



The Registration (Gujarat Amendment) Act, 1982

Act 7 of 1982

Keyword(s):

Registration, Immovable Property, Instruments, Inspector General of Registration

Amendments appended: 18 of 1990, 14 of 2008, 16 of 2016, 4 of 2020

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Separate paging is given to this Part in order that it may
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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
President on the 20th February, 1982 is hereby published for general information.

K. M. SATWANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 7 OF 1982.

(First published, after having received the assent of the President in the
"Gujarat Government Gazette" on the 23rd February, 1982).

AN ACT

further to amend the Registration Act, 1908 in its application to the
State of Gujarat.

It is hereby enacted in the Thirty-second Year of the Republic of India as
follows:—

1. (1) This Act may be called the Registration (Gujarat Amendment)
Act, 1982.

(2) It shall be deemed to have come into force on the 18th December, 1981

Short title
and comme-
ncement.

Amendment
of section
17 of Act
XVI of
1908.

2. In the Registration Act, 1908, in its application to the State of Gujarat, in section 17, —

XVI of
1908.

(1) in sub-section (1), after clause (a), the following clause shall be inserted, namely :—

“(aa) instruments which purport or operate to effect any contract for transfer of immovable property;”;

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) The provisions of section 23 shall apply to an instrument referred to in clause (aa) of sub-section (1) and executed before the commencement of the Registration (Gujarat Amendment) Act, 1982 as if in that section for the words “from the date of its execution” the words, figures, and letters “from the 1st March, 1982” had been substituted.”

(3) in sub-section (2), the explanation shall be deleted.

Repeal
and saving.

3. (1) The Registration (Gujarat Amendment) Ordinance, 1981 is hereby repealed.

Guj.
Ord.
12 of
1981.

(2) Notwithstanding such repeal anything done or any action taken under the Registration Act, 1908, as amended by the said Ordinance, shall be deemed to have been done or taken under that Act as amended by this Act.



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Separate paging is given to this Part in order that it
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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the
 President on the 21st September, 1990 is hereby published for general information.

R. M. MEHTA,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 18 OF 1990.

(First published, after having received the assent of the President in the
 "Gujarat Government Gazette" on the 5th October, 1990.)

AN ACT

further to amend the Registration Act, 1908, in its application to the State
 of Gujarat.

It is hereby enacted in the Forty-first Year of the Republic of India
 as follows :—

1. (1) This Act may be called the Registration (Gujarat Amendment)
 Act, 1990.

(2) It shall come into force on such date as the State Government
 may, by notification in the *Official Gazette*, appoint.

2. In the Registration Act, 1908, in its application to the State of
 Gujarat (hereinafter referred to as "the principal Act"), in section 30,—

Short
 title and
 commence-
 ment.

XVI
 of
 1908.

Amendment]]
 of
 Section 30 of
 XVI of 1908

- (1) in sub-section (1), the brackets and figure "(1)" shall be deleted ;
 (2) sub-section (2) shall be deleted.

Deletion of
 section 67 of
 XVI of
 1908.

3. In the principal Act, section 67 shall be deleted.

Insertion of
 new section
 80A in
 XVI of
 1908.

4. In the principal Act, after section 80, the following section shall be inserted, namely:—

Recovery of
 deficit
 amount
 or regi-
 stration
 fee as
 arrear of
 land
 revenue
 and
 provision
 for
 refund.

"80A. (1) If, on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector General of Registration, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue. The certificate of the Inspector General of Registration shall be final and shall not be called in question in any court or before any authority :

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector General of Registration finds that the amount of fee in excess of that which is legally chargeable, has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess."



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 16th May, 2008, is hereby published for general information.

H. D. VYAS,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 2008.

(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 5th June, 2008).

AN ACT

*further to amend the Registration Act, 1908 in its application
to the State of Gujarat.*

It is hereby enacted in the Fifty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Registration (Gujarat Amendment) Act, 2008. Short title and commencement.
(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
- XVI of 1908. 2. In the Registration Act, 1908 in its application to the State of Gujarat, in section 17, in sub-section (1), after clause (e) and before the proviso, the following clauses shall be inserted, namely :- Amendment of section 17 of XVI of 1908.
 - (f) power of attorney relating to transfer of immovable property possession whereof has been or is handed over to the purported attorney holder;
 - (g) instrument relating to the mortgage by deposit of title deeds:".



सत्यमेव जयते

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 5th September, 2016 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2016.

(First published, after having received the assent of the President, in the "Gujarat Government Gazette", on the 16th September, 2016).

AN ACT

further to amend the Registration Act, 1908 in its application to the State of Gujarat.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Registration (Gujarat Amendment) Act, 2016. Short title and commencement.
- (2) It shall come into force at once.
- XVI of 1908. 2. In the Registration Act, 1908, in its application to the State of Gujarat, in section 17, in sub-section (1), after clause (g), the following clauses shall be added, namely:- Amendment of section 17 of XVI of 1908.
 - “(h) any instrument authorising the promoter or the developer, by whatever name called, for construction of or development of, or transfer or assignment of, any immovable property;
 - (i) agreement relating to the constitution of partnership where any partner or partners bring his or their share by way of immovable property;
 - (j) any instrument by which any immovable property is taken as his share on dissolution of the partnership by any of the partners other than a partner who brought that property as his share to the partnership.”

Extra No. 7



वार्षिक लवाजमनो दर रु. ४,०००/-

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 28th May, 2020 is hereby published for general information

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2020.

(First published, after having received the assent of the President, in the "Gujarat Government Gazette", on the 19th June, 2020.)

AN ACT

further to amend the Registration Act, 1908 in its application to the State of Gujarat

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Registration (Gujarat Amendment) Act, 2018. 7 **Short title and commencement.**

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 17 of XVI of 1908. 2. In the Registration Act, 1908, in its application to the State of Gujarat XVI of 1908. (hereinafter referred to as "the principal Act"), in section 17,-

(i) in sub-section (1), -

(a) for clause (f), the following clause shall be substituted, namely:-

Guj.16 of 2016.

“(f) power of attorney intending to administer, manage and/or alienate immovable property in any manner, executed on or after the commencement of the Registration (Gujarat Amendment) Act, 2016;”;

(b) after clause (j), the following clause shall be added, namely:-

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

(ii) in sub-section (2), clause (xii) shall be deleted.

Amendment of section 32 of XVI of 1908. 3. In the principal Act, in section 32, the following Explanation shall be added at the end, namely:-

“*Explanation.-* For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

Amendment of section 34 of XVI of 1908. 4. In the principal Act, in section 34, -
(i) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) The registering officer may refuse to accept the non-testamentary documents relating to immovable property mentioned in sub-section (1) of section 17, if they are not accompanied by the -

- (a) proofs of identity of executing and claiming parties and witnesses;
- (b) proofs of authorization when the executant or claimant thereunder is representative or agent authorized by the person or entity whose document is to be registered;

- (c) sign or thumb impression/finger print (if the person is unable to sign) of one person from both executing and claiming parties, affixed on each and every page of the deeds submitted for registration;
- (d) proof that the principal is alive, in cases where the document is executed by the power of attorney holder on behalf of the principal.”;

(ii) the following Explanation shall be added at the end, namely:-

“Explanation.- For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

5. (1) In the principal Act, in section 35, the following Explanation shall be added at the end, namely:-

Amendment of section 35 of XVI of 1908.

“Explanation.- For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

6. In the principal Act, in section 69, in sub-section (1), after clause (j), the following clause shall be added, namely:-

Amendment of section 69 of XVI of 1908.

“(k) regulating the procedure for presentation of document, appearance for admission, endorsement, manner of affixing signature and seal, mode of payment of registration fees and other fees and such other process when the document is presented by electronic means.”.

7. In the principal Act, after section 89, the following sections shall be inserted, namely:-

Insertion of new sections 89A, 89B, 89C and 89D in XVI of 1908.

Copies of court decrees, attachment orders, etc., to be sent to Registering Officers and filed in registers.

“89A. (1) Every court passing,-

- (a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or immovable property in favour of any person, or
- (b) an order to interim attachment or attachment of immovable property or for the release of any

immovable property from such attachment shall, in accordance with the rules made in this behalf,

shall send a copy of such decree or order together with a memorandum describing the property as far as may be practicable, in the manner required by section 21, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order, is situated, and such officer shall file the copy of the memorandum in his Book No 1:

Provided that, where the immovable property is situated within the local limits of the jurisdiction of more than one Registering Officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officer.

(2) Every officer issuing a certificate of sale or a written demand before the attachment of the immovable property of a defaulter under the provisions of any law relating to Revenue Recovery for the time being in force including the Revenue Recovery Act, 1890, shall,-

1 of 1890.

(a) send a copy of such certificate of sale or written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21;

(b) where such written demand is withdrawn or attachment of property is lifted or the property sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in the manner required section 21, to the Registering Officer

within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand is situate, and such registering officer shall file a copy of the written demand and memorandum in his Book No 1:

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one Registering Officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

Notice to be sent to Registering Officers by mortgag or in case of mortgage by depositing title deeds and provisions for compensation in favour of subsequent transferee.

89B. (1) Every person who has mortgaged immovable property by way of mortgage by depositing title deeds under clause (f) of section 58 of the Transfer of Property Act, 1882 shall, within 30 days from the date of mortgaged, file a notice of intimation of his having so mortgaged the property giving details of his name and address, name and address of mortgagee, date of mortgage, amount received under the mortgage, rate of interest payable, list of documents deposited, and description of the immovable property in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property is situated, and the said officer shall file the same in his Book No 1:

4 of 1882.

Provided that if the property so mortgaged falls within the jurisdiction of more than one registering officer, the procedure specified in this sub-section shall be followed in respect of property within the jurisdiction of each of such officers.

(2) If, the person who has mortgaged the property as aforesaid fails to file a notice within 30 days as referred to in sub-section (1) before the registering officer or officers, as the case may be and enters into any transaction in relation to of affecting the immovable property which is subject matter of the mortgage, with a third party, such a transaction shall be void and the third party shall be entitled to refund any amount paid by him together with interest at twelve per cent. from the date of payment and also to compensation for any damages suffered by him, from the transferor.

(3) The amount recoverable by such transferee as specified in sub-section (2) shall be a charge on the interest of the mortgagor, in the mortgaged property:

Provided that, nothing in this section shall apply to the instruments of agreement relating to mortgage by deposit of title deeds which are duly registered under the provisions of this Act.

Punishment for failure to file notice under section 89B.

89C. Any person who fails to file a notice under section 89B to the registering officer along with fees, within the period specified in that section, shall be punished with imprisonment for a term which shall not be less than one year but which may be for a term which may be extended up to three years and shall also be liable to fine.

Power to make rules for filing of true copies of documents and notices referred in sections 89A and 89B.

89D. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of section 89A and section 89B.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,-

- (a) the manner in which notices or true copies of documents shall be prepared, and
- (b) the manner of filing of the notices or true copies.
- (3) All rules made under this section shall, be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.
-