, Appendix I, shall be sent on that day.

**Memoranda and
copies for other
districts.**

(2) Memoranda under section 64 and sub-section (1) of section 66 shall be prepared and forwarded by the Registering Officer who registered the documents.

(3) No memorandum under section 64, sub-section (2) of section 65, or sub-sections (1) and (3) of section 66, need be sent to any Sub-Registrar whose office has been amalgamated under sub-section (2) of section 7, with that of the Registrar to whom he is subordinate.

(4) Where there are joint offices, the copy of the order, certificate and instrument required to be sent under section 89 and copies and memoranda under sections 64 to 67 shall be forwarded to such joint office as the Registrar may, by a general order, direct.

(5) When a document is registered in duplicate or triplicate, no memorandum or copy shall be forwarded under sections 64 to 67 in respect of the duplicate or triplicate, but the number of copies registered with the original shall be noted in *red* ink in the last column of the memorandum prepared from the original.

(6) No copy or memorandum of documents registered under rule 32 need be sent to any district where the Act is not applicable.

Copies of Bengali or Hindi documents for other States.

79. Whenever a copy of a Bengali or Hindi document is forwarded under sections 65, 66(2) or 67 to a Registrar in another State, it shall be accompanied by a memorandum in English in the prescribed Form No. 6 in Appendix I, showing the names and additions of all persons executing and claiming under the document, and a description (sufficient for its identification) of the property situated in such Registrar's district.

Entry of date of despatch of memoranda and copies.

80. The date on which a memorandum or copy of a document is despatched shall be entered on the right-hand margin of the Register-book in which the document has been copied, and the entry shall be initialled by the Registering Officer.

Receipts for memoranda and copies.

81. (1) Every memorandum or copy of a document sent under section 64, 65 or 67 shall be accompanied by a receipt in Form No. 12 in Appendix I. The receiving officer shall return the receipt immediately on receiving it after signing the same.

(2) The despatching officer shall send a reminder if any undue delay occurs in the return of the receipt and shall make a note of the reminder in the column of remarks of the register of copies and memoranda.

(3) All such receipts when returned shall be kept in a separate file according to the serial number of the documents to which they relate.

83. All indexes shall be in English, and the entries therein made alphabetically, those under each letter being arranged in order according to the first vowel of the name when it begins with a consonant, and according to the second vowel when it begins with a vowel.

Indexes to be kept in English, and entries to be made in alphabetical order.

84. (1) If the documents to be indexed are written or executed in the English language, the names of persons and places shall be spelt in the index in the same way in which they are written in the documents.

Spelling.

(2) If the documents are written or executed in a vernacular language, the names of persons and places shall be spelt in the index according to Sir W. W. Hunter's system of transliteration.

85. (1) In the case of European names, the surname shall be taken as the index word.

Indexing of names.

(2) Indian names shall be indexed according to their first letters as they stand in the document, except that appellations, such as *Saiyed*, *Shaikh*, etc., if appearing at the beginning of the name, shall be shown in the index at the end of the name, and shall be transliterated in the same form as that in which they are written in the document.

86. When a document is executed by the representative, guardian or agent of a person, the name of such person as well as that of the representative, guardian or agent, shall be indexed.

Indexing of representatives, guardians and agents.

87. (1) An alphabetical index of the names of persons depositing sealed covers under section 42 shall be affixed to Book No. 5 and the names of such persons shall not be entered in Index No. III at that time but shall be entered therein in *black* ink after the contents of the will have been copied in Book No. 3 after the testator's death.

Different coloured inks for certain names in Index No. III.

(2) The names and additions of persons claiming under a will or authority to adopt, which, as prescribed by sub-section (4) of section 55, are not to be indexed unless the testator or donor is dead, shall be entered there in *red* ink.

88. (1) When there are two or more executants of or claimants under a document, their names shall be separately entered in Index No. I, III or IV, as the case may be, e.g., when there are three executants A, B and C, there will be three entries, viz., "A and two others", "B and two others" and "C and two others":

Separate entry of each executant or claimant or property.

(2) When two or more properties are conveyed by a single document, they shall be separately entered in

Provided that no Sub-Registrar need enter in his Index No. II any property which does not lie in his own sub-district, except in the case of registration by a Registrar under sub-section (1) of section 30, in which case, although the property may be situate in a different jurisdiction, index entries shall be made under section 54.

(3) The Registrar of Calcutta shall index in his Index No. II all the properties affected by the transaction in case of documents registered by him under sub-section (2) of section 30.

(4) In indexing the name of an executant or claimant known by an *alias* as well as by the real name, index entries shall be made both of the real name and of the *alias* each under its proper alphabetical order.

**Indexing of
copies,
memoranda and
sale certificates.**

89. (1) Copies and memoranda of documents and the copies of sale certificates and instruments and orders which are referred to in rule 6 shall be indexed in the same way as original documents, but the entries relating to them shall be made in *red* ink.

(2) In Index No. I the names of the decree-holder, auction-purchaser and judgment-debtor shall be indexed from sale certificates, and the names of the parties shall be indexed from memoranda.

**Binding of
indexes for use
in Sub-Registrars'
offices.**

90. In all Registration Offices Indexes Nos. I, II and IV shall be made in bound volumes.

Index No. III shall be prepared in loose sheets and the Registrar on receiving these sheets after the close of the year shall bind them into one volume for the year for all the offices in the district including the Sadar office. The pages shall be renumbered consecutively and the volume shall be prefaced with a table of contents showing the pages allotted to the indexes of each office. The names of those offices in which there was no registration in Book 3 during the year shall be clearly noted below the table of contents.

Chapter XIII.—Special Provisions As To Powers-Of-Attorney

**Recognition and
authentication of
power-of-
attorney.**

91. (1) A power-of-attorney shall not be recognized as authorizing an agent to act on behalf of a principal under the Act unless it contains an express or implied authority in that behalf.

(2) Powers-of-attorney, which do not contain or imply an authority to present for registration a document executed by or in favour of the principal, or to admit execution of any document executed by him, or to file an application under section 73 on behalf of the principal shall not be authenticated under clause (a) of sub-section (1) of section 33.

Explanation.—A power-of-attorney authorizing the agent to execute and register a document shall not be authenticated.

92. (1) All interlineations, blanks, erasures and alterations in powers-of-attorney authenticated by a Registering Officer under clause (a) of sub-section (1) of section 33 shall, at the time of authentication, be detailed in a footnote by the Registering Officer.

**Note to be
made of
interlineations,
etc.**

(2) When there are no interlineations, blanks, erasures or alterations in such a power-of-attorney, the fact shall be mentioned in a footnote signed by the Registering Officer.

(3) The said footnote shall be copied in every case into the register of powers-of-attorney kept in Form No. 17 in Appendix I.

93. The authentication of powers-of-attorney shall be made—

**Authentication
of power-of-
attorney.**

(i) in Form No. 8(a) in Appendix II when the principal executing the power appears at the Registration office;

(ii) in Form No. 8(b) in Appendix II when the principal being exempted from appearance, the Registering officer examines the principal on a visit under sub-section (3) of section 33; and

(iii) in Form No. 7 in Appendix II when the principal is examined on commission.

94. The presentant of a power-of-attorney which is presented for attestation, or of an attested power-of-attorney produced by him as agent with, or in connection with, a document presented for registration, shall, if the power-of-attorney is written or authenticated, or both written and authenticated, in a language not commonly used in the district, be required to file a translation in English, of the power-of-attorney or the endorsement of authentication or of the power-of-attorney with its endorsement of authentication as the case may be, such translation being certified to be a true translation and attested by the presentant.

**Translation of
power-of-
attorney to be
filed in certain
cases.**

95. (1) Whenever a special power-of-attorney is used in a Registration office for the purposes of section 32, section 34 or section 73, an endorsement shall be made upon it in Form No. 9 in Appendix II, and it shall be returned forthwith to the party by whom it was presented.

**Endorsement
when a special
power-of-
attorney is
used.**

(2) In the case of general powers-of-attorney no such endorsement shall be required, and they shall be returned, after inspection, to the parties by whom they were presented.

Chapter XIV.—Procedure with regard to wills

96. (1) A will shall not be received for deposit otherwise than is prescribed by section 42, and any will received through the Post Office shall be returned to the sender in an unstamped envelope.

**Deposit of
Wills.**

(2) The headings in Form No. 8 in Appendix I shall, as far as practicable, be filled up in receipt granted under clause (b) of sub-section (1) of section 52. For any will deposited under section 42 a note shall be entered on the receipt stating that the will is received for deposit under that section.

(3) The Registrar shall explain to every person depositing a will that no steps will be taken by the Government to ascertain the date of the testator's death or to communicate with the beneficiaries after his death.

(4) When a sealed cover is presented for deposit the endorsement in Form No. 10 in Appendix II shall be recorded on the cover.

**Entries in
Book No. 5.**

97. Every entry made in Register-book No. 5 under the provisions of section 43 shall be signed in full and dated by the Registrar.

**Withdrawal of
sealed cover
containing will.**

98. When a sealed cover containing a will is withdrawn under section 44, the fact shall be noted in Register-book No. 5 and the entry shall be signed by the person by whom the cover is withdrawn and by his identifier as well as by the Registrar, and the receipt referred to in sub-rule (2) of rule 96 shall be returned by such person and filed in the Registrar's office.

**Opening of sealed
cover containing
will.**

99. (1) When a sealed cover containing a will is opened under section 45, the fact shall be noted in Register-book No. 5 and the note shall be signed by the Registrar.

(2) If a cover is opened under an order of a Civil Court, the fact shall be mentioned in the said note.

**Documents to
accompany wills
forwarded to a
Court.**

100. When a will is forwarded to any Court under section 46, it shall be accompanied by—

- (a) a memorandum of the fee for opening the cover and the charges (if any) for copying the will into Register-book No. 3; and
- (b) a letter requesting such Court to levy such fee and charges and to remit them to the Registrar by whom the will is forwarded.

**Monthly
examination of
sealed covers
containing wills.**

101. Sealed covers containing wills deposited with a Registrar under section 42 or where they have been put under outer covers as hereinafter provided, such outer covers shall be examined monthly, and their condition on such examination shall be noted in such manner as the Inspector-General of Registration may direct.

When sealed covers show signs of damage, they shall be placed in strong outer covers which shall be sealed in the presence of the Registrar. The reasons for such a step shall be recorded and all the entries on the original covers shall be copied on such outer covers under the Registrar's signature with date. The Registrar may at any time open an outer cover and replace it by a fresh one in the manner aforesaid.

102. A revocation or cancellation of a will or an authority to adopt shall be registered in Register-book No. 3.

**Revocation or
cancellation of
will and authority
to adopt.**

103. Wills registered or refused registration in Sub-Registry Offices, remaining unclaimed for more than two years shall be sent to the Registrar's office for safe custody, a note to that effect being entered against the original entry in the Fee book. All documents so transferred together with similar unclaimed wills of the Sadar Office shall be entered in the register (Form No. 5 in Appendix I) prescribed by rule 8. It shall not be necessary to include such wills in the return of unclaimed documents after they have been so deposited.

**Wills registered
or refused not to
be destroyed but
deposited in
Registrar's
office.**

Chapter XV.—Summonses

104. Summonses under sub-section (4) of section 75 shall be issued direct by the Registrar, who shall follow the procedure prescribed in Orders V and XVI in the first schedule to the Code of Civil Procedure, 1908, so far as it is applicable.

**Summonses
under section 75,
sub-section (4).**

105. (1) Every application to a Registering Officer to procure the issue of a summons under section 37 shall be accompanied by the sum required for the payment of the expenses of the person whose appearance is desired, and the peon's fee as fixed by the rules governing the officer or Court who is to issue the summons.

**Application for
summonses under
section 37.**

(2) When calling upon such officer or Court to issue a summons, the Registering Officer shall forward a draft summons, in duplicate, for the signature of such officer or Court, together with the sum received under sub-rule (1).

106. Whenever any summons referred to in this chapter is to be served in an area in which is spoken a vernacular different from that spoken in the area in which the summons is issued, the summons shall be accompanied by a translation in English.

**Summonses
when to be
accompanied by
translation.**

107. (1) If a summons issued under section 37 be addressed to a person, who is alleged to be the executant of a document, it shall require him to attend either in person or by a duly authorized agent.

**Attendance on
summons issued
under section 37.**

(2) If such a summons be addressed to a person whose evidence is required to prove any other fact, it shall require him to attend in person.

108. (1) If any person upon whom a summons issued under section 37 has been duly served fails to appear, or if any summons issued under that section cannot be served, the Registering Officer may (if he is a Sub-Registrar, with the previous sanction of the Registrar) request the officer or Court who issued the summons to take such further action, under the law for the time being in force, as the Registering Officer may consider necessary for securing the attendance of such person.

**Procedure in
case of non-
appearance on
summons.**

(2) Every such requisition shall be accompanied by the proper fee

Chapter XVI.—Supply of information from books or of copies of documents

Applications for searches and copies.

109. (1) An application to make a search of index or to inspect any entry in a register-book shall be in Form No. 36 in Appendix I.

(2) An application for a copy of any document or of an entry in any book shall be in Form No. 37, Appendix I.

(3) All such applications, when accepted shall be serially numbered and entered in the Register of applications for search and copy (Form No. 18, Appendix I), the fee paid in respect of each application being shown in the appropriate column. If any such application is exempt from fee the fact shall be noted in the said column. A receipt for the fee paid shall be given in Form No. 19 or 20 in Appendix I, as the case may be.

(4) (a) When a copy of any registered document is required, applications both for search of the appropriate index and inspection of the register book in which the document has been copied shall, except in cases where no fee for search and inspection is payable, be made before applying for the copy.

(b) An application for inspection of an entry in a register-book shall be preceded by an application for search of the appropriate index except in cases where no searching fee is payable.

(5) Applications made through Sub-Registrars for copies from books deposited in the Registrar's office shall be made in writing and shall be transmitted without delay to the Registrar for necessary action.

(6) When an application for a copy is forwarded to the Registrar under sub-rule (5), the necessary copying fee or an acknowledgement of its receipt shall accompany it.

(7) Registrars shall permit searches of, and shall grant copies of entries in, books kept previous to the first day of January 1909 in the same manner as in the case of books kept under the Act.

(8) Subject to the provisions of sub-sections (2) and (3) of section 57, copies of entries departmentally prescribed, and of all applications and papers relating to Registrars' proceedings under sections 72 and 74 as well as of other documents and papers filed in Registration offices, may be granted to any person on payment of the fees under Articles F and G of the Table of fees prescribed under section 78 for inspection of the entries and for copy.

110. (1) A call for information from any Court or Registrar shall, if it necessitates a search in the

Information

Before complying with a requisition from a Court which involves a search or the preparation of copy of any document, the Registering Officer shall forward to the Court a memorandum of the fees payable with a view to the amount being remitted by the Court.

Searching or copying fees for documents requisitioned by Courts.

(2) Officers of the Government may make searches in indexes and inspect Register-books for *bona fide* public purposes on production of authorities from the heads of their offices subject to the restrictions contained in section 57 as to the persons by whom certain searches may be made.

111. If the production of a Register-book or any other record in any Court is required it shall be so produced by an officer of the registration establishment deputed for that purpose.

Production of records in Court.

When a register-book or other record is called for by any Court, the fee for inspection under Article F(2) of the table of fees shall be levied by the Court from the party at whose instance the register is called for. It shall be remitted to the office from which the register-book is produced.

Inspection fee to be levied on production of records in Court.

Chapter XVII.—Seals

112. (1) The seal prescribed by section 15 shall remain in the personal custody of the Registering Officer.

Custody and destruction of seals.

(2) A seal which has become unfit for use and is replaced by a new one and the seal of an office which has been permanently closed shall be destroyed in the presence of the Registrar or the District Sub-Registrar who shall make a note of the destruction in the Stock book of furniture kept in West Bengal Form No. 25 in Appendix I (identical with West Bengal Form No. 1148-A).

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

Procedure in case of delay in receipt of seal.

Chapter XVIII.—Office procedure

114. In the offices at the district headquarters and in the offices of the Sub-Registrars who are also in charge of the Sadar record rooms, documents shall be accepted for registration on all week days, except Saturdays, from 10 a.m. to 1 p.m., and in all other offices from 10 a.m. to 2 p.m. On Saturdays and notified half holidays documents shall be accepted in all offices up to 12 noon. In exceptional cases, however, the Register-

Hours of presentation of documents.

Daily notice of completion of documents

which documents may be presented shall be made known to the public by a notice exhibited in some conspicuous place in the registration office.

115. (a) The serial number of the last document completed and ready for return shall be daily exhibited in Form No. 21 in Appendix I in some conspicuous place outside every Registration office.

(b) A notice mentioning the years for which register books and indexes are available in that office for search, inspection and copy shall be exhibited in every Registration office.

Receipt and return of documents.

116. Registering Officers shall themselves receive documents which are tendered for registration and shall return them after completion of registration as provided in rule 76. If any Registering Officer is unable to return the documents himself, he may depute a clerk or a muharrir to do this in his presence. The same procedure shall be followed as regards the delivery of receipt under section 52.

Comparison of books with catalogue.

117. Whenever there is a change in the charge of a Registration office, the officer receiving the charge shall compare the books in the office with the catalogue kept in Form No. 22 in Appendix I, and shall record a certificate of verification in the catalogue.

Fees to be entered in the fee and cash-books and paid into treasury.

118. (1) All fees and fines realized under the Act shall be entered in the Fee-book and shall be remitted to the Treasury as provided in sub-rules (2) and (3). All receipts and payments shall be entered in the cash-book prescribed in rule 7. Registering Officers are personally responsible for the safe custody of all cash until paid into the Treasury or otherwise disbursed to the proper payee.

(2) Remittances shall be made daily to the Treasury and Sub-Treasury by the offices at district and sub-divisional headquarters respectively with chalans in the form prescribed in rule 7.

Note: In case of offices at subdivisional headquarters "daily" should be interpreted to mean "on all sub-treasury days".

(3) Remittances from other offices shall be made to the Treasury by Postal money orders addressed to the Registrar as soon as Rs. 10 or multiples thereof accumulate in hand. The details of the amount remitted by each money order shall be clearly stated in the coupon:

Provided that the District Registrar may, subject to the previous sanction of the Inspector-General of Registration, direct that remittances from any office which is conveniently situated near a Treasury or Sub-Treasury may be made to the said Treasury or Sub-Treasury, with chalans in the form prescribed in rule 7, if that measure is found to be more economical and convenient and involves no risk.

(4) Registering Officers are authorised to refund—

- (i) all fees levied under the prescribed table of fees; on a document the registration or authentication of which is refused;
- (ii) any amount levied in excess of the proper fee under the Act on a document which is registered, or on a power which is authenticated;
- (iii) fees for visit or commission and travelling allowance, if the application for the visit or commission be withdrawn before the visit is paid or the commission is executed;
- (iv) searching or inspection fee, if the application for search or inspection is withdrawn within thirty days from the date of application; but if any of the indexes or registers has been made over to applicant, the fee should not be refunded; and
- (v) the fee for a copy, if the application for copy is withdrawn before the work of preparing the copy is taken up.

Entries regarding refunds shall be made in the Register of refunds (Form No. 29, Appendix I).

(5) Subject to the conditions laid down in note below S.R. 43 of the Treasury Rules amounts received on account of travelling allowance in connection with the visits and commissions shall not be paid into the Treasury but may be paid direct to the persons entitled to receive them.

[Note below S.R. 43 runs as follows:—"Each Registration office shall send on the last day of the month, or, if that be a Sunday or a holiday, on the next working day, to the Treasury or Sub-Treasury a chalan showing the credit of moneys realised during the month in accordance with Article J to K of the Table of Fees in the Registration Manual on account of travelling expenses of the Registering Officer or his peon or a commissioner for attending the residence of a person in connection with any proceedings under proviso to section 31 or section 33(3) or 38(2) of the Indian Registration Act XVI of 1908 and the payments made therefrom supported by the payment vouchers."]

119. (1) The holidays to be observed in registration offices except the office of the Registrar and the Sub-Registrar of Calcutta shall be those referred to in Appendix IV.

(2) The holidays to be observed in the offices of the Registrar and the Sub-Registrar of Calcutta shall be those prescribed by section 25 of the Negotiable Instruments Act, 1881 (XXVI of 1881).

Refund of fees.

Travelling allowance for visit and commission how to be accounted for.

Holidays.

Person eligible to apply for licenses to act as deed-writers.

120. Any person of the district preferably of the area within the jurisdiction of the Sub-Registry office, not below 21 years of age, who can draft documents well in languages prevalent in the locality and whose handwriting is good and who has practical knowledge of the important provisions of the Transfer of Property Act, 1882, the Bengal Tenancy Act, 1885, the Indian Stamp Act, 1899, and the Indian Registration Act, 1908, and whose conduct is good and who is of good character may apply in writing in Form No. 40, Appendix I, to the Registrar of the district either direct or through the local Sub-Registrar with testimonials, if any, for a licence referred to in section 800 to act as a deed-writer. The application must be in the candidate's own handwriting.

Grant of a license to act as a deed-writer.

121. (1) If the Registrar is satisfied that the applicant is a desirable person and is fit to be a deed-writer, he shall direct the applicant to pay a licence fee of five rupees and on payment of the said sum his name shall be entered in the Register of deed-writers in Form No. 42 in Appendix I, against the particular Sub-Registry Office concerned and a licence in Form No. 41 in Appendix I shall be issued to him. The licence shall take effect from the date of issue. The name of the deed-writer with necessary particulars shall, at the same time, be communicated to the Sub-Registrar concerned for entry in the Register of deed-writers in Form No. 43 in Appendix I, maintained by him.

(2) In granting a licence under sub-rule (1) all persons who on the date of issue of these rules have been carrying on the work of deed-writers shall, if they apply under rule 120 and fulfil the conditions specified in that rule, be given preference.

Renewal of license.

122. (1) A licence issued under rule 121 shall have effect till the 31st December of the year of issue and may be renewed thereafter year to year by the Registrar, subject to good conduct and satisfactory work and physical fitness, on payment of an annual renewal fee of one rupee. The application for renewal shall be filed between the 15th December and 15th January to the Registrar through the Sub-Registrar together with the treasury chalan or the money-order receipt showing the remittance of the renewal fee. The name of the deed-writer whose renewal is refused by the Registrar or who fails to apply for renewal as herein provided for, shall be struck off the registers maintained by the Registrar as well as by the Sub-Registrar. A deed-writer who fails to apply for a renewal in time, may, however, apply for a fresh licence under rule 120.

(2) (i) When the licence issued to a deed-writer is worn-out, it may be replaced, *free of cost*, by a duplicate licence on the prayer of the deed-writer concerned, the original worn-out one to be cancelled and kept pasted with the counterfoil.

Issue of duplicate licence.

(ii) When the licence issued to a deed-writer is lost, it may be replaced by a duplicate licence in the prescribed printed form, on the prayer of the deed-writer concerned and on payment by him of the fee to be calculated as under:

A sum of twelve paise as price of printed form, *plus* copying fee at ordinary rates prevalent in registration offices, to be charged for all the printed words in the body of the form as well as for the words inserted therein by hand to complete the duplicate copy.

(3) All fees for first licence, for duplicate of a lost licence and for renewal thereof shall be paid to the Registrar either in cash or through the treasury or by postal money order. All payments in cash shall be accounted for in cash book.

123. A list of licensed deed-writers shall be hung up at a conspicuous place in the Registration Office with the following note of warning at the foot:—

List of deed-writers to be hung up in Registration offices.

"Any person whose name is not included in this list and who enters the Sub-Registry Office or its compound except for the purpose of transacting business in connection with the registration of his own documents or for the making of searches or application for certified copies or for doing any other transaction in the office on his own behalf, or for doing the same under a power-of-attorney or unless he holds a receipt under section 52 of the Indian Registration Act, 1908, duly endorsed in his favour, shall be deemed to be a tout and his name shall be liable to be included in the list of touts framed and published under subsection (1) of section 80A."

124. Licensed deed-writers shall be allowed to sit in the office precincts and to enter the Registration Office to transact business authorized by the licence under the control and supervision of the Registering Officer.

Deed-writers shall be under the control of Registering Officers.

125. The number of deed-writers for a particular office shall be fixed by the Registrar with reference to the needs of the particular office, normally one deed-writer for 300 deeds per year. There shall, however, be no limit to the number of deeds to be written by a particular deed-writer.

Number of deed-writers for each office to be fixed by Registrar.

126. A table showing the scales of fees for writing deeds by the licensed deed-writers, to be prescribed by the Inspector-General of Registration, shall be exhibited in a conspicuous place outside the Registration Office. Any deed-writer charging fees in excess of the above prescribed rates shall be liable to the cancellation of his licence. The licensed deed-writer shall issue a receipt in Form No. 44, Appendix I, to the party concerned for payment of dues to him.

The scales of fees to be charged by the licensed deed-writers shall be as noted below:—

- (1) For drafting deeds (or writing deed without making any separate draft) for each 300 words or part thereof—
 - (a) in offices within Calcutta and the South Suburban and Howrah Municipalities—Rs. 2.50 P.
 - (b) in all other offices—Rs. 2.00 P.
- (2) For writing deeds from drafts and for rendering all assistance to get them registered (for each 300 words or part thereof)—
 - (a) in offices within Calcutta and the South Suburban and Howrah Municipalities—Rs. 1.25 P.
 - (b) in all other offices—Rs. 1.00 P.
- (3) For taking delivery of documents when authorised by the party under section 52 of the Indian Registration Act, 1908—0.25 P. for each deed.
- (4) For writing all applications whether in the prescribed printed forms or otherwise and filing the same—0.25 P. each.
- (5) For writing summons and filing the same—0.12 P. each.
- (6) For writing notices under the Bengal Tenancy Act, 1885 and filing the same—0.25 P. each.
- (7) For making searches of indexes or inspections of volumes (for each person or item of property)—0.25 P. for each year.

Explanation.—In this rule “Calcutta” means Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951).

127. The District Registrar shall have power to cancel, after a regular proceeding, the licence of any deed-writer who is guilty of the breach of any of the provisions of these rules or of his licence or of any misconduct. In such a proceeding generally, charge should be formally framed, copy of the charge made over to the deed-writer concerned, evidence recorded in his presence, adequate opportunity allowed to him to defend himself by adducing witnesses and, finally, there should be written orders with appropriate reasons. A deed-writer aggrieved by any order of the District Registrar cancelling his licence may prefer an appeal to the Inspector-General of Registration within thirty days of the date of order.

128. Each deed-writer holding a licence under these rules shall maintain a register in Form No. 45, Appendix I, which shall be open to inspection at all times by the Registering Officer or any of the Inspecting Officers of the department. The register when completed shall be preserved by the deed-writer for a period of three years.

129. Any unlicensed deed-writer who is found at or nearabout the precincts of the Registration office to persuade the public to have their documents written by him or by any unlicensed deed-writer, or who is found to be doing any act which is likely to defeat the provision of any rule made under section 80G of the Act, shall be deemed to be a tout within the meaning of clause (11) of section 2 and his name shall be liable to be included in the list of touts framed and published under sub-section (1) of section 80A.

Cancellation of
licence of
deed-writers.

Deed-writers'
register open
to inspection
by Registering
Officers.

Touts.

FORM No. 1
 Register Books Nos. 1, 3 and 4.
 (See Rule 3)

[Left hand margin for copy of endorsements and certificates].	[Central space for copy of documents].	[Right hand margin notes].
	[Twenty lines of fifteen words each].	

FORM No. 2
 Register Book No. 2.—Record of reasons for refusal to register.

[See Rules 3 and 58(1).]

Nature and date of instrument and names of executants and claimants.	Reasons for refusal.	Date of application for of the reasons for refusal.
	No.	Date on which the copy furnished to the applicant.
Date of presentation.	Registering officer	Note of the result of application to the Registrar under section 72 or of application under section 73.
		Note of any order of the Registrar.
Name of the presenting party.	Dated,	Number and date of communication of the refusal or signature of presentant.

Serial number of will deposited.	Year, month, day and hour of deposit.	Name and address of the testator and of his agent when the will is deposited by an agent of the testator.	Name of the person identifying the depositor.	Copy of superscription on the sealed cover.	Copy of inscription (if any) on the sealed cover.	Date of order of withdrawal under section 44.	Date of withdrawal of sealed cover.	Date of application to open the cover under section 45.	Date on which the sealed cover is opened.	Date on which the will is copied in book No. 3 under section 46, and its serial number therein.	Date on which the will is removed under Court order section 46 and date of acknowledgment of the Court.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13

(See Rule 3)

Memorandum of document.

[See Rules 24 and 77(1) and 79.]

Nature of document, date of presentation, copy of endorsement of registration and in case of a memorandum of a copy also copy of endorsement of filing. 1	Names and additions of parties.		Short description of property and the extent of interest affected and the <i>tauzi</i> number where possible. 4	Amount of consid- eration money 5
	Executants. 2	Claimants. 3		

Signature of Registrar/Sub-Registrar.

FORM No. 6A

Form of Short Note.

[See Rule 78(1)]

Nature of document. 1	Names of parties.		Short name of the property affected or <i>tauzi</i> number where possible and the thana. 4
	Executants. 2	Claimants. 3	

(See Rules 7 and 28(1))

Serial No.	Date of presen- tation.	Nature of docu- ment.	Date of execu- tion.	Names with addresses of parties.		By whom presen- ted.	Amount of conside- ration.	Stamp affixed.	Date on which docu- ment was sent to Collec- tor. 10	Date on which it was received back. 11	Stamp duly adjudi- cated. 12	Penalty im- posed. 13	Date on which notice is issued to presentant for deposit of fees, etc. 14	Number of the docu- ment and the volume in which registered or number in register book 2.		Re- marks.
				From	To									15	16	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	

Receipts under section 52, sub-section (1), clause (b). [See Rules 7, 22A(6), 25(2), 45(2) and 96(2).]

Serial No.

Document No.

Book No.

Received from.

Document executed by.

in favour of.

Nature of document.

Value Art. Amount.

Fees.

Probable date on which document may be ready for return.

Dated 19 . . . Registering Officer.

The document will be returned on presentation of this receipt. Documents (other than Wills) remaining unclaimed in any Registrar's Office for a period exceeding two years shall be liable by law to be destroyed.

A document or a power of attorney remaining unclaimed for more than one month after completion of registration or after authentication, is liable to an additional fee of Rs. 15 Paise for every month or part thereof, subject to a maximum of Rs. 15 in each case.

(On the reverse)

Please deliver to.

deed described on the reverse and pay to him fees, if any, refundable to me in respect of the same.

Received the document described on the other side* and got refund of the following fees unclaimed.

*To be struck off where necessary.

Date Stamp

Dated 19 . . .

Signature of Presentant.

Signature of Recipient.

Initial of the Registering Officer.

Serial No.	Date of application.	Name of person to be examined.	Place of residence.	Cause of visit under section 31 or of visit or commission under section 33 or 38.	Fees paid.	Amount of travelling allowance paid.	Distance of the place of residence from the office.	Name of person by whom the visit is paid.	Date of visit.	Register number of the deed and the volume in which it is copied or number of entry in book No. 2, if refused.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

FORM No. 10

Miscellaneous Receipt.

[See Rules 7, 22A(7), 25(4), 29(3) and 34.]

- (1) Serial No.
- (2) Name of payer.
- (3) Number of document to which the fee relates.
- (4) Fees paid :—
- (5) Other receipts.
- Article. Amount.

Registering Officer

N.B.—Column (3) shall be filled up in case of fees realised subsequent to the date of presentation of document.

FORM No. 11

Fee-Book.

(See Rule 7.)

Serial number of all documents.	Date of presentation.	Nature of document.	From whom received.	Value of properties in rupees.	Articles under which registration fee is chargeable.	Amount.	Date of admission or refusal.	Number of document in Register or in Register of Power-Attorney.	Date of completion.	Book, volume and pages in which registered.	Date of delivery.	Number of copies or memoranda to be issued.	Date when copies or memoranda issued.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
				Rs.		Rs. P.							

FORM No. 12

Receipt for memoranda and copies.

[See Rule 81(1)]

MEMO No.

The undersigned has the honour to acknowledge the receipt of the undermentioned memoranda and copies of documents.

Dated.....

Signature of Registrar (or Sub-Registrar) of.....

To the Registrar (or Sub-Registrar) of.....

Register number of documents.	Where registered.	Number of short notes.	Number of memoranda.	Number of copies.	Date of receipt.
1	2	3	4	5	6

FORM No. 13

Index No. I for 19 .

[See Rule 5]

Name of person.	Father's name or mother's name, residence, profession or trade, rank or title (if any) and caste (if any).	Interest of the person in the transaction.	Where registered.	Serial No.	Book I.	
					Volume.	Page.
1		3	4	5	6	7

(See Rule 82.)

[illegible]

(See Rule 82).

[illegible]

(See Rule 82).

[illegible]

[See Rules 7 and 92(3)]

Names and additions of principals.	Names and additions of attorneys.	Names and additions of identifiers and witnesses if possible.	Date of au- thentication.	Abstract.
2	3	4	5	6
				Sub-Registrar. [Copy of foot- note.].

FORM No. 18

Register of Applications for Search and Copy.

[See Rules 7 and 109(3)]

Serial No.	Of all applications.		Date of application.	Name of the applicant.	Nature of document.	Name of the office and the year to which the search, etc., relates.	Interest of applicant in the document.	Name of person or property (place) to be searched or the register number of documents to be inspected or of which copy is required.	Reference to the previous application for search or inspection, if any, (in case of application for copies.)
	Of search of Index I or inspection of Books I and II.	Of search of Indexes III and IV and inspection of Books III and IV.							
1	2	3	4	5	6	7	8	9	10
									11

Fees paid.

Under Article F(1)(i) and (ii).	Under Article F(2).	Under Article G.	Date of payment.	Date of search.	Result of search, etc., successful or otherwise.	Date on which stamps are deposited.	Value of stamp deposited.	Number of cartridge paper supplied.	Number of cartridge paper returned unused.	Date on which copies prepared.	Date on which copies delivered.	Signature of applicant.	Remarks (with Sub-Registrar's initials).
12	13	14	15	16	17	18	19	20	21	22	23	24	25

115

FORM No. 19

Receipt for fees deposited for search or inspection.

[See Rule 109(3).]

Serial number of application.....

Date of application.....

Search, for the year(s).....

Name of office to which the record to be searched or inspected relates.....

Name of person or property to be searched.....

Nature of document.....

Particulars of record to be inspected (year, number, book, volume and page in the case of registered document).....

From whom received.....

Fees paid under Articles—

F(1)(i).....

F(1)(ii).....

F(2).....

Registrar of.....

FORM No. 20

Receipt for fees for copy under application for inspection No. dated

[See Rule 109(3)].

Serial number of application.....

Date.....

Received from.....

Account of copy of deed No.....

Registered in book No.....

Volume No..... pages..... For the year..... of the.....

Copying fee under Article—

G(a).....

G(b).....

Charge for preparing map or plan.....

Stamp paper (value).....

Cartridge paper..... sheets.....

Daily Notice.

[See Rule 115(a).]

No.....

The..... 19..

It is hereby notified that the registration of the following documents was completed yesterday and that these and all documents perviously admitted to registration are ready to be returned to the parties who presented them.

	Book I.	Book III.	Book IV.
Number of last document completed ..			
Date of admission			
Name of presentant			

N.B.—Documents (other than wills) remaining unclaimed in any registration office are liable by law to be destroyed unless taken away within the prescribed period.

Sub-Registrar.

(See Rules 7 and 117).

(See Rules 7 and 117).

Serial No.	Office to which the books relate.	Year and date of opening.	Title of Book.	Volume Number and year	Number of document, etc., in each.	Number of pages written upon.	Number of pages left blank or cancelled.	Date of closing the book.	Date of transmission to Sadar Record Room.	Date of receipt in the Sadar Record Room.	Number of—			Remarks	
											Room.	Rack.	Shelf.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	

Note—

Note—

- (1) Columns 12, 13 and 14 need not be filled in the case of Rough Catalogue.
- (2) When an entry in the Rough Catalogue is transferred to the Fair Catalogue the number assigned to it in the Fair Catalogue should be quoted in column 1 of the Rough Catalogue below the original serial number.
- (3) Note of destruction of a record should be made in the column of remarks.

உதா.

Treasury,

By whom
brought.

By whom brought.	Description of item.	Amount.
		Rs. P.
	Total ..	
Notes as per back	..	
Silver	
Copper	
	Total ..	

Treasurer.

Accountant.

No. of the Sub-Registry office at

[illegible]

Stock Book of Furniture.

(See Rules 7 and 113.)

OFFICE OF

Department

or

Room and its distinguishing letter or number

ARTICLE

Distinguishing number allotted article.	Cost price	Initials if officers in charge with date.	Manner of disposal.	Price realised.	Number and date of chalan or money order remitting the sale proceeds.	Initials of officers in charge with date.	Remarks.
1	2 Rs. P.	3	4	5 Rs. P.	6	7	8

Register of copies, Memoranda and Short Notes despatched to other Offices.

(See Rule 7.)

Register number of document and volume in which entered.	Date of		Serial number of			Names of offices to which copies, memoranda and short notes are despatched.	Date of despatch of			Date of acknowledgment.	Initials of the Registering Officer.	Reminders and remarks.
	Admission to registration of document or receipt of copy.	Completion of registration of document or filing of copy.	Short notes.	Copies.	Memoranda.		Short notes.	Copies.	Memoranda.			
1.	2	3	4	5	6	7	8	9	10	11	12	13
No.	Vol.											

N.B.—Entries relating to copies received from other districts should be made in red ink.

FORM No. 27

Register of documents pending admission to registration.

[See Rules 7 and 22A(6)]

Serial number.	Date of execution according to Christian era.	Date of presentation.	Serial number of the document in column I of the fee-book.	Name of person presenting the document.	Fees paid.	Reason why pending.	Date of admission to registration.	Register number of the document if admitted.	Date and number of refusal if registration is refused.	Date of refund of fee.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

FORM No. 28

Register of fines under sections 25 and 34.

(See Rule 7.)

Serial number.	Date of execution.	Date of presentation in cases under section 25, or admission of execution in cases under section 34.	Registration fee paid.		Fine paid.		From whom received.	Register No. of document in Book I or IV.	Refusal No. of document in Book II.	Date of registration or refusal.	Initial of Registering Officer.	Remarks.
			Rs.	P.	Under section 25.	Under section 34.						
1	2	3	4	5	6	7	8	9	10	11	12	

FORM No. 29

Register of Refunds.

[See Rules 7 and 118(4).]

Serial number.	Serial number in fee book.	Date of admission or refusal of documents on which refunds are due.	Date of credit in the treasury.	Name and residence of party to whom due.	Nature of refunds.			
					Registration fees on refused documents.	Fees under Articles F, G, J or K and travelling allowances.	Landlord's fees.	Fees levied in excess.
1	2	3	4	5	6	7	8	9

Date of refund.	Signature of payee.	Date of destruction of the document.	Date of order of the Inspector-General sanctioning the writing-off of the amount.	Date of recoupment of the permanent advance.	Initial of the Registering Officer.	Remarks.
10	11	12	13	14	15	16

Register of process and Court Fees.

(See Rule 7.)

Serial No.	Date of application.	Nature of application.	Number of document in fee book or No. of case under section 72, 73 or 74.	Name of applicant.	Order passed on appli- cation.	Process fee or court fee paid.	Remarks.
1	2	3	4	5	6	7	8
						Rs. P.	

Register of Copies, Memoranda, Sale Certificates and short Notes received from other offices.

(See Rule 71.)

[illegible]

Register of appeals under section 72.

(See Rule 8.)

Number of appeal.	Names of parties.	Date of presenta- tion of appeal.	Name of Sub-Regis- trar against whose order the appeal is preferred with date of the order of refusal.	Particulars of documents of which registration has been refused and grounds of refusal.	Dates of adjourn- ments.	Final orders.
1	2	3	4	5	6	7

Register of applications under section 73 and proceedings under section 74.

(See Rule 8.)

Number of application.	Names of parties.	Date of presentation of application.	Name of Sub-Registrar by whom the document was refused with date of the order of refusal.	Particulars of document of which registration has been refused and grounds of refusal.	Dates of adjournments.	Final orders.
1	2	3	4	5	6	7

FORM No. 34

Register of Letter received.

(See Rule 7)

Year.....19				Department.....							
Date of receipt in office.	Letter, etc.		Short subject.	Reminders.		Where the letter is placed.		Brief note of action. (Here enter number and date of order issued "File" or "Await", as the case may be.)			
	From whom received.	Num-ber.		Date.	Num-ber.	Date.	File number.		Serial number.	Number of the file within the collection.	
2	3	4	5	6	7	8	9	10	11	12	13

128

FORM No. 35

Register of Letters Issued.

(See Rule 7)

Year.....19				Department.....							
Unsequen-tive No.	Date.	To whom addressed.	Short subject.	Where the draft is placed.			No. and date of reply received.	Reminders.	Value of stamp.	Remarks.	
				File No. and serial No. of letter in file.	No. and title of the collection.	No. of file within the collection.					
1	2	3	4	5	6	7	8	9	10	11	12

129

FORM No. 36

Form of Application for Search or Inspection.

[See Rule 109(1)]

1	Name of applicant	1	
2	Address and residence of the applicant .. .	2	
3	Subject to which the search or inspection relates ..	3	
4	Names of persons or places to be searched ..	4	
5	Nature of document in respect of which search or inspection is required.	5	
6	Number of the Index to be searched (whether I, II, III or IV).	6	
7	In the case of search of Index III or IV or inspection of register book III or IV, applicant's interest in the document (whether executant, claimant or their representative or agent).	7	
8	In the case of application for inspection reference to the previous application for search and the number and the year of the document to be inspected with the number of the volume and the pages of the register book in which copied.	8	
9	Name of the office where the document has been registered, or (in case of other records) to which it relates.	9	
10	Fees paid	10	F(1)(i) F(1)(ii) F(2)
11	Remarks— (Number of the document and the number of the volume and pages in which registered, to be noted here if the search is successful.)	11	

Allow Search/Inspection.

Sub-Register of.....

Form of Application for copy.

(See Rule 109(2)).

No.....

Date of application	1	
Name and residence of applicant. ...	2	
Reference to previous application for inspection of register book or other records.	3	Application for inspection No..... dated.....
Nature of document and the office to which it relates.	4	
Number with year of the document and the volume and pages of the book in which copied.	5	Deed No..... registered Book..... Volume..... Pages..... for.....
Fees paid	6	G(a) G(b)
Remarks	7	

Give copy.

Signature of applicant.

Sub Register of.....

Register of re-copied records.
(See Rules 8 and 17-A(2))

Serial number.	Name of the office and the district where the original lies.	Year to which the entry relates.	Number and Volume of the Register Book or Index Book from which copies made with Catalogue number.	Number of pages in the original book.	Catalogue Number of the new book.	Number and Volume of the new book.	Pages in the new book.	Remarks.
1	2	3	4	5	6	7	8	9

FORM No. 39

Register of documents pending acceptance.

(See Rules 7 and 25(2))

Serial number.	Date of presentation.	Name of person presenting or forwarding it.	Nature of documents.	Reasons why pending.	Fees or Fines paid.	Date of payment of Fees or Fines.	Serial number of the Fee Book, if accepted.	Number of Book if refused.	Date of delivery, if not accepted.	Date of refund of fees.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

FROM No. 40

Application for licence of deed-writers.

(See Rule 120)

1. Name of the applicant.....
2. Father's name.....
3. Home address—Village, thana, post office, Sub-Registry office, district.....
4. Age.....
5. Educational qualifications.....
6. Languages which the applicant can write.....
7. Previous experience.....
8. Whether conversant with the important provisions of the Transfer of Property Act, 1882, the Bengal Tenancy Act, 1885, the Indian Stamp Act, 1899, and the Indian Registration Act, 1908.....
9. Office for which the licence is applied.....
10. Date of application.....

Signature of the applicant

N. B.—The column should be filled up by the applicant in his own handwriting.

Registrar's Orders.

Licence for deed-writers.

[See Rule 121(1).]

Name of the licensee.....

Father's name and address.....

Name of the Sub-Registry Office for which the licence is granted.....

Date of issue.....

Date of renewal.....

District Registrar of.....

1. Name of the licensee.....

2. Father's name and address.....

3. Name of the Sub-Registry Office for which the licence is granted.....

4. Date of issue.....

5. Date of renewal.....

District Registrar of.....

(Reverse side of the licence.)

This licence is non transferable.

It authorises the holder to sit inside or outside the precincts of the Sub-Registry Office at..... for the purpose of writing documents.

It also authorises the holder subject to the control and supervision of the Registering Officer, to enter the Sub-Registry Office for the purpose of registration of documents written by him or in connection with any other business in the office on behalf of his clients.

The holder shall not charge fees in excess of the rates specified in rule 126 of the rules made under section 80G of the Indian Registration Act 1908, otherwise his licence shall be liable to cancellation.

The licence shall have effect up to the 31st December of the year of issue. Application for the renewal must be submitted to the Registrar through the Sub-Registrar between the 15th December and the 15th January next.

The holder shall abide by the rules framed or that may be framed from time to time by the State Government under section 80G of the Indian Registration Act, 1908.

Name of Registration office.....

FORM No. 42

Register of licensed deed-writers to be maintained at the Sadar Office.

[See Rule 121(1).]

Serial No.	Name and father's name.	Address.	Date of issue of licence.	Date of renewal.	Amount of fees for fresh licence or for renewal, treasury challan number, or money order receipt number with dates or the date of payment in cash.	Remarks.

FORM No. 43

Register of licensed deed-writers to be maintained by Sub-Registrars.

[See Rule 121(1).]

Serial No.	Name and father's name.	Address.	Date of issue of licence.	Date of renewal.	Remarks.

Receipt to be issued by the licensed deed-writer.

[See Rule 126]

Serial number.....	Serial number.....
Serial number in the deed-writer's Register.....	Serial number in the deed-writer's Register.....
Name of the office.....	Name of the office.....
Name of the party.....	Name of the party.....
Description of work done.....	Description of work done.....
Total fees realised.....	Total fees realised.....
Date	Date
Signature of the deed-writer.	Signature of the deed-writer.

Register to be maintained by Licensed Deed-writers.

(See Rule 128).

[illegible]

FORM No. 1

Admissible under rule 21 duly stamped (or exempt from or does not require stamp duty) under the Indian Stamp Act, 1899, Schedule I, No. or Schedule IA, No.

Fee paid :—

Signature and designation of
Registering Officer.
Date.....

FORM No. 2

Endorsement under section 52.

[See Rules 22A(3) and 46(1)]

Presented for registration at.....M on the.....day
of.....19.....at the.....Sub-Registry office
(or at.....) by AB (executant/one of the executants/clai-
mant/one of the claimants/or attorney for EF executant or claimant under a power-
of-attorney No.....for.....authenticated by the
.....Registrar of.....)

Signature of presentant.

Signature and designation of
Registering Officer,
Date.....

Notes

(1) In case of documents executed by Government officers or certain public functionaries who are exempt from personal appearance under section 88 of Act XVI of 1908, when sent by messenger the endorsement will be thus:—

“Presented for registration, etc., by.....(name and designation of officer) through.....(name of the messenger), as per his letter No....., dated the.....”

Signature of messenger.

Signature and designation of
Registering Officer.
Date.....

(2) In a case where any such document is sent by post, with a letter, the endorsement under section 52(1)(a) should be made thus:—

"Forwarded for registration, etc., by.....(name and designation of the officer) as per his letter No....., dated the....."

Signature and designation of
Registering Officer.
Date.....

FORM No. 3

Endorsement under section 58.

[See Rules 22A(3) and 46(1)]

Execution is admitted by AB, son of CD, of
thana district by caste
by profession
Signature of AB

Identified by EF, son of GH, of
district by caste thana
by profession

Signature of EF

The of 19 .

Signature and designation of
Registering Officer.
Date.....

Notes

1. When execution is admitted by an agent, the following words shall be added :
"Agent for KL, under a Power-of-Attorney (No. for 19)
authenticated by the Sub-Registrar of ."

2. When the execution is admitted by the representative of a deceased person, the following words shall be added :—

"Representative of deceased KL, whose right to appear in such capacity has been proved to my satisfaction."

3. In case of a document executed by an agent on behalf of the principal, the endorsement shall be :—

"Execution by AB, son of CD, of thana district
by caste by profession as constituted attorney
for XY is admitted by him."

4. In the case of documents executed, in their official capacity, by officers of Government and certain public functionaries who are exempt from personal appearance in registration offices under section 88 of Act XVI of 1908, the endorsement of admission of execution shall be thus :—

"Execution by who is exempt from personal appearance
in this office, under section 88 of Act XVI of 1908, is (or on reference
to him) proved by his seal (if seal is affixed) and signature.

(Note.—The words 'on reference to him' should be struck out where reference is unnecessary or not made.)"

5. When the executant or his agent is personally known to the Registering Officer the words "Personally known to me" should be substituted for the identification clause.

6. When any payment of money or delivery of goods is made in the presence of the registering officer in reference to the execution of a document or when admission of receipt of consideration in whole or in part is made in his presence in

reference to such execution, the endorsement under clause (c) of section 58 shall be written in one of the forms below as the case may be :—

- Rupees.....(or goods) as consideration is paid (or delivered) in my presence by.....to.....
- The receipt of rupees.....as consideration, is admitted by the above executant AB.

FORM No. 4

Endorsement of certificate of registration under section 60.

(See Rule 69)

Registered in

Book No.

Volume No.

Pages

to

being No.

for the year

FORM No. 5

Endorsement for issuing commission.

(See Rule 35)

A commission is hereby issued under section 33, sub-section (3) [or section 38, sub-section (2) of the Indian Registration Act, 1908 (XVI of 1908), to (name and designation of officer)*, for the purpose of enquiring whether this Power-of-Attorney or document) has been executed by AB, son of CD, of by whom it purports to have been executed.

Seal, Signature and designation of
Registering Officer.
Date.....

*When the commission is issued to the registering officer of another office it is not necessary to write his name.

FORM No. 6

Endorsement by Commissioner after execution of commission.

[See Rule 38(1)]

Having visited the residence of AB, son of CD, of
thana district by caste by profession
I have this day examined the said AB, who has been identified to my satisfaction
by EF, son of GH, resident of thana
district by caste by profession and the
said AB has admitted (or denied) the execution of this power (or document).

Signature of the—
Executant
Identified.

Signature of the Commissioner.

N.B.—This form should also be used when the Sub-Registrar himself pays the visit.

Endorsement by a Sub-Registrar on receipt of Commissioner's report.

[See Rules 38(2) and 93]

From the above report I am (or am not) satisfied that this power (or document) has been executed (add "voluntarily" in the case of a power) by the said AB, and (in the case of a power) I accordingly authenticate it under section 33 of Act XVI of 1908, and record it as No. for [or (in the case of a document) admit (or refuse to admit) it to registration (or refuse to authenticate it.)].

Signature and designation of
Registering Officer.
Date.....

FORM No. 8

Endorsement on authentication of Power-of-Attorney.

(See Rule 93)

(a) When the principal executing the power appears at the registration office :—

"Executed in my presence on the.....day of.....
19....., by AB, son of CD, of....., thana.....
district....., by caste....., by profession.....
....., who is a resident of my district (or sub-district) and is
personally known to me (or whose identity was proved by the testimony
of EF, son of GH, of....., thana.....
district....., by caste.....by profession.....
.....), and I accordingly authenticate it under section 33
of Act XVI of 1908, and record it as No.....for 19....."

Signature of { Principal
Identifier

Seal and signature of Registering
Officer with his designation.
Date.....

(b) When the principal is exempted from appearance :—

"Having visited and examined at his (or her) residence the principal AB, son
(or wife or daughter) of CD, of....., thana....., district....., by caste.....
by profession....., who is a resident of my district (or
sub-district) and is personally known to me (or whose identity was
proved by the evidence of EF, son of GH, of....., thana.....
district....., by caste.....by profession.....), I am satisfied
that this Power-of-Attorney has been voluntarily executed by him
(or her), and I accordingly authenticate it under section 33 of Act XVI
of 1908, and record it as No.....for 19....."

Signature of { Principal
Identifier

Seal and signature of
Registering Officer with his
designation.
Date.....

Endorsement on use of a special Power-of-Attorney.

[See Rule 95(1)].

Presented this day in connection with registration of document
No.....for.....(or application No.....
No.....under section 73).

Seal.

Signature and designation of
Registering Officer.

Date.....

FORM No. 10

Endorsement on a sealed cover presented for deposit.

[See Rule 96(4)].

"Presented for deposit at.....a.m. on the.....day
of.....19.....at the.....registry office
(or elsewhere) by....., son of.....,
of....., thana....., district.....,
by caste....., by profession....., the testator (or
agent for....., the testator under a Power-of-Attorney
No.....for 19.....*). He is personally known to me/
or has been identified to my satisfaction by.....,
son of....., resident of.....,
thana....., district....., by caste.....,
by profession....."

This cover has been sealed in.....places, the inscription on the
seal being "....."

Signature of { Depositor
Identifier

Signature of

Registrar.....

Date.....

*Registered in Book.....of the.....Sub-Registry office
or authenticated by the Sub-Registrar of.....

FORM No. 11

Endorsement of admission to registration of a Will or authority to adopt presented after the death of the Testator or Donor.

[See Rule 46(1)].

From the evidence of (1)
 son of _____, of _____
 (2) _____, son of _____
 of _____, etc., I am satisfied (1) that this
 Will (or authority) was executed by
 son of _____, of _____
 the testator (or donor); (2) that the said testator (or donor) is dead
 and (3) that
 son of _____, of _____
 the presentant, is entitled to present it under section 40, Act XVI of 1908, and
 I accordingly admit it to registration under section 41 of the Act.

Signature and designation of
 Registering Officer.

Date.....

FORM No. 12

Endorsement on Documents the registration of which is ordered by the Registrar or Civil Courts

[See Rule 46(1)].

Admitted to registration under sections 72, 75 or 77, Act XVI of 1908, by order
 of the Registrar or the Munsiff, or the Sub-Judge of
 of 19 _____, dated _____, in case No. _____

Signature and designation of
 Registering Officer.

Date.....

APPENDIX III.

Form of oath or affirmation.**Form of oath and affirmation prescribed for witnesses by the High Court at Calcutta under section 7 of the Act X of 1873.**

(See Rule 60)

OATH.

I swear that the evidence which I shall give in this case shall be true,
 that I will conceal nothing, and that no part of my evidence shall be false.

So help me, God.

AFFIRMATION

I solemnly declare that the evidence which I shall give in this case shall be
 true that I will conceal nothing, and that no part of my evidence shall be false.

(Christian witnesses to whom oaths are administered are to be sworn upon
 the New Testament.

In other cases oaths are to be administered upon such symbol, or accom-
 panied by such act, as may be usual or as such witnesses may acknowledge to
 be binding on his conscience.)

APPENDIX IV**Holidays.***(See Rule 119)*

The holidays given in public offices are divided into four classes—

- (i) those prescribed by section 25 of the Negotiable Instruments Act, 1881 (XXVI of 1881);
- (ii) those declared to be public holidays before the commencement of Part III of the Government of India Act, 1935, by the State Government by notification under section 25 of the Negotiable Instruments Act, 1881, and after such commencement by the State Government by virtue of the entrustment of the functions of the Central Government under the said section to the State Government under sub-section (1) of section 124 of the Government of India Act, 1935;
- (iii) holidays announced by the State Government to take effect in Government offices either in respect of all classes of servants of the State Government or in respect of the class who observe the fast or festival on account of which the holiday is announced;
- (iv) local holidays not announced by the State Government, but given at the discretion of the district authorities on the occasion of a local fair or festival or for some other reasons.

PART III**Table of Fees****Notification**

No. 363 Regn.—12th March, 1964.

TABLE OF FEES.

In these articles, "section" means a section of the Indian Registration Act, 1908.]

I.—Ordinary Fees

(1) The fees payable for the registration of the documents described below shall be calculated on the following *ad valorem* scale according to the value of the right, title and interest affected, when such value is expressed in the document:—

	Rs.	p.
the value does not exceed Rs. 100	1	50
the value exceeds Rs. 100 but does not exceed Rs. 250	2	00
the value exceeds Rs. 250 but does not exceed Rs. 500	6	00
the value exceeds Rs. 500 but does not exceed Rs. 1,000	7	50
every additional Rs. 1,000 or part thereof	6	00

Description of documents.

Conveyances and bills of sale, deeds of gift or dower, settlements, deeds of partition, leases, deeds of mortgage or instruments of further charge, of all kinds except indemnity and security bonds, assignments of interest secured by a bond or mortgage deed, policies of insurance, of exchange and promissory notes and generally all other documents* of the nature of those hereinbefore mentioned.

(2) When the value of the right, title and interest affected is not expressed in such documents, a fee of Rs. 30 shall be payable.

Explanation.—(1) In cases of conveyances and bills of sale where any consideration is expressed, such consideration; in the case of a deed of partition, the value of the property thereby disposed of; in cases of deeds of gift and settlement, the amount of dower and the value of the property settled; in the case of a document securing periodical payments, other than annuities, the amount payable for one such period in addition to any amount payable for such periodical payments, paid or payable as consideration for such document; and in the case of bonds, mortgages and instruments of further charge, the amount thereby secured, shall be taken to be the value of the right, title and interest affected within the meaning of this article. In the case of annuity, fee should be charged on the amount payable for one period as stipulated in the deed.

*The following classes of documents are included:—
An acknowledgment or an ordinary Receipt for money received, Certificates, of sale, Releases whereby a person renounces a claim against any specified property, not being the subject of any previous registered encumbrance, Award directing a partition, Declaration of Trust of the nature of settlement, Deeds for exchange of property, Transfer of lease for a consideration, Assignment of a partner of his share and interest to his co-partners on the dissolution of partnership for the purpose of registration. Inspector-General of Registration's Circular No. 9, dated the 25th

(2) In the case of leases as classified below, the amounts specified against each class shall be taken to be the value of the right, title or interest affected within the meaning of this article:—

Class of leases.	Amount representing the value of right, title and interest affected.
(a) A lease by which the rent is fixed, but in respect of which no premium or fine is paid or delivered and no money is advanced, and which is granted—	
(i) for a period of less than one year, or	The total sum payable under the lease.
(ii) for a specified period of one year or more, but not exceeding 10 years, or	An amount equal to the average rental.
(iii) for an indefinite period, or	} An amount equal to two years' rent
(iv) for a period exceeding ten years, or	
(v) in perpetuity.	
(b) A lease which is granted for a fine or premium or for money advanced, and by which no rent is reserved.	The amount of the fine, premium or money advanced.
(c) A lease which is granted for a fine or premium or for money advanced in addition to rent reserved.	The total of (1) the amount of the fine or premium or advance, and (2) the amount which would be calculated in the case of the lease under clause (a) if no premium or advance had been paid or delivered.

(3) In the case of partition deeds the value of the share or shares which stamp duty is payable under article 45 in Schedule I to the Indian Stamp Act, 1899, shall be taken to be the value of the right, title or interest affected within the meaning of this article:

Provided that—

- if a patta or lease** given to any raiyat, and the kabuliyat counterpart of such lease executed by such raiyat, be presented for registration at the same time, the fee payable for the registration of the patta shall be half of what would have been payable if the patta alone had been presented, and the fee payable for the registration of the kabuliyat shall be equal to the fee payable for the registration of the patta;
- an instrument so framed as to come within two or more descriptions of the document enumerated above shall, when the fees chargeable thereunder are different, be charged with the highest of such fees;

*The following instructions should be followed in calculating the two years' rent:—

- In the case of leases for a period exceeding ten years, the total amount payable for the period mentioned in the leases should be calculated and divided by the number which represents half the said period. Thus, if the lease be for twenty years, the two years' rent would be the total rent for twenty years divided by ten.
- In the case of leases for an indefinite period, the amount payable for the first ten years should be calculated and one-fifth of the said amount should give the two years' rent.
- In the case of leases in perpetuity, the rent payable for the first fifty years should be calculated and then divided by 25. This would give the two years' rent. (Vide Inspector-General of Registration's Circular No. 2, dated the 9th January 1915.)

**A lease should be *prima facie* a raiyati lease, that is, a lease granted to a raiyat for purpose of cultivation, to entitle it to the benefit of the article.

(e) the fee on any instrument comprising or relating to several distinct matters shall be the aggregate of fees with which separate instruments, each comprising or relating to one of such matters, would be chargeable;

(d) when a document which has been executed by only some of the parties to it is presented for registration, the other parties or any of them may attend and execute the document and admit execution thereof without the payment of any further fee, so long as a certificate of registration has not been endorsed thereon and duly signed, sealed and dated under section 60; but if the registration of the document has been completed, it must be presented afresh for registration, and a second fee shall be payable; and

(e) the fee leviable for the registration of a document purporting to give collateral or auxiliary or additional or substituted security, or security by way of further assurance, where the principal or primary mortgage is proved to the satisfaction of the registering officer to have been duly registered, shall be the same as for the principal or primary mortgage, if the same does not exceed Rs. 4, but shall in no case be more than Rs. 4.

B. The fee for the registration of a separate instrument acknowledging receipt or payment of any sum of money, whether consideration on account of any deed of sale or mortgage, or rent on account of any lease, or other value expressed in any document, shall be calculated, according to the amount received, on the *ad valorem* scale fixed under article A:

Provided that if any instrument referring to the same transaction has already been registered* such fee shall not exceed Rs. 6.

Rs.

C. In the case of wills fees shall be payable namely:—

- For the deposit or withdrawal of sealed cover containing a will. ... 6
- For opening such cover (in addition to the fee for copying the contents which shall be charged according to the scale laid down in article G for the granting of certified copies) ... 6
- For the registration or revocation or cancellation of a Will† or authority to adopt when presented open ... 12

D. The fee for the registration of an agreement for personal service shall be Rs. 2 only.

E. The fee for the registration of any document not mentioned or described in any of the foregoing articles shall be Rs. 4.*

Note.—Provisos (c) and (d) to Article A apply also to articles B, D and E

*An instrument acknowledging the receipt of payment of any sum of money by way of consideration, rent or otherwise should be charged with registration fees on the *ad valorem* scale fixed under Article A. Where such an acknowledgment or receipt is a *separate* or subsidiary instrument referring to the same transaction, then if the principal document has not been registered, the provision of paragraph 1 of Article B should apply, i.e., fee on the *ad valorem* scale under Article A should be charged for the separate or subsidiary receipt. But if the principal document has been registered then the fee should be calculated according to the proviso to Article B, i.e., on the *ad valorem* scale in Article A, subject to a maximum of Rs. 4 (vide Inspector-General of Registration's Circular No. 7, dated the 7th July, 1914.)

A single fee under article C (iii) is leviable on a deed which not only cancels a previous will but also makes a fresh posthumous disposition of property.

F. Fees payable for searching the Indexes and inspecting the Registers, etc., shall be as follows:—

(1) Search.—For each entry of the name of person or property in respect of each document of a specified office, for which application made—

	Rs.	p.
(i) for one year	1	00
(ii) for more than one year—		
for the first year	1	00
and		
for every additional year	0	50

(2) Inspection.—Of copy of each specified document in Register 1, 3 or 4 or of each entry in any other Register or Book or of specified document or of a paper in a file †—Re. 1.00. *Rs. 2.00*

Provided that—

(a) no fee for the search of Indexes of any one office in respect of one name of person or property shall exceed Rs. 25,

(b) if any person applying for a particular entry of a particular takes more notes than he is entitled to in terms of his application, he shall pay Rs. 25 less the fee already paid thereon,

(c) no fee for search of Index shall be payable if the application for a copy of a document is accompanied by the original registered document or by a certified copy of it, or where the application for copy is made at the time of registration of a document,

(d) only one fee under article F(2) shall be charged on an application for the inspection of all or any of the papers in one record of case under section 72, 73 or section 74.

(e) in case of search and inspection made by an officer of a cooperative Society registered under the Bengal Co-operative Societies Act, 1940 and relating to the business of the Society, the fee for search of indexes of a particular office in respect of any one name of person or property and inspection of copies of documents in Register Books relating to that name shall be Re. 1 irrespective of the number of entries searched and copies of documents inspected,

(f) in case of search and inspection made in connection with the cost housing scheme, the fee for search of indexes of a particular office in respect of any one name of person or property and inspection of copies of documents in Register Books relating to that name shall be Rs. 10 irrespective of the number of entries searched and copies of documents inspected,

(g) in case of search or inspection of indexes and Register Books maintained in the offices of the Registrar of Assurance, Calcutta, and Registrar of the district of 24-Parganas, made by the Board of Trustees for the Improvement of Calcutta, a fee of Rs. 1,700 (Rupees one thousand and seven hundred) per annum shall be payable in advance by the said Trust, in respect of the number of entries searched and copies of documents inspected for a period of three years ending on 31st January 1966,

*The following classes of documents should be charged "E" fees.

"Release whereby the property, which had previously been the subject of a registered mortgage, is restored, Surrender of a Lease, Revocation of Trust and Settlement, Deeds of Partnership and Reconveyance. (Vide Inspector-General's Circular No. 9, dated the 25th February 1915.) Dissolution of Partnership and deed of Cancellation (other than cancellation of will)."

(h) in case of search and inspection made in respect of landed property offered as security in connection with loan under the Bengal State Aid to Industries Act, 1931 (Bengal Act III of 1931), the fee for search of indexes of a particular office in respect of any one name of person or property and inspection of copies of documents in Register Books relating to that name shall be Rs. 10 irrespective of the number of entries searched and copies of documents inspected.

(i) in case of search and inspection made in connection with the Village Housing Projects Scheme, the fee for search of indexes of a particular office in respect of any one name of person or property and inspection of copies of documents in Register Books relating to that name shall be Rs. 10, irrespective of the number of entries searched and copies of documents inspected.

(3)(i) Every application for the inspection of a registered document shall be preceded by the payment of the prescribed fee for search of Indexes.

(ii) Every application for a certified copy of a registered document shall, subject to proviso (c) above, be preceded by the payment of the prescribed fee for search of the Index and inspection of the Register Book.

(iii) Every application for copy of any other document, entry, or paper shall be preceded by the prescribed fee for inspection of the document, entry or paper.

G. (a) The fee for making or granting copies* of reasons, entries or documents shall be as follows:—

Rs. p.

(i) for every 100 words or part thereof in the English or Vernacular character

0-250 35

(b) If an applicant requires a copy to be taken up in preference to other copy work in the office, an extra fee of Rs. 4 or if the copy exceeds four pages of 300 words each, an extra fee of fifty paise for each page shall be paid.

Note.—(1) When an applicant presents a printed or typed copy of a document already registered and applies to have it certified as a true copy of the same, the fee for comparing the same shall be half the amount leviable under this article.

(2) Fee under Article G should be charged on the total number of words to be copied in respect of all papers in one record of a case under section 72, section 73 or section 74 if included in one application.

(3) The fee for searching the Indexes and for granting copies of entries in Registers A, B, C and D kept under section 6 of the Bengal Muhammadan Marriages and Divorces Registration Act, 1876 (Bengal Act I of 1876) and deposited in Registrars' offices under section 23 of that Act shall be regulated by section 16 of the said Act.

(4) All applications for copies except those exempted from payment of fees shall be chargeable with a court-fee of annas two only under the Court-fees Act, 1870 (VII of 1870).

*For copies of, or extracts from declarations made to the Registrar and the Sub-Registrar of Calcutta under the Cutchi Memons. Act, 1920 (XLVI of 1920), a fixed fee of Re. 1 is payable.

Search certificates under provisos (f) and (h) to Article F are issued by Registering Officers under special orders of Government.

H. For the registration by any Registrar (other than the Registrar of Calcutta) of any document under sub-section (1) of section 30, an extra fee equal to the ordinary fee or any extra fee of Rs. 15, whichever is less, shall be charged.

I. For the registration under sub-section (2) of section 30, by the Registrar of Calcutta, of any document relating to property, when a portion of such property is situated within his district, a fee of Rs. 30 shall be charged.

J. (1) The fee for the attendance, under section 31, of an officer at a private residence for acceptance for registration of any document or for acceptance of any document and recording admission of execution or for acceptance for deposit of any will shall be Rs. 30.

(2) In addition to such fee, travelling allowance* shall be paid to the registering officer at the rate of thirty seven paise a mile and to the peon accompanying him at the rate of nine paise a mile for the actual distance to be travelled, if the place to be visited is more than one mile from the registration office:

Provided that, in towns where carriages or other conveyances are available on hire, the registering officer shall be paid hire for such conveyances at the rate prevalent in the locality in lieu of travelling allowance, whether the distance travelled be greater or less than one mile. The travelling allowance to be paid to the Registrar and the Sub-Registrar of Calcutta, the District and Sub-Registrars of the 24 Parganas at Alipore, the Sub-Registrars of Sealdah, Behala and Cossipur Dum Dum as also to the District and Sub-Registrars of Howrah for journeys within the limits of Calcutta as defined in clause (iii) of section 3 of the Calcutta Municipal Act, 1923 and of the Municipality of Howrah shall be for the actual travelled at the rate of taxi fare for the time being in force.

K. (1) Before the issue of a commission or before the registering officer or Magistrate personally proceeds to any private residence or jail to obtain evidence as to the voluntary nature of the execution of a power-of-attorney under sub-section (3) of section 33, and before the issue of a commission or before the registering officer personally proceeds to any private residence or jail for the examination of any person under sub-section (2) of section 38, the following fees shall be paid on account of persons exempted from appearance:—

- (a) for every person exempted on account of bodily infirmity, for every person confined in jail, and for every *purdanashin* lady exempted by law from personal appearance in Court, Rs. 5; and
- (b) for every person, other than a *purdanashin* lady, who is exempted by law from personal appearance in Court, Rs. 30.

(2) In addition to such fees, travelling allowance or conveyance charge shall be paid to the person to whom the commission is issued or to the registering officer or the Magistrate and to the peon at the same rates as for a journey under article J(2) and its proviso.

*"Travelling allowance" mentioned in articles J(2) and K(2) should be levied from Co-operative Societies, their officers or members in respect of documents registered (*vide* Statutory Order No. 8).

(i) When two or more copies of a document executed by the same person are presented for registration at the same time, an ordinary fee shall be payable for each copy but any extra or additional fee which is chargeable under Article II, I, J or Article K shall be charged as for one document only, no matter how many copies of that document may be presented for registration.

(ii) No extra fee shall be payable under Articles H when a document is registered by a Registrar, acting as Sub-Registrar, or by a Registrar in consequence of the Sub-Registrar, by whom it should be registered under section 28, being a party interested in the transaction to which such document relates.

(iii) Where two or more persons who execute the same document or documents relating to the same transaction present it or copies thereof for registration at one and the same time and at a private residence under section 31, or where the registering officer or Magistrate examines or issues a commission for the examination of two or more such persons at one and the same time under section 33 or section 38, as the case may be, only one fee shall be payable under Article J for the attendance of the registering officer or one fee under Article K for the attendance of the registering officer or the Magistrate or for the issue of the commission, as the case may be, shall be charged so far as those persons are concerned.

(iv) When powers-of-attorney are presented at the principal's residence both for authentication and registration under sections 33 and 31 respectively and when authentication and registration are done in one visit or in one document, the registering officer, instead of charging two distinct fees under Articles J and K shall charge one fee whichever is higher, for both authentication and registration.

L. The fees chargeable for authenticating or attesting execution of a power-of-attorney shall be as follows:—

	Rs.
(i) For a special power	4
(ii) For a general power	8

Note 1.—A single fee shall be levied for the attestation of a power of attorney whatever may be the number of signatories to it, provided that all of them appear simultaneously for examination. Where they do not so appear, a separate fee shall be levied for each set of persons appearing at the same time.

Note 2.—The duplicate or the triplicate of a power-of attorney presented for authentication shall be treated as a separate power and a separate attestation fee shall be levied therein.

Note 3.—A single fee under Article L is chargeable on different powers of attorney drawn up in a single document in which aggregate stamp duty for distinct matters of power has been paid. But in case of registration, separate fees under Article E for as many powers as comprised therein, are payable.

M. *For every copy or memorandum of a document to be forwarded to another office under sections 64, 65, 66 or section 67, there shall be paid an extra fee equivalent to that payable under Articles A, B or Article E:

Provided that the fee for a copy shall not exceed Rs. 20 and the fee for a memorandum shall not exceed Rs. 2.

*The fee for a copy should be designated M(a) and that for a memorandum M(b)

N. Besides the fees payable under Articles A, B, C, D and E shall be paid for the registration of every document of such length to occupy more than two pages of the register, an extra copying fee at a rate of fifty paise for every page or part thereof in excess of the first pages.

Note.—On the presentation of a document an approximate calculation of the number of words contained in it shall be made and the fee, if any, chargeable under this article, shall be realised along with other fees. In case the fee realised on the day of presentation falls short of the amount chargeable, the deficit amount shall be noted on the back of the document and be realised before the document is returned.

O. When a document or a power-of-attorney remains unclaimed more than one month after completion of registration or authentication in case of a power-of-attorney, a fee of fifty paise shall be charged every month or part of a month beyond the first month after such completion or authentication. The total amount of such fees shall not exceed Rs. 15 in any case.

P. When a document remains unclaimed for more than one month after refusal of registration, a fee of fifty paise shall be charged every month or part of a month beyond the first month after such refusal. The total amount of such fees shall not exceed Rs. 15 in any case.

The date of completion or authentication or refusal, as the case may be, should be excluded in calculating the period of a calendar month or months for assessment of fees under Article 'O' or Article 'P' e.g.—

Date:

Month.

29th or 30th or 31st January
Last day of February
30th June

Last day of February.
31st March.
31st July.

Notes referring to articles O and P

A Registrar is empowered to remit, in whole or in part, the fee chargeable under articles O and P in any case in which it appears to him that the realisation of such fees would be clearly productive of injustice or hardship.

Exemptions

The following classes of documents and operations are exempt from the payment of fees under any of the articles enumerated above so far as they may be applicable in each case:—

- (1) documents executed by or on behalf of, or in favour of, Government on which, as such, no stamp duty is leviable under the law for the time being in force [*Vide* section 3, proviso (1) of the Indian Stamp Act, 1899];
- (2) security bonds and penalty bonds executed in favour of Government by public servants of all classes, and their sureties;
- (3) bonds executed by non-gazetted or menial officers of Government for the due performance of their duties and bonds or mortgage deeds executed by private parties as security for the performance of their duties by such officers;
- (4) mortgage bonds executed by Government officers in favour of Government as security for building advances;

(5) reconveyance executed by Government in favour of Government officers on repayment of the loan taken for house-building purposes;

(6) instruments executed by persons taking advances under the Agriculturists' Loans Act, 1884, or by their sureties as security for the repayment of such advances;

(7) copies of entries, documents or maps required by Government officers for *bona fide* public purposes;

(8) mortgage deeds executed by Government officers for securing the repayment of advances received by them from Government for the purchase of a motor car, a motor boat, a motor cycle, a horse, a cycle or a typewriter;

(9) search of indexes and inspection of register books in registration offices in respect of a property to be mortgaged to Government in connection with the grant of house-building advances to a Government servant;

(10) documents, indentures or memoranda of agreements executed between the owners of tank and the State Government under the short term pisciculture scheme of the Department of Agriculture, Forests and Fisheries of the said Government: (*vide* Notification No. 225-Regn., dated the 3rd September 1948)

(11) deeds of conveyance executed in favour of Consulates of Foreign countries which grant similar exemptions to the Indian Union (*vide* Notification No. 195-Regn., dated the 15th May, 1950. This Notification shall be deemed to have effect and to have always had effect as if it had been published on the 15th August, 1947);

(12) agreements for the settlement of immovable property belonging to a railway administration as defined in the Railways Act, 1890 (IX of 1890) and not in actual use by such railway administration. (*vide* Notification No. 454-Regn.; dated the 3rd November 1950).

Explanation.—Nothing in this notification shall affect the fees prescribed in Articles J(2) and K(2) of the Table of Fees.

(13) documents executed by a displaced person in connection with loans advanced to him either by the Central Government or by the State Government;

(*vide* Notification No. 6766J., dated the 4th November 1950)

Explanation.—(1) Nothing in this notification shall affect the fees prescribed in Articles J(2) and K(2).

(2) In this notification "displaced person" means any person who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of such disturbances in any area now forming part of Pakistan has left, or has been displaced from, his place of residence in East Bengal—

(a) where such place of residence is situated in any district other than the district of Tippera or the district of Noakhali, at any time on or after the 1st day of June 1947, or

(b) where such place of residence is situated either in the district of Tippera or in the district of Noakhali, at any time on or after the 1st day of October 1946, and who has subsequently

- (14) documents for the registration of which any fee is payable by a Co-operative Society under any law for the time being in force;

(vide Notification No. 1393Co-op., dated the 17th August, 1951)

Note.—The term fee as used in this notification should not be held to include travelling allowances under Articles J(2) and K(2) and fees under Articles 'O' and 'P'. Such fees should therefore be realised. This notification shall be deemed to have effect and to have always had effect as if it had been issued on the 15th August 1947; but no refund shall be given in respect of any fee already paid.

- (15) documents executed by any person in favour of the State Government—

- (i) for the payment of the price of the quantity of mother cotton seeds delivered to them by the State Government under the scheme for the development of cotton cultivation in West Bengal;
- (ii) for the payment of the price of the quantity of manures and fertilisers supplied to them by the State Government under the aforesaid scheme;
- (iii) for the payment of the hire charges of a tractor or tractors supplied to them by the State Government under the aforesaid scheme;

(vide Notification No. 466J., dated the 28th January, 1952)

- (16) bond when executed by the authorities of an educational institution for advance of a loan, whether on the mortgage of any property or otherwise, received from the State Government for purposes of extending educational facilities to displaced persons in West Bengal;

(vide Notification No. 98-Regn., dated the 14th March 1952)

Explanation.—In this notification "displaced person" means a person who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of such disturbances in any area now forming part of Eastern Pakistan has left or has been displaced from his place of residence in such area and who has subsequently been residing in India.

- (17) search of indexes and inspection of registers in registration offices, in connection with the grant of house-building loans by Government to the flood-stricken people of the State of West Bengal;

(Notification No. 467-Regn., dated the 21st May, 1957)

- (18) bonds executed by persons belonging to any of the classes specified in the schedule below in favour of the Governor in respect of the relief and rehabilitation loans granted to them by the State Government.

The Schedule

1. Weavers, 2. Silk Reelers and Rearers, 3. Potters, 4. Fishermen, 5. Braziers, 6. Blacksmiths, 7. Carpenters, 8. Cobblers, 9. Paper-makers, 10. Makers of cane and bamboo baskets, 11. Button-makers, 12. Workers in conch-shell, 13. Biri Makers, 14. Ghani Holders, 15. Tinsmiths, 16. Tailors, 17. Comb-makers, 18. Goldsmiths, 19. Malakers, 20. Umbrella

N.B.—(1) Certificates about encumbrances are to be issued by registering officers after conducting necessary searches and inspections, in connection with loans under the—

- (i) Low Cost Housing Scheme,
- (ii) States Aid to Industries Act, 1931, and
- (iii) Middle Income Group Housing Scheme.

(2) Usual fees for search and inspection for cases under Middle Income Group Housing Scheme are chargeable.

makers, 21. Shola pith workers (vide notification No. 4078J., dated the 22nd May, 1963).

N.R.—Categories 13 to 21 fall under the Artisans Rehabilitation Scheme; (19) awards, orders and certificates made or granted under the Bengal Agricultural Debtors Act, 1935 (Bengal Act VII of 1936), by a Debt Settlement Board established under section 3 of that Act.

Refundable Fees.

Registering officers are authorised to refund fees in the following cases, namely:—

- (1) all fees levied under any of the articles enumerated above on a document the registration of which is refused;
- (2) amounts levied in excess of the proper amounts which may be levied under the Indian Registration Act, 1908, on a document which is registered.
- (3) fees for visit or commission if the application for the visit or commission be withdrawn before the visit is paid or the commission is executed;
- (4) searching or inspection fee or both for searches or inspection not made, if the application for refund of such fees is made within thirty days from the date of application for the search or inspection, and
- (5) the fee for a copy, if the application for the copy is withdrawn before the work of preparing the copy is taken up.

(The revised table of fees shall come into force with effect from the 1st April 1964.)

(vide Notification No. 507 J., dated the 22nd January 1960)

Statutory Orders and Notifications issued by Government

STATUTORY ORDERS AND GOVERNMENT NOTIFICATIONS

Statutory Orders of Government

1. (a) As per Notification No. 726Regn., dated the 10th November, 1954, the Additional District Magistrates, and where there are no Additional District Magistrates, the District Magistrates have been appointed, under section 6 of the Registration Act, to be *ex-officio* Registrars of their respective districts.

Ex-officio Registrars.

The District Officers of Darjeeling, Jalpaiguri, Cooch Behar and Purulia—who are designated as Deputy Commissioners—are also *ex-officio* Registrars of their respective districts.

In Calcutta the Registrar is a salaried officer of the department (*vide* Notification No. 6638, dated the 24th December, 1864).

See Statutory Order No. 12.

Notification No. 726Regn., dated the 10th November, 1954, regarding appointment of *ex-officio* Registrars shall not apply to the districts of 24-Parganas, Howrah, Murshidabad and Midnapore where the Registrars are salaried officers of the department.

(b) The seniormost Sub-Deputy Magistrate and Sub-Deputy Collector posted at Darjeeling has been appointed, under section 6 of the Registration Act, to be the *ex-officio* District Sub-Registrar of Darjeeling (*vide* Notification No. 4Regn., dated the 10th January, 1956).

Ex-officio District Sub-Registrar.

2. The Subdivisional Officers of Kalimpong and Kurseong, in the district of Darjeeling, have been appointed as *ex-officio* Sub-Registrars of Kalimpong and Kurseong, respectively (*vide* Notifications No. 819T.R., dated the 28th March 1918 and No. 7517Regn., dated the 9th September, 1919).

Ex-officio Sub-Registrars.

3. In supersession of paragraph 3 of Bengal Government Notification, dated the 21st June, 1871, the Government of Bengal (Ministry of Education), in exercise of the power conferred by sub-section (2) of section 7 of the Indian Registration Act, 1908, have, under Notification No. 1201Mis., dated the 26th June, 1923, amalgamated with the office of the Registrars the office of all Sub-Registrars in charge of Sadar offices subordinate to such Registrars, and to authorise all such Sub-Registrars to exercise and perform, in addition to their own powers and duties, all the powers and

Duties delegated to District Sub-Registrars.

Duties delegated to Sub-Registrar, Calcutta.

4. The office of the Sub-Registrar of Calcutta has, under section 7 of the Registration Act, been amalgamated by the State Government with that of the Registrar of Calcutta, and the Sub-Registrar has been authorized to perform all the duties of the Registrar except those conferred upon the latter by sections 68 and 72 of the Registration Act. (*Vide* Bengal Government order No. 1128P., dated the 22nd March, 1892).

General report of temporary appointments under sections 10(2), 11 and 12.

5. A general report of all temporary appointments made under sections 10, 11 and 12 of the Act, as required by section 13 (1) and (2) for the State of West Bengal, shall be submitted every quarter by the Inspector-General of Registration for the information of Government. (*Vide* Bengal Government, General Department, order No. 3470, dated the 16th July, 1913).

Survey numbers to be quoted in describing lands and houses in areas in which a cadastral survey has been made and a record-of-rights finally published. [Government Rule under section 22(1).]

6. In all areas in which, at the time of the acceptance of a document for registration, a cadastral survey has been made and a record-of-rights has been finally published, under the Bengal Tenancy Act, 1885 (VIII of 1885), or under any other law, houses (not being houses in towns) and lands shall be described, for the purposes of section 21 of the Indian Registration Act, 1908, by reference to the detailed maps prepared in the course of that survey (or, where more than one cadastral survey has been made of the same area, then by reference to the detailed maps prepared in the course of the most recent survey), and to the survey number of the plots in which the houses or lands are situated; and such description shall also state the areas of such plots in the notation used in the records-of-rights:

Provided that, where the lands to be described consists of entire villages or taluks or parganas or other local subdivisions, or of specific portions of such areas, or of estates or tenures, or specific interests in estates or tenures, and cannot conveniently be described by survey numbers or by areas in the notation used in the record-of-rights, such description may be dispensed with. (*Vide* Notification No. 1126Regn., dated the 3rd February, 1917.)

Supply of lists of areas of which record-of-rights finally published. Government Rule under section 22(2) to be observed in respect of such areas.

Note.—(a) Under rule 387 of the Survey and Settlement Manual, the Director of Land Records supplies all registering officers, through the Inspector-General of Registration, lists of areas of which a record-of-rights has been finally published.

(b) Every registering officer on receipt of the lists of areas in his jurisdiction, in which a record-of-rights has been finally published under the Bengal Tenancy Act, 1885, shall be able to ascertain if lands and houses in such areas are described strictly in accordance with the provisions of the Statutory Rule under sub-section (1) of section 22 of the Indian Registration Act, 1908. Failure on the part of registrants to comply strictly with the requisition of the Government

Every Registering Officer shall call upon the registering officer or Court, as the case may be, to issue summons for the purpose of section 36 of the Indian Registration Act, 1908:—

(a) the Collector of the district, when the Registering Officer is posted—

(i) at the headquarters of the district;

(ii) at any other place within the Sadar subdivision of the district;

(b) the Subdivisional Officer, when the Registering Officer is posted—

(i) at the headquarters of a subdivision other than the Sadar subdivision;

(ii) at any other place within the subdivision:

Provided that in cases (1)(b) and (2)(b), when a Court and a Sub-Registry office are located in the same place, the Munsiff's Court shall be called upon to issue the summons. (*Vide* Notification No. 106Regn., dated the 19th October, 1914.)

Provided further that when a summons has to be issued to a person in Pakistan, the Civil Court or the Court within the local limits of whose jurisdiction the registering officer is posted shall be called upon to issue such summons (*vide* Government of West Bengal, Dep'tt. Notification No. 1084-Regn., dated 4th April, 1964).

Any fee payable by a Co-operative Society under the rules for the time being in force, for the registration of documents, has been remitted by the State Government. (*Vide* Notification No. 1393Co-op., dated the 17th April, 1951).

Remission of fees in respect of Co-operative Societies.

The term "fee" as used in the said notification should not be taken to include—

(a) travelling allowances under articles J(2) and K(2) of the Table of Fees;

(b) fees under articles "O" and "P" of the Table of Fees; and

(c) the sums required to be levied according to Rule 105, Part II of the Registration Manual, for process fees and the payment of expenses of persons summoned under section 36.

The said sums should, therefore, be levied from Co-operative Societies.

In exercise of the power conferred by clause (c) of section (2) of section 3 of the Destruction of Records Act, 1917 (V of 1917), the Governor has authorised the Inspector-General of Registration, to make rules under the said section, subject to the previous approval of the Governor, for the disposal, by destruction or otherwise, of such documents in the custody of District Registrars and Sub-Registrars appointed under the Indian Registration Act, 1908 (XVI of 1908), as are, in the opinion, not of sufficient public value to justify

Authority of the Inspector-General to make rules for the destruction of records.

Condition
precedent to
destruction of
records.

What records
may be
destroyed.

10. (1) No books or registers prescribed by the Indian Registration Act, 1908, or by rules made under that Act, or prescribed by the Inspector-General of Registration by executive order or any other books or records used in the Registration offices, shall be destroyed without the previous sanction of the Inspector-General of Registration, West Bengal.

(2) Subject to such sanction, the following records in the offices of Registrars and Sub-Registrars may be destroyed after the expiration of the period of their retention as specified below, the said period being computed from the 1st January next following the date of the last entry in a book or Register or the date of the last order in a file or record:—

Records to be preserved for 50 years.

1. Register of Powers-of-Attorney.
2. Register of thumb impressions.

Records to be preserved for 35 years

1. Acquittance roll.
2. Appeal cases against suspension, degradation and dismissal of officers.
3. Appointment cases.
4. Change of incumbency.
5. Establishment, permanent—Detailed statement of—.
6. File book of deposition.
7. Proceedings against Sub-Registrars and other officers.
8. Register of security bonds.
9. Salary bills of Sub-Registrars and pay bills of permanent establishment.
10. Succession list of officers.
11. Suspension of officers.
12. Counterfoils of licences for deed-writers.

Records to be preserved for 12 years.

1. Advances for building purposes.
2. Advances to subscribers from General Provident Fund.
3. Annual reports of districts.
4. Bill books.
5. Book binding cases.
6. Book No. 2 prescribed by the Indian Registration Act.
7. Buildings. Repair to—.
8. Cash book.
9. Complaint cases against Sub-Registrars and other officers on which some adverse orders are made against the officers concerned.
10. Dismissal cases.
11. Embezzlement cases.
12. Fee book. Registration.

13. Fee book—Tenancy Acts.
14. File of revocation of powers.
15. Furniture. Supply of—.
16. Inspection reports.
17. Monthly report as to stamp duty under the Calcutta Improvement Act.
18. Note book.
19. Notifications about transfers of officers.
20. Prosecution cases.
21. Rack cases.
22. Record-keeper's Issue Register.
23. Records under sections 72, 73 and 74 of the Indian Registration Act as under—
 - (a) Written statements.
 - (b) Deposition of witnesses.
24. Register of letters received.
25. Register of letters despatched.
26. Register of appeals under section 72 of the Indian Registration Act.
27. Register of applications under section 73 of the Indian Registration Act.
28. Register of extra establishment.
29. Register D—under the Calcutta Improvement Act.
30. Register E—under the Calcutta Improvement Act.
31. Register of records called for by Courts.
32. Resignation of officers.
33. Security bonds of officers—Papers about—.
34. Theft cases.
35. Transfer of records.
36. Register of Licences for deed-writers.
37. Bill Register.

Records to be preserved for 6 years.

1. Duplicate Revenue Order Sheet. (Collector's acknowledgment of Tenancy Act cases.)
2. Pay bills of other classes of Government servants and acquittance rolls for pay and allowances, when maintained separately.

Note 1.—Establishment pay bills and acquittance rolls up to and for the year 1928 should continue to be preserved for a period of 35 years.

Note 2.—Before any pay bills are destroyed, the periods of temporary and officiating service, as recorded in the service books of the Government servants concerned, should be verified by the head of the office from the pay bills and the fact of such verification should be recorded under proper attestation in the service books.

3. Attachment of pay—Papers relating to—.

Records to be preserved for 5 years.

1. Detailed budget estimates.
2. Pension cases (after retirement).
3. Register of contingent expenditure.
4. Service books (after death or retirement ever is earlier).

Records to be preserved for 3 years.

1. Account matters of a routine nature.
2. Acknowledgment of receipt of papers, etc.
3. Account of service postage stamps.
4. Acts—Supply of—.
5. Advice list with money order coupons.
6. All correspondences whether in English or vernacular which are of an ordinary character.
7. Applications for clerkship or any other appointment.
8. Applications for commissions.
9. Applications for denotation of duty under section 16 of the Stamp Act.
10. Applications for extra temporary establishments.
11. Applications for District Sub-Registrarship.
12. Applications for search and copy.
13. Applications for Sub-Registrarship.
14. Bills for municipal taxes and union board.
15. Certified copies of documents applied for under section 57 of the Indian Registration Act, but not claimed by the parties.
16. Challan books.
17. Charge reports.
18. Chronological table.
19. Commission bills.
20. Commission cases.
21. Contingent expenditure cases.
22. Copy of orders in appeal cases under sections 72, 75 or 76(b) of the Indian Registration Act.
23. Copies. Supply of—.
24. Daily report as to stamp duty under Calcutta Improvement Act.
25. Death report of officer.
26. Defect Register prescribed for registered offices.
27. Deposition book of heirs.
28. Diaries of Sub-Registrars.
29. Distribution Register.
30. Establishment cases—extra.

32. Forms. Supply of—.
33. Honorary Magistrates. Appointment of Sub-Registrars as—.
34. House rent bills.
35. Indents for forms or stationery.
36. Iron safes. Correspondence relating to supply of—.
37. Leave accounts of non-gazetted Government servants after death or retirement.
38. Leave cases.
39. List of refunds to be written off.
40. Maps. Correspondence relating to supply of—.
41. Miscellaneous applications.
42. Miscellaneous cases—unimportant.
43. Newspapers. Correspondence relating to supply of—.
44. Order book (if no longer required).
45. Papers regarding sale-proceeds of old stores.
46. Peon book.
47. Permanent advance. Acknowledgment of—.
48. Price lists of forms and stationery articles.
49. Punch. Supply of—.
50. Receipts under section 52 of the Indian Registration Act.
51. Receipts of copies and memoranda despatched.
52. Receipts (Miscellaneous).
53. Receipts for fees paid for search, inspection and copies.
54. Receipts for fees under Bengal Tenancy Act.
55. Records under sections 72, 73 and 74 of the Indian Registration Act as under—
 - (a) Vakalat-namas.
 - (b) Applications for process.
 - (c) List of witnesses.
 - (d) Other unimportant papers.
56. Recovery of deficit fees.
57. Refund cases.
58. Register of applications for search and copy.
59. Register of attendance.
60. Register of casual leave.
61. Register of completion of documents.
62. Register of copies and memoranda despatched to other offices.
63. Register of copies, memoranda and sale-certificates received.
64. Register of documents pending admission to

65. Register of documents impounded.
66. Register of documents returned for want of time.
67. Register of dusting and cleaning records.
68. Register of extra establishment bills.
69. Register of fines under sections 25 and 34 of the Indian Registration Act.
70. Register of process under sections 36 and 76 of the Indian Registration Act.
71. Register of receipts and issues of printed forms, etc.
72. Register of refunds.
73. Register of stationery articles.
74. Register of visits and commissions.
75. Remarks on returns.
76. Remarks on annual reports.
77. Reminders.
78. Returns and statements—other than annual.
79. Rough draft statements.
80. Rough cash memorandum of daily receipt and expenditure.
81. Rubber stamps. Supply of—.
82. Statements showing the result of prosecution.
83. Sub-voucher books.
84. Summonses.
85. Table of fees. Supply of—.
86. Transfer applications except those on which Government order has been received.
87. Transfer cases of Sub-Registrars and ministerial officers.
88. Travelling allowance bills and acquittance rolls relating thereto.
89. Travelling allowance cases.
90. Miscellaneous papers relating to the licensing of deed-writers.
91. Certificates issued by the Income-tax Officer under section 3 of the Payment of Taxes (Transfer of Property) Act, 1949.
92. Calcutta Gazette.
93. Civil List.

Records to be preserved for 1 year.

1. Daily notices.
2. Short notes.
3. Notices filed under the Bengal Tenancy Act and the West Bengal Non-Agricultural Tenancy Act.

Other records which may be specified in this behalf from time to time by the Inspector-General with the approval of the State Government.

(Vide Registration Directorate Notification No. 47, dated the 26th August, 1954.)

11. Cutchi Memons Declaration Rules, 1924—

(1) These rules may be called the Cutchi Memons Declaration Rules, 1924. **Short title.**

(2) The following officers shall be deemed to be the authorities before whom declarations under the said Act shall be made, namely, the Registrar and Sub-Registrar of Calcutta. **Authority before whom declaration to be made.**

(3) The declaration shall be made in the form of Appendix A appended to these rules. **Form of declaration.**

Appendix A

FORM OF DECLARATION.

(See rule 3.)

I,, Cutchi Memon, occupation....., age....., residing at.....in the village ofin the district of....., hereby solemnly declare under section 2 of the Cutchi Memons Act, 1920 (XLVI of 1920), that I desire to obtain the benefit of the said Act and to be governed in matters of succession and inheritance by the Muhammadan law. I have, therefore, subscribed my signature to this declaration before the authority prescribed under the said Act.

Dated this.....day of.....19.....

Subscribed before me the.....day of.....19.....

Sd....., Registrar/Sub-Registrar of Calcutta, and appointed under the Cutchi Memons Act, 1920, to be an authority before whom declaration under that Act shall be made.

A. B....., Cutchi Memon, occupation....., age....., residing at.....has been examined and testifies to the identity of the above declarant, and is personally known to the undersigned (or A. B. in his turn is identified by C. D., who is personally known to the undersigned).

Date..... *Sd..... *Signature of identifier.

Sd..... Registrar/Sub-Registrar of Calcutta, and appointed under the Cutchi Memons Act, 1920, to be an authority before whom declaration under that Act shall be made.

[Vide Notification No. 1967—Mis., dated the 9th September 1924.]

Instructions to the Registrar and Sub-Registrar of Calcutta, who have been appointed authorities before whom declarations should be made under the Cutchi Memons Act 1920 (XLVI of 1920), approved in Government of Bengal (Education Department) letter No. 447-Mis., dated 26th February, 1925.

Form of declaration.

The form of declaration prescribed by the Cutchi Memons Declaration Rules, 1924, shall be printed as a standard form and kept and supplied gratis to the declarant.

Procedure.

2. When the declaration is presented in the prescribed form, the competent authority (the Registrar or the Sub-Registrar of Calcutta) shall satisfy himself on the following points:—

- (1) That the declarant is resident in India.
- (2) That the declarant is not a minor, an idiot or a lunatic.
- (3) That the declarant is really the person he represents himself to be.

Identification.

3. For purposes of identification, the authorities before whom the declaration is made, shall, if the declarant is not personally known to him, examine at least one respectable person belonging to the Cutchi Memon community known to himself.

Certificate of filing

4. When the prescribed authority is satisfied as to the identity of the declarant, he shall fill in the identity endorsement printed below the declaration and obtain the identifier's signature. The endorsement shall then be signed and dated by the authority. A certificate shall then be given to the declarant in the form given below:—

CERTIFICATE OF FILING

This is to certify that on.....19.....
.....of.....
appeared and filed before me a declaration under section 2 of the Cutchi Memons Act XLVI of 1920, which is recorded in my office under Serial No.....and indexed.

Sd.....

Registrar/Sub-Registrar of Calcutta and appointed under the Cutchi Memons Act 1920, to be an authority before whom declaration under that Act shall be made.

Record of declaration.

5. The declarations shall be serially numbered in plain and bold figures at the top in strict sequence of receipt and shall then be filed in original. When the number of declarations reaches 300, they shall be bound into a book.

6. The declarations shall, at all reasonable times, be open to inspection free of charge by any person desirous of inspecting the same.

Inspection of declarations.

7. Indexes of all declarations shall be prepared alphabetically according to the declarant's personal name together with his father's name and surname, if any. The name of any declarant known by "urph" or alternative name, as well as by his usual name, shall be indexed both under the "urph" and the usual name.

Indexes of declarations.

8. Applications for copies of, or extracts from, declarations, shall be made in writing. No stamps will be required on such applications, but a fee of one rupee shall be paid for a copy or an extract.

Copies of, or extracts from, declarations.

12. In exercise of the power conferred by rule V of the rules made under sub-section (2) of section 96B of the Government of India Act and published in the Government of India, Home Department, notification No. F-472-II-23, dated the 21st June 1924, the Governor has been pleased to declare the post of the Registrar of Assurances, Calcutta, to be a special post.

Post of Registrar of Assurances, Calcutta, a special post.

[Notification No. 13410A., dated the 28th August, 1926.]

Improvement Trust Rules.

13A. The State Government Rules under section 86 of the Calcutta Improvement Act, 1911 (which came into force on and from the 2nd January, 1912), are reproduced below:—

Rules under Calcutta Improvement Act, 1911.

1. The increased duty imposed by section 82 of the Calcutta Improvement Act, 1911, on instruments of sale (including certificates of sale), gift and usufructuary mortgage, respectively, affecting immovable property situated in the Calcutta Municipality, shall be paid and recovered in the same way and under the same procedure as the ordinary duty imposed by the Indian Stamp Act, 1899, on such instruments.

2. Whenever the said increased duty amounts to a sum which is a multiple of two annas plus a fraction of two annas, the said fraction shall not be collected, since stamps for use under the Indian Stamp Act, 1899, are not issued for any sum less than two annas.

3. (1) Whenever any instrument referred to in rule 1 is presented to any Registering Officer in West Bengal for registration, he must see whether the particulars referred to in section 27 of the Indian Stamp Act, 1899, are set forth separately in the instrument in respect of—

- (a) property situated in the Calcutta Municipality, and
- (b) property situated outside the Calcutta Municipality, respectively, as is required by section 82(2) of the Calcutta Improvement Act, 1911.

forth in any such instrument, the said officer must impound it and forward it to the Collector, calling his attention to section 64 of the said Indian Stamp Act, as amended by section 82(3) of the said Calcutta Improvement Act.

4. (1) Every Registering Officer in West Bengal who registers any instrument referred to in Rule 1. shall keep an account of the duty paid in respect of each such instrument, showing separately the duty imposed by the Indian Stamp Act, 1899, and the increased duty imposed by the Calcutta Improvement Act, 1911.

(2) Every Registering Officer in West Bengal who receives and files in his Book No. 1, under section 89 of the Indian Registration Act, 1908, copies of certificates of sale granted by Civil Courts and Revenue Officers, shall keep similar account of the stamp duties noted on the copies as paid under the Indian Stamp Act, 1899, and the Calcutta Improvement Act, 1911, separately.

(3) The accounts referred to in sub-rule (1) and sub-rule (2) shall be consolidated quarterly under the orders of the Inspector-General of Registration, and such quarterly consolidated account shall be sent by him to the Accountant-General, West Bengal, within two months after the close of the quarter.

5. If in any case it be impossible to recover the full duty due on any instrument referred to in Rule 1, then no part of the duty realized on such instrument shall be treated, in the said accounts, as duty imposed by section 82 of the Calcutta Improvement Act, 1911, unless the sum realized exceeds the duty imposed by the Indian Stamp Act, 1899.

6. The Accountant-General of West Bengal shall, within three months after the close of each quarter, pay to the Board of Trustees constituted under the Calcutta Improvement Act, 1911, so much of the duty shown in the said consolidated account as represents the increase imposed by section 82 of that Act.

(Vide Government Notification No. 8109, dated 22nd December, 1911, and Notification No. 1767-M., dated 25th June 1914, as amended by Notification No. 1262M., dated 1st April, 1916.)

13B. The Rules made by the State Government under section 95 of the Howrah Improvement Act, 1956 (which came into force on and from the 26th January, 1957), are also reproduced below:—

Rules under Howrah Improvement Act, 1956

1. The increased duty imposed by section 92 of the Howrah Improvement Act, 1956, on instruments of sale (including certificates of sale), gift and usufructuary mortgage, affecting immovable property situated in the

Howrah Municipality, shall be paid and recovered in the same way and under the same procedure as the ordinary duty imposed by the Indian Stamp Act, 1899, on such instruments.

2. Whenever the said increased duty amounts to a sum which is a multiple of two annas plus a fraction of two annas, the said fraction shall not be collected.

3. (1) Whenever any instrument referred to in rule 1 is presented to any registering officer in West Bengal for registration, he shall see whether the particulars referred to in section 27 of the Indian Stamp Act, 1899, have been set forth in the instrument separately in respect of—

(a) the property situated in the Howrah Municipality, and

(b) any property situated outside the Howrah Municipality,

as is required by sub-section (1) of section 93 of the Howrah Improvement Act, 1956.

(2) If the said particulars be not so set forth in any such instrument separately, the said officer shall impound it and forward it to the Collector, calling his attention to section 64 of the Indian Stamp Act, 1899, as amended by sub-section (2) of section 93 of the Howrah Improvement Act, 1956.

4. (1) Every registering officer in West Bengal who registers any instrument referred to in rule 1, shall keep an account of the duty paid in respect of each such instrument, showing separately the duty imposed by the Indian Stamp Act, 1899, and the increased duty imposed by the Howrah Improvement Act, 1956.

(2) Every registering officer in West Bengal, who receives and files in his Book No. 1, under section 89 of the Indian Registration Act, 1908, copies of certificates of sale granted by Civil Courts and Revenue Officers, shall keep a similar account of the stamp duty noted on the copies as paid under the Indian Stamp Act, 1899, and the Howrah Improvement Act, 1956, separately.

(3) The accounts referred to in sub-rule (1) and sub-rule (2) shall be consolidated quarterly under the orders of the Inspector-General of Registration and each quarterly consolidated account shall be sent by him to the Accountant-General, West Bengal, within two months after the close of the quarter.

5. If in any case it be impossible to recover the full duty due on any instrument referred to in rule 1, then no part of the duty realised on such instrument shall be treated in the said accounts, as duty imposed by section 92 of the Howrah Improvement Act, 1956, unless the sum realised exceeds the duty imposed by the Indian Stamp Act, 1899.

6. The Accountant-General, West Bengal, shall within three months after the close of each quarter, pay to the Board of Trustees constituted under the Howrah Improvement Act, 1956, so much of the duty shown in the said consolidated account as represents the increase of duty imposed by section 92 of the said Act.

(Vide Notification No. 654/M3R-48/56, dated 22nd January, 1957, of the Local Self-Government Department of the State Government.)

Note.—According to section 2(f) of the Howrah Improvement Act, 1956, "Howrah" means the area covered by the Howrah Municipality as constituted under the Bengal Municipal Act, 1932.

Inspector-General's Instructions.

1. Rule 1 enjoins that the increased duty imposed by section 82 of the Calcutta Improvement Act, shall be paid and recovered in the same way and under the same procedure as the ordinary duty imposed by the Indian Stamp Act. When an instrument of sale (including certificates of sale), gift or usufructuary mortgage affecting immovable property situated in the Calcutta Municipality is presented for registration, the Registering Officer shall satisfy himself that the stamp duty paid is sufficient to cover the duty payable under the Indian Stamp Act, 1899, and the additional duty payable under section 82 of the Calcutta Improvement Act, 1911. For example, if the value of the property situated in the Calcutta Municipality conveyed by an instrument of sale (including certificates of sale) be Rs. 200 and the value of property situated outside the Calcutta Municipality be Rs. 400, the ordinary duty under the Indian Stamp Act, 1899, will be Rs. 9 and the additional duty under the Calcutta Improvement Act, 1911, will be Rs. 4. The total duty payable will be Rs. 13, and if the duty is less than this amount, the instrument shall be dealt with as an insufficiently stamped document, and the procedure laid down in West Bengal Registration Rules 28 and 29 of 1962 in regard to such document shall be followed.

2. Rule 2 lays down the limit of the additional duty imposed by section 82 of the Calcutta Improvement Act, 1911. It will be seen that this duty shall be the multiple of two annas next *below* the amount arrived at by calculating 2 per cent. on the value of the property situated in the Calcutta Municipality.

Illustration

If the value of the property situated in the Calcutta Municipality be Rs. 112, the 2 per cent. additional duty imposed by section 82 of the Calcutta Improvement Act, 1911, will be Rs. 2-3 annas $10\frac{2}{25}$ pies. Rule 2 lays down that the additional duty shall be Rs. 2-2 annas and that anna $1-10\frac{2}{25}$ pies, which is a fraction of two annas, shall be omitted.

3. Rule 3 (1) enjoins that the Registering Officer must see that the particulars required for the adjudication of the duties payable under the Indian Stamp Act, 1899, and the Calcutta Improvement Act, 1911, are *separately* set forth in the instrument. Section 82 (3) of the Calcutta Improvement Act, 1911, requires that this must be done, and section 82 (3) makes the penalty provisions of section 64 of the Indian Stamp Act applicable to instruments of sale, gift or usufructuary mortgage affecting immovable property situated in the Calcutta Municipality, not satisfying the conditions about the description of the properties imposed by section 82 (2).

Rule 3 (2) gives the procedure to be followed by a Registering Officer when an instrument drawn up in contravention of the provisions of section 82 (2) of the Calcutta Improvement Act is presented for registration.

The following procedure shall be observed by Registering Officers before forwarding such instruments to the Collector under the rule:—

The headings prescribed in Form No. 8, Appendix I of the West Bengal Registration Rules, 1962, shall, as far as practicable, be filled up in the receipt granted to the presentant under section 52, clause (b) of the Indian Registration Act, 1908, and the words "Document forwarded to the Collector for action under the Calcutta Improvement Act" shall be recorded in red ink on the receipt under the Registering Officer's signature.

Before forwarding the instrument to the Collector the Registering Officer shall record on it—

- (a) the endorsement—"Forwarded to the Collector for action under section 64 of the Indian Stamp Act as amended by section 82 (3) of the Calcutta Improvement Act, 1911;"
- (b) the endorsement required by section 52 of the Indian Registration Act, 1908; and
- (c) if the executant is present, the endorsement required by section 58 of the same Act.

The instrument shall be entered in the register of documents impounded with the words "Calcutta Municipality" noted in the column of remarks.

4. Rule 4 (1) imposes on registering officers the obligation of keeping an account of the duty paid in respect of each instrument under the Stamp Act, 1899, and of the additional duty paid under the Calcutta Improvement Act, 1911. The accounts kept under this rule must be *strictly accurate* for, on their basis, a large amount of money will be transferred quarterly, under Rule 6, by the Accountant-General, West Bengal, to the Board of Trustees under the Calcutta Improvement Act. Every registering officer keeping such accounts

The following procedure shall be observed for the purposes of keeping such accounts and of their consolidation under Rule 4(2):—

(i) Whenever an instrument of sale (including certificates of sale), gift or usufructuary mortgage affecting immovable property situated in the Calcutta Municipality is presented for registration, the registering officer, if satisfied that it is duly stamped and that the property is described in accordance with section 82(2) of the Calcutta Improvement Act, shall, in lieu of the certificate prescribed by West Bengal Registration Rule 43 of 1962, record legibly on the instrument a certificate of admissibility and payment of duty in the form given below:—

“Admissible under Rule 21: duly stamped under the Indian Stamp Act, 1899, as amended by section 82(1) of the Calcutta Improvement Act, 1911—

	Rs.	A.
Stamped duty paid under the Indian Stamp Act, 1899 ...		
Additional duty paid under the Calcutta Improvement Act ...		
Paid in excess ...		
Total (in figure and in words) ...		

Sub-Registrar.”

(ii) After endorsing on the instrument the certificate of admissibility and payment of duty referred to above, the Registering Officer shall receive the registration fee and proceed in the same manner as in the case of ordinary documents presented for registration.

(iii) Instruments of sale (including certificates of sale), gift or usufructuary mortgage affecting immovable property situated in the Calcutta Municipality, shall be distinguished in the Fee-book, in the Register of documents impounded (when such instruments are impounded), in the Register of copies and memoranda issued (when copies and memoranda are issued) and in the Register of documents pending admission to registration (when such instruments are kept pending) by the words “Calcutta Municipality”, noted in the column of remarks.

(iv) Original instruments of sale (including certificates of sale), gift and usufructuary mortgage which are registered shall be entered in Register D. The entries relating to certificates of sale registered shall be made in *red ink* after the entries relating to instruments of sale, gift and usufructuary mortgage registered which should be made in black ink. The daily total

relating to sale certificates and to all the other entries should be struck *separately*, the former in red ink and the latter in black ink.

(v) A separate register in Form E appended to these instructions shall be opened in which *copies* of the certificates of sale received under section 89 of the Registration Act, 1908, affecting immovable property situated in the Calcutta Municipality shall be entered as soon as they are received and the totals under the appropriate columns struck.

The copies of the certificates of sale shall be carefully checked by the clerk in charge and if any defects are found, the Registering Officer shall bring them to the notice of the Court or officer issuing the copies, for remedy, if possible. In particular, care shall be taken to see if the 2 per centum additional duty *noted as paid* on the copy has been correctly calculated on the value of the Calcutta property shown in the copy according to the instructions contained in rule 2 of the Government rules under section 86 of the Calcutta Improvement Act, 1911. If the *noted* additional duty under the Calcutta Improvement Act, 1911, *exceeds* what ought to be the correct amount according to the value of the Calcutta property shown in the copy of the certificate, the excess shall be credited, in the accounts in the Register, to stamp duty under the Indian Stamp Act, 1899 (column 8 of the Register E), which is due to Government, a note being made in the daily report to this office as prescribed in paragraph (viii) below and in the column of remarks of Register E to show that this has been done. If the noted additional duty under the Improvement Act, 1911, is *less* than the correct amount, the amount noted shall be credited to stamp duty under the Calcutta Improvement Act, 1911 (column 9 of Register E). In the latter case the attention of the Court or officer who issued the certificate should be invited to the defect.

If the copies received under section 89 of the Registration Act include copies of sale certificate, the originals of which have been registered, the stamp duties *noted* on the copies should be compared with the duties paid on the original certificates as entered in Register D, and if there are discrepancies, columns 8 and 9 of Register E shall not be filled up until the discrepancies are removed in prompt communication with the court or officer concerned.

(vi) Instruments which may be impounded on presentation and forwarded to the Collector and pending instruments shall not be entered in these registers until they are registered.

(vii) The Registering Officer shall examine each day's entries and note the word “Examined” in the column of remarks under his initials. It shall be his duty to satisfy himself of the *correctness and completeness* of the entries by reference to the original records.

(viii) Every Registering Officer shall submit a report daily to the office of the Inspector-General of Registration prepared from Registers D and E in the form appended. When there is no transaction relating to Calcutta property, the daily report is not required to be submitted.

(ix) Within a week of the close of every month, every Registering Officer shall submit to the Registrar to whom he is subordinate a return, for that month, in Form H (appended) prepared from his Registers D and E. The Registrar shall, on receipt of such returns, incorporate the same with the return for the headquarters office and forward the District Return to this office before the 15th of the month following, giving separately the total figures for each office and striking the grand totals for the whole district.

The form of Return H explains itself. Registering Officers shall, however, carefully note that no *original certificate of sale registered by them and entered in Register D* are to be included in this Return.

(x) Instruments of sale (including original certificates of sale), gift and usufructuary mortgage shall be registered in a separate volume of Register Book No. I which shall be labelled "Calcutta Municipality." Similarly copies of certificates of sale of immovable property situated in the Calcutta Municipality received under section 89 of the Registration Act, 1908, shall be filed in a separate Register Book which shall be labelled "Calcutta Municipality".

[These instructions shall apply *mutatis mutandis* in the case of such transactions under the Howrah Improvement Act, 1956.]

Schedule I of the Calcutta Municipal Act, 1951, as modified up to 1st May, 1961

"Calcutta" is the area included within the following boundaries except that it does not include—

- (1) Fort William, or
- (2) that part of Hastings north of the south edge of Clyde Row and Strand Road to the river bank.

Boundaries

A line drawn along the outer edge of Paramanik Ghat Road, Cossipur Road, Kasi Nath Dutt Road, Kali Charan Ghose Road and Ramkrishna Ghose Lane; thence southward along the western edge of the Eastern Railway to the point where the boundary line meets the New Canal; thence eastward along the southern bank of the New Canal to the point where it meets the Baliaghata Canal; thence westward along the

southern bank of the Baliaghata Canal to the point where it meets Pagladanga Road; thence along the northern and eastern edge of Pagladanga Road to the point where it meets Chingrighatta Road; thence along the southern edge of Chingrighatta Road to the point where it meets Tangra Road, South; thence along the eastern and southern edge of Tangra Road, South, to the point where it meets Topsia Road, North; thence along the eastern and southern edge of Topsia Road, North, to the point where it meets Hughes Road; thence along the eastern edge of Hughes Road to the point where the Town and Suburban High Level Sewers meet; thence along the southern edge of the new road to the point where it meets Topsia Road, South; thence along the southern edge of Topsia Road, South, to the point where it meets Tiljala Masjidbari Lane; thence along the eastern and southern edge of Tiljala Masjidbari Lane to the Tiljala Road; thence westward along a line drawn in continuation of the southern edge of Tiljala Masjidbari Lane to the Eastern Railway line; thence southward along the western edge of the line of that Railway, and westward along the northern edge of the Budge-Budge Branch of that Railway, to Russa Road; thence southward along the eastern edge of Russa Road, to the point where it meets Tollyganj Circular Road; thence along the southern boundary of Tollyganj Circular Road to the point where it meets the southern boundary of the Port Commissioners' land acquired for the purpose of constructing King George's Dock and its connected works, and thence along the southern boundary of the Port Commissioners' land above referred to, as it stands at the commencement of this Act up to the point where it meets Diamond Harbour Road; thence along the eastern boundary of Diamond Harbour Road to the point where it meets the southern boundary of the Port Commissioners' land above referred to; thence along the southern, western and northern boundary of the said land up to the point where it meets the Circular Garden Reach Road at its junction with New Taratala Diversion Road; thence eastward along the northern edge of Circular Garden Reach Road to the point where it meets the Port Commissioners' land above referred to; thence northward along the western boundary of this land to the point where it meets Garden Reach Road; thence westward along the northern edge of Garden Reach Road to the point where it meets Prince Delwarjah Lane; thence northward along the eastern edge of Prince Delwarjah Lane and the western boundary of the Port Commissioners' land above referred to to the point where it meets the river Hooghly; thence along the river Hooghly to the western terminus of the outer edge of the Paramanik Ghat Road.

The Local Self-Government Department Notification No. M. 1M-79/52(1), dated 31st March, 1953, regarding inclusion of the area under the Tollygunge Municipality within the Calcutta Municipality is reproduced below :—

"In exercise of the power conferred by section 594 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), the Governor is pleased to declare that the area comprised within the municipality of Tollygunge as constituted by Notification No. 3313M., dated the 27th November, 1900, as subsequently amended, shall be included within Calcutta and shall be administered under the said Act on and from the 1st April, 1953."

Boundaries of the said Tollygunge Municipality, as constituted in 1900, are also reproduced below :—

"The northern boundary—Commences at the north-eastern corner of Tangra Road at Hatgachia; thence westward along the southern edge of the said Tangra Road; thence southward along the eastern edge of Tangra Road to its junction with Topsi Road; thence westward along Tiljalla Road up to the point where it meets the Eastern Bengal State Railway, southern section; thence southward along the eastern edge of the said railway to its junction with the Port Commissioners' railway (to Budge-Budge); thence westward along the south of the said railway to the point where it crosses Russa Road; thence southward along the eastern edge of the Russa Road to its junction with Tollygunge Bridge Road thence westward till it meets Tolly's Nala.

The eastern boundary—Commences at the western border of Gariffa; thence northward along the western border of Haltoo Luskkar Ghat, Nonadanga, Choubaga, Dhallenda, Bynchtolla and Hatgacha.

The southern boundary—Commences from Tolly's Nala; thence eastward along the northern boundaries of villages of Shibpur, Raipur, Bajeh Roypur and Ibrahimpur; thence again to the south, commencing at the north-western corner of Garia and passing southward along the Garia Hat Road, till it meets the Russa Road; thence westward till it meets Tolly's Nala; thence southward along Tolly's Nala and Gunga Nala; thence eastward to the south-eastern extremity of Barhash.

The western boundary—Tolly's Nala."

Register of Instrument of Sale, Gift and Usufructuary mortgage affecting immovable property situated in the Calcutta Howrah Municipality, registered in the office of during the month of 19 .

Serial number	Date of Registration.	Nature of document.	Serial number in Register Book.	Value of property situated in the Calcutta/Howrah Municipality.	Value of property situated outside the Calcutta/Howrah Municipality.	Total value (columns 5 and 6).	Duty paid under the Indian Stamp Act, 1899.	Additional duty paid under the Calcutta Improvement Act, 1911/Howrah Improvement Act, 1956.	Total duty paid (columns 8 and 9).	Number and date of copy sent to the Registrar of Calcutta or to the Registrars of the 24 Parganas and Howrah	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.		

REGISTER E.

Register of copies of certificates of sale affecting immovable property situated in the Calcutta/Howrah Municipality received and filed under section 89 of the Indian Registration Act, 1908, in the office/district of during the month of

Serial No.	Serial number in file-book No. 1	Name of Court or Revenue Officer from whom received.	Number and year of suit or case in which the sale was held.	Value of property in the Calcutta/Howrah Municipality.	Value of property situated outside the Calcutta/Howrah Municipality.	Total value (columns 5 and 6).	Duty noted on the copy as paid under the Indian Stamp Act, 1899.	Additional duty noted on the copy as paid under the Calcutta Improvement Act, 1911/Howrah Improvement Act, 1956.	Whether the original certificate has been registered and entered in Register D. If so its serial number in that register.	Whether the additional stamp duty paid on the original sale-certificate, if registered, is the same as noted on the copy.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

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in the Office of the

in the District of

Serial No. of Daily Report.	Date of Registration.	Name of office.	Total number of Instruments of sale other than certificates of sale, gift and usufructuary mortgage affecting immovable property situated in the Calcutta/Howrah Municipality registered.	Total stamp duty paid on the same under the Indian Stamp Act, 1899.	Total additional duty paid on the same under the Calcutta Improvement Act, 1911/Howrah Improvement Act, 1956.	Total value of the immovable property situated in the Calcutta/Howrah Municipality on instruments shown in column 4 on which additional duty as shown in column 6 are paid.	Total number of copies of certificates of sale affecting immovable property situated in the Calcutta/Howrah Municipality received and filed under section 89 of the Indian Registration Act, 1908.	Total stamp duty noted as paid on the same under the Indian Stamp Act, 1899.	Total additional duty noted as paid on the same under the Calcutta Improvement Act, 1911/Howrah Improvement Act, 1956.	Total value of the immovable property situated in the Calcutta/Howrah Municipality on copies of certificates of sale shown in column 8 on which additional duty as shown in column 10 are paid.	Total additional duty paid under the Calcutta Improvement Act, 1911/Howrah Improvement Act, 1956, on original documents registered (other than sale certificates) and noted as paid on copies of certificates of sale (columns 6 and 10).	Remarks.	
1	2	3	4	5	6	7	8	9	10	11	12	13	

The

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FORWARDED to the Inspector-General of Registration, West Bengal, for information.

District Sub-Registrar / Sub-Registrar of

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RETURN H.

Return for the month of

Calcutta/Howrah Municipality by (i) instruments of sale (other than certificates of sale granted by Civil Courts and Revenue Officers), gift or usufructuary mortgage, registered
, and (ii) by certificates of sale granted by Civil Courts
and Revenue Officers, copies of which are received under section 89 of the Registration Act in the District of

Total number of documents, other than original certificates of sale, registered.	Total value of immovable property situated in the Calcutta/Howrah Municipality covered by the documents in column 1.	Total additional duty paid on the same under the Calcutta Improvement Act, 1911, Howrah Improvement Act, 1956.	Total number of copies of certificates of sale of immovable property situated in the Calcutta/Howrah Municipality received and filed under section 89 of the Registration Act.	Total additional duty noted as paid under the Calcutta Improvement Act, 1911, Howrah Improvement Act, 1956, on the same.	Total additional duty to be transferred to the Calcutta/Howrah Improvement Trust (columns 3 and 5).	Remarks.
1	2	3	4	5	6	7

I certify that the figures of this return have been compiled from Registers D and E and the figures in column 9 of Register D in respect of documents, other than original sale-certificates, registered and those in column 9 of Register E, showing the additional duty noted as realised under the Calcutta Improvement Act, 1911/Howrah Improvement Act, 1956, on copies of sale-certificates, have been compared with the figures in the register book copies and the copies of the sale-certificates received under section 89 and found to be correct.

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Reverse of Bengal Form No. 1567.

Details of the totals in columns 4 and 5 of Return H.

Serial number of the copy of sale-certificates in Register E.	Name of Court or Revenue Officer from whom received.	Date of receipt.	Number and year of the suit or case in which the sale took place.	Value of the immovable property situated in the Calcutta/Howrah Municipality covered by the sale-certificate.	Whether the original certificate has been registered and if so, whether the same with its value and duty has been excluded from columns 1, 2 and 3 of Return H.	Remarks.
1	2	3	4	5	6	7

Registering Officer.

14. The provisions of Chapter VIIA of the Bengal Tenancy Act regarding restrictions on alienation of land by aboriginals shall apply to :—

Caste or tribe.	District or local area.
Garó, Hajang, Ho, Kharia, Malpaharia, Mech	All subdivisions of the district of 24-Parganas.
Munda	Bongaon subdivision.
Oraon	Barrackpore, Diamond Harbour and Bongaon subdivisions.
Santhal	Barrackpore, Basirhat and Bongaon subdivisions.

(Vide Government Notification No. 19722 L.R., dated 20th October 1957.)

Garó, Hajang, Ho, Kharia, Malpaharia, Mech and Oraon .. District Midnapore.

(Vide Government Notification No. 19716 L.R., dated 29th October 1957.)

Bhumijes and Koras District Midnapore.

(Vide Government Notification No. 22862 L.R., dated 2nd December 1957.)

Santhal, Oraon, Munda, Bhumij, Kora, Garó, Hajang, Ho, Kharia, Malpaharia and Mech. District Burdwan.

(Vide Government Notification No. 17554 L.R., dated 10th September 1957.)

Garó, Hajang, Ho, Kharia, Kora, Malpaharia, Mech, Munda and Oraon. District Bankura.

(Vide Government Notification No. 19714 L.R., dated 29th October 1957.)

Bhumijes District Bankura.

(Vide Government Notification No. 22860 L.R., dated 2nd December 1957.)

Bhumij, Garó, Hajang, Ho, Kharia, Kora, Malpaharia, Mech, Munda, Oraon and Santhal. District Howrah.

(Vide Government Notification No. 19720 L.R., dated 29th October 1957.)

Caste or tribe.

District or local area.

Bhumij, Garó, Hajang, Ho, Kharia, Kora, Malpaharia, Mech, Munda, Oraon and Santhal. District Nadia.

(Vide Government Notification No. 19724 L.R., dated 29th October 1957.)

Santhal, Oraon, Munda, Mru, Bhumij, Garó, Hajang, Ho, Kharia or Kheria, Kora, Malpaharia, Mech and Lodha. District Malda.

(Vide Government Notification No. 19728 L.R., dated 29th October 1957.)

Bhumij, Garó, Hajang, Ho, Kharia, Kora, Malpaharia, Mech, Munda and Oraon. District Birbhum.

(Vide Government Notification No. 19712 L.R., dated 29th October 1957.)

Bhumij, Garó, Hajang, Ho, Kharia, Kora, Malpaharia, Mech, Munda, Oraon and Santhal. District Hooghly.

(Vide Government Notification No. 19718 L.R., dated 29th October 1957.)

Santhal, Oraon, Munda, Kora and Malpaharia .. District Murshidabad.

Ho, Kora, Lodha, Kheria or Kharia, Malpaharia, Munda, Oran, Santhal, Bhutia, including Sherpa, Toto Dukpa, Kagatya, Tibetan and Yolma, Chakma, Garó, Hajang, Lepcha, Magh, Mahali, Mech, Mru, Rabha and Nagesia. District Jalpaiguri.

Bhumij, Garó, Hajang, Ho, Kharia, Kora, Malpaharia and Mech District West Dinajpur excepting the police-stations of (1) Chapra, (2) Goalpokhar, (3) Islampur and (4) Karandighi.

Restriction on alienation of land by aboriginals in the ceded area of Islampur subdivision under section 49A of the Bihar Tenancy Act applies to—

Santhals, Mundas, Uraons, Turia and Kurmi Mahato .. Subdivision of Islampur, District West Dinajpur.

N.B.—This protection given to a member of the aboriginal tribes is not lost by changing of religion.

15. Instructions regarding the submission of petitions to the State Government

General explanations.

1. These instructions apply, so far as may be, to all memorials, letters and applications, etc., addressed to the State Government.

2. These instructions do not apply to cases covered by the rules regulating appeals issued by the Secretary of the State under section 96B (2) of the Government of India Act or by the State Government in exercise of the powers delegated to it under those rules.

Section I—As to the submission of petitions to the State Government by private persons or public bodies.

1. Every petition to the State Government should ordinarily be forwarded through the District Officer or local representative of the department of Government concerned, with the subject matter of the petition. Petitions from persons within that portion of Calcutta which is outside the jurisdiction of the District Magistrate, 24-Parganas, should be submitted either through the Commissioner, Presidency Division, or through the Commissioner of Police, Calcutta, according to the nature of the subject matter of the petition.

2. A petition may be in manuscript or typed or in print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner or when the petitioners are numerous, by signature of one or more of them, and it must conclude with a specific prayer.

3. Every petition should be accompanied by a letter addressed to the officer concerned requesting its transmission to the State Government and when any order is appealed against, by a copy of that order, as well as of any orders passed in the case by subordinate authorities.

4. Communications on matters connected with bills before the local Legislature may be in the form of a petition to the State Government and must be forwarded to the Secretary to Government in the administrative department concerned.

*Section II—As to the submission of petitions by officers in civil employ.**

5. Every officer in civil employ wishing to petition the State Government should do so separately:

* Note (1)—The term "civil employ" includes employment by a local authority.

Note (2)—For the purposes of this section a petitioner is considered to be an "officer in civil employ," if he has been previously in civil employ and if his petition relates to any matter connected with his position while in such employ or the circumstances in which he left it.

Provided that nothing in this instruction shall apply to representations submitted by recognised associations of Government servants in accordance with such rules as may from time to time be prescribed by the State Government.

6. Every petition from an officer in civil employ should be submitted through the head of the office or department to which the petitioner belongs or belonged, and should be forwarded by him through the usual official channel.

7. No officer in civil employ may submit a petition in respect of any matter connected with his official position unless he has some personal interest in the matter.

8. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer in civil employ unless it is submitted by the officer himself.

Section III—As to the transmission or withholding of petitions addressed to the State Government.

9. Save as provided by rule 11 every petition to the State Government shall be forwarded by the officer concerned with a concise statement of the material facts and (unless there are special reasons for not doing so) an expression of opinion.

10. When the petition is not in English the officer concerned should transmit a translation with it.

11. District Officers, Commissioners of Divisions and heads of departments are vested with discretionary power to withhold petitions addressed to the State Government in the following cases:—

(1) When a petition is illegible or unintelligible or contains language which, in the opinion of the officer concerned, is disloyal, disrespectful or improper.

(2) When a previous petition has been disposed of by the State Government and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.

(3) When a petition is a mere application for relief, pecuniary or otherwise, which is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character, or is so belated that its consideration is clearly impossible.

(4) When a petition is an application for employment from a person not in the service of Government or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government, or by persons engaging in any profession or employment.

Note.—In the following cases, namely:—

- the petition must be transmitted to the State Government unless it falls under clause (10) of this rule, or unless it is a petition of the kind referred to in clause (c) and the case is one which the officer concerned is competent to dispose of on its own responsibility.

- (6) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.

- (7) When a petition is addressed by an officer still in the public service and has reference to his prospective claim for pension, except as provided in article 915 of the Civil Service Regulations.

- (8) When a petition is a representation against the non-exercise by a subordinate authority of a discretion vested in it by law or rule.

- (9) When a petition is an application in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for making the application has been exceeded.

- (10) When a petition relates to a subject on which a Commissioner, District Officer, or head of a department is competent to pass orders and no previous application for redress has been made to him.

- (11) When the petition refers to matters in which the petitioner has not a direct personal interest, unless it is a petition of the kind described in the note to clause (5).

- (12) When the petition is a representation against an order against which under the appeal rules published by the Secretary of State in Council under section 96B(2) of the Government of India Act, or by the State Government in exercise of the powers delegated to it under those rules, no appeal lies.

- (13) If a petition is withheld, the petitioner should be informed of the fact, and the reason for it.

(14) A list of petitions withheld under rule 11, with the reasons for withholding them, shall be forwarded quarterly in the form below to the State Government in the department concerned by the withholding officer through the proper channel.

[Form referred to in rule 14 above.]

Statement of petitions addressed to the

withheld by the

during the quarter

ending

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No.	Name and residence of Petitioner.	Date of Petition.	Authority addressed.	Subject of Petition.	Rule under which withheld.	Number and date of previous order Passed.	Remarks.
1	2	3	4	5	6	7	8

Note 1.—These rules do not apply to ministerial officers attached to the civil courts nor to officers of the Police Department other than the ministerial officers of that department. The appointment, punishment and removal of the former class of officers are regulated by the provisions of Chapter VI of the Bengal, North-West Province and Assam Civil Courts Act, 1887, while separate rules have been framed for officers of the Police Department other than ministerial officers.

Note 2.—These rules apply to public servants, whether in permanent or temporary employ.

(Vide Notification No. 16572Mis., dated the 20th December 1929.)

16. The Governor is pleased to decide that, with effect from 1st April, 1952, Sub-Registrars be regarded as gazetted officers and be accorded all the privileges enjoyed by such officers.

[Vide Judicial Department (Registration) Resolution No. 226Regn., dated Calcutta, the 22nd May, 1952.]

17. In exercise of the powers conferred by rule 18 of the Civil Services (Classification, Control and Appeal) Rules, read with articles 313 and 327 of the Constitution of India and with paragraph 19 of the Adaptation of Laws Order, 1950, and of all other powers enabling him in that behalf, the Governor is pleased to declare that the West Bengal Registration Service consisting of the following posts, namely, (i) Registrar of Assurances, Calcutta, (ii) Inspector of Registration Offices, (iii) Departmental District Registrars, (iv) Sub-Registrar of Assurances, Calcutta, (v) District Sub-Registrars and (vi) Sub-Registrars shall, with effect from the 30th January, 1953, the date of constitution of the said service, be deemed to be included and to have always been included in the West Bengal State Services.

[Vide Finance Department Notification No. 3224F./F/1R/18(2)/53, dated the 17th July, 1953.]

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“Section” means a section of the Registration Act and “Rule” means one of the rules framed under sections 69 and 80G of the Act.

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GOVERNMENT OF WEST BENGAL

Finance (Taxation) Department

Notification

No. 480-F.T., dated the 15th February, 2002.—In exercise of the power conferred by section 78 of the Registration Act, 1908 (16 of 1908), the Governor is pleased hereby to make the following amendment in the table of fees, published under the Judicial Department Notification No. 3333-Rgn., dated the 3rd September, 1977, as subsequently amended by the Judicial Department Notification No. 4045-Regn., dated the 2nd January, 1986 (hereinafter referred to as the said notification):—

Amendment

In "Table of Fees" of the said notification, under the heading "1. Ordinary Fees", for item (1) of article A, substitute the following item:

"(1) The fees payable for the registration of the documents shall be calculated—

- (a) where clause (16B) of section 2 of the Indian Stamp Act, 1899 (2 of 1899) (hereinafter referred to as the said Act) and the West Bengal Stamp (Prevention of Undervaluation of Instruments) Rules, 1994 (hereinafter referred to as the said rules) are applicable, on the basis of market value of the right, title and interest so created by such document and at such rate as may be shown in the Table A below:

Table A

When the market value does not exceed Rs.250	Rs.2.00
When the market value exceeds Rs.250 but does not exceed Rs.500	Rs.7.00
When the market value exceeds Rs.500 but does not exceed Rs.1,000	Rs.8.00
For every additional Rs.1,000 or part thereof of the market value exceeding Rs.1,000 up to Rs.5,000	Rs.9.00
For every additional Rs.1,000 or part thereof of the market value above Rs.5,000	Rs.11.00

- (b) Where the said section of the said Act and the said rules are not applicable and the value of the right, title and interest so created is expressed in the document, on the basis of value stated in such document and at such rate as may be shown in the table below:

Table B

When the value does not exceed Rs.250	Rs.2.00
When the value exceeds Rs.250 but does not exceed Rs.500	Rs.7.00
When the value exceed Rs.500 but does not exceed Rs.1,000	Rs.8.00
For every additional Rs.1,000 or part thereof exceeding Rs.1,000 up to Rs.5,000	Rs.9.00
For every additional Rs.1,000 or part thereof above Rs.5,000	Rs.11.00

2. This notification shall be deemed to have come into force with effect from the 31st January, 1994.

*By order of the Governor,
(T.K. Basu)
Deputy Secretary to the
Government of West Bengal*