

**THE REGISTRATION (RAJASTHAN AMENDMENT)
BILL, 2021**

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

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

Be it enacted by the Rajasthan State Legislature in the Seventy-second Year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Registration (Rajasthan Amendment) Act, 2021.

(2) It shall extend to the whole of the State of Rajasthan.

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

2. Amendment of section 12, Central Act No. 16 of 1908.- In section 12 of the Registration Act, 1908 (Central Act No. 16 of 1908) hereinafter referred to as the principal Act, for the existing expression "Registrar of the district", the expression "Inspector General of Registration" shall be substituted.

3. Amendment of section 17, Central Act No. 16 of 1908.- In section 17 of the principal Act,-

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

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

"(d) leases of immovable property for any term;"

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

"(f) agreement to sell immovable property whether possession whereof has been or is handed over or not to the purported purchaser;"

(c) after the existing clause (g), the following clauses shall be added, namely:-

"(h) agreement or any other document relating to the deposit of title deeds or instruments constituting or being evidence of the title to any immovable property, where such deposit has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt;

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

(j) agreement relating to giving authority or power to a promoter or a developer, by whatever name called, for construction on, or development of, or sale or transfer (in any manner whatsoever) of, any immovable property;

(k) power of attorney authorizing to transfer immovable property with or without consideration;

(l) Concession agreement as defined in Rajasthan Stamp Act, 1998 (Rajasthan Act No. 14 of 1999);

- (m) any other instrument required by any law, for the time being in force, to be registered:";
- (ii) in sub-section (2),-
 - (a) the existing clause (xii) shall be deleted; and
 - (b) in clause (xiii), for the existing expression "sub-section (5) of section 89", the expression "sub-section (6) of section 89" shall be substituted;
- (iii) for the existing sub-section (3), the following shall be substituted, namely:-
 - "(3) Authorities to adopt a son or a daughter and not conferred by a Will, shall also be registered."

4. Amendment of section 18, Central Act No. 16 of 1908.- In clause (c) of section 18 of the principal Act, the existing expression "leases of immovable property for any term not exceeding one year, and" shall be deleted.

5. Amendment of section 22A, Central Act No. 16 of 1908.- For the existing section 22A of the principal Act, the following shall be substituted, namely:-

"22A. Certain documents not to be registered.- Notwithstanding anything contained in this Act or any other law for the time being in force, the registering officer shall not register-

- (a) an instrument relating to transaction which is prohibited by any Central Act or State Act for the time being in force;
- (b) an instrument of sale, gift, bequest, usufructuary mortgage, letting or sub-letting or exchange of agriculture land belonging to a member of Scheduled Castes or Scheduled Tribes unless a certificate issued by the competent authority to the effect that the transferee belongs to Scheduled

Castes or Scheduled Tribes, as the case may be, is produced before the registering officer;

- (c) an instrument of transfer of any interest in any land or part thereof situated within the area notified under section 3 of the Criminal Law (Amendment) Act, 1961 (Central Act No. 23 of 1961) unless the transferee proves to the satisfaction of the registering officer that he is entitled to enter or remain in such area without obtaining a permit in accordance with the provisions of the Criminal Law (Amendment) Act, 1961 (Central Act No. 23 of 1961);
- (d) an instrument of transfer of immovable property owned by the Central Government or the State Government or a Municipality or a Panchayati Raj Institution or any other body or authority established by a statute of the Central or State Legislature unless a letter of competent officer requesting registration is produced before the registering officer;

Explanation.- For the purposes of this clause "competent officer" means the officer duly empowered to execute the instruments referred to in this clause;

- (e) an instrument of transfer of any land or part thereof, in relation to which acquisition proceedings have been initiated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30 of 2013), unless the instrument is accompanied by, permission for such transfer obtained under section 5 of the Rajasthan Lands (Restrictions on Transfer) Act, 1976 (Act No. 27 of 1976) or, by an

affidavit of the transferor to the effect that the land is not affected by the provisions of section 4 of the said Act;

- (f) an instrument of mortgage or charge, or an instrument of transfer by way of sale, gift, exchange or otherwise, of any immovable property of a minor or any instrument of lease of any immovable property of a minor if such lease extends beyond five years or one year from the date of attaining majority by the minor, unless the instrument is accompanied by the permission of the competent court given under the provisions of the Hindu Minority and Guardianship Act, 1956 (Central Act No. 32 of 1956) or, as the case may be, the Guardians and Wards Act, 1890 (Central Act No. 8 of 1890) or it is proved to the satisfaction of registering officer that such permission is not required; and
- (g) an instrument of transfer of any right or interest in a land situated in colonisation area, except in the cases exempted in sub-section (1) of section 13 of the Rajasthan Colonisation Act, 1954 (Act No. 27 of 1954), unless the instrument is accompanied by the consent of the State Government."

6. Amendment of section 28, Central Act No. 16 of 1908.- In section 28 of the principal Act, for the existing expression "sub-section (1), clauses (a), (b), (c), (d) and (e), section 17", the expression "sub-section (1), clauses (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l), section 17" shall be substituted.

7. Amendment of section 32, Central Act No. 16 of 1908.- For the existing section 32 of the principal Act, the following shall be substituted, namely:-

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

- (a) by the person executing or claiming under the same, or, in the case of a copy of a decree or order, by a person claiming under the decree or order; or
- (b) by the representative or assignee of such a person; or
- (c) by the agent of such a person, representative or assignee, duly authorized by power of attorney executed and authenticated in the manner hereinafter mentioned."

8. Amendment of section 32A, Central Act No. 16 of 1908.- For the existing section 32A of the principal Act, the following shall be substituted, namely:-

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

- (a) agreement to sell immovable property including developer's or promoter's agreement

by whatever name called, for development of any property or construction of structure;

- (b) concession agreement;
- (c) conveyance;
- (d) exchange;
- (e) gift;
- (f) lease including transfer of lease by way of assignment and surrender of lease;
- (g) leave and licence;
- (h) mortgage;
- (i) partition;
- (j) release;
- (k) settlement;
- (l) trust;
- (m) power of attorney.

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

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

9. Amendment of section 33, Central Act No. 16 of 1908.- In sub-section (4) of section 33 of the principal Act,-

- (i) for the existing expression "may be proved", the expression "shall be proved" shall be substituted;
- (ii) the following proviso shall be added, namely:-
 "Provided that a proof to the effect that the person executing the power of attorney is alive shall be produced."

10. Amendment of section 34, Central Act No. 16 of 1908.- In section 34 of the principal Act,-

- (i) in sub-section (1), after the existing proviso, the following shall be added, namely:-

"Provided further that, when such document is presented by electronic means, the personal appearance shall not be required.";

- (ii) in sub-section (3), after the existing clause (c), the following shall be added, namely:-

"Provided that, when such document is presented by electronic means, the enquiry shall be done as per the rules made in this behalf.";

- (iii) in sub-section (4), for the existing expression "proviso to", the expression "first proviso to" shall be substituted.

11. Amendment of section 35, Central Act No. 16 of 1908.- In section 35 of the principal Act,-

- (i) in sub-section (1), in clause (a), after the existing expression "appear personally", the expression "or through electronic means, as the case may be," shall be inserted;

- (ii) in sub-section (2), the following shall be added, namely:-

"Provided that when such document is presented by electronic means, the procedure laid down by the rules made in this behalf shall be followed for the examination of person.";

- (iii) in sub-section (3),-

- (a) in clause (c), the word "or" shall be added at the end;

- (b) after the clause (c) so amended and before the existing expression "the registering officer shall refuse", the following shall be inserted, namely:-

"(d) on such circumstances and such documents as may be prescribed,".

12. Amendment of section 49, Central Act No. 16 of 1908.- In section 49 of the principal Act, after the existing expression "Transfer of Property Act, 1882 (Act No. 4 of 1882)" and before the existing expression ",to be registered", wherever occurring, the expression "or any other law for the time being in force" shall be inserted.

13. Amendment of section 52, Central Act No. 16 of 1908.- In sub-section (1) of section 52 of the principal Act, after the existing clause (c), the following shall be added, namely:-

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

14. Amendment of section 60, Central Act No. 16 of 1908.- In sub-section (1) of section 60 of the principal Act, after the existing expression "the document has been copied" and before the existing punctuation mark".", the expression "or the true copy of the document has been filed" shall be inserted.

15. Amendment of section 61, Central Act No. 16 of 1908.- In section 61 of the principal Act, for the existing sub-section (1), the following shall be substituted, namely:-

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

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

Provided that in the office of the registering officer notified by the State Government as a computerised

office, the copying of the items shall be done by using the electronic devices."

16. Amendment of section 64, Central Act No. 16 of 1908.- In section 64 of the principal Act, after the existing expression "endorsement and certificate (if any) thereon," and before the existing expression "and send the same", the expression "either in hard copy or in electronic form, as the case may be," shall be inserted.

17. Amendment of section 65, Central Act No. 16 of 1908.- In sub-section (1) of section 65 of the principal Act, after the existing expression "endorsement and certificate (if any) thereon," and before the existing expression "together with", the expression "either in hard copy or in electronic form, as the case may be," shall be inserted.

18. Amendment of section 66, Central Act No. 16 of 1908.- In sub-section (2) of section 66 of the principal Act, after the existing expression "together with a copy of the map or plan (if any)" and before the existing expression "mentioned in section 21", the expression "either in hard copy or in electronic form, as the case may be," shall be inserted.

19. Amendment of section 69, Central Act No. 16 of 1908.- In sub-section (1) of section 69 of the principal Act,-

- (i) the existing clause (i) shall be deleted;
- (ii) after the existing clause (j), the following shall be added, namely:-
 - "(k) regulating the procedure for presentation of various types of documents, appearance of executants for admission of execution, endorsements, and the manner of fixing signature and seal of registering officer, mode of payment of registration fees and other fees and such other processes when the

document is presented for registration by electronic means;

- (l) regulating the procedure of registration;
- (m) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A;
- (n) regulating the procedure for taking of photograph of identifying witnesses to a document presented before a registering officer;
- (o) providing for online registration of documents and enquiry before the registering officer when the document is presented before the registering officer by electronic means at any office of the registering officer;
- (p) providing for scanning the documents for their safety in electronic form;
- (q) providing for sending of memoranda of documents registered in electronic form;
- (r) regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration;
- (s) regulating the manner of recopying of books, indexes or portions thereof."

20. Amendment of section 80-A, Central Act No. 16 of 1908.- In section 80-A of the principal Act,-

- (i) in the heading, for the existing expression "**under sections 47A and 47C of the Indian Stamp Act, 1899**", the expression "**under section 51, 53 or 55 of the Rajasthan Stamp Act, 1998**" shall be substituted; and

- (ii) in sub-section (1), for the existing expression "Where during the course of proceedings, if any, under section 47A or section 47C of the Indian Stamp Act, 1899", the expression "Where during the course of proceedings, if any, under section 51, 53 or 55 of the Rajasthan Stamp Act, 1998 (Rajasthan Act No. 14 of 1999)" shall be substituted.

21. Insertion of section 82A, Central Act No. 16 of 1908.- After the existing section 82 and before the existing section 83 of the principal Act, the following shall be inserted, namely:-

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

22. Amendment of section 89, Central Act No. 16 of 1908.- In section 89 of the principal Act,-

- (i) in sub-section (1), after the existing expression "Book No. 1" and before the existing punctuation mark ".", the expression "or get it scanned" shall be inserted;
- (ii) the existing sub-section (2) shall be deleted;
- (iii) in sub-section (3), after the existing expression "Book No. 1" and before the existing punctuation mark ".", the expression "or get it scanned" shall be inserted;
- (iv) the existing sub-section (4) shall be deleted;
- (v) the existing sub-section (5) shall be renumbered as sub-section (6) and before the sub-section (6) so renumbered, the following shall be inserted, namely:-

"(5) All banks and financial institutions, granting loans on the basis of equitable mortgage whereby immovable property is mortgaged by deposit of title deeds for the purpose of securing repayment of the loan, shall send the copy of the same online to the registering officer within the local limits of whose

jurisdiction the whole or any part of the property so mortgaged is situated either directly or through an agency appointed by the Central Government or the State Government and such registering officer shall keep the copy or copies in computer diskettes or in any electronic form, as the case may be, in his Book No.1.”;

- (vi) in sub-section (6), after the existing expression "Book No. 1" and before the existing punctuation mark ".", the expression "or get it scanned" shall be inserted.

23. Insertion of section 89A, Central Act No. 16 of 1908.- After the existing section 89 and before the existing section 90 of the principal Act, the following shall be inserted, namely:-

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

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

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

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

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

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

STATEMENT OF OBJECTS AND REASONS

At present certain important documents relating to transfer of immovable property or any interest therein are not compulsorily registrable under the Registration Act, 1908. Section 18(c) provides that leases of immovable property for any term not exceeding one year are not compulsorily registrable. This provision has been misused and the leases of immovable property for any term not exceeding one year are prepared, which are renewed after the specified period. This not only causes hardships to both the parties in cases of disputes but also loss of revenue to the State. At present the Power of Attorney is optionally registrable. Many unscrupulous elements have found an ingenious way to avoid the registration and transfer the immovable properties through Power of Attorney. The Act does not empower the Registering Officer to refuse registration of documents relating to transactions prohibited by any existing law. Due to lack of such guidelines a number of documents relating to illegal or unauthorized transactions get registered.

In view of the above and to make provisions for electronic registration of documents and certain other matters, it has been decided further to amend the Registration Act, 1908.

The Bill seeks to achieve the aforesaid objects.

Hence the Bill.

अशोक गहलोत,
Minister Incharge.

**MEMORANDUM REGARDING DELEGATED
LEGISLATION**

Clause 7 of the Bill, if enacted, shall empower the State Government to make rules regarding presentation of a document for registration at the proper registration office.

Clause 10 of the Bill, if enacted, shall empower the State Government to make rules regarding conducting the enquiry by the registering officer when the document is presented for registration by electronic means.

Clause 11 of the Bill, if enacted, shall empower the State Government to make rules regarding examination of person by the registering officer when the document is presented for registration by electronic means and to prescribe the circumstances and the documents on which the registering officer shall refuse to register the document.

Clause 13 of the Bill, if enacted, shall empower the State Government to make rules when the document is presented for registration through electronic means.

Clause 23 of the Bill, if enacted, shall empower the State Government to make rules for carrying out the provisions of the Act.

The proposed delegation is of normal character and mainly relates to the matters of details.

अशोक गहलोत,
Minister Incharge.

**EXTRACTS TAKEN FROM THE REGISTRATION
ACT, 1908
(Central Act No. 16 of 1908)**

XX XX XX XX XX

12. Absence of Sub-Registrar or vacancy in his office.-

When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the vacancy is filled up.

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17. Documents of which registration is compulsory.- (1)

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

- (a) to (c) xx xx xx xx xx
- (d) Leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent;
- (e) xx xx xx xx xx
- (f) agreement to sell immovable property possession whereof has been or is handed over to the purported purchaser;
- (g) irrevocable power of attorney relating to transfer of immovable property in any way;

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

(1A) xx xx xx xx xx

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

- (i) to (xi) xx xx xx xx xx
- (xii) any certificate of sale granted to the purchaser of any property sold by public auction by a civil or Revenue-Officer; or
- (xiii) any instrument referred to in sub-section (5) of section 89.

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

18. Documents of which registration is optional.- Any of the following documents may be registered under this Act, namely:-

- (a) to (b) xx xx xx xx xx
 - (c) leases of immovable property for any term not exceeding one year, and leases exempted under section 17;
 - (cc) to (f) xx xx xx xx xx
- XX XX XX XX XX

22A. Documents registration of which is opposed to public policy.- (1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of document is opposed to the public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable.

XX XX XX XX XX

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

XX XX XX XX XX

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

- (a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or
- (b) by the representative or assign of such person, or
- (c) by the agent of such person, representative or assign, duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.

32A. Compulsory affixing of photograph, etc.-Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

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

33. Power-of-attorney recognizable for purposes of section 32.- (1) to (3) xx xx xx xx xx

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

34. Enquiry before registration by registering officer.- (1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under section 23, 24, 25 and 26:

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) xx xx xx xx xx

(3) The registering officer shall thereupon-

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(5) xx xx xx xx xx

35. Procedure on admission and denial of execution respectively.- (1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the person they represent themselves to be, and if they all admit the execution of the document, or

(b) to (c) xx xx xx xx xx

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

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

(3) (a) to (b) xx xx xx xx xx

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

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

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

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

XX XX XX XX XX

49. Effect of non-registration of documents required to be registered.-No document required by section 17 or by any provision of the Transfer of Property Act, 1882 (4 of 1882), to be registered shall-

- (a) affect any immovable property comprised therein, or
- (b) confer any power to adopt, or
- (c) be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered:

Provided that an unregistered document affecting immovable property and required by this Act or the Transfer of Property Act, 1882 (4 of 1882), to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877 (1 of 1877) or as evidence of any collateral transaction not required to be effected by registered instrument.

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52. Duties of registering officers when document presented.- (1) (a) to (b) xx xx xx xx xx

(c) subject to the provisions contained in section 62, a true or photostat copy of every document admitted to registration shall, without unnecessary delay, be pasted in the book appropriated therefore according to the order of its admission.

(2) xx xx xx xx xx
 XX XX XX XX XX

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

(2) xx xx xx xx xx

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

(2) xx xx xx xx xx
 XX XX XX XX XX

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

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

(2) xx xx xx xx xx

66. Procedure after registration of document relating to land.- (1) xx xx xx xx xx

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

(3) to (4) xx xx xx xx xx
XX XX XX XX XX

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

(a) to (h) xx xx xx xx xx

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

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

(2) to (3) xx xx xx xx xx
XX XX XX XX XX

80-A. Duty of Collector in proceedings under sections 47A and 47C of the Indian Stamp Act, 1899.- (1) Where during the course of proceedings, if any, under section 47A or section 47C of the Indian Stamp Act, 1899, the Collector is satisfied that the fee for registration paid under this Act in respect of a document or instrument is in deficit, he shall determine, in the course of such proceedings, the deficient amount of fee and recover the same from the person liable to pay the deficient amount of stamp duty under the said section.

(2) xx xx xx xx xx
XX XX XX XX XX

89. Copies of certain orders, certificates and instruments to be sent to registering offices and filed.- (1) Every

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

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

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

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

(5) Every bank granting a loan to an agriculturist for agricultural purpose shall send within such time and in such manner as may be prescribed, a copy of any instrument whereby immovable property is mortgaged for the purpose of securing repayment of loan, to the registering officer within the local limits of whose jurisdiction the whole or any part of property so mortgaged is situate and such registering officer shall file the copy in his Book no. 1.

Explanations.- For the purpose of sub-section (5),-

- (a) the expression "every bank" shall mean-
- (i) a banking company as defined in the Banking Regulation Act, 1949;
 - (ii) the State Bank of India constituted under the State Bank of India Act, 1955;
 - (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959;
 - (iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;
 - (v) a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;
 - (vi) the Agricultural refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963;
 - (vii) Agro-Industries Corporation;
 - (viii) Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956; and
 - (ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purpose of this Act.
- (b) the word "agriculturist" shall have the meaning assigned to it in sub-section (3) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

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(अशोक गहलोत, प्रभारी मंत्री)

Bill No. 7 of 2021

**THE REGISTRATION (RAJASTHAN AMENDMENT)
BILL, 2021**

(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

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

(To be introduced in the Rajasthan Legislative Assembly)

Pramil Kumar Mathur,
Secretary.

(Ashok Gehlot, **Minister-Incharge**)