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Rules Under Section 69 Of The Registration Act (Repealed)

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Rules Under Section 69 of The Registration Act

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The following rules, made by the Inspector General of the Registration Jammu and Kashmir State, under section 69 of the Registration Act, have been approved by His Highness the Maharaja Bahadur and are published for general information:-

CUSTODY AND DESTRUCTION OF RECORDS

1. Strong boxes

The offices of all registering officers shall be supplied with one or more strong boxes (tinlined if possible) with locks of approved pattern. In these boxes the registers, books and all papers and documents connected therewith shall be kept; and no money or valuables of any kind shall be deposited therein. The box shall be placed in the room where the registering officer transacts his public business, and closed by that officer himself, or in his presence. When locked, the key shall be retained in his own possession. The duplicate keys of these locks supplied to Sub-Registrars shall remain in the custody of the Registrar of the District, who will label each with the name of the Sub-District to which it belongs, and deposit it in some safe place.

2. Responsibility for preservation and safe custody of records and weekly examinations

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 his office or have been transferred to it. To prevent injury occurring to the older records by damp, white ants, etc. the boxes should be thoroughly emptied out, and their contents examined once a week. Should any injury happen to any of the records, whether by white ants, fire, flood, or otherwise, an immediate report of the circumstances and of the extent of damage done, shall be made to the Inspector-General by the Registrar of the district, who shall record at the same time his opinion as to whether any one and who is to blame, and as to the measures to be taken to repair the injury so far as may be possible.

3. Preservation of Wills and authorities to adopt

The Registrar of every district has been supplied with a fire-proof safe. In this safe shall be kept Wills in sealed covers which have been deposited or may be presented for deposit under section 43 of the Act and Wills which have been or may be opened under the law of registration for the time being in force. It shall not be used for any other purpose whatever. The key of the safe shall remain in the personal custody of the Registrar, who alone shall open and close it; the duplicate key shall be deposited in some secure place. The safe shall be placed where it cannot be affected by damp; and it shall be opened at least once a month with the view of ascertaining that its contents (if any) are correct and in good condition, and that the lock is in order; and the Registrar shall report monthly to the Inspector General the result of this examination or, if no such examination from unavoidable cause has been made during the month, the reason for it. If any will through age or damp has been subjected to such decomposition that it appears likely to become useless, the depositor or his legal representative, if the depositor is dead, should be called upon to replace it, and informed that unless he does so, it will be destroyed when no longer legible. Such destruction should be carried out in the presence of a Gazetted officer, who should record a note thereof in his own handwriting in the register.

4. Inspections

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Inspections of register books and indexes allowed to applicants under section 57 of the Act shall be made in the presence of the Registering Officer, and without writing materials.

5. Production of registers, etc. in Court

If the production of a register book or of any document in the custody of Registering Officer be required by any Court, it shall be forwarded under charge of a member of the Registration establishment, and application shall be made to the Court for payment of his expenses.

6. Annual destruction of useless records

At the close of each official year every Sub-Registrar, and also the Registrar's Moharrir for the Registrar's office, shall report to the Registrar of his district in such form as may be prescribed from time to time by the Inspector General of the Registration, the different kinds of documents and records and the periods to which they belong which he considers, may be destroyed. The Registrar after examining all such reports, will pass orders for the destruction or preservation of the papers noted therein as he thinks best. These reports should be disposed of by the Registrar by the 15th June in each year at the latest. Ordinarily no document or record less than three years old should be proposed for destruction. Wills must not be destroyed, unless their destruction is justified by circumstances falling under rule 3.

7. Destruction of registered documents

When a registered document is destroyed under section 85, a note to that effect shall be made in the column for remarks opposite the copy in the book in which it was registered. When a document, the registration of which has been refused, is destroyed under the same section, a similar note shall be made in the column of remarks opposite the record of refusal in Book No. 2.

[1]8. Languages

With reference to section 19 of the Registration Act, it is declared that the languages deemed to be commonly in use in the State of Jammu and Kashmir, are English and Urdu; but documents presented for registration may be written in any language. In case, however, of the language being other than English or Urdu, the documents must be accompanied by a true Urdu or English translation and also by a true copy.]

9. Territorial Divisions

The territorial divisions to be recognized under section 21 are the "District" and the "Tehsil" as existing for revenue purposes, but in some cases a cantonment or a portion of a Tehsil may constitute a Sub-Division. The names of these divisions shall be entered in all documents relating to houses (other than those situate in towns) and lands, in addition to the name of the village and the boundaries of the property.

[2]10. Fines

Fines for delay in presenting documents for registration shall be levied, under section 25, according to the following scale. No registration fees shall be levied in addition to these fines:-

Where the delay is less than one month.	An amount equal to twice the proper registration fee.
Where the delay is more than one month, but not more than two months.	An amount equal to thrice the proper registration fee.
Where the delay is more than two months, but not more than three months.	An amount equal to four times the proper registration fee.
Where the delay is more than three months, but not more than four months.	An amount equal to five times the proper fee.

11. Remission of fines

Applications to the Inspector-General for remission in whole or in part, under section 70 of any fines levied in accordance with the foregoing rule, shall be in writing, and shall be forwarded by the Registrar of the district, who shall

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record his opinion thereon. No such application shall be received or forwarded unless the document has been registered, and the fine or fines paid.

12. Oath to be administered cautiously

The discretion vested in Registering Officers by section 63 should be used with reserve and oaths administered only in exceptional cases. For the purpose of this section an oath includes an affirmation under rule 6 of the Judicial Oath Rules, Svt. 1950.

13. Statements on oath how to be recorded

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

14. Memoranda of Documents how prepared

The memoranda of documents registered required to be made under sections 64, 65, 66 and [3]67 shall be prepared upon printed forms, to be supplied from the office of the Inspector General containing the following headings;-

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

The "addition" of the persons concerned to be entered in columns (2) and (3) is the "addition" as described in section 3 of the Act, and the word is to be so interpreted when similarly used throughout these rules. Column (4) should describe the transaction briefly, as "Sale of agricultural land", or as the case may be. The description of the property in column (5) should contain as nearly as possible the particulars mentioned in section 21, and should always be sufficient for its identification; and only that portion of the property which is situate in the sub-district to which the memorandum is sent, should be entered. Column (6) should show the date and office of registration, the registry number, and the book, volume and page where it has been registered.

15. Urdu memoranda to be sent to Sub-Registrars

When a Registrar receives a copy under sections 65, 66, or [4]67, of an English document which requires that memoranda be forwarded to Sub-Registrars, the memoranda shall be prepared in Urdu.

[5]16. Authentication of entries in register books

Every entry made in register books Nos. 1, 3 and 4, shall be an exact counterpart of the original and shall be carefully compared with it; all interlineations, blanks, erasures or alterations which appear in the original, shall be shown in the copy entered in the register. The Registering Officer shall satisfy himself that this has been done, verifying by his signature or initials any corrections rendered necessary by mere errors of transcription but no such correction shall be made by erasure with a knife. The Registering Officer shall also see that the entry has been made in the book to which it properly belongs, that the number affixed to it is that which it ought to bear in order to maintain the consecutive series required, by section 53, and that the book, the volume, and the page entered in the certificate of registration are correctly stated; after which he shall authenticate the entry by legibly affixing his signature in full, together with his official designation, at the end of the copy of the document registered. Copies of endorsements shall also be initialled or signed by the registering officer. All signatures must be copied into the register books in their proper places, whether such

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signatures occur in the original documents or in the endorsements made in the registry office. The entries in all the books prescribed by these rules shall be authenticated daily.

17. Errors in consecutive numbering

When by any chance an error has been made in the consecutive numbering of documents registered, as prescribed in section 53, and the error is not discovered in time to admit of its correction before the document is given back to the presenter or the party authorized by him to receive it, the erroneous number must be allowed to stand, and no subsequent alteration is permitted; but a note of the error shall be made in the proper column of the register and signed by the Registering Officer.

18. Indexes to be prepared on printed forms

The current indexes required by sections 54 and 55 to be kept up in every Registration Office shall be prepared on printed forms to be supplied from the Office of the Inspector-General and shall contain the particulars hereinafter set forth. The forms shall ordinarily be in the Vernacular but in special cases English forms may be supplied.

19. Index I

Index No. I is that in which section 55 requires that the names and additions of all persons executing, and of all persons claiming under, every document entered or memorandum filed in Book No. I shall be entered. It shall contain the following headings:-

- (1) Name of person,
- (2) Father's name,
- (3) Residence,
- (4) Profession, trade, caste,
- (5) Interest in the transaction (e.g., purchaser etc., mortgagee, etc.),
- (6) Number of volume in which document is registered,
- (7) Page of ditto,
- (8) References (i.e., to initial letters of other index entries to the same transaction).

This index shall contain the names and additions not only of the parties concerned in the documents copied into Book No. 1, but also of those concerned in the copies or memoranda of documents received from other registration offices and filed under sections 64, 65, 66, and [\[6\]](#)[67], as well as those concerned in the copies of certificates granted by Revenue Officers under the Land Improvement Act.

20. Index II

Index No. II, is that in which, by section 55, the particulars mentioned in section 21, relating to every document entered or memorandum filed in Book No.1, are to be entered. It shall contain the following headings:-

- (1) Name of city, town, or village,
- (2) Name of Tehsil or pargana,
- (3) Name of district,
- (4) Nature of transaction (e.g., sale of land, lease of house, mortgage of land or house, etc.),
- (5) Number of volume in which document is registered,
- (6) Page of ditto.

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A Sub-Registrar, on receiving a document of the nature mentioned in section 64 or 65, shall enter in this index only that portion of the property which is situate in his own sub-district. A Registrar on receiving a copy of a document under sections 65, 66 or [2][67], shall enter only the property situate in his own district. A Sub-Registrar on receiving a memorandum of a document under sections 63, 65, 66, or [8][67], shall enter the particulars of the property concerned in this index.

21. Index III

Index No. III is that in which section 55 requires that the names and additions of all persons executing every Will and Authority to adopt copied into Book No. III, and of the executors and persons respectively appointed thereunder, and after the death of the testator or donor (but not before) the names and additions of all persons claiming under the same shall be entered. It shall contain the same headings as Index No. I.

22. Index IV

Index No. IV is that in which section 55 requires the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 4 to be entered. It shall contain the heading prescribed for Index No. I.

23. Indexes how to be prepared

Index entries shall be made on the same day as the document to which they relate is copied or filed in its proper register. They shall be made alphabetically, in Urdu, in the first instance on loose forms, a separate Form being used for each letter of the alphabet. When any one of these forms becomes filled up in a Sub-Registrar's Office, he shall cause a clearly written copy of it to be made without delay and forwarded to the Registrar of his district, and open a fresh form for the same initial letter. On the expiration of the year the remaining entries under each letter shall be copied and forwarded to the Registrar. In forwarding index sheets, the Sub-Registrar shall note at the foot of the first page of each sheet the date up to which it contains entries, and shall also attach his signature and the date of despatch:

Provided that nothing in this rule shall require a Sub-Registrar to furnish the Registrar of his district with copies of entries in his Index No. IV.

24. Indexes in offices of Registrars

Registrars on receiving index sheets from their Sub-Registrars, shall file them with their own index sheets, each under its appropriate letter.

25. Index sheets to be bound up annually

At the close of each year, the loose index sheets in every office shall be bound into volumes of convenient size, care being taken that they are arranged in correct alphabetical order, and that the entries which, under section 57, are open to public inspection (Indexes Nos. I and II) are bound separately from those which are not (Indexes Nos. III and IV).

26. Initial letters

In the case of Indians the first letter of the person's name shall be the guide to the letter under which the index entry is to be made, and not of his title or caste. In the case of Europeans the initial letter of the surname shall be the guide. In the case of documents in which the State is concerned, an index entry shall be made (amongst others) under the letter (sir) as the initial letter of Sarkar.

27. Holidays

The holidays to be observed in registration offices shall be those authorized for the Civil Courts of the Province. But it shall be optional with registering officers to keep their offices open during all or any of them, as they may think fit.

REGISTER BOOKS

28. Supply of registers

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The books required by section 51 to be kept in registration offices shall consist of printed forms to be supplied by the Inspector-General, containing the headings hereinafter described, and paged consecutively, bound in volumes of convenient size, the number of pages in each volume being certified on the title page. These volumes shall be numbered consecutively (a separate series for each Book), and the number shall not terminate with the year, but shall run on perpetually. Registrars will send to the Inspector- General's Office every year by the first November an indent specifying the books and forms likely to be required in their own offices and in those subordinate to them during the next year. After printing and binding the books will be supplied during the month of April, to Registrars who will stock them and distribute them when required to the sub-offices. Every registering officer, on receiving a volume from the Registrar's office shall immediately examine it, to see that it contains the certified number of pages, and that these have been numbered in proper consecutive order; and he shall note the result on the title page. A similar certificate will be entered by the Registrar in any volume brought into use in his own office.

29. Certificate of examination when a volume is filled up

When a volume is filled up, the Registering Officer shall certify after the last entry the number of entries made therein during the current year, and the number of pages on which they are written; he shall also examine those entries, and note in his certificate any errors or defects that he may discover.

30. Certificate at close of year

At the close of each year, the Registering Officer shall certify after the last entry of each current volume, the number of entries made in that volume during the year, and the number of the pages on which they are written; he shall also examine those entries, and note in his certificate any errors or defects that he may discover. If no entries have been made during the year in any volume he shall certify to that effect.

31. Book No. I.

Book No. I is the register of non-testamentary documents relating to immovable property. It and the indexes relating thereto are open to public inspection, and copies of entries in them shall be given to all persons applying for them on payment of the prescribed fees. In this book shall be entered all documents registered under sections 17 and 18 which relate to immovable property and are not Wills. It shall contain the following headings: -

- (1) Value of stamp, and copy of all endorsements made in the Registry Office,
- (2) Serial number of entry, nature and value of transaction, and amount of registration and other fees and fines levied,
- (3) Copy of document registered,
- (4) Remarks.

32. Supplementary book I.

But besides the ordinary entries in this book, the Act requires that the following documents shall be "filed in Book No. 1":-

- Copies of maps and plans (section 61);
- Copies and memoranda of documents received from other Registering Officers (sections 64 to 67);
- Copies of certificates granted by Revenue Officers under the Land Improvement Act;
- To these may be added translations and copies of documents written in language not in common use (section 62).

To prevent the injury to the binding and the disturbance of paging which would result if these documents were filed in the bound volumes, a separate file book, hereinafter described, to be called "Supplementary Book No. I" shall be kept in each office in which the above mentioned documents shall be pasted.

33. References to other documents affecting the same property

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When any document is registered in Book No. 1 affecting some other document previously registered in it, a note referring to the later document shall be entered in the column for remarks opposite the entry of the earlier document.

34. Note of document registered under section 62

When a document is registered under section 62, a note of the pages of Supplementary Book No. I on which the translation and copy have been filed shall be made in the column for remarks. A similar note shall be made when a copy of a map or plan is filed under section 61.

35. Contents of Supplementary Book No. I.

Supplementary Book No. I is a file-book for the purpose of filing (pasting in) the copies and memoranda mentioned in Rule 32; it shall contain printed slips paged in consecutive order and having columns headed as follows:-

1. Date of receipt of copy or memorandum,
2. Date on which document was executed,
3. Name and addition of executant.

As regards the copies of maps and plans, and the translations and copies of foreign instruments filed in this book under sections 61 and 62, it will be sufficient to note thereon the registry number and date of registration of the document to which they appertain, and the volume and page where the entry will be found. But all other copies and memoranda filed in this book shall be numbered consecutively and the necessary particulars given of them in Indexes Nos. I and II. All documents should be pasted in immediately on receipt, otherwise there is danger of their being lost or injured. In all cases the three printed columns on the paged slips should be filled up. The certificates at the beginning and end of each volume prescribed in paragraphs 28 and 29, and the annual certificate prescribed in paragraph 53, must be recorded in this book in the same manner as in all the other registers.

36. Book 2

Book No. 2 is the record of reason for refusal to register. It is also open to public inspection, and copies of entries in it shall be given to all persons applying for them; in the event of the applicants being persons executing or claiming under the document, registration of which has been refused, or their representatives or agents, the copies shall be given free of charge. The book shall contain the following headings:-

1. Serial Number,
2. Date of order of refusal,
3. Name of person presenting document,
4. Nature and value of transaction,
5. Reasons for refusal,
6. Remarks.

A brief description of the rejected document is sufficient and there is no need to copy it into book in extenso.

The reasons for refusal should be sufficiently full to enable an appellate or inspecting officer to judge of their sufficiency, but they need not contain a summary of any evidence which the Registering Officer may have taken; such evidence should be recorded in separate sheets of paper and filed in the office. When a document the registration of which was originally refused is subsequently registered by order of a Registrar under section 72 or 75, or of a Civil Court under section 77, a note of such order shall be made in column (6) of this register opposite the original record of refusal.

In his copy of this book the Registrar, as required by section 76, must record his reasons, not only for refusing to register a document, but also for rejecting an appeal from the order of a Sub-Registrar subordinate to him.

37. Procedure when Registering Officer has no jurisdiction

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When a Registering Officer refuses to register a document solely on the ground of want of jurisdiction, he shall hand it back to the person presenting it without recording an order of refusal either on the document or in his Book No. 2.

38. Discretionary registration by Registrar

Under section 30 clause (ii), discretionary authority is given to the Registrar of a district to receive and register any document which might be registered by any Sub-Registrar subordinate to him. Registrars will exercise the discretion here given them with a due regard to the public convenience. Where the document is a Will or Authority to adopt, or where it relates to a transaction in which the Sub-Registrar having jurisdiction is pecuniarily interested or where it is written in English, the Registrar should never refuse to accept it for registration, except for very cogent reasons. Where a Registrar decides that a document presented to him under section 30 ought to be registered in the office of a Sub-Registrar, he shall return it to the person presenting it without recording an order of refusal either on the document or in his Book No. 2.

39. Registering Officers not concerned with validity of documents

Registering Officers should bear in mind that they are in no way concerned with the validity of documents brought to them for registration, and that it would be wrong for them to refuse to register unless they are empowered to do so by the laws and rules for the time being in force.

40. Denial of receipt of consideration

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

41. Document not duly stamped

The fact that a document is not duly stamped under the Stamp Act is not, of itself, a sufficient reason for recording an order refusing to register it. The proper course is for the Registering Officer to impound the document and send it to the Collector, as prescribed in that Act; and if the document be received back from the Collector, cured of the defect of stamp within the time allowed by law for registration and it be otherwise admissible, the Registering Officer shall register it.

If the executant of a document who is in doubt about the proper stamp consults a Registering Officer on the subject before formal presentation, the required information may be given to him without impounding the document.

42. Refusal to register to be made with caution

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

43. When registration is admitted qua some but refused qua other parties

When, under section 35 of the Registration Act, registration is admitted as to some of the parties to a document, but is refused as to the rest, the Registering Officer shall endorse thereon an order in this form: "Registration refused as to A.B. and C.D." and shall record the reason for this partial refusal in his Book No. 2; but in all other respects he shall proceed with the registration of the document in the ordinary manner.

[9][43-A. Supplementary Book No. 2 is the record of reasons for refusal to register a document which contravenes the provision of the Alienation of Land Act.

43-B. Duties of Registration Officers

(1) (i) (a) When an instrument which records or gives effect to a permanent alienation of land, requiring, under section 5 of the Alienation of Land Act, the sanction of the Deputy Commissioner, is presented to a Registering Officer unaccompanied by a certified copy of an order giving such sanction; or

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(b) when an instrument of agreement purporting to charge or alienate the produce of land, which under section 17 of the Act, requires the sanction of the Deputy Commissioner, is presented to a Registering Officer unaccompanied by a certified copy of an order giving such sanction; or

(c) when an instrument for transfer of agricultural land either by way of lease or mortgage for non-agricultural use made for a period of more than three years, which under section 16 of the Act requires the sanction of the Deputy Commissioner, is presented to a Registering Officer unaccompanied by a certified copy of an order giving such sanction; or

(d) when an instrument of mortgage, which is required to be made in one of the forms prescribed in section 8 of the Act, is presented and not made in any such prescribed form; or

(e) when an instrument of permanent alienation, mortgage, lease or farm is presented to a Registering Officer unaccompanied by a certified copy of the permanent resident certificate as required under section 4 of the Act;

the Registering Officer, in refusing to admit the instrument to registration, shall proceed in the following manner:-

(i) he shall record no endorsement upon the document itself nor shall he make any entry of reasons for refusal to register in Register Book No. 2; but

(ii) he shall enter his reasons for not admitting the instrument to registration in Supplementary Book No. 2 and shall, at the same time, return the instrument unendorsed to the presenter.

(ii) An instrument of the kinds mentioned in the foregoing sub-rule (1) may be presented again for registration, if accompanied by the certified copy of the order which was required, or if amended by the parties themselves or by the Deputy Commissioner acting under section 11 of the Act, so as to make it conform to the prescribed form.

(iii) (a) In registering an instrument of the kinds mentioned in clauses (a), (b) and (c) of sub-rule (1) (i), the Registering Officer shall record the order of the Deputy Commissioner giving the necessary sanction as part of the instrument, and shall cause a copy of such order to be entered along with the copy of the instrument in the appropriate Register Book.

(b) In registering an instrument of the kind mentioned in clause (d) of sub-rule (i) when the same has been revised or altered by the Deputy Commissioner acting under section 11 of the Act, the Registering Officer shall record such order of revision or alteration as a part of the instrument, and shall cause a copy of such order to be entered along with the copy of the instrument in the appropriate Register Book.

(iv) An appeal may be lodged to the Registrar against any return of an instrument made by a Sub-Registrar under section 72 of the Registration Act, and if the Registrar directs that the instrument shall be registered in the form in which it was originally presented, the Sub-Registrar shall register it accordingly. If the Registrar directs that the instrument shall be registered only after specified amendments or addition, then the provisions of sub-rule (1) (ii) shall apply.

(v) When a mortgage deed is cancelled by the Deputy Commissioner under section 11(2) of the Jammu and Kashmir Alienation of Land Act, and a new deed is drawn in lieu thereof, the Deputy Commissioner shall send to the office, in which the cancelled deed was registered, a copy of his order of cancellation and the Registering Officer shall make a note of the cancellation in red-ink in the column of remarks of the appropriate Register Book opposite the copy of the document cancelled.

(vi) In case in which a registered mortgage deed is revised or altered by the Deputy Commissioner under section 11 (1) of the Alienation of Land Act, or where under section 11 (2) of the Act, a condition intended to operate by way of conditional sale is struck out, the Deputy Commissioner shall, when returning the document to the parties after revision, alteration or striking out, send a copy of his orders to the office where the document was originally registered, and the Registering Officer concerned shall make a note of the correction, revision or striking out, together with a reference to the Deputy Commissioner's order with the date thereof in the column of remarks against the copy of the document concerned.

(vii) When any permanent alienation, which, under section 5 of the Alienation of Land Act, is not to take effect as such until the sanction of the Deputy Commissioner is given thereto, has been reduced to writing, and the deed of transfer has in the absence of such sanction been registered, contrary to the provisions of section 21(2) of the Act, the Deputy Commissioner shall, on such registration coming to his notice, intimate to the Registering Officer, in whose office the deed was registered, that the sanction of the Deputy Commissioner to the transaction had not been obtained, and the Registering Officer shall thereupon make a note to that effect in red-ink in the column of remarks against the copy of the

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document, and shall add that registration was in contravention of the provisions of section 21(2) of the Act. A copy of the said remarks shall be endorsed on every copy of the deed supplied thereafter by the Registering Officer under section 91 of the Registration Act, 1977 (No. XXXV of 1977).

(2) Members of Agricultural class. - The Registering Officers must acquaint themselves with the meaning of the term "agricultural classes" as used in the Alienation of Land Act.

The Government has by Notification decided what persons are members of the agricultural class and how those classes should be grouped in each District. It will not now be necessary for the Registering Officer to enquire from the Revenue authorities whether a transferee is a member of an agricultural class. A table of persons in whose favour transfer can be made under the provisions of the Act is available and shall be hung up in the office of every Registering Officer and should be referred to when any instrument is presented for registration. A transfer in favour of a class included in the table should be accepted and refused if the transferee is not included in the table. Any well recognized Sub-Division of an agricultural class will be included in the agricultural class. For instance, a Jamval or a Samyal will be treated as of the agricultural class, because they are included in the Major Head-Rajputs.

Sub-registrar's first business is to consider who the alienor is. - When a deed of permanent alienation of land is presented to a Registering Officer, his first business is to consider who the alienor is.

If the alienor is not a member of an agricultural class, the deed may be registered without attention to the question as to who the alienee is.

If alienor is a member of an agricultural class, then the Sub-Registrar should ascertain who the alienee is. - If the alienor is a member of an agricultural class, then the Registering Officer should ascertain who the alienee is. If the alienee is a member of an agricultural class, no matter to what District of Jammu and Kashmir Provinces he belongs, the instrument may be registered without question. If the alienee is not such a person the Deputy Commissioner's sanction to the transfer is required and, if no certified copy of such sanction is produced, the document should not be admitted to registration and should be returned unendorsed with instructions that copy of the Deputy Commissioner's order of sanction is required and that the instrument can only be admitted to registration when this defect has been remedied and it has been presented against under sub-rule (1)(ii).

3) Mortgage deed may be registered without question if mortgagor is not a member of an agricultural class of if mortgagor and mortgagee are both members of the agricultural class. - When a mortgage deed is presented it is necessary to ascertain who the alienor is and what is the term and purpose of the transaction.

Whether the alienor is or is not member of an agricultural class, no transfer of agricultural land either by way of mortgage (or lease) for non-agricultural use made for a period of more than 3 years is, under section 16 of the Act, valid without the sanction of the Deputy Commissioner, if there is no objection on this score, then:-

If the alienor is not a member of an agricultural class the deed can be registered without question, even though it contains a condition intended to operate by way of conditional sale ; for the Alienation of Land Act imposes no such restriction for disposal of property on alienors who are not members of an agricultural class.

If the alienor is a member of an agricultural class, then, if the alienee is also a member of an agricultural class, the deed may be registered without question, irrespective of the fact whether it contains a condition intended to operate by way of conditional sale, vide section 12 of the Act. In such cases the right of mortgaging by way of conditional sale is not denied.

Mortgagor member of an agricultural class and mortgagee non-member. Sub-Registrar's duty to decline registration unless mortgage is one of forms permitted by section 8 of the Act - But if the alienor is a member and the alienee is not a member of an agricultural class, then the deed should be returned under sub-rule (1) (i) unless it is drawn up in one or other of the following forms: -

- (a) In the form of a usufructuary mortgage, by which the mortgagor delivers possession of the land to the mortgagee, and authorises him to retain such possession and to receive the rents and profits of the land in lieu of interest and towards payment of the principal, on condition that after the expiry of the term agreed on, or (if no term is agreed on, or if the term agreed on exceeds twenty-one years) on the expiry of twenty-one years, from the date on which the possession of the land was transferred, the land shall be redelivered to the mortgagor; or

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- (b) In the form of a mortgage without possession subject to the condition that if the mortgagor fails to pay principal and interest according to his contract, the mortgagee may apply to the Deputy Commissioner to place him in possession for such term, not exceeding twenty-one years, as the Deputy Commissioner may consider to be equitable, the mortgage to be treated as usufructuary mortgage for the term of the mortgagee's possession, and for such sums as may be due to the mortgagee on account of the balance of principle due and of interest due not exceeding the amount claimable as simple interest at such rate and for such period as the Deputy commissioner thinks reasonable ; or
- (c) In the form of a written usufructuary mortgage by which the mortgagor recognises the mortgagee as a landlord and himself remains in cultivating occupancy of the land as a tenant subject to the payment of rent at such rate as may be agreed upon not exceeding sixteen annas per rupee of the amount of the land revenue in addition to the amount of the land revenue of the tenancy, and the rates and cesses chargeable thereon, and for such term as may be agreed on, the mortgagor having no right to alienate has right of cultivating occupancy, and the mortgagee having no right to eject the mortgagor unless on the grounds mentioned in section 45 of the Jammu and Kashmir Tenancy Act, 1980.

When a mortgage deed is returned owing to its not being drawn up in one or other of the above forms, it may be accepted for registration if presented again in amended form under sub-rule (1) (ii).

If a mortgage of land is made after the commencement of the Alienation of Land Act (i.e. on and after 4th January, 1934), by a member of an agricultural class in favour of a person who is not a member of an agricultural class, and contains a condition intended to operate by way of conditional sale, then that condition shall be null and void; but the mortgage itself is not void, only the condition is void; the result of which is that the mortgage will remain good and the condition will be taken as non-existent.

(4) Increase of mortgage money. - In the case of mortgages executed before the passing of the Act a subsequent increase in the mortgage debt should not be treated as creating a new mortgage to which sections 8 or 11 of the Alienation of Land Act would apply even though a new deed is executed; unless the new deed expressly declares that the old mortgage is cancelled or the Deputy Commissioner thinks it equitable to use power conferred on him by section 11 of the Alienation of Land Act.

(5) Alienation of, or charge on produce of land.-When an instrument purporting to alienate or charge the produce of land is presented, it is necessary to ascertain who the alienor is. If he is a member of an agricultural class, then if the deed purports to alienate or charge the produce for more than five years, the Deputy Commissioner's sanction to the alienation is required irrespective of the fact whether the alienee is or not a member of an agricultural class; and if no certified copy of such order of sanction is produced, the deed should be returned under sub-rule (1) with instructions that a copy of the Deputy Commissioner's order of sanction is required before it can be admitted.

(6) *Lease or farm for period exceeding 21 years.* - An instrument of lease or farm made by a member of an agricultural class in favour of a person who is not a member of an agricultural class, if not made contrary to the provisions of section 16 of the Act, would not be refused admission to registration merely because the term of years prescribed in section 13 of the Act is exceeded in the conditions of the instrument, as the instrument in other respects would not be necessarily invalid. Under section 13 of the Act a member of an agricultural class cannot make a lease or farm for a period exceeding twenty-one years, when the lessee or farmer is not a member of an agricultural class. The only restriction herein specified is with respect to the duration, and that too, when the other party is not the member of an agricultural class.

(7) *Instrument re-written.* - If, when an instrument is returned for amendment under sub-rule (1), it is entirely re-written and re-executed so as to form a fresh document which conforms to the form prescribed by the Act, such fresh document may be admitted to registration under sub-rule (1)(ii) just as if it were the original document amended.

(8) *Delay in Registration.* - Delay in registering a document occasioned by the necessity of obtaining any order of a Deputy Commissioner should, in the absence of any reason to the contrary, be held by the Registering Officer to be a delay due to urgent necessity within the meaning, and for the purposes, of sections 25 and 34 of the Registration Act, 1977.

If any delay occasioned by the necessity of obtaining an order of a Deputy Commissioner is not due to any default on the part of a person desiring registration, the Registrar, in directing the registration of the document should, whether he is acting under section 25 or section 34 of the Registration Act, 1977, require payment of only a nominal fine. It is obvious that the fine or additional fine should be as nominal as possible and an order for the payment of an amount of even only one anna in excess of the proper registration fee would satisfy the rule as to fines or additional fines, made under section 69 of the Registration Act, 1977, to meet cases of this kind.]

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44. Book No. 3

Book No. 3 is the register in which Wills and Authorities to adopt are to be copied after they have been accepted for registration under section 41; also such Wills as have been opened under sections 45 and 56. This book is not open to public inspection nor are its indexes; but copies of entries in it or them shall, on payment of the prescribed fees, be given to the persons executing the document to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies. The necessary search shall be made by the Registering Officer in person. When a Will entered in this book affects immovable property situate in districts or sub-districts other than that where the entry has been made, no copy or memorandum of such Will need be sent to the Registering Officers of those districts or sub-districts. This register shall contain the same headings as Book No. 1.

45. Description of Will

To prevent mistakes, it is here explained that every document making posthumous disposition of property is a "Will", and should, when registered, be entered in Book No. 3. Further, that a document which merely declares the fact of having adopted a son or giving a son for adoption is not an authority "to adopt" and should not be entered in this book unless it contains testamentary disposition which brings it within the above definition of "Wills".

46. Book No. 4

Book No. 4 is the miscellaneous register in which are to be copied all documents registered under clauses (d) and (f) of section 18, which do not relate to immovable property. It is not open to public inspection, nor are its indexes; and copies of entries in it or them shall be given, on payment of the prescribed fees, only to the parties executing or claiming under the documents to which such entries relate or to the agents or representatives of such persons. The necessary search shall be made by the Registering Officer in person. This register shall contain the same headings as Book No. 1.

47. Cancellation of registered documents by order of Court

When under the provisions of section 39 of the Specific Relief Act any registered document is cancelled by order of Court, and a copy of the decree is sent to the office in which it was registered, a note of the cancellation shall be made in red ink in the column for remarks of the proper register book, opposite the copy of the document cancelled, specifying the Court ordering cancellation and the No. and date of its decree. All copies of decrees received under this rule shall be filed in annual bundles.

48. Book No. 5

Book No. 5 is the register of deposit of Wills, and is to be kept only in the offices of Registrars, who alone can receive Wills in sealed covers for deposit. It shall contain the following headings:-

- (1) Serial number,
- (2) Superscription on the sealed cover,
- (3) Inscription on the seal of the cover,
- (4) Time of presentation and receipt of the sealed cover, i.e.,
Year. Month. Day. Hour,
- (5) Name of depositor,
- (6) Name of persons testifying to the identity of depositor,
- (7) Time of delivery of the sealed cover to applicant for withdrawal:-
Year. Month. Day. Hour,

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(8) Names of persons testifying to the identity of the applicant at the time of delivery,

(9) Time of opening the sealed cover.-

Year. Month. Day. Hour.

Columns (1) to (6) shall be filled in when a Will is first deposited under section 43; columns (7) and (8) shall be filled up in the event of the Will being subsequently withdrawn; and column (9) shall be filled up when a Will is opened, after the death of the testator, under section 45 or 46. All these several entries must be verified by the signature of the Registrar for the time being. When a Will has been removed by order of Court under section 46, the fact shall be noted in red ink across the entry, and the note shall be authenticated by the signature of the Registrar.

49. Book No. 6.

In addition to the above books there shall be kept in every Registry Office a memorandum book, to be called "Book No. 6", for the purpose of recording brief abstracts of powers-of-attorney authenticated under section 33, clause (a). It shall contain the following headings:-

- (1) Serial number.
- (2) Date (year, month, day).
- (3) Name and addition of principal executing the power.
- (4) Name and addition of attorney.
- (5) Names of persons identifying the principal.
- (6) Value of stamps; amount of fees levied; and brief abstract of contents of power.

In the last of these columns it shall be noted, amongst other things, whether the instrument gives express or implied authority to the attorney to present a document for registration; whether the power is a special or a general one; and if special, in what registration office it is intended to be used. It is not necessary to copy out the document in extenso.

50. Index to Book No. 6

The last 33 pages of each volume of this book shall contain an alphabetical index of the entries in it, one page being allowed for each letter of the Urdu alphabet. The index shall be in the following form:-

Name of principal executing power	Page	Name of attorney	Page.

51. Authentication of powers-of-attorney by registering Officers

To prevent mistakes it is here explained that the only description of power-of-attorney which a Registering Officer is competent to authenticate under section 33 is one which contains authority to present a document for registration, and this is the only kind of power of which entries should be made in Book No. 6. A power-of-attorney may, of course, be registered like any other document, but it will not be valid for registration purposes unless it has been authenticated under section 33. Accordingly, when a power-of-attorney is presented by a person who presumably does not understand the distinction between registration and authentication, and it be not a power which the Registering Officer can authenticate, he shall register the document in his Book No. 4. But if the power contain authority to present a document for registration, the Registering Officer shall explain the difference between authentication and registration, and ascertain the presenter's exact wishes in respect of the document. There is nothing, of course, to prevent such a document being registered as well as authenticated if the principal wishes it, but in that case the two operations shall be treated as separate transactions and the usual fees shall be levied for both.

52. Other Books

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Registrars and Sub-Registrars shall keep up such books and accounts in addition to those above mentioned, and shall render such monthly and annual returns as Inspector General may from time to time prescribe.

53. Consecutive numbers to be by the Gregorian year, Certificate at close of year

The consecutive numbers of entries in each book prescribed in section 53 shall commence and terminate with the gregorian year, and at the close of each such year, the Registering Officer shall certify, after the last entry of each current volume, the number of entries made in that volume during the year, and the number of pages on which they are written; he shall also examine those entries, and note in his certificate any errors or defects that he may discover. If no entries have been made during the year in any volume, he shall certify to that effect.

54. Concurrent volumes of some registers

If in any office the number of documents to be registered be so large that there is difficulty in entering them day by day in the appropriate registers, the Registering Officer may, with the previous sanction of the Inspector General, keep up concurrently two volumes of any register book, the documents bearing even numbers being entered in one volume, and those bearing odd numbers in the other. In special cases three or more concurrent volumes may be maintained.

55. Place of presentation

All documents shall be presented and registered at the office at the head-quarters of each district or sub-district, as the case may be, but, as provided by the Act, on special cause being shown Registering Officers may proceed to the private residence of any person desiring to present a document and accept it there for registration. This permission, however, must not be interpreted as extending to the acceptance for registration of documents at the private residence of the Registering Officer.

56. Payment of visits and issue of commission

Section 38 of the Act exempts from personal appearance at a Registration Office, persons unable from bodily infirmity to attend without risk or serious inconvenience, persons in jail, and persons exempt by law from personal appearance in Court. In every such case the law requires that the Registering Officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination. In every case of issue of a commission by a Sub-Registrar he should report to the Registrar the name and position of the person to whom it was issued, and the reason for not having himself proceeded to the spot^[10]. As a rule, where the Treasury Officer is the Sub-Registrar, the Sadar Tehvildar, or in his absence the Naib-Tehvildar, should be entrusted with the execution of commission; and where the Tehvildar is the Sub-Registrar, the Naib-Tehvildar should be employed on this duty. The issue of commissions to a registration moharrir is absolutely prohibited.

57. Hours allotted to registration work to be notified

Where Registering Officers have other duties to perform, a certain portion of each day shall be allotted exclusively to registration work. The time so set apart shall be made generally known, and a written notice of it shall be exhibited in a conspicuous and accessible part of the building in which the Registry Office is located. The notice shall state the hours at which documents will be received and returned daily. Similar notices shall be posted outside the offices of whole-time Registering Officers. The latter should usually attend at their offices during the ordinary hours of business (10 or 11 A.M. to 4 to 5 P.M.).

58. Reception of documents for registration

At the hours appointed in the notice, the Registering Officer shall personally receive all documents for which registration is sought, have them examined in his own presence, and if they be admissible, inform each party of the amount of fees he has to pay, and as soon as such fees are paid, the receipt prescribed in section 52 shall be given to him. If in payment of the fees any party pay more than the exact amount due, the excess shall be returned to him at once.

59. Documents to be scrutinized and explained to executants

Every deed shall be subjected to a thorough scrutiny with a view to ascertaining whether it correctly represents the intentions of the parties and the Registering Officer shall make sure that the person incurring liability knows the extent to which his rights are affected, as for instance in regard to his share in the Shamilat or to the question of cultivating

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possession. Documents executed by persons who are unable to read shall be read out and, if necessary, explained to them, and the Registering Officer shall ascertain that they clearly understand their purport. Documents written in a language which the executants do not understand shall in like manner be interpreted and explained.

[11]60. Copying of documents into register

When a document has been admitted to registration and the necessary endorsements have been recorded, it should be made over to the registration moharrir to be copied into its appropriate book and the Registering Officer should see that no unnecessary delay occurs, and that documents are always entered in the books in the order of their admission. In the first column of the register should be entered the value of the stamp (if any) and the number of stamps used; and if they be court fee stamps this should be noted. Thereafter will be copied the several endorsements made in the office (including the certificate of registration prescribed by section 60), the several signatures of the Registering Officer, presenter, executant and witnesses examined, being all copied in their proper places. In the second column will be noted the serial number of the entry, a brief abstract of the contents of the document (e.g., "mortgage of agricultural land for Rs. 500 with possession") and the amount of fees and fines levied. The third column will contain an exact copy of the document registered and should show all interlineations, blanks, erasures, and alterations which appear in the original. All such entries must be authenticated by the Registering Officer daily, in the manner prescribed in paragraph 16.

[12]61. Certificate of Registration

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

[13]62. Submission to Judicial Minister

If a document falls under clause (a) or (b) of sub-section (1) of section 17 of the Act and if any of the parties to the document is not a hereditary State subject of the First Class the Registering Officer shall after its registration in his office submit it through the Registrar and the Inspector General for sanction and the countersignatures of the Judicial Minister.

63. Return of registered documents

[14][On receipt of Judicial Minister's sanction to the document submitted to him as above or if the document does not require submission to the Judicial Minister], the Registering Officer shall cause it to be delivered in his own presence to the proper person, the receipt given for it being at the same time taken back. If the party to whom the receipt was granted represent that he has lost or mislaid it, the document may be returned to him on his written acknowledgement of its return. The document shall in no case, except as provided in the instructions regarding the return of documents by post, be returned to any one but the person who presented it for registration, or to his representative or agent, unless the person claiming to receive it produce the original receipt with a nomination in writing thereon as contemplated in section 61.

64. Control to be maintained over Moharrirs

Registering Officers shall maintain a vigilant control over their moharrirs and not place them in closer contact with the public than is unavoidable. The receiving of documents or of money, the recording of endorsements, and the returning of the documents shall not be left to the moharrirs to do at any time, or in the absence of the Registering Officer.]

65. Identification of parties

When the Registering Officer is not personally acquainted with executants, he shall require them to produce persons to testify to their identity who are personally known to him or to some other person whom he personally knows. He may also, if he think fit, cause descriptive rolls to be recorded of the persons representing themselves as executants; but this procedure must be, in addition to, and not take the place of the positive procedure required by section 34, that the Registering Officer shall satisfy himself of their identity, for it must be borne in mind that such descriptive rolls afford in themselves no proof of identity.

66. Presentation by agents, representatives and assigns

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If the person producing the document be an agent, he must produce power-of-attorney authenticated in the manner prescribed in section 33 of the Act. If he be a representative or assign he must produce evidence of his status. But care must be taken to distinguish between deeds executed by agents in pursuance of power in that behalf conferred upon them by their principals, and deeds executed by principals presented for registration by agents empowered in that behalf. It is not the duty of the Registering Officer to satisfy himself of the power of an agent, being the actual executant of an instrument, to execute it, i.e., to deal with the property forming the subject matter of the deed. His duty is confined to the question whether the persons purporting to have executed the instrument have in fact done so or not. There are three possible cases:-

- (1) Where the actual executant, or person claiming under the instrument, appears,
- (2) Where a representative or an assign of such person appears,
- (3) Where an agent of either of the above persons appears.

In the first case, the officer has simply to ascertain whether the person so appearing does or does not admit execution, and his identity. In the second case, the officer has further to satisfy himself as to the right of the representative or the assign to appear in that capacity and to admit execution. In the third case, the officer has simply to see whether the person appearing is an agent duly empowered as prescribed by section 33 to appear and bind his principal,- viz., the executant, person claiming under the instrument, representative or assign with an admission of execution.

67. Endorsement

Endorsements shall always be written by or in the presence of the Registering Officer and of the parties concerned. Departmental and honorary Sub-Registrars shall record the endorsements required by sections 25 and 58 with their own hands, unless they are unavoidably prevented from so doing, in which case the reason of the inability shall invariably be noted with the endorsements on any document thus registered. The following forms of endorsements shall be adhered to as far as the circumstances of each case will permit:-

A.- Forms of endorsement for authenticating powers-of-attorney under section 33

- (1) When the principal attends at the Registration Office:

"This power-of-attorney has been executed before me by (name and addition) who is resident of my district (or sub-district) and is personally known to me, "or," is identified by who is personally known to me."

Date _____ Signature of Registering Officer.

- (2) When the Registering Officer visits the principal at his residence, or in Jail:

"I have satisfied myself by personal visits that this power-of-attorney has been voluntarily executed by etc.," as before.

- (3) When a commission is issued to obtain evidence as to the voluntary nature of the execution:

"I have satisfied myself through name to whom a commission was issued for the purpose that this power-of-attorney was voluntarily executed by (name and addition) who is a resident of my district (or sub-district)."

Date _____ Signature of Registering Officer.

B.- Forms of endorsements to be recorded on wills in deposit, the sealed covers of which have been opened under section 45 or 46

- (4) When the Will is opened on application after the death of the testator under section 45:

"Having satisfied myself that the testator hereof is dead, this Will has been opened on the application and in the presence of (name and addition) this ____day of."

Signature of Registrar and applicant.

- (5) When a Will is removed into Court under section 46.

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“Opened and removed into the Court of _____ pursuant to order dated _____.”

Date _____ Signature of Registrar.

C.-Forms of endorsements to be recorded on every document presented for registration under section 52

(6) When presented at the Registration Office by some person executing or claiming under it:

“Presented by (name and addition) at the Office of the Registrar (or Sub-Registrar) of this ___day of ___between the hours of and_____A.M. or P.M).”

Date _____ Signature of Registering Officer and presenter.

(7) When presented at the Registration Office by a representative or assign:

“Presented by (name and addition) representative (or assign)_at the office etc.,” as before.

(8) When presented at the Registration Office by an agent:

“Presented by (name and addition) who holds a duly authenticated power of attorney authorising him to appear on behalf of _____at the office, etc.” as before.

(9) When the document is accepted for registration at a private residence under section 31:

“Presented by (name and addition) at his private residence this___etc.” as before.

D.- Forms of endorsements to be recorded under section 58 on every document admitted to registration, other than a copy of a decree or order, or of a certificate sent under section 89.

(10) When the person purporting to have executed the document admits such execution:

“Execution admitted by (name and addition) who is personally known to the Registering Officer;_____or, is identified by _____and _____, these witnesses being personally known to the Registering Officer.”

Date_____ Signature of Registering Officer, executant & witnesses.

(11) When any payment of money or delivery of goods is made before the Registering Officer, or when the executant admits or denies the receipt in whole or part of the consideration, the foregoing form will be modified and the fact recorded, e.g.;

“Execution admitted and receipt for consideration or of Rs. ___in part of consideration acknowledged by etc., as before; (or, after personally known to the Registering Officer,)”:

“In whose presence the sum of Rs. _____being the consideration (or part of the consideration) recited herein, has been paid to the said _____” etc., or

“The said ___denies receipt of the consideration herein recited.”

(12) When the person executing is illiterate:

“Document read over and explained to the executant who understands the conditions and admits them to be correct (or who denies such and such a condition)”

(13) When the executant admits execution of the document but refuses to sign the endorsement:

“The above executant A. B. refuses to sign this endorsements”

(14) When the execution is admitted by an agent:

“Execution by (executant) admitted by (name and addition) who is authorised in that behalf by a duly authenticated _____power of attorney. The said (agent) is identified by ” etc., as before.

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(15) When the execution is admitted by a representative or assign:

“Execution by (executant) admitted by (name and addition), of whose right to appear as the representative (or assign) of the said (executant) the Registering Officer is satisfied. The said (representative or assign) is identified by _____” etc., as before.

(16) When the executant is dead:

“Execution by (executant), deceased admitted by _____ etc.,” as before.

(17) When the document is one executed by any officer mentioned in section 88:

“Having satisfied myself that this document was executed by A. B. Official Trustee (or as the case may be) in his official capacity his attendance and signature are dispensed with and this document is admitted to registration.”

Date _____ Signature of Registering Officer.

E. Form of endorsement to be recorded under section 60, on every document registered including Wills which have been opened and copied into Book No. 3

(18) Registered as No. in book ____, No. ____, volume ____ on page (or page) _.

Date _____ Signature of Registering Officer.

68. Endorsements may be written or continued on riders

When there is not sufficient vacant space on the back of a document for the necessary endorsements, they may be written or continued on a separate piece of paper attached to the document (vide definition of “endorsement” in section 3 of the Act) but in such case both the document and its rider must bear the seal and signature of the Registering Officer.

69. Use of seals

Every Registrar and Sub-Registrar has been provided with a seal as required by section 15, bearing an inscription, in Urdu, of the authorised designation of his office. This seal shall always remain in the personal custody of the Registering Officer, and shall be used for the authentication of the following:-

- (1) All powers of attorney attested under section 33, clause (ii).
- (2) All commissions issued under sections 33 and 38.
- (3) All applications or the issue of summons to witnesses, under section 36.
- (4) All copies of entries in register books and indexes, granted under section 57.
- (5) All certificates of registration made under section 60.
- (6) All copies of reasons for refusals to register granted under section 71 or 76.
- (7) All orders issued by Registrars under section 72 or 75, directing documents to be registered.
- (8) All summonses issued by Registrars under section 75.

70. Supply and renewal of seals

When a seal which has become unfit for use is replaced by a new one, the former shall be destroyed in the presence of the Registrar of the District. The seals of offices permanently closed shall be destroyed in the same manner; those of offices temporarily closed shall remain in the personal custody of the Registrar of the District. All new seals, whether for newly created offices, or to replace others which have become unfit for use, shall be supplied from the office of the Inspector General.

71. Report of prosecutions

Full report of all prosecutions instituted under part XIV of the Registration Act shall be made to the Inspector General as soon as possible after decision, and shall be accompanied by a copy of the judgment of the Court.

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- [1] Substituted by High Court Notification No. 4, dated 24.07.1972, published in Govt. Gazette dated 24-7-1972
- [2] Rule 10 substituted by C.O. No.443-C of 1938 (G.G. dated 3rd Har, 1995).
- [3] Section 67 stands omitted by Act I of 1968.
- [4] Section 67 stands omitted by Act I of 1968.
- [5] Also see sub-section (1) of section 62 of the Act as substituted by Act VIII of 1964.
- [6] Section 67 stands omitted by Act I of 1968.
- [7] Section 67 stands omitted by Act I of 1968.
- [8] Section 67 stands omitted by Act I of 1968.
- [9] Rules 43-A and 43-B added by C.O. No. 23 dated 17th January, 1935.
- [10] This does not apply to Treasury Officers performing registration duties who are not required or expected to make personal visits to private residences or jails.
- [11] Also see sub-section (1) of section 62 of the Act as substituted by Act VIII of 1964.
- [12] Also see sub-section (1) of section 62 of the Act as substituted by Act VIII of 1964.
- [13] There are now no "hereditary State subject of the first class" but permanent residents of the State (section 6 of the Constitution) and the question of countersignature of any deeds does not arise.
- [14] There are now no "hereditary State subject of the first class" but permanent residents of the State (section 6 of the Constitution) and the question of countersignature of any deeds does not arise.

Note:- The Act has been repealed by the Jammu And Kashmir Reorganisation Act, 2019 (Act No. 34 of 2019).