Rules under the Registration Act, 1908
[AS APPLICABLE IN UTTAR PRADESH]
CHAPTER 1
Registration Establishment
District Registrars

1. Appointment of District Registrars.- Under Section 6, Act XVI of 1908, as amended by Act IV of 1914, all permanent appointments in the office of the District Registrar are made by the local Government and the power of appointing Sub-Registrars has been delegated by the local Government to the Inspector General of Registration.

2. All District Judges, except that of Kumaun and UttaraKhand, the Sessions and Civil Judges of Banda, Mirzapur , Jaunpur and Pilibhit and the Collectors of Naini Tal, Almora Garhwal and Tehri-Garhwal, Pithoragarh and Chamoli are ex-officio District Registrars for the purposes of the Registration Act. Additional Judges are not ex-officio District Registrars.

3. **Temporary absence of District Registrars.-** When a District Registrar is absent from headquarters and no locum tenses is appointed the Additional Judge, if any , or the Senior Judicial officer shall ordinarily be appointed to act as District Registrar during such absence, but the District Registrar may, in the circumstances mentioned in Section 11 of the Act, appoint the Sub-Registrar at headquarters of other official of the district, who will perform all the duties of a District Registrar except those enumerated in Sections 68 and 72 of the Act.

INSPECTOR OF REGISTRATION OFFICES
PART A
The Utter Pradesh Service of Inspectors of Stamps and Registration Rules, 1942, published with Government Notification No.M-998/X- 702-1942, dated 8th May, 1942
PART 1
General

4. **Rule 1. Short title and commencement**.-(1) These rules may be called " The Uttar Pradesh Service of Inspectors of Stamps and Registrar Rules, 1942".

(2) They shall be deemed to have come into force with effect from July 2, 1938, but nothing in these rules shall be construed as invalidating any appointments made, or orders issued or purporting to have been made or issued, under the provisions of the Uttar Pradesh Stamps Service Rules or of the Uttar Pradesh Service of Inspectors of Registration Offices Rules, or of both the said sets of rules taken together, of otherwise, before the publication of these rules, and any such appointments or orders shall be deemed to have

been made or issued respectively under the appropriate provisions of these rules.

5. **Rule 2. Status of the Service**. The Uttar Pradesh Service of Inspectors of Stamps and Registration is a Provincial (State) Services.

6. **Rule 3. Definitions**. In these rules, Unless there is anything repugnant in the subject of context,-

(a) "**Commission**" means the Uttar Pradesh Public Service Commission; (b) "**District Registrar** " means the Registrar of the district appointed under Section 6 of the Indian Registration Act, 1908;

(c) "**Government**" means the Government of the Uttar Pradesh ;

(d) "**Governor**" means the Governor of the Uttar Pradesh ;

(e) '**High Court**" means the High Court of Judicature at Allahabad; (f) "**Inspector General**" means the officer holding the post of Inspector General of Registration, Chief Inspector of Offices and Stamps, and Junior Secretary, Board of Revenue, Uttar Pradesh;

(g) "**Member of the Service**" means a person appointed in a substantive capacity to a post in the cadre of the Service under the provisions of these rules, or in cadre of the Uttar Pradesh Stamps Service or the Uttar Pradesh Service of Inspectors of Registration Offices under the superseded rules relating to those services or to a post of Inspector of Stamps and Registration previous to the publication of these rules;

(h) " **The Services**" means the Uttar Pradesh Service of Inspectors of Stamps and Registration.

PART II
Cadre

7. **Rule 4. Strength of the Service**. The sanctioned strength of the service consists of eleven posts of Inspector of Stamps and Registration, including that of Personal Assistant to the Inspector General:

Provided that the Governor may-

(1) hold in abeyance or leave unfilled any vacant post in the cadre of the Service without thereby entitling any person to compensation; or

(2) create additional permanent or temporary post in the cadre of the Service from time to time as may be found necessary.

PART III
Recruitment

8.**Rule5**. **Sources from which appointments are to be made**.

(1) Appointment to the Service shall be made by-

(i) Promotion of Sub Registrars;

(ii) Promotion of -

(a) Stamp reporters on the staff of the High Court;

(b) Inspectors of Offices;

(c)Munsarims of Civil Courts; and
(d) Officials of the Stamps and Registration Departments other than Sub-Registrars.
(2) The Governer shall in each case determine the source from which a vacancy shall be filled. As far as may be the allocation of the posts in the cadre of the Service amongst the various classes of officials mentioned in the preceding sub-rule shall be as follows;
(i) five posts shall be filled by promotion of Sub-Registrars, and
(ii) two posts shall be filled by promotions of persons belonging to any class mentioned in clause(ii)of the preceding sub-rule.

In the event of an increase in the strength of the Service the Governor shall decide the source from which additional post or posts shall be filled.

PART IV
Qualifications

9. Rule 6. Age. A person shall not be eligible for appointment to the Service unless he has put in at least 10 years of service in a permanent capacity on one of the posts mentioned in rule 5 (1) and has not attained the age of 48 years on the first day of August of the year in which the appointment is to be made.

10. Rule 7. Educational Qualifications. (1) A person desirous of entering the service, shall hold a degree of a university established by law in Uttar Pradesh or of any other university recognized for this purpose by the Governor, but , other things beings equal, preference shall be given to a person who holds a degree in law:
Provided that the Governor may, in consultation with the Commission, waive the requirements of this sub-rule in the case of a person of outstanding merit and ability.
Note. The B.A. and B.Sc. degrees of universities outside Uttar Pradesh established by law in India, have been recognized for the purpose of this sub-rule.
(2) No person shall be eligible for appointment to the service unless he can read and write Hindi and Urdu with case.

PART IV
Procedure 11.

Rule 8. [Deleted]

A- Appointment by promotion of Sub-Registrars

12. Rule 9. Procedure for appointment by promotion of Sub-Registrars.

(1) For the purposes of appointment under clause (i) of sub-rule (1) of Rule 5, a selection strictly on merit shall be made from amongst Sub-Registrars who are eligible for promotion under these rules.
(2) (i) Each District Registrar, when called upon by the Inspector General, shall in consultation with the Inspector of Stamps and Registration of the circle,

recommend to the Inspector General one of the several Sub- Registrars eligible for appointment serving within his jurisdiction for promotion to a post in the cadre of the Service:

Provided that-

(a) the District Registrar shall make no such recommendation if in his judgment there is no suitable Sub-Registrar eligible for promotion under these rules:

(b) the District Registrar may, while making his recommendation, take into consideration the claims of any Sub-Registrar who may have been transferred from his jurisdiction within one year preceding the date on which he receives the reference from the Inspector General asking him to make a recommendation under this sub rule, but, in order to avoid a double recommendation, the District Registrar shall not recommend any such Sub-Registrar if on inquiry from the District Registrar concerned he finds that the same Sub-Registrar is being recommended by that District Registrar .

(iii)The Inspector General shall enter the names of all Sub-Registrars so recommended together with not more than two nominees of his own for each vacancy to be filled under this rule in a list and shall submit the same with such remarks as he may think fit to make to the Secretary to Government in the Finance Department along with the character rolls and personal files, if any, of all the nominees.

13. Rule 10. (1) A preliminary selection from amongst the Sub-Registrars recommended under the preceding rule shall be made by a Departmental Selection Committee consisting of-

(i) the Finance Secretary to Government;

(ii) the Inspector General ; and

(iii) an officer to be nominated by the Governor:

Provided that if a member of the Committee is unable to be present at a meeting of the Committee and officer of the Finance Department other than the Finance Secretary will take his place,

(2) The Committee shall consider the cases of all the Sub-Registrars in the list received from the Inspector-General and may examine their character rolls and personal files, if any, and may call all or any of them for interview.

(3) The Committee shall prepare a list containing the names of the Sub-Registrars whom it recommends for promotion. The number of names in the list shall be equal to the number of vacancies to be filled by the promotion of Sub-Registrars. The Committee shall also prepare a supplementary list containing in order of merit the names of other candidates whom he considers fit for promotion and which shall not be less than half nor more than the number of Sub-Registrars included in the first list. The Committee shall both lists to Government.

(4) Government shall forward both lists to the Commission together with the character rolls and the personal files, if any, of the Sub-Registrars included therein, and shall ask the Commission to advise on the suitability for promotion of the Sub-Registrars included in the first list. If the Commission is of opinion that none of these Sub-Registrars is suitable for promotion, it shall consider the names in the supplementary list to the order in which they are placed in that list and shall advise on the suitability of the Sub-Registrar or Sub-Registrars on that list for promotion. The Commission shall report to Government the names of Sub-Registrars whom it considers suitable for promotion but shall not arrange them in order of preference.

(5) The final selection shall then be made by the Governor.

B-Appointment by promotion of the officials

14. Rule 11. Procedure for appointment by promotion of other officials. (1) For the purposes of appointment under clause (ii) of sub rule (1) of Rule 5 a selection strictly on merit shall be made from amongst the officials mentioned in that rule, who are eligible for appointment under these rules,

(2) The Inspector General shall request-

(i) the High Court to recommend the Stamp Reporter on its staff for promotion to the Service if he is eligible under the rules and the Court considers him suitable for such appointment and to forward his character roll and personal file, if any;

(ii) each District Judge in the Uttar Pradesh to recommend one of the munsarims of the several civil courts in his judgeship for appointment to the Service, and to forward his character roll and personal file, if any:

Provided that the District Judge shall make no recommendation if in his judge, in his judgment there is no suitable munsarim in his judgeship eligible for appointment under the rules.

(3) The Inspector General shall himself recommend an official of the Stamps and Registration Department other than a Sub-Registrar, for promotion in the service and shall also recommend in his capacity as Chief Inspector of Offices, one of the Inspectors of Offices for similar promotion.

Provided that no recommendation under this sub-rule shall be made if there is no suitable person eligible for promotion under the rules.

(4) Government shall forward both lists to the Commission together with the character rolls and the personal files, if any, of the Sub-Registrars included therein, and shall ask the Commission to advise on the suitability for promotion of the Sub-Registrars included in the first list. If the Commission

is of opinion that none of these Sub-Registrars is for promotion, it shall consider the names in the supplementary list to the order in which they are placed in that list and shall advise on the suitability of the Sub-Registrar of Sub-Registrars on that list for promotion. The Commission shall report to Government the name of Sub-Registrars whom it considers suitable for promotion but shall not arrange them in order of preference.

(5) The final selection shall then be made by the Governor.

B-Appointment by promotion of the officials.

14. *Rule 11.* **Procedure for appointment by promotion of other officials.**

(1) For the purposes of appointment under clause (ii) of sub-rule (1) of Rule 5 a selection strictly on merit shall be made from amongst the officials mentioned in that rule, who are eligible for appointment under these rules.

(2) The Inspector General shall request-

(i) the High Court to recommend the Stamp Reporter on its staff for promotion to the Service is he is eligible under the rules and the Court considers him suitable for such appointment and to forward his character roll and personal file, if any;

(ii) each District Judge in the Uttar Pradesh to recommend one of the munsarims of the several civil courts in his judgeship for appointment to the Service, and to forward his character roll and personal file, if any;

Provided that the District Judge shall make no recommendation if in his judgment there is no suitable munsarim in his judgeship eligible for appointment under the rules.

(3) The Inspector General shall himself recommend an official of the Stamps and Registration Departments, other than a Sub-Registrar, for promotion in the Service and shall also recommend in his capacity as Chief Inspector of Offices, one of the Inspectors of Offices for similar promotion:

Provided that no recommendation under this sub-rule shall be made if there is no suitable person eligible for promotion under the rules.

(4) The Inspector General shall enter the names of all the persons recommended under the two preceding sub-rules in a list and shall submit the same with such remarks as he any think fit to make to the Secretary to Government in the Finance Department along with the character rolls and personal files, if any, of all the persons so recommended.

15. ***Rule 12***. Further proceedings shall then be taken in accordance with the provisions of Rule 9 with the modification that reference to Sub-Registrars in that rule shall be construed as reference to the officials included in the list prepared under sub-rule (4) of the preceding rule.

PART VI

Appointing authority, probation and confirmation

16. ***Rule 13.*** **Appointing authority.** Appointments to the Service shall be made by the Governor.

17. *Rule 14.* **Probation.** Every person shall on appointment to a permanent post in the cadre of the Service otherwise than in an officiating

of temporary capacity be placed on probation for a period of one year from the date on which he joins his appointment:

Provided that the Governor may-

(a) in any special case, extend the period of probation by such further period as he may deem fit;

(b) permit the period during which a person has held officiating or temporary appointments as Inspector of Stamps and Registration to be counted, in whole or in part, towards the period of probation under this rule.

18. ***Rule 13.*** **Training, departmental examination and confirmation.**

(1) At the beginning of the period of probation prescribed in the preceding rule every officer shall be trained for a period of approximately six weeks in the office of the Board of Revenue, Uttar Pradesh, in the law relating to Courte-fees and stamps. Thereafter the Inspector General shall arrange for his training in the law and procedure relating to stamps and registration in association with himself or with one of the senior members of the Service, or with both for such period not exceeding six months, as the Inspector General may consider to be necessary in each case.

(2) Every officer appointed by promotion shall during the period of his probation, have to pass such departmental examination under the rules prescribed by the Governor:

Provided that the Governor may, in any special case, exempt an officer from passing the departmental examination in one or more subjects.

Note. The syllabus and the rules at present prescribed for this Departmental Examination will be found in the rules of the conducts of Departmental Examination in Uttar Pradesh.

(3) If it appears at any time during or a the end of the period of probation, or the extended period of probation, as the case may be, that a probationer has not, made sufficient use of his opportunities or if he has otherwise failed to give satisfaction or is found to be unfit for permanent appointment to the Service, the Governor may revert him to his substantive appointment.

(4) Subject to the provisions of sub-rule (3), a probationer shall be confirmed in his appointment at the end of the period of probation, or the

extended period of probation, as the case may be, if he is reported by the Inspector General to be fit for confirmation and, in the case of a probationer

appointed by promotion under sub-rule (1) of Rule 5, if he has also passed all the prescribed departmental examination unless specially exempted under Rule 15 (2).

PART VII

Pay

19. *Rule 16.* Monthly rates of pay. (1) The monthly rates of pay admissible to persons appointed to posts in the cadre of the Service, whether in a substantive or officiating capacity or as a temporary measure, shall be Rs. 300-25-400-E. B. 30.550-E. B. 30-700-E. B. 50-900 per mensem.

(2) A person holding the post of Personal Assistant mentioned in Rule 4 shall also receive a special pay of Rs. 50 per mensem.

(3) No person shall be allowed to cross an efficiency bar unless the Governor is satisfied that he has been working satisfactorily and to the best of his ability and his integrity is certified.

(4) The pay of a person appointed to the service shall, during his period of probation, be regulated by the rules in the Uttar Pradesh Fundamental Rules.

PART VIII

Supplemental

20. *Rule 17.* **Canvassing.** No recommendations, either written or oral, other than those of the authorities empowered by these rules to make nominations or recommendations for appointment to the service, shall be taken into consideration. Any attempt on the part of a candidate to enlist support for his candidature by other means may disqualify him.

21. *Rule 18.***Personal Assistant.** (1) The Inspector General may, with the approval of the Governor in each case, and without regard to seniority, appoint a member of the Service having an aptitude for secretarial work, to the post of Personal Assistant mentioned in rule 4.

(2) The post of Personal Assistant shall be a tenure post for a term not ordinarily exceeding three years.

22.*Rule 19.***Seniority.** The seniority of members of the Service appointed by promotion shall be determined in accordance in accordance with the date of the order of appointment:

Provided that the seniority of members of the Service appointed by an order issued on the same date, shall be specially determined by the Governor.

23.*Rule 20.***Appointments etc. to be notified.** All appointments, confirmations, promotions, reversions, suspensions, and leave arrangements shall be notified in the official Gazette.

24.*Rule 21.***Regulation of other conditions of service.** Except as provided by these rules the pay, allowances, leave, pension and other conditions of service

of persons appointed to posts in the Service shall be regulated by the general rules made by the Governor under paragraph (b) of sub-section (2) of Section 241 of the Government of India Act, 1935, and pending the issue of such rules, by the rules continued in force by Section 276 of the said Act and by and in accordance with the provisions of paragraph 15 (2) of the Government of India (Commencement and Transitory Provisions) Order 1936.

PART B

[Rules under the Indian Registration Act, 1908 (XVI of 1908)]

30. Tour. Unless otherwise ordered by the Inspector General of Registration each Inspector must inspect every Sub-Registrar's office in his circle at least twice a year and every District Registrar's office at least once a year. He should inspect at least eight offices every month and is required to be on inspection tour for a least 230 days in the year. As a rule Inspectors should spend 20 days on tour every month, except in the month of June, when, under the orders of the Inspector General of Registration, they or may of them may be allowed to say a their respective headquarters and do such office and other work as is entrusted to them or may be required inspect, outside their circles any of those districts where Civil Courts remain open during that month.

Note. All offices that are required to be inspected twice a year should be inspected once in the first half and again in the second half of the year; provided that an inspection taking place within three months of the inspection the preceded it shall be taken into account of the purpose of this rule.

Explanation. Extraordinary inspections required by special circumstances should be made irrespective of the interval prescribed above; such extraordinary inspections shall not be taken into account or for the purposes of compliance with this rule.

31. Circles and Inspectors. The Inspector General may from time to time alter the limits of Inspector's circles; provided that the circles shall at all times be so arranged as to give each Inspector as nearly as possible an equal share of the work to be done.

The Inspector General may also fix or change the headquarters of the Inspectors and may transfer Inspectors from one circle to another. An Inspector should in ordinary circumstances stay in a circle for not less than four and not more than five years, although this rule need not be applied with any rigidity to Inspectors about to retire.

32. Tours of Inspectors. The Inspector General may from time to time arrange for each Inspector the general direction of his tour and the order in which the several districts and to be visited. An Inspector will usually intimate to each District Registrar at least a fortnight in advance, the probable date on which he will arrive in his district, and the order in which he proposes to inspect the sub-offices, and will at the same time ask for any particular

instructions from the District Registrar as to matters which may require special attention.

33. Tour diaries. Each Inspector shall keep up a diary in Form No. 26, Appendix III (bound volumes and loose sheets of which will be supplied from the office of the Inspector General). In this diary shall be entered daily concise account of all journeys performed and business transacted. He shall submit to the Inspector General on the first of each month a copy of his diary for the preceding month. The diary is not to include any matter with respect to which separate reports as directed in paragraph 40, are required to be submitted, but is to be confined to a brief and accurate statement of the nature of the duties performed by the Inspector from day to day.

34. Establishment. Each Inspector will be allowed one peon at Government expense but no tents or camp equipage.

35. Punishment to orderlies of Inspectors. The power to appoint and punish orderlies of Inspectors of Registration offices rests with the Inspector General of Registration. The procedure laid down in Rule 55 of

the Civil Services (Classification, Control and Appeal) Rule shall be followed before any punishment is imposed on them.

36. Each Inspector will be supplied with the necessary stationery, forms and service postage stamps from the office of the inspector General.

37. Traveling allowance. Inspectors and their peons will be entitled to traveling allowance according to the rules laid down in the Financial Handbook, Volume III. Traveling allowance bills for themselves as well as their peons shall be submitted by Inspectors to the Inspector General for countersignature punctually every month.

Note. For this rule *see* Appendix VIII.

After countersignature, the bills will be returned to the Inspectors, who may then draw the amounts at any headquarters treasury within their circles.

38. Duties of Inspectors. Subject to any special direction which may be issued under Rule 32 by District Registrars, it is the duty of each Inspector to minutely examine and fully report upon every Sub-Registrar's office within his circle. His functions are confined to inspection and report; he is not empowered to direct any changes in the existing procedure or in the distribution of work. All such orders will be issued upon his reports by the District Registrar or, if necessary, by the Inspector General. But these instructions do not absolve him from responsibility to explain all minor points of law and procedure, as laid down in the Manual, on which there may be a doubt or which he may find being misunderstood.

39. Inspectors should insist on compliance with the rules in all offices and should not insert suggestions involving alteration of rules in their inspection

notes. Such suggestions should be submitted along with their annual reports. When noting an irregularity or mistake of any kind, Inspectors should invariably state what explanation the Sub-Registrar offered.

40. Guide to Inspectors. For the purpose of guiding and assisting Inspectors as to the points to be examined the list of questions contained in Appendix VII has been drawn up. But it must be clearly understood that these questions are not intended to exhaustive, and that the inspection may, and should, extend to may matters not included therein into which it may appear necessary to enquire.

41. Forms of report. The report will be drawn up in the form of answers to the prescribed question. Each question answered will be cited by its number only. No entry of either question or answer need be made in the case of matters in which the office is found to be entirely in order, so that the answer would be simply “yes” or “no”. The number of the question must, however, be cited and a full answer given in all cases in which an irregularity has been detected, or in which the Inspector finds it desirable to make a suggestion or to give any instruction or advice. At the close of each section of the report the Inspector should add any remarks which he desires to make on the general state of the work or upon points which cannot conveniently be brought under any of the foregoing question.

42. Record of visit and submission of report. Immediately on the completion of the inspection of an office, the Inspector will record in ordinary inspection book of the office a brief note of the fact of such inspection and of the general opinion he has formed as to he accuracy and punctuality with which the work is carried on. This note should enter into no detail, and should not ordinarily exceed half a dozen lines. The complete inspection report in

Form No. 27, Appendix III, must be written and signed in the office at the time of inspection. A complete copy of this report shall be submitted to the District Registrar of the district by post within one week from the date of inspection. The District Registrar will, on receipt of this report, proceed to deal with all matters requiring his orders, taking explanation of the officials concerned where necessary, and will send a copy of the report with orders thereon to the Sub-Registrar concerned, to be retained in his office for his future guidance. The District Registrar will also forward a copy of the report, with a statement of the action taken by him and any further remarks or suggestions he may see fit to offer, to the Inspector General.

43. Inspectors must comply carefully with Rules 13 and 15 of the rules for the inspection and supervision of stamps in Uttar Pradesh published as Appendix GG to the Stamp Manual.

Under the provisions of Section 2 (9) (b) of the Indian Stamp Act, 1899 (II of 1899), Inspectors of Registration have been appointed to be Collectors for the purposes of Section 40 of the same Act. They shall also be deemed to be persons in charge of public offices for purposes of Section 33 of the Act.

44. Halts and marches. Halts for purposes of inspection shall be confined to the period required exclusively for official work and shall on

no account be prolonged unnecessarily. In proceeding from one office to another, journeys must be made with as much expedition as possible, the necessity for intermediate halts, if any, being fully explained in the diary. The Inspectors may, however, avail themselves of Sundays and gazetted revenue (not civil) holidays.

45. Each Inspector shall submit to the Inspector General not later than the 1st of February each year a report on the condition and progress of registration within his circle during the previous calendar year.

Sub-Registrars

The Sub-Registrars' Service Rules, 1942

PART A

PART I

General

46. *Rule 1.* **Short title and commencement.** (1) These rules may be called the Sub-Registrars' Service Rules, 1942.

(a) nothing in these rules shall be construed as affecting or invalidating appointments made, or orders issued, under the rules hereby superseded, and all such appointments and orders shall continue in force and shall be deemed to have been made or issued under the appropriate provisions of these rules;

(b) these rules shall not limit or abridge the power of a District Registrar to make temporary appointment to the posts of Sub-Registrar under Section 12 of the Indian Registration Act, 1908.

47. *Rule 2.* **Status of the service.** The service of Sub-Registrars is a subordinate service.

48. *Rule 3.* **Definitions.** In these rules, unless there is anything repugnant in the subject or context,-

(a)"Commission" means the Uttar Pradesh Public Service Commission;

(b)"direct recruitment" means recruitment under rule 5 (1) (i);

(c)"District Registrar" means the Registrar of the district appointed under Section 6 of the Indian Registration Act, 1908;

(d)"Government" means the Government of Uttar Pradesh;

(e)"Governor" means the Governor of Uttar Pradesh;

(f)"Inspector General" means the Inspector General of Registration, Uttar Pradesh appointed under Section 3 of the Indian Registration Act, 1908;

(g)"member of the service" means a person appointed in a substantive capacity to a post in the cadre of the service under the provisions of these rules or of the rules in force previous to the publication of these rules;

(h)"the service" means the Service of Sub-Registrars.

PART II

Cadre

49. *Rule 4.* **Cadre.** The sanctioned strength of the service at present is 214, but the Governor-

(a)may create additional permanent or temporary posts in the cadre of the Service as may from time to time be necessary;

(b)may hold in abeyance, or the Inspector General may leave unfilled, any vacant post in the cadre of the Service without thereby entitling any servant of the State to compensation.

PART III

Recruitment

50. *Rule 5.* **Sources of recruitment.** (1) Recruitment to the Service shall be made-

(i) on the result of a competitive examination conducted by the Commission;

(ii) by promotion from amongst the clerical establishment of registration offices and the Inspector General's office:

Provided that not more than twenty five per cent of the vacancies occurring in any year after the promulgation of these rules may be filled by promotion from amongst the clerical establishment of registration offices and the Inspector General's office.

(2) Subject to the provisions of sub-rule (1) and Rule 6, the Inspector General shall, after calculating the number of vacancies likely to occur during the recruitment year, decide the number of recruits to be taken from each of the two sources specified in sub-rule (1), and, in the case of direct recruitment, also the number of posts which are to be reserved for any particular community or class.

51. *Rule 6.* **Communal representation.** In making direct recruitment to the Service care shall be taken to secure a reasonable representation of the different communities and to prevent the preponderance of any one class or community.

PART IV
Qualifications

52. *Rule 7.* **Nationality, domicile and residence.** No person shall be recruited to the Service under Rule 5 (1) (i) unless he be-

(a)a natural born citizen of Indian whose original domicile is in Uttar Pradesh, provided he has not acquired a domicile elsewhere; or

(b)a natural born citizen of Indian whose original domicile is not in Uttar Pradesh, but who has acquired a domicile in Uttar Pradesh and has resided there for not less than five years at the date on which he applies for recruitment to the service or post; or

(c)the ruler or a subject of an Indian State or a native of a tribal area or territory adjacent to India, in respect of whom or which a declaration has been made by the Governor of Uttar Pradesh under sub-section (2) of Section 262 of the Government of India Act, 1935.

Exception. Notwithstanding anything contained in the rule, a natural born citizen of India whose father is or, if dead, was (at the time of his death) employed in any department of the Central Government, and is (or was) liable to inter-Provincial transfers, shall be eligible for recruitment, provided he has himself resided in Uttar Pradesh for three continuous years immediately Preceding the date of application for appointment.

Note. (1) A declaration as required by sub-rule (c) above has been issued with regard to the subjects of the State of Benaras, Rampur and Tehri Garhwal.

(2) The original domicile prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired. But a person can have only one domicile at one time for the purpose of this rule.

(3) A person acquires a new domicile by taking up his fixed habitation in a province which is not that of his original domicile. Such a person may make a declaration of his having acquired a new domicile before the District Magistrate of the district in which he takes up his fixed habitation

but such declaration shall not by itself be regarded as sufficient proof of change of domicile.

53. *Rule 8.* **Sex.** A candidate for recruitment to the Service must be a male.

54.*Rule 9.* **Age.** (1) A candidate for direct recruitment must have attained the age of 25 years and must not have attained the age of 27 years on the firs day of April of the financial year following that in which the competitive examination is held.

(2) No person shall be selected for appointment to the Service under Rule 5 (1) (ii) unless he shall have attained the age of 30 years and shall not have attained the age of 45 years on the 1st day of April of the financial year following that in which selection is made.

55. *Rule 10.* **Academic Qualification.** (1) A candidate for direct recruitment to the Service must be a Bachelor of Law of a University established by law in the Uttar Pradesh or of any other University in India recognized for this purpose by the Governor, Uttar Pradesh, and must be reasonably familiar with Hindi and Urdu and be able to write in Persian as well as Nagri scripts.

(2) A candidate for recruitment by promotion under Rule 5 (1) (ii) must have passed the High School examination of the Board of High School and Intermediate Education, Uttar Pradesh, or an examination recognized by the Governor as equivalent thereto. No exemption from this qualification shall be granted in any case. Other thing, being equal, preference will be given to whose who possess a degree of Bachelor of Law over and above.

Note. The following examinations have been recognized as equivalent to the examination mentioned in this sub-rule:

(i) Admission examination of the Banaras Hindu University.

(ii) Cambridge School Certificate examination; provided that a student has passed in five of such subjects as are recognized for the High School examination of the Board of High School and Intermediate Education, Uttar Pradesh.

(iii) Diploma Examination of the Royal Indian Military College, Dehra Dun, so long as the syllabus and the standard of the examination continues to be the same as those of the Diploma Examination of the Chief's College;

(iv) School Leaving and Matriculation Examination that were previously held in Uttar Pradesh.

56. *Rule 11.* **Character.** The character of a candidate for direct recruitment must be such as to qualify him for appointment to the Service. He must produce certificates of good character from the principal academic officer of the school, college or university in which he last studied and from two respectable persons of status, other than his relations, who are well acquainted

with him in private life and who are unconnected with the school, college or university in which he studied.

Note. A conviction need not of itself involve the refusal of a certificate of good character. The circumstances of the conviction shall be taken into account and if they involve no moral turpitude or association with crimes of violence or with a movement which has a its object the overthrow by violent means of Government as by law established the mere conviction need not be regarded as a disqualification.

PART V
Procedure for direct recruitment

57. *Rule 12.* **Competitive examination.** (1) Applications for permission to sit at the competitive examination shall be invited by the Commission and hall be in the prescribed form which may be obtained from the Secretary to the Commission.

(2) No candidate shall be admitted to the examination unless he hold a certificate of admission granted by the Commission.

58. *Rule 13.* **Syllabus and rules for the examination.** The syllabus and rules relating to the examination shall be prescribed by the Commission with the approval of the Governor.

Note. The syllabus and the rules at present prescribed are shown in Appendix A.

59. *Rule 14.* **Fees.** Candidates must pay in the commission such fees as may from time to time be prescribed by the Governor. No claim for refund of these fees shall be entertained.

Note. The scales of fees at present prescribed are shown in Appendix B.

60. *Rule 15.* **Selection of candidates.** (1) After the marks obtained by candidates in the written test have been received a consolidated list of the candidates shall be prepared in order of merit and laid before the Commission. The list should show neither the roll numbers nor the names of the candidates, but should only give the serial number in order of merit, the community to which the candidates belong and the marks obtained by them in the written test. The Commission shall summon for interview as many candidates as have shown their suitability for appointment in the written test, having regard to the necessity for securing due representation of the communities and classes for which reservation has been made, and shall award marks up to a maximum of 50 to each such candidate for this suitability for appointment in respect of character, personality, address and physique. The marks so allotted shall be added to the marks obtained in the written examination.

(2) Except for the purpose indicated above, the marks obtained by the candidates in the written test shall not be disclosed to the members of the

Commission who conduct the *viva voce* examination until the examination is over and marks therefore have been finally awarded.

(3) The Commission shall prepare a list of the candidates in the order of their proficiency as disclosed by the marks finally awarded to each candidate and shall forward it to the Inspector General. If two or more candidates obtain equal marks in the aggregate the Commission shall arrange them in order of merit on the basis of their general suitability for the Service.

(4) The Inspector General shall select such candidates of each community or class as stand highest in order of merit in the list received from the Commission up to the number of vacancies to be filled from that community or class; provided that he is satisfied that the candidates comply with the qualifications of Service as previously announced.

(5) The names of the candidates selected shall be entered in the order in which the Commission arrange them under sub-rule (3), in a waiting list of directly recruited candidates to be maintained by he Inspector General.

PART VI
Procedure for recruitment by promotion

61. *Rule 16.* **Procedure for promotion of candidates from amongst the clerical establishment o registration offices and Inspector General's office.**

(1) For the purposes of recruitment by promotion under Rule 5 (1) (ii) a selection strictly on merit shall be made from amongst the persons eligible for such promotion under the rules.

(2) Each District Registrar, when called upon by the Inspector General, shall, in consultation with the Inspector of Stamps and Registration of the circle, nominate a candidate of proved integrity and from amongst the clerical establishment of the registration officers under his charge for promotion to the Service and shall forward to the Inspector General the character roll and personal file, if any, of the person so nominated:

Provided that the District registrar shall make no nomination if in his judgment there be no suitable candidate eligible for such promotion under the rules.

(3) The Inspector General may also nominate not more than three candidates from amongst the persons eligible for promotion to the Service under Rule 15 (1) (ii).

(4) A preliminary selection from among the persons nominated under the last two preceding sub-rules shall be made by a departmental Selection Committee consiting of-

(a)the Finance Secretary to Government, or an officer nominated by him;

(b)the Inspector General; and

(c)the District Registrar of the district in which the meeting of the Committee is held.

(5) The Committee shall consider the cases of all the nominees, and if necessary, after interviewing all or any of them, prepare a list containing the name of the candidates whom it recommends for promotion, the number of names in the list being equal to the number of vacancies to be filled by promotion. The Committee shall also prepare a supplementary list containing in order of merit the name of other candidates whom it considers fit for promotion, the number of names in the supplementary list being not less than half nor more than the number of names in the main list.

(6) The Inspector General shall forward both the lists to the Commission together with the character rolls and personal files, if any, of the candidates included therein, and shall ask the Commission to advise on the suitability for promotion of the candidates included in the main list. If the Commission is of the opinion that any of those candidates is not suitable for promotion, it shall consider the names in the supplementary list in the order in which they appear in that list and shall advise on the suitability of so many of the candidates in the supplementary list as may be necessary in order to provide a number o suitable candidates equal to the number which it is proposed to recruit by promotion. In advising on the suitability of candidates for promotion, the commission shall not arrange their names in order of preference.

(7) Final selection shall then be made by the Inspector General after considering the advice of the Commission.

(8) The names of the candidates selected under sub-rule (7) Shall be entered in a waiting list of candidates recruited by promotion to be maintained by the Inspector General, the names in the list being arranged in the descending order of age.

PART VI
Appointment, probation and confirmation

62. *Rule 17.* **Physical fitness.** (1) No person shall be appointed as a member of the service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the Service.

(2) Before a candidate directly recruited under rule 5 (1), is finally approved for appointment to the Service he shall be required to produce a certificate of physical fitness from the Civil Surgeon of the district in which he may be residing for the time being. A candidate failing to produce such a certificate shall be disqualified for appointment to the Service.

63. *Rule 18.* (1) The Inspector General shall make appointment to the Service on the occurrence of substantive vacancies by taking candidates alternately, so

far as this may be possible, from the two lists prepared under Rules 15 (3) and 16 (8). Candidates shall be taken in the order in which they stand in the lists and the first candidate taken shall be from the list prepared under Rule 16 (8). If available. Should it happen that candidates on the two lists are not absorbed in permanent vacancies in the

year for which they were selected for appointment, those remaining shall be entered at top of the next year's lists and absorbed first in the same order as if there had been no break in the process of absorption from their original lists of recruitment in a year to which candidates had carried forward *pro rata.*

(2) Subject to the provisions of proviso (b) sub-rule (2) of Rule 1, the Inspector General may make appointments to temporary or officiating vacancies from persons who are eligible for appointment to the Service under these rules.

64. *Rule 19.* **Probation, departmental examination and confirmation.** (1) Every person shall, on appointment to a post of Sub-Registrar in a substantive vacancy, be placed on probation fro a period of two years:

Provided that the Inspector General may-

(a) permit the period during which a person may have held officiating or temporary appointments as Sub-Registrar to be counted in whole or in part towards the period of probation prescribed by this rule;

(b) for sufficient reasons extend the period of probation by such further period, not exceeding one year, as he may deem fit.

(2) Every probationer shall be required to pass, within his period of probation, a departmental examination, the syllabus and the rules relating to which shall be prescribed by the Governor:

Provided that the Governor may for special reasons exempt any Sub-Registrar recruited by promotion from passing the examination in all or any of the subjects.

(3) The Inspector General may dispense with the services of a probationer or revert him to his substantive appointment, as the case may be, during or at the end of his period of probation, if the probationer has failed to pass the departmental examination within the original or the extended period of probation and has not been exempted from passing that examination under the proviso to the last preceding sub-rule, or has failed to give satisfaction or is found to be otherwise unfit for permanent appointment to the Service. A probationer whose services are dispensed with under this sub-rule will not be entitled to any compensation.

(4) Subject to the provisions of sub-rule (3), a probationer shall be confirmed in his appointment by the Inspector General on the expiration of

his period of probation, if he has passed the departmental examination and is considered fit for promotion.

PART VIII
Pay*

65. *Rule 20.* (1) Subject to the provisions of the Revised Rates of pay Rules (19310 and the Revised Rates of Pay Rules (1939) the rates of monthly pay admissible to persons appointed to pots in the cadre of the service whether in a substantive or officiating capacity or as a temporary measure shall be as follows:

(i)*For those appointed before 4th July, 1931:*

One post on Rs. 275 per mensem;
One post on Rs. 250 per mensem;
Two posts on Rs. 225 per mensem each;
Three posts on Rs. 200 per mensem each;
Five posts on Rs. 175 per mensem each;
Eight posts on Rs. 150 per mensem each;
Twenty-five posts on Rs. 125 per mensem each;
Forty-seven posts on Rs. 100 per mensem each;
Forty-nine posts on Rs. 90 per mensem each; Thirty-four posts on Rs. 75 per mensem each; Fifteen posts on Rs. 60 per mensem each.

(ii) *For those appointed on or after 4th July, 1931, before 1st July, 1938:*

Grade I- Twenty posts on Rs. 175-5-200 per mensem each;
Grade II- Sixty-five posts on Rs. 100-5-150 per mensem each;
Grade III- Seventy-eight posts on Rs. 60-5-90 per mensem each;

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* The revised scale of pay of departmental Sub-Registrar with effect from April 1, 1947 is Rs. 150-8-292-EB-12-360. The scale of pay has been revised with effect from April 1, 1965 as follows:

(1) Sub-Registrars- Rs. 225-15-300EB-15-360-20-360-EB-20-500.

(2) Selction Grade – Rs. 350-90-390-25-440-EB-25-540-EB-25-590-30-650.

Probations- Twenty-five posts on Rs. 50 per mensem each.

(iii)*For those appointed on or after 1st July,1938:*

Grade I- Twenty posts on Rs. 180-10-200 per mensem each;
Grade II – Forty posts on Rs. 135-7-170 per mensem each; Grade III – Sixty posts on Rs. 90-5-125 per mensem each; Grade IV – Ninety-four posts on Rs. 60-4-84 per mensem each.

Note. (1) The scale of Rs. 60-4-84 in Grade IV shall apply to persons recruited on or after 1st April, 1945 and to persons who were holding post in Grade V on 31st March, 1945, and were promoted to Grade IV on 1st April, 1945, on the abolition of Grade V.

(2) The permanent incumbents of posts in Grade IV who continued in that grade after 1st April, 1945, shall continue to draw pay in that grade in the scale of Rs. 65-4-85 so long as they remain in that grade and that scale of pay shall be personal to them.

(3) The scale of Rs. 65-4-85 in Grade, IV will gradually be replaced by the scale of Rs. 60-4-84 on the occurrence of vacancies in that grade, which will then be filled by new recruits on the later scale of pay.

(2) A directly recruited candidate shall, on appointment to a post in the cadre of the Service, draw Rs. 60 per mensem, being the minimum of the last grade in clause (iii), sub-rule (1), during the first year o his probation and Rs. 61 per mensem during the rest of the period of probation; provided that service during the first year is approved and other tests and conditions attaching to the probation during that period are satisfied. On confirmation he shall be placed at the Rs. 68 stage in the said grade.

(3) The initial pay of person recruited by promotion shall be regulated by the rules in the Fundamental Rules (Uttar Pradesh).

(4) The promotion of Sub-Registrars from a lower to a higher grade mentioned in clause (iii), sub-rule (1), will depend on vacancies occurring in the grades mentioned in clauses (i) and (ii) of that sub-rule. Thus, for example, no Sub-Registrar of Grade IV in clause (iii) will be promoted to Grade III in that clause until the total number of Sub-Registrar in all the grades in clauses (i) and (ii) taken together falls below 120, the number of Sub-Registrars to be so promoted being limited to the number required to make up that total. Likewise, no Sub-Registrar of Grade III will be promoted to Grade II until the said total falls below 60, the number of Sub-Registrars to be so promoted being limited to the number required to make up that total.

Note. Sub-Registrars appointed before 1st July, 1938, will braw pay under clause (i) or clause (ii) of sub-rule (1) as the case may be as if the grades in clause (iii) of that sub-rule had not come into existence.

(5) No member of the Service shall be promoted from a lower to a higher grade unless the Inspector General is satisfied that he has been working satisfactorily and to the best of his ability and his integrity is certified.

PART IX
Supplemental

66. *Rule 21.* **Canvassing.** No recommendations, either written or oral, other than those required under these rules will be taken into consideration. Any

attempt on the part of a candidate to enlist support directly or indirectly shall hold the candidate responsible for disqualification.

67. *Rule 22.* **Seniority.** Seniority in the service will be determined by the date of the order of appointment in a substantive vacancy:

Provided that-

(a)If the orders of appointment of two or more persons bear the same date, their seniority *inter se* shall be determined according to the order in which names appear in those orders;

(b)In any special case seniority shall be determined by special order of the Inspector General.

68. A. *Rule 23.* Such conditions of service of a person appointed to a post in the service as are not provided for in these rules shall be regulated by separate rules made under paragraph (b) of sub-rule (2) of Section 241 of the Government of India Act, 1935, and pending the issue of such rules, by the rules which were in force immediately before the commencement of Part III of the Act and which have continued in force by virtue of Section 276 of the Act.

APPENDIX A

[*See* Rule 50 (13)]

Syllabus and Rules for the Competitive Examination

1.The standard of the examination will be that of an intermediate parts.

2.The examination will be held in the following subjects *viz*:

(a)English – Candidates will be required to to write an essay on some subject of general interest and a letter on or a description of some event to test their power of expression as well as their ability to arrange facts and arguments in proper sequence; and to explain words and expressions in common use, or to comment on the grammatical structure of sentences.

The maximum marks will be 100; and the time allowed 3 hours.

(b)*General Knowledge.* A paper will be set to test general intelligence, power of observation and knowledge such as is expected of candidates who, having had the usual grounding in subjects taught in schools and colleges have passed their education either at a university or by reading books, newspapers, and magazines, attending lectures and taking an intelligent interest in things round them such as radios, aeroplanes, etc. The questions will ordinarily be so set as to admit of brief answers, and besides covering popular science will embrace knowledge of the social, political and economic events of the day.

The maximum marks will be 100; and the time allowed 3 hours.

(c)*Indian languages.* Familiarity with both the Nagri and the Persian script is essential for a Sub-Registrar, who will have not only to interpret and assess documents presented to him which may be in either script, but may have to copy them in the appropriate sanctioned registers. Moreover, these documents contain a variety of legal and technical expressions with at least the more common of which Sub-Registrars must necessarily be familiar. The extent of the candidate's knowledge will be tested by a paper as follows:

(1)A passage in English to be translated into Urdu. (2)A passage in English to be translated into Hindi.

(3)A number of sentences or phrases as appear in documents brought for registration in Roman script to be explained in Hindustani either Persian or Nagri script being used.

The maximum marks will be 100; 35 each being allotted to (1) and (2) and 30 to (3), Time allowed 3 hours.

3. From the marks assigned to candidates in each subject such deduction will be made as the Commission may consider necessary in order to secure that no credit is allowed for merely superficial knowledge.

4. If a candidate's handwriting is not easily legible a deduction which may be of considerable amount will be made on his account from the total marks otherwise accruing to him.

5. *Viva voce.* The maximum marks will be 50.

The examination will be in matters of general interest, not in matters of academic interest. Marks will be awarded to each candidates for intelligence, personality, character, physique and general suitability for the service.

APPENDIX B

[*See* Rule 59 (14)]

Scales of fees to be paid to the Commission

(1) *Application fee-* Rs. 5 payable in two instalments- Rs. 1 with the requisition for application form and Rs. 4 with the application when it is filed.

(2) *Examination fee-* Rs. 25 for candidates other than scheduled caste candidates, and Rs. 15 for scheduled caste candidates.

PART B

68. Applications from persons already in Government service must be submitted through their superior officers and through the District Magistrate of the district of their permanent residence. Only in very exceptional circumstances will such applications be entertained.

69. Approved candidates will be expected to undergo a period of training at a suitable center before being placed in the independent charge of an office. A departmental examination for probationary Sub-Registrars will be held in the first helf of November each year by an examination Board composed of the Inspector General of Registration and the District Registrar of the district in which the examination is held. The examination will be held in the following subjects:

(1)Registration and Stamp Acts;
(2)Registration Manual, Part II;
(3)Practical; and
(4)Urdu and Hindi reading and writing.

70. Register of approved candidates for Sub-Registrarship. No list of candidates for Sub-Registrarship will be maintained in future by District Registrars. They may in their discretion maintain lists of persons fitted to occupy temporary vacancies, but copies of this need not be sent to the Inspector General and the persons entered in it have no claims to be appointed as permanent Sub-Registrars.

71. One his first appointment as Sub-Registrar will not ordinarily be put in charge of an office. He will be posted to one of the principal registration circles to learn work and be available for filling temporary vacancies. When not officiating in leave or vacancies he will assist the Sub-Registrar of the headquarter's office, other office in the circle to which the District Registrar may post him. He will exercise the powers prescribed for a joint Sub-Registrar working in the office of a Chief Sub-Registrar.

72. On his first appointment a Sub-Registrar will ordinarily be placed at the bottom of the lowest grade. A Sub-Registrar appointed on account of

approved Government service in another department may be placed in any position in any grade.

73. (1) Admission to the first four grades of Rs. 200 and upwards in the old scale will be reserved for men with a good knowledge of English, who are suitable for the charge of important offices.

(2) From the Rs. 125 grade and upward in the old scale, there will be an efficiently bar and vacancies in these grades will be filled by selection.

(3) Vacancies in the Rs. 100, Rs. 90, and Rs. 75 grades in the old scale will ordinarily be filled by promoting the Senior Sub-Registrar in such lower grade.

(4) No Sub-Registrar will be promoted into a higher grade unless, in the opinion of the Inspector General of Registration his conduct and work entitles him to promotion into that grade.

74. A Sub-Registrar may be reduced to a lower grade for misconduct or neglect of duty. On reduction he will be placed at the head of the grade to which he is reduced, but his future promotion will be regulated by Rule 73 (4).

75. A Sub-Registrar may be reduced one or more places within his grade for misconduct or neglect of duty.

76. When a Sub-Registrar is promoted into a higher grade his position in that grade will be a the bottom of the grade; provided that a Sub-Registrar who has been reduced under Rule 74 or 75 may on promotion be restored to his original place in the list.

77. Grading, promotions and reductions will be regulated by the Inspector General of Registration in accordance with these rules.

Leave, transfer and punishment

78. Absence of Sub-Registrars from station. No Sub-Registrar may absent himself from his station without leave. He should obtain the permission of the District Registrar if he wishes to leave his station on gazetted holidays.

79. Casual leave. District registrars are authorized to grant during each calendar year casual leave of absence not exceeding 14 days to each officer. Holidays or non-working days of any kind, if included in the period of absence, must be reckoned as part of the maximum of fourteen days.

80. Privilege and other leave. All departmental Sub-Registrar shall, for purposes of leave, be governed by Rule 35 of the rules framed by the local Government under Rule 66 of the Fundamental Rules in Financial Handbook, Volume II. In cases of emergency the District Registrar may relieve a Sub-Registrar in anticipation of the sanction of the leave to which the Sub-Registrar is entitled.

81. Temporary appointment of Sub-Registrars. When a Sub-Registrar proceeds on leave of absence or is temporarily absent-

(j)In the case of an *ex officio* Sub-Registrar, the officer left in charge of his ordinary duties will perform his registration duties.

(ii) In the case of a departmental Sub-Registrar, the District Registrar will appoint to perform his duties-

(a)a probationary Sub-Registrar; or

(b)a Tahsildar or other official in charge of a tahsil, if the office is at a tahsil headquarters; or

(c)any other person he considers qualified.

82. Reports of temporary appointments. All temporary appointments made under the preceding rules will be reported to the Inspector General annually in

Form No. 5, Appendix III, in accordance with Section 13 of the Act.

83. Transfer. The power of transferring departmental Sub-Registrars from one place to another is vested in the Inspector General. District Registrars are also empowered to transfer Sub-Registrars from one office to another within the district; provided that no such transfer shall be made without obtaining previous approval of the Inspector General, if a Sub-Registrar has not completed tow years at the office or if there is a special order of the Inspector General for any Sub-Registrar to be retained in a particular office for a certain period. An application by a Sub-Registrar for transfer to another district shall be submitted through the District Registrar who is empowered to withhold the application if he is not prepared to support it.

Note. Sub-Registrars after five years' service in a district will ordinarily be transferred to another district. Hence to avoid two transfers in quick succession, the transfer within the district of Sub-Registrar who has completed or nearly completed five years' service in the district should be avoided as far as possible.

84. The District Registrar may suspend a Sub-Registrar pending inquiry. The Inspector General of Registration may sanction the prosecution of a Sub-Registrar.

85. Sub-Registrar's security. All departmental Sub-Registrars are required to furnish Rs. 200 as security:

Provided that in all temporary arrangements security of Rs. 200, shall be taken from the registration clerks who may be considered fit by

District Registrars to officiate as Sub-Registrars. The District Registrar may in his discretion permit the security of such registration clerks to be furnished in installments by monthly deductions at the rate of 10 per cent, of the salary. Until the full amount of the security is thus made up, the procedure laid down in paragraph 1-A of the Financial Handbook, Volume V, Part I, shall be followed:

Provided that the Inspector General of Registration may increase or decrease the amount of security according to the circumstances and local conditions of registration office.

86. Traveling allowance. Departmental Sub-Registrars who receive grade pay shall be entitled to receive traveling allowance in accordance with the provisions of the Financial Handbook, Volume III.

Miscellaneous

87. The departmental and public officers mentioned in Appendix VI have been appointed Sub-Registrars in the several districts therein specified. Persons specially appointed under Rules 46 to 68 are designated departmental Sub-Registrars. Officers of other departments who perform registration duties

by virtue of their office in addition to their duties are called *ex officio* Sub-Registrars.

88. When the office is at the headquarters of a tahsil, and the total receipts do not exceed Rs. 500 per annum the Tahsildar shall ordinarily be Sub-Registrar *ex officio.*

89. Pay of ex officio Sub-Registrars. The allowance to Tahsildars and others *ex officio* Sub-Registrars in permanent charge of registration offices has been fixed by Government at rates varying according to the receipts and the importance of the office.

90. When an *ex officio* Sub-Registrar takes leave of absence the official who acts for him will draw the registration allowance.

91. When an *ex officio* Sub-Registrar leaves headquarter's jurisdiction on duty and the charge of the registration work devolves on the Naib-Tahslidar, or other official left in charge of the current duties of the office, and the absence does not exceed seven days, the substitute will receive no remuneration, and the Sub-Registrar will be responsible for the correct and punctual performance of the work. But when the absence exceeds seven days at a time, the substitute will receive a share of the

monthly allowance proportional to the number of days he has held charge of the office.

92. Acting allowances. When a Tahsildar or any other Government servant is appointed to officiate as a departmental Sub-Registrar in addition to his own duties, his pay and allowances will be governed by Fundamental Rule 49 and orders of the Government there under. When the circumstances do not justify a formal officiating appointment under the orders of the Government under Fundamental Rual 49 and a Government servant is only placed in charge of the duties of a post of departmental Sub-Registrar, he may be allowed a special pay of Rs.10 per mensem for the additional work. When the absence of the Sub-Registrar does not exceed a week and another Government servant is placed in charge of only the current duties of the post, he will not be entitled to any additional or special pay.

93. A Tahsildar may be appointed to officiate as a Sub-Registrar in addition to his own duties in a vacancy caused by the resignation or death of a departmental Sub-Registrar.

Registration Clerks

94. Appointment of Chief of Registration Clerk. (1) Appointment to the post of a Chief Registration Clerk in District Registrar's offices shall be made by the District Registrar from amongst the permanent registration clerks in his district possessing the following qualifications:

(a)those who have taken part in at least 3 year's continuous service; and

(b)have passed at least the High School or any other examination recognized by Government as equivalent thereto. On the occurrence of a permanent vacancy in a post of Chief Registration Clerk the senior most qualified registration clerk in the district shall be appointed thereto.

If he is not fit for promotion having regard to his efficiency and integrity the next senior registration clerk in the district shall be considered for appointment, and so on. It will however, be necessary for the District Registrar to record in writing the reasons for superseding a registration clerk.

(2) If in the opinion of the District Registrar there is no qualified registration clerk in his district suitable for appointment to the post of his Chief registration clerk, he shall report the matter to the Inspector General of Registration, who shall request the District Registrars of adjacent registration districts to nominate two qualified persons if available, in their districts from amongst the registration clerks eligible for appointment to the post of Chief Registration Clerk. The District Registrars will also forward the service books and character rolls of the persons nominated, by them. The Inspector General of Registration will send to the District Registrar concerned the names and records of all persons nominated by the District Registrars for selecting a Chief Registration Clerk, in accordance with the provisions in sub-rule (1) above, from amongst the nominees of the other District Registrars.

(3) A registration clerk appointed in a substantive vacancy as a Chief Registration Clerk under clauses (1) and (2) above, shall remain on probation for at least one year.

(4) In a temporary or an officiating vacancy not likely to last for more than 3 months, the District Registrar may appoint any registration clerk of his district as his Chief Registration Clerk. This temporary appointment alone shall not create any claim for a permanent vacancy which shall be filled as in sub-rules (1) and (2) above.

(5) The Inspector General of Registration may transfer a Chief Registration Clerk from one district to another for administration reasons.

(6) The power to punish a Chief Registration Clerk is vested in the District Registrar in accordance with the procedure contained in Government (Appointment Department) Notification No. 2627/II – 264, dated 3rd August, 1932 as amended from time to time (*vide* Appendix VIII). The Inspector General may in exercise of his powers of general control direct the District Registrar to take proceedings under those rules against a Chief Registration Clerk. No Chief Registration Clerk shall be punished in any manner until

written charges against him have been framed and communicated, his written statement has been obtained, his defiance recorded and the order passed thereon has been communicated to him in writing. An appeal against such an order of punishment by the District Registrar lies to the Inspector General of Registration in accordance with Rule 2 of the Rules published under Government Notification No. 2628/II-264, dated 3rd August, 1932 (*vide* Appendix VIII).

Note. The revised scale of pay of Chief Registration clerks with effect from April 1, 1947 is Rs. 80-5-100-6-130.

94. A. Appointment of registration clerks. (1) Appointment to the post of registration clerks in Sub-Registrars' offices and in District Registrars' offices shall be made by the District Registrar as prescribed in this rule and in Rule 97.

(2) Ordinarily no registration clerk shall remain in the same office for more than five years. Transfers of registration clerk shall be made by the District Registrar within the Registration District to which they are attached. The Inspector General may, however, transfer a registration clerk from one district to another on administrative grounds. On transfer of a registration clerk to another district, seniority in the grade of Rs. 30 and upwards will be determined according to the date of promotion to that grade, while in the lowest grade it will be determined according to the date of his original appointment in a permanent vacancy.

(3) Vacancies in the Rs. 33, 40 and 45 grades will ordinarily be filled by seniority. If the senior most clerk in a grade, in the opinion of the District Registrar, is not fit for promotion having regard to his efficiency and integrity the clerk next below him in that grade may be considered for promotion and so on. It will, however, be necessary for the District Registrar in each case to record in writing the reasons for superseding a clerk.

(4) The power to punish registration clerks is vested in the District Registrar in accordance with the procedure contained in Government (Appointment Department) Notification No. 2627/II-264, dated 3rd August, 1932, as amended from time to time (*vide* Appendix VIII). No registration clerk shall be punished in any manner until little charges against him have been framed and communicated to him in writing, his written statement has been obtained, his defence is recorded and the order passed thereon has been communication to him in writing.

An appeal against such an order of punishment by the District Registrar lies to the inspector General of Registration in accordance with Rule 2 of the Rules published under Government Notification No. 2628/II-264, dated 3rd August, 1932 (*vide* Appendix VIII).

Note. The Revised scale of pay of departmental registration clerks with effect from April 1, 1947, is Rs. 60-3-90-4-100.

95. Strength of establishment. The strength and remuneration of registration establishment shall vary according to the amount of work to be performed in each office and will undergo periodical review. As a general rule one clerk any be allowed for every 1,000 documents registered annually, but the average length of documents and amount of copying and other miscellaneous work will be taken into account. The Sub-Registrar will be expected to carry on the work without the assistance of a clerk; provided that the total number of documents registered during the year does not exceed 500. When necessary, the Inspector General of Registration may transfer a post of a registration clerk from one registration district to another temporarily for a period not exceeding one year, subject to the condition that a report is submitted for the information of Government as soon as such a transfer is made.

96. Establishment. The power to sanction temporary establishments within the limits of budget provision and up to a rate of pay not exceeding Rs. 150 per mensem in each case is vested in the Inspector General of Registration, subject to the following conditions:

(a)that the delegation does not cover temporary staff in the Inspector General's office;

(b)that the extension does not exceed 12 months;

(c)that budget provision is not augmented by re-appropriation for this purpose; and

(d)that the sanction is communicated to the Accountant General and the Government, for information:

Provided that a District Registrar may sanction with the previous approval of the Inspector General the temporary appointment of extra clerks in the Registration offices under his control up to a rate of pay not exceeding Rs. 60 per mensem in each case. Before sanctioning the appointment, the District Registrar should see that he permanent clerks have been working up to the standard prescribed by the preceding rule. **97. List of approved candidates for appointment as registration clerks.** (1) A list of approved candidates for the post of registration clerks shall be maintained by each District Registrar.

(2) The number of candidates for each registration district shall be fixed by the Inspector General of Registration according to the needs of each district; at no time shall the number of enlisted candidates exceed this number except with the previous sanction of the Inspector General.

(3) No candidate shall be enlisted who is-

(a) above the age of 21 years; and (b) who has not passed the *High School or any other examination recognized by the Government as equivalent thereto: and (c) who for any other reason, is not suitable for appointment.

Preference will be given to candidates who have also passed the Vernacular Final Examination.

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*Under Niyukti (Kha) vibhag G. O. No31/6/66-applt (B) dated June, 28, 1967 the minimum educational qualification for such posts has now been revised as Intermediate or Higher Secondary Examination.

N.B. The Inspector General of Registration, may in special circumstances, exempt a candidate from the age-limit of 21 year prescribed in this rule.

(4) The list of approved candidates shall be revised by the District Registrar annually in the month of January, and a copy of the revised list shall be forwarded by the end of February each year to the Inspector General for record in his office.

(5) Names of candidates once brought on the list shall not be removed by District Registrar except on the following grounds:

(a)That the candidate has already attained the age of 25 years on the first day of January of the year in which the list of candidates is revised, and has not held officiating or temporary vacancies as a registration clerk for a total period of least six month;

(b)That he has attained the age of 30 years on the first day of January of the year in which the revision of the list takes place before he is substantively appointed as a registration clerk. In calculating the age of 30 years the total period of service rendered by the candidate shall be excluded. No candidate will be retained on the list beyond the age of 30 years save in exceptional cases under the orders of the Government;

(c)That in spite of adequate notice he has refused or neglected to join as a registration clerk in an officiating or temporary vacancy of not less than a month's duration offered to him on two successive occasions;

(d)That he is unfit for appointment on account of misconduct or for some other valid reason to be recorded in writing; provided in cases under this sub-rule no District Registrar shall remove the name of any candidate from the list, without giving him an opportunity by serving on him a notice in writing to show cause why his name should not be removed from the list of candidates.

(6) For a candidate exceeding 25 years of age the previous sanction of the Inspector General of Registration to his exemption from the age-limit is

necessary before his substantive appointment to a permanent post of registration clerk (*vide* Subsidiary Rule 187 of the Financial Handbook, Volume II Part III).

(7) Care shall be taken to secure reasonable representation of the different communities and to prevent the preponderance of any one class or community in the enlisted candidates.

(8) Permanent appointment to the post of registration clerk shall be made from amongst the enlisted candidates strictly by seniority. Officiating or temporary chances of more than a month's duration shall given to enlisted candidates by rotation.

(9) A candidate appointed in a substantive vacancy as a registration clerk shall remain on probation for at least six months.

98. Control to be maintained over clerks. Registering officers should maintain a vigilant control over their clerks, and not place them in closer contact with the public than is unavoidable. Ordinarily registering officers should keep in their own hands the duty of receiving documents or money, the recording of endorsements, and the returning of documents. If it is necessary to leave any of these duties to the clerk, they should be performed by him in the presence, and under the direct supervision of the registering officer. The issue of commissions to registration clerks for the examination of executants at private residences, jails, etc. under Section 33 or 38, Act XVI of 1908, is prohibited, except in case of extreme urgency; such cases should always be reported to the District Registrar.

99. Promotion and reduction of clerks. In filling up vacancies, the claims of all deserving clerks in the registration district should invariably be first considered: and when it is necessary to displace a clerk on account of reduction of establishment, etc. the junior clerk in the registration district should ordinarily be discharged, and the displaced clerk should take his place. Reference can be made to the Inspector

General where a deserving man comes under reduction with a view to his re-appointment in or transfer to, another district.

100. Clerks to be employed solely on registration work. Registration clerks are to be employed exclusively on the work for which they are paid, and are not to be required to take part in the work of other departments. Registration clerks should also be strictly prohibited from drawing up or engrossing instruments in the registration of which they may subsequently be required to take part and from seeking or accepting any post, employment or office in addition to their duties in the Registration department without the previous sanction of the Inspector General of Registration.

101. Employment of unpaid apprentices. The employment of unpaid apprentices in registration offices is strictly prohibited, except in special

cases, and with the previous sanction in writing of the District Registrar of the district or of the Inspector General, which sanction can be at any time with drawn. It should, at the same time, be clearly understood that, as the employment of an unpaid apprentice can only be regarded as a convenience to the Sub-Registrar himself, such service will not be recognized as giving any claim to appointment.

102. Service books and character rolls of clerks. A service book in the form prescribed by the Civil Service Regulations shall be kept up for all registration clerks paid by Government. Remarks on character and conduct by superiors should be recorded in the character roll which shall be maintained in the prescribed form as required by paragraph 355 of the Manual of Government Orders. Any observations which inspecting offices may desire to make should be recorded in the office inspection book.

103. Officiating appointments. When a registration clerk is appointed to officiate in another department the whole of his pay and allowances shall be charged to that department, and no portion of it will be admitted as a charge against the Registration department. But the pay and allowances of his *locum tenens* in the registration office will form a charge against the department.

104. [*Deleted].*

105. Registration clerk should be granted traveling allowance when transferred.

106. Sub-Registrars are empowered to grant full casual leave to their subordinate clerks within the limits prescribed under Rule 79, subject to the condition that they always and without delay report to the Registrar their action in allowing or disallowing such leave. All such leave shall be noted in the leave register to be maintained in manuscript in each Sub-Registrar's office.

107. Punishments. Subordinate officials are subject to the rules regarding punishment contained in the Manual of Government Orders, paragraphs 368 to 377.

CHAPTER II

Office Regulations

108. Office salary bill. Registrars of districts will prepare a consolidated bill on account of fixed salaries of tahsildars and other *ex officio* Sub-Registrars and of departmental Sub-Registrars in the current forms of the Accounts Department. In a separate bill should be drawn the salaries and allowances (if any) of all ministerial and menial establishments paid by Government arranged in the order of sections given in Appendix. A to the Accountant General's standing orders. When the registration district comprises two or more revenue districts or portions thereof, separate bills must be prepared for each revenue district.

109. An establishment order book in Form No. 32 Appendix II, shall be maintained in the office of every District Registrar. In this book the final result of each order passed by him, the subject of leave, promotion, reversion, etc., of individual officials of the Registration Department under his control will be shown. The chief registration clerk will invariably check the office copies of the establishment pay bills by comparison with the entries in the establishment order book and, the District Registrar who passes the establishment pay bills by comparison with the entries in the establishment order book and, the District Registrar who passes the establishment pay bills should also occasionally check a few items with the establishment order book.

110. This bill be presented or forwarded to the officer incharge of the treasury of the revenue district concerned for payment in cash on account of the office at headquarters and off offices at places other than the headquarters of a tahsil, and for issue of cash orders on sub-treasuries on account of other offices. District Registrars will remit the salaries of Sub-Registrars and their establishments at places other than the headquarters of a tahsil by money order, and debit the money order

commission to the contract contingent grant for the year. The amount, when disbursed, must be properly recorded in acquaintance rolls which shall be kept up in each office receipts being taken for each payment and receipts stamps affixed when the amount paid exceeds Rs. 20 (twenty).

111. When a District Registrar sends by money order the pay of a Sub-Registrar of an office where is no treasury or sub-treasury he will add thereto any amount due to the Sub-Registrar on account of money order commission paid by him in remitting the collections of his office for the month to the treasury or sub-treasury. The money order commission paid by the Sub-Registrar and remitted to him and the money order commission paid by the District Registrar will be debited to the contract contingent grant for the year.

112. Service book of Sub-Registrars. Service books in the form prescribed by the Civil Service Regulations shall be kept in the District Registrars offices for every departmental Sub-Registrar holding a substantive appointment on the permanent establishment.

113. Character rolls. A character roll of each departmental Sub-Registrar Shall be maintained in the office or the Inspector General or Registration and the instructions contained in paragraph 355 to 357 of the Manual of Government Orders shall apply *mutatis mutandis* to all such rolls. The Inspector of the circle shall submit through the District Registrar Concerned early in April each year a confidential report in column 2 of the form prescribed below, about the preceding financial year's work and conduct of each Sub-Registrar in his circle. The Inspector shall also record a certificate on each report, if he can conscientiously do so, the effect that nothing has come

to his knowledge which casts any doubt the Sub-Registrar's official integrity. If, however, such a certificate cannot be given in the case of any Sub-Registrar the Inspector shall bring out this fact prominently in the report. Such an entry shall be self-contained and shall, so far as possible, give the reasons for withholding the certificate.

On receipt of such confidential report the District Registrar shall record his own remarks in column 3 of the form and forward the same, not later than 1st May, each year to the Inspector General of Registration, who will record his own remarks, if any, in column 4 of the form. No separate register shall be maintained for entering any confidential remarks by the Inspector General about any Sub-Registrar.

In the case of a Sub- Registrar transferred from one district to another, the Inspectors of Registration for both the circles will send their independent reports to the District Registrars concerned who, after recording their own remarks, shall forward the same to the Inspector General of Registration. In such cases the Inspector General of Registration shall record his own remarks, if any, in column 4 of the form received from the District Registrar of the district to which the Sub-Registrar has been transferred.

After the Inspector General of Registration has entered his own remarks, if any, in the annual reports, they shall be filed in original, as they are received, in the personal file of each Sub-Registrar, maintained in the office of the Inspector General of Registration. Every entry in the character roll which may adversely affect promotion should be communicated to the Sub-Registrar concerned. If the certificate of integrity is withheld on grounds of mere suspicion, the fact shall not be communicated but the Inspector and the District Registrar, under whom the Sub-Registrar is working, shall be asked confidentially by the Inspector General of Registration to keep a close watch on him. If, on the other hand, the reasons for withholding the certificate are tantamount to a virtual certainty that the Sub-Registrar has been dishonest, the fact shall be communicated to him. The Inspector General of Registration shall decide in each case what adverse remarks shall be communicated and in what form.

FORM

Confidential report on the work, conduct and integrity of …….. ……., ……. Sub-Registrar of ……..,district …….. …….. in the grade of ……..

Remarks by the Inspector of the circle	Remarks by the District Registrar	Remarks by the Inspector General of Registration	Year
1	2	3	4

114. Traveling allowance. District Registrars, when on inspection tour, will charge their travelingallowance to the head from which their salaries are drawn, and not to the Registration department, *vide* Article 824-A, Civil Account Code.

CONTINGENCIES

District Registrars

115. Permanent advance. District Registrars and allowed a permanent advance to the extent shown in Appendix IV for contingent expenditure of their own and subordinate offices.

116. Annual acknowledgment to the Accountant General. At the close of each official year and whenever there is a change of incumbency, District Registrars will send an acknowledgment of the advance to the Accountant General, Uttar Pradesh.

117. Permanent advances, how to recoup. The permanent advance will not be repaid into the treasury, but shall be recouped from time to time, when necessary, by the submission of a bill or bills supported by the needful vouchers.

118. Contingent charges. Contingent charges are divided into the following heads:

(1)Contract contingencies.

(2)Non-contract contingencies.

119. Contract contingencies. Contract contingencies are those for which a lump sum is allotted annually to each District Registrar, within which he can spend without any further sanction. At the beginning of each financial year the Inspector General will distribute to District Registrars the allotment sanctioned by Government or the year.

120. Heads of charges. Under contract contingencies shall be included the following charges:

(1)Service postage and telegram charges.

(2)Purchase and repair of furniture.

(3)Hot and cold weather charges.

(4)Country stationery.

(5)Carriage of stationery.

(6)Cloth for bastas or binding charges.

(7)Other petty and miscellaneous expenses.

(8)Pay of menials.

121. Money how to be drawn. Contract contingent charges will be drawn from the treasury upon bills in the form prescribed by the Accountant General. No sub-vouchers are required and no details need be stated beyond the total figure opposite each of the printed headings. If any charge occurs which the printed headings do not provide for, the general nature of it may be entered in a similar heading in manuscript. The disbursing officer must be careful to bring forward, from the last bill, the correct amount of the total expenditure to date, in his register of contingencies, otherwise he may overrun his limit without perceiving it.

122. Vouchers to be preserved in certain cases. Disbursing officers are responsible for keeping and reproducing when required any sub-voucher of his expenditure except those which he is authorized to destroy (Accountant, General's Circular No. 144, dated the 20th April, 1889).

123. Final bill for the year. A bill must always be drawn on or immediately before 31st March of each year for all expenditure up to date. Money drawn from the treasury after that date come out of the allotment of the next year and it is contrary to the principle of the scheme that expenditure incurred in the current year should be in any way held over, after being incurred, to be paid out of the allowances of the next year.

124. Non-contract contingencies. Non-contract contingencies are those which cannot be incurred without the sanction of the Inspector General or of Government, previously obtained.

125. Heads of charges. Under non-contract contingencies shall be included the following charges:

(1)Purchase of books and publications.

(2) House rent.

(3) Furniture.

126. Money, how to be drawn. The money required for non-contract contingencies will be drawn from the treasury upon abstract bills in the forms prescribed by the Accountant General, the number and date of sanctioning orders being noted thereon.

127. Contingent registers. A separate register will be kept up for each of the two classes of contingencies, *viz,* one for contract contingencies and a second for non-contract contingencies, in the form prescribed by the

Accountant General. The entries in these registers will be made in accordance with Chapter VI of the Civil Account Code.

128. Quarterly report of contingent expenditure. District Registrars should report to the Inspector General quarterly in

Form No. 4, Appendix III, the quarterly expenditure under both heads.

Sub-Registrars

129. Contingencies of departmental Sub-Registrars. Contingent charges (including hot and cold weather charges) of departmental Sub-Registrars will be borne by Government.

130. Contingencies of ex-officio Sub-Registrars. Sub-Registrars, *ex officio,* will be paid the actual expenses of their offices up to a limit of one rupee per clerk per mensem. The charges will similarly be debited against the District Registrars, contract grant.

Holidays and office hours

131. Holidays. In the offices of District Registrars and Sub-Registrars, the holidays annually prescribed for Revenue Courts by the Board of Revenue, Uttar Pradesh, and local holidays sanctioned by the Collector of the district may be observed, but it will be optional with District Registrars and Sub-Registrars to keep their offices open on any holiday.

132. Office hours. The offices of all Sub-Registrars shall be open for not less than six hours daily, Sundays and holidays excepted, and shall ordinarily open at 10a.m. If it be found necessary to change these hours a notice to the effect shall, with the approval of the District Registrar, be affixed in each office for the information of the public.

133. Where registering officers have other duties to perform, a certain portion of each day should 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 registration office is located. The notice should state the hours at which documents will be received and returned daily.

Periodical Reports and Returns Weekly

134. Weekly report by Sub-Registrars to District Registrars. Every Sub-Registrar will submit to the District Registrar of his district a weekly report of documents and applications for copies remaining

undelivered or undelivered of after three days from the expiration of date of presentation, prescribed by Rule 325.

135. Form of weekly report. This report shall be in the form prescribed in Appendix III,

Form No. 1. It should invariably be sent on Monday following the week to which it relates. It will be understood that this form will suffice for the majority of the returns submitted. When any mischief or injury to the records has to be reported, or where a special explanation is necessary regarding delay in returning documents, or complying with applications for copies, this form should not be used, but a separate report in manuscript submitted.

136. Reports to be scrutinized. The weekly report should on receipt in the District Registrar's office, be carefully scrutinized and orders issued by District Registrars where necessary.

Monthly

137. Monthly returns by Sub-Registrar to District Registrars. Every Sub-Registrar shall submit to the District Registrar of his district by the 5th of each month a statement showing the transactions of his office for the preceding month in

Form No. 2, Appendix III.

138. Monthly returns to be prepared according to month of account. The monthly return will be prepared not according to the calendar month, but according to the month of account, as it is absolutely necessary, that the figures given in the different accounts and returns should exactly agree with those shown in the treasury accounts. The details of work done should be given in the same statement as that which shows the receipts on account of it. Sub-Registrars should ascertain the fixed closing date of the sub-treasury accounts and bring to the credit of Government on the date all fees then in hand. It may sometimes happen in the case of officers at places other than the headquarters of a tahsil who credit their receipts monthly, that the entire receipts of the month are not credited in time for inclusion in the accounts of the current month. This should never happen in the month of December, and with proper care should very rarely occur at other times. But in the event of this happening, to prevent a disagreement between the accounts of the Registration Department and the treasury, the number of registration of that month and the receipts and expenditure should be omitted from the current month's accounts, an explanatory note being made in the column for remarks. In the following month's returns the statistics of two months

for the office in question should be added but each should be shown separately thus:

Sub-registrar, Bari	October, 1892 Ditto
	November, 1892

139. Scrutiny of Sub-Registrar's return in District Registrar's office. When the District Registrar receives the monthly returns above described for Sub-Registrar he will have them carefully examined. An amalgamated statement of receipts and disbursements for each revenue district should then be prepared in the District Registrar's office and sent to the headquarters treasury concerned for verification. The total figures for the revenue district should correspond with the treasury credits and disbursements. On verification by the treasury the District Registrar shall send a certificate verifying the total receipts and disbursements for the month to each office. The certificate shall show these amounts in words as well as in figures and shall be filed with the invoices for that month.

District Registrars shall take measures to secure the punctual submission of the return by Sub-Registrars.

140. Quarterly returns of District Registrars. Every District Registrar will submit to the office of the Inspector General the following quarterly returns for his district:

District return No. I. Statement showing the transaction of the quarter.

District return No. II. Budget allotments and expenditure.

These returns will be prepared on printed forms to be supplied from the Government Central press, and they should be dispatched so as to reach the office of the Inspector General by the 10th of January, April, July and October.

Form No. 2, Appendix III- as is prescribed for Sub-Registrars, but it shall be submitted to the Inspector General in English. The District Registrar shall fill in the transaction of his own office for the quarter. He hall next transcribe from the vernacular returns and transactions of the several Sub-Registrars subordinate to him, each office being entered separately. Care must be taken always to preserve the same order of offices, as want of uniformity in this respect causes inconvenience in the preparation of general returns in the office of the Inspector General. This remark applies not only to the return immediately under notice, but to all returns. The several offices should be arranged in the order given in Appendix VI, the spelling of which should be followed. Finally, the several columns shall be totaled up so as to show the aggregate business of the district during the quarter under report. Where the registration district comprises two or more revenue districts, separate intermediate totals should also be given for each revenue district so as to facilitate comparison in the Inspector-General's office with the statements furnished by the Accountant General.

142. District return No. II. This return is prescribed in Rule 128, and will be prepared in Form No. 4, Appendix III, in English. It is only necessary to enjoin a watch on the progress of the expenditure under each head as compared with the budget for it. A progressive total of all expenditure must be made monthly, and will include all payments under each head from the commencement of the year to the end of the last expired month.

143. Annual return by Sub-Registrars to District Registrars. Every Sub-Registrar shall prepare, as soon as possible, after the close of the year, a statement in

Form No. 6 given in Appendix III, and submit the same to the District Registrar not later than the 10th of January.

144. Annual return of District Registrars. Every District Registrar shall, in like manner, prepare a consolidated statement for his district in Form No. 6 given in Appendix III, and submit the same to the Inspector-General of Registration not later than the 1st of February, accompanied by a report reviewing the operation of the year as laid down in Rule 153. District Registrars should be careful to check this annual return by the monthly ones to see that the figures in the former exactly coincide with the aggregate of the corresponding figures in the latter. Inattention to thee maters may lead to unnecessary delay, trouble and correspondence.

145. Miscellaneous annual returns by District Registrars. In addition to the above the following miscellaneous annual returns shall also be submitted:

I- Detailed statement of establishment.

II- Return of officials over 55 years of age.

III- Statement showing the number of inspections by District Registrar and Inspectors.

IV- Budget estimates.

146. Detailed statement of establishment. Every District Registrar shall submit to the Inspector General with his quarterly statements in April in each year, a copy of the statement submitted by him to the Accountant General (under Article 62 of the Civil Account Code, Volume I).

147. Returns of officials over 55 years of age. The annual return will contain the list of all departmental Sub-Registrars, who have passed the age of 55 or will reach it within the coming year. The return will be prepared in

Form No. 12, Appendix III. Against each officer in the list, will be recorded the District Registrar's own recommendation, an opportunity, if possible, being taken of personally seeing and examining each Sub-Registrar at or before the preparation of the return. A Sub-Registrar who has attained the age of 55 should ordinarily be required to retire and should not be retained in service except where unquestionable public grounds for retention exist and there is no doubt as to the physical fitness of the officer.

His retention or retirement will, under Article 359 of the Civil Service Regulation, be sanctioned by Government.

After 60 an officer cannot be retained in the service save with the sanction. Of the local Government.

148. On receipt of this list the Inspector General o Registration will submit the list (received from the Accountant General, under Article 463 of the Civil Service Regulation) of Sub-Registrars who will attain the age of 55 or complete the term of which extension has been allowed during the ensuing official year, for the orders of Government, to other with his recommendations. In view of Article 459 (d) of the Civil Service Regulations the cases of registration clerks will be disposed of by the District Registrars. The return should be submitted to the office of the Inspector General by the 31st October at latest, under endorsement only, not by letter.

149. Return of valuable ordinance and other Government stores. *The stock book of Government property (excluding landed property and buildings)* (1) The stock book of Government property, prescribed in G.O. No. 3123/XVIII-340.30, dated the 24the November, 1934, shall be maintained in every District Registrar's office and in every Sub-Registrar's office subordinate to him. Full instructions for the maintenance of the stock book and other matters will be found recorded

in Rules 1 to 12 and in appendix, issued with the aforesaid Government order.

(2) Under Rule 10 of the rules the District Registrar shall arrange for annual verification of the stock of his office by a gazetted officer who shall verify the articles with the book balances and sign a certificate on the stock book of having done so, and under Rule 11 thereof Sub-Registrars should carry out annual verification of their offices in a similar manner after the close of the financial year and forward their certificate of verification to the District Registrar so as to reach him on or before 15th April each year.

(3) The District Registrar at the time of his own periodical inspection of the Sub-Registrar's offices should scrutinize the stock book and check some of the valuable articles, bring to the notice of Government through the Inspector General of Registration any matters needing attention. The Inspector of Registration offices will, during the course of his inspections, pay special attention to the examination of the stock books maintained in registration

offices. He may see that all new purchases have been brought on the stock book and have been duly checked and the annual verification has been duly made.

150. Registration of deeds of transfer of landed properties. All cases of the registration of deeds o transfer of immovable property to which Government servants are parities shall be reported by the District Registrar concerned to the Head of the Department, commissioner of the Division, District Officer or District and Sessions Judge to whom the official concerned is subordinate.

151. Statement of inspections. The return of statement of inspections will be in

Form No. 11, Appendix III. It should be submitted by District Registrars with the annual statistical tables not later than 1st February. It should show separately for each office the particulars required by the headings, but not the results of inspections, which will be submitted in accordance with Rule 385.

152. Budget estimates. Every District Registrar shall prepare and submit to the Inspector General by the 15th August in each year a budget estimate of receipts and charges in

form No. 14, Appendix III, for each revenue district separately. All important variations shall be explained briefly in the column provided for the purpose. In framing the estimates the instruction laid down in Chapter X of the Civil Account Code should be followed.

153. Annual reports by District Registrars. District Registrars shall submit to the Inspector General every year a report on the administration of the department. The report should give a clear indication as to the significance of the statistics and a brief review of the operations of the preceding year, with such further remarks as the statistics or the inspections may suggest. For example, any marked increase or decrease in the number of registration under the several heads of classification should be explained. The causes affecting the popularity of registration and the tendency to resort to it should be reported Facts which seem to afford data for conclusion as to whether optional registration is becoming more of less frequent should be noted. If District Registrar is of opinion that registration is not gaining popularity, remedies which may appear to be suitable should be suggested. Remarks on the miscellaneous business of the department, such as the deposit, etc, of will, authentication of powers- of-attorney, issue of commissions, refusals to register, prosecutions, applications for searches, inspections and copies and such like, will be interesting. The reasons for refusing to register should be analysed, and should be given of the cause and results of prosecutions and registered documents discredited by civil courts. The working of the staff and their qualifications should also be noticed. The instructions for the preparation of reports laid down by Government in paragraphs 414, Manual of Government Orders, should be generally observed.

154. Data of submission. The annual reports must be forwarded to the Inspector General at the latest by 1st of February, each year. Delay in submission will be noted in the provincial report submitted to Government.

Seals

155. Inscriptions on seals and their custody. Every District Registrar and Sub-Registrar has been provided with a seal as required by Section 15, bearing an inscription in Hindi, of the authorized 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 (a);

(2)all commissions issued under Sections 33 and 38;

(3)all applications for 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 memoranda and copies forwarded under Section 64,65,66 and 67;

(7)all copies of reasons for refusal to register granted under Sections 741
and 76;

(8)all orders issued by District Registrars under Section 72 or 75, directing documents to be registered;

(9)all summonses issued by District Registrars under Section 75; (10) all search certificates issued under Rule 327.

156. Renewal of seals. When a seal has become unfit for use, and is replaced by a new one, the former shall be destroyed in the presence of the District Registrar of the district. The seals of offices permanently closed shall be destroyed in the same manner. All new seals, whether for newly created offices, or to replace those which have become unfit for use, shall be supplied on application from the office of the Inspector General. Care should be taken to produce a distinct and legible impression, and for this purpose the use of a pad and good ink should be insisted on.

Blank books and forms

157. District Registrars' indents. District Registrars shall submit by the 1st November in each year an indent for blank books and forms for the requirements of their own and subordinate offices for the next ensuing calendar year.

Form No. 13, Appendix III, in column 2 of which will be found printed a list of the sanctioned forms of the department.

159. Supplementary indents. No supplementary indents will be permitted except in the most urgent and special cases, which must be fully explained. When, however, the submission of a supplementary indent becomes necessary, it should be drawn up in the form prescribed and the necessary entries regarding balance etc, made in respect of the books of forms required.

160. Punctual submission of indents. To ensure regularity in supply, indents should be punctually submitted to this office on or before the prescubed date, so that they may be checked and sufficient time allowed to the press for the printing and supply by the end of March. This

rule must be carefully observed as inattention to it will frustrate all the press arrangements for economical working.

161. Supply of registers and books. All the registers, books and forms will be supplied by the Government Central Press, Allahabad, direct to District Registrars, who will arrange for their custody and transmission to Sub-Registrars, in accordance with the following rules.

162. Distribution of registers, receipts and file books. Registers No. I to VIII and file book No.1 will be retained in the custody of the District Registrar of the district and supplied to Sub-Registrars only as they are required on application in

Form No. 25, Appendix III. Sub-Registrars should make applications in ample time to admit of the arrival of these registers and books before they are actually required. Spare blank volumes of these registers and books should on no account be allowed to remain in Sub-Registrars' offices longer than is absolutely necessary before being brought into use.

Before issuing these registers and books to Sub-Registrars, the District Registrar will certify the number of pages in each of the registers and books on the title page in accordance with Section 16 (2), Act XVI of 1908.

163. Distribution of other books and forms. With the exception of the registers and books referred to in the preceding rule, all other books and forms will be distributed to Sub-Registrar as soon as they are received by the District Registrar from the Government Central Press, Allahabad. Care should be taken that not more than a sufficient number of forms is annually supplied. For this purpose all indents from Sub-Registrars should be carefully scrutinized in the District Registrar's office.

164. The District Registrar shall fix a permanent advance of the number of each kind of saleable forms (Forms Nos. 28, 30 and 31, Appendix III) required for his office and for each Sub-Registrar's office under him. This permanent advance which will be known as "the standard: shall be based on three months requirement for the Sub-Registrars offices and on a whole year's requirements for the whole district in the case of District Registrar's offices. Each Sub-Registrar shall make an application for saleable forms in sufficient time to admit of the arrival of a fresh supply before the existing stock is exhausted. This application for replenishing the stock should be accompanied by the treasury challanss for the sale-proceeds of the consumed stock. Similarly

when the District Registrar’s stock rune short he shall forward to the Government Central Press direct a requisition for the required saleable forms in

Form No. Mis. 131-A (Recoupment order of the Government Central Press, Uttar Pradesh for saleable forms, along with copies of the treasury challans of deposits, made by Sub-Registrar in his district on account of the sale of forms. The treasury challans will then be cheaked in the press with the recoupment order, and if found correct, forms to the equivalent value will be supplied to the District Registrar. The requisition for saleable forms should not include a demand for any other kind of form. On or before the 10th of January, April, July and October each year, each Sub-Registrar shall submit to the District Registrar for verification of a statement showing the description and number of each saleable form received from the District Registrar's office during the preceding quarter and shall file the same in this office return after the District Registrar's verification. On the last working day of each financial year each District Registrar shall check his stoke of saleable forms and forward to the Superintendent, Printing and Stationery, Allahabad a certificate that the stock of the permanent advance of saleable forms for his district is correct.

165. Use of other than sanctioned forms prohibited –forms for use in their departments. No forms other than the sanctioned forms should be brought into use in the department without the express sanction of the Inspector General, and on no pretext whatever should books or forms be printed at private presses.

Forms for use in the accounts and other departments must be indented for under the orders of the department concerned.

166. Stock books of forms A stock book of forms will be kept in every office in Form No. 19, Appendix I.

Official correspondence

167. Correspondence between District Registrars and Sub-Registrars. Official Correspondence between District Registrars and Sub-Registrars should ordinarily be the form of a vernacular proceeding but where the Sub-Registrar is a Europeon officer or acquainted with English there is no objection to the correspondence being conducted by English letter or docket. A register of letters received and dispatched should be maintained in every office. District Registrars may issue instructions relating to the maintenance of the register.

168. District Registrars to dispose of references from Sub-Registrars. District Registrars should, as far as possible, themselves dispose of reference from Sub-Registrars, and should not transmit them to the Inspector General, unless his orders are really required. This caution is necessary because a great propostion of the references that reach the Inspector General's office are on points which have already been distinctly provided for and should have been disposed of in the District Registrar's office. But where a point of law or of procedure not already provided for is raised, or where the question is one of general application, the District Registrar should refer it for orders by means of an English letter which should fully state the case and the District Registrar's opinion thereon.

169. Correspondence between District Registrars and Inspector General. The official correspondence between District Registrars and the Inspector General shall be in English, and in the conduct of such correspondence District Registrars shall be guided by the general rules prescribed in paragraphs 391 to 411, Manual of Government Orders. District Registrars will see that no unnecessary delay takes place either in their own offices, or in the offices of their Sub-Registrars, in replying to references from the Inspector General.

Joint Sub Registrars

170. Joint offices. These rules are only concerned with the case of a Joint Sub-Registrar whose office is a at distance from that of the Chief Sub-Registrar. In cases where the Joint Sub-Registrar is working in the office of the Chief Sub-Registrar and as his assistant, no special procedure is required; and only ordinarily one set of books, registers and returns will be kept up jointly by the Sub-Registrar and Joint Sub-Registrar.

171. Jurisdiction. In the case of joint Sub-Registrars located in different places, there will be two or more separate offices in a single sub-district, and

all joint Sub-Registrars will have a concurrent jurisdiction within the sub-district to which they are appointed. It will be optional to any party to register documents at any office in the sub-district.

172. Registers. The several registers prescribed by the Act and the rules shall be maintained at both chief and joint offices. As soon as any volume of the registers of a joint office is completed, it shall forthwith be forwarded to the chief office where it will remain until it is finally transferred to the central office of record in the district. In the case of

joint offices, the file book No. 1 shall contain only the translations and copies of documents in foreign languages under Section 19, and maps and plans presented under Section 21 (4). All other documents and copies filed under the provision of Sections 64 to 67 and 89 of the Act shall be filed in file book no. 1 of the chief office.

173. The prescribed indexes I to IV shall be kept up in both chief and joint office. On the firs day of each month joint Sub-Registrars shall make and forward to the chief office a copy of such entries in their indexes I, II, III and IV as may have been made by them during the past month. On receipt of the copies so sent, the Chief sub-Registrar shall place the sheets in their proper alphabetical order along with the index sheets of his own office.

The original indexes retained in the joint office will be bound at the close of the year and the volumes retained for record there subject to the provisions of Rule 199.

174. Application for copies and searches. In joint offices the records will, under Rules 172 and 173 consist of the current registers and the index volumes only. On receipt of application for search or for copies in the current registers, the Joint Sub-Registrar will allow the search or grant the copy, as the case may be, if such search or grant is admissible under the Act or the rules made there under. But if the registers to be searched, or from which the copy is to be made, have been sent to the chief office, the application will be forwarded to the chief office or returned to the applicant for presentation there, as the applicant may desire, and the search shall be permitted or copy granted by the chief office without any fresh application. If the applicant desires, the copy shall be furnished through the joint office. All applications for certificates of encumbrances by courts shall be made to the Chief Sub-Registrar, who will obtain, if necessary, a report from the Joint Sub-Registrar previous to furnishing the certificate required.

175. Fees. The fees realized in joint offices shall be credited at convenient intervals direct into the Government treasury.

176. Reports and returns. Monthly and other reports and returns shall be prepared separately or chief and joint offices.

CHAPTER III
Duties and procedure for Registering Officers

177. Other employment. All departmental Sub-Registrars are forbidden to seek or accept any other post, employment or office in addition to their duties in the Registration Department without the previous sanction of the Inspector General.

They are also strictly prohibited from drawing up or engrossing instruments in the registration of which they may be required to take part subsequently.

Custody, preservation and destruction of records

178. Office of record in each district. The District Registrar's office shall be a central office of record for each district and the registers of his own and those of subordinate offices, which are to be preserved in perpetuity, shall be transferred to it from time to time.

179. Catalogue of registers, books, etc. A catalogue shall be kept up in every registration office in Form No. 20 Appendix I. It shall be divided into two parts, Part I, containing all records to be permanently preserved in the central office of record and Part II containing records to be destroyed after the expiry of the periods mentioned in Rule 199. One the occasion of every permanent change in the incumbency, the officer receiving charge should compare his registers, etc. with the catalogue, and certify therein that he has found them correct.

180. Records to be permanently preserved. The following records shall henceforward be permanently preserved in the central office of record of the district where they still exist, or in which they may be subsequently deposited under Rule 181 or 182:

(1)All registers of documents and indexes, certified copies of documents and registers, and originals of powers-of-attorney filed under Registration XX of 1812.

(2)Kazis' records.

(3)All register books and their indexes, translations, and true copies filed and books containing abstracts of authenticated power-of-attorney prescribed by Act XVI of 1864, Act XX of 1866, Act VIII of 1871 and Act XVI of 1908, and the file book containing special power-of-attorney under which documents have been presented for registration.

(4)All register books and indexes prescribed by Act XVI of 1908, as well al those received from subordinate offices and file books.

(5)Registers of powers-of-attorney authenticated.

(6)Authenticated special powers-of-attorney under which documents have been registered.

(7)Catalogues.

(8)Lust of records destroyed.

(9)Inspection Book.

181. Transfer of records to central office of record. At the commencement of every calendar year such of the following books and indexes as are completely filled up and in which the last entry dates back over 12 years, shall be transferred to the central office of record in the district.

(1)Register book Nos. I to V prescribed by Act XVI of 1908 and register books No. VI.

(2)File-books.

(3)File-books of special powers-of-attorney under which documents have been registered

(4)Indexes Nos. I, II, III and IV- The indexes shall not, however, be so transferred, unless the register books Nos. I,III and IV to which they relate have been transferred.

182. In the case of all outlying offices where the sub-registration office is not in a secure building, the transfer of the records to the central office of record may, with the section of the District Registrar, be made at lesser intervals, or no the volumes being filled up, should his in any case be considered expedient.

183. Transfer of records, how to be made. All records transferred to the central office of record shall be accompanied by an invoice in duplicate in From 20, Appendix III. One copy of the invoice shall, after careful verification, be receipted and receipted and returned to the office from which received with as little delay as possible. Despatching officers will be responsible for seeing that the records are securely packed before dispatch, and every precaution taken to guard against their loss or damage in transit. If necessary, instructions should be previously obtained from the District Registrar as to the mode and manner of dispatch.

184. Arrangement for custody of records in District Registrar's office. The District Registrar's office shall be provided, where possible, with a special record room for registration records, provided with racks and presses, or strong sheet-iron almirahs fastened by secure locks. The central office of record may, with the sanction of the District Registrar, be

placed directly under the supervision of the Sub-Registrar at headquarters.

185. Fire proof safe for custody of wills, etc. The District Registrar of every district has been supplied with a fireproof safe. Wills in sealed covers and authorities to adopt which may have been deposited under the provisions of enactments prior to the passing of Act XVI of 1908, also wills in sealed covers which have been deposited or may be presented for deposit under Section 43, and wills which have been or may be opened under Section 45 of Act VIII of 1871 and of Act XVI of 1908., shall be kept in this safe. The key of the safe shall remain in the personal custody of the District Registrar, who alone shall open and close it. The duplicate key shall be deposited in some secure place. The safe should be placed where it cannot be affected by damp and it shall be opened half-yearly in January and July with the view of ascertaining that its contents (which will be counted if there are many) are correct, and in good condition, and that the lock is in order. This will be certified by the District Registrar on

Form No. 3, Appendix III.

186. Arrangement for custody of records in Sub-Registrar's office. In sub-registration offices iron sheet almirahs and other receptacles will be provided. The almirahs, etc., shall, if possible, be placed in the room where the registering officer transacts his public business, and shall be opened 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 the locks supplied to Sub-Registrars shall remain in the custody of the District Registrar of the district, who will label each with the name of the office to which it belongs and deposit it in his iron safe.

187. Prohibition from keeping money or other private property in registration office. On no account any money or other private property be kept in a registration office.

188. Miscellaneous records. The following miscellaneous records shall be classified and arranged as follows:

(1) *Powers-of-attorney* authenticated under Section 33, presented by agents bringing documents for registration. If the document is presented for registration under a special power-of-attorney, the power shall be retained and pasted into a file book in the office with the following endorsenment:

No…… of 19……..

Presented with document No. ……..of 19, ……. of book

No……., volume……..

A.B.

Sub-Registrar

Date……

Seal

If the document is presented for registration under a general power-of-attorney, the power shall be returned with the following endorsement:

Presented with document No…….of 19, ……of book No…..... ……volume……..

Seal

A.B.

Sub-Registrar

Date……..

(2) Copies of decrees of court ordering cancellation of registered documents received under Section 39 of the Specific Relief Act, to e kept in annual bundles.

(3) Depositions of witnesses examined by the registering officer to be kept in annual bundles.

(4) *Miscellaneous papers of an* ephemeral character. *e. g.,* application for summoning executants or witnesses, for issue of commissions and the reports of commission and for copies of reasons for refusal to register to be classified and kept in annual bundles.

189. Safe custody of records. 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.

190. Removal of records from office. Registration officials are strictly forbidden to remove any registers, indexes, books or records (other than book VIII and receipt book when registration takes place at a private residence) from their offices for any purpose whatsoever, except with the sanction in writing of the District Registrar. All registration

records should be kept in the receptacles provided for them not in use, and should on no account be taken to the private quarters of any official.

191. Examination of records. To prevent injury occurring to the records by damp, white-ants, etc., the contents of the almirahs, presses, etc., should be thoroughly examined once a week.

192. Injury to records. All cases of injury to the records, from whatever cause, shall be made the subject of a special inquiry, and the District Registrars shall pass order, as to the degree of responsibility attaching to the officer in charge, the steps to be taken to repair the injury so far as may be possible, and the measures to be adopted safeguard the records in future.

193. Precaution to be observed where white-ants or book-worms make their appearance. In offices where white-ants have made their appearance, and other expedients have proved unsuccessful, the almirahs or boxes may be placed on shallow saucers filled with ordinary mustard oil with a rest in the centre thus on which the almirah will rest. The saucers when once filled will not require replenishment for a very long time. This plan has been found satisfactory.

194. The results of experiments which have been tried for preserving books, etc., from the attacks of whit-ants and other insects, show that a simple solution of perchloride of mercury (corrosive sublimate) in the proportion of one part by weight of the drug to 144 parts of water, is quite as efficacious as any other preparation, while at the same time it is very cheap (G. G. O. No. 14/475, dated the 29the April, 1883- circulated under G.O. No. 1537, dated May 1883).

195. Custody of unclaimed documents. (1) All documents other than those deposited under Sections 42 and 43, which remain unclaimed in the District Registrar's office or are returned undelivered by post after they have been registered or after registration has been refused, after, the expiry of one month from the date of registration or refusal or return by post, as the case may be, entered in the register of unclaimed documents (

Form No. 33, Appendix III) and deposited in the fire-proof safe of the office for safe custody. A list of unclaimed documents in Form No. 34, Appendix III, shall be exposed to the public view in each office.

Note. If the last day of the month be a day on which the office is closed, the document shall on the next day afterwards on which the office re-opens.

(2) A document which has been entered in the register of unclaimed documents will thereafter not be returned until a fee at the rate prescribed by Article XI of the Table of Fees (Appendix V) is paid by the person whom he may have nominated to receive it.

196. (1) All documents which remain unclaimed in the office of a Sub-Registrar or are returned undelivered by post after they have been registered or after registration has been refused, shall, after the expiry of one month from the date of registration or refusal or return by post as the case may be, be entered in the register of unclaimed document (

Form No. 33, Appendix III). A list of unclaimed documents in form No. 34, Appendix III, shall be exposed to the public view in each office.

Note. If the last day of the month be a holiday on which the office is closed, the document shall be entred on the next day afterwards on which the office re-opens.

(2) A document which has been entered in the register of unclaimed documents will thereafter not be returned unless and until a fee at the rate prescribed by Article XI of the Table of Fess (Appendix V) is paid by the person who presented it for registration or by the persons whom the may have nominated to receive it.

(3) If the document be not claimed within three months from the date of registration or refusal or return by post, as the case may be, it shall, after the expiry of three months from that date, be posted so as to reach on the following Monday the District Registrar of the district for safe custody in his fire-proof safe. The District Registrar on receipt of these documents shall also enter them in the register or unclaimed documents (

Form No. 33, Appendix III) of his office and they will only be surrendered on payment of the fees prescribed in Article XI of the Table of Fees (Appendix V). The fees may be paid and the documents returned through the Sub-registrar, if desired.

(4) Every Sub-Registrar shall submit to the District a weekly report of unclaimed documents in the form prescribed in

Form No. 35, Appendix III. It should invariably be sent on Monday following the week to which it relates.

197. List of documents in district Registrar's office safe. All unclaimed documents forwarded by Sub-Registrars for safe custody in the District Registrar's fire-proof safe, shall be accompanied by an

invoice, in duplicate, in Form No. 15, Appendix III. One copy of the invoice shall, after careful verification, be receipted and returned to the office from which received, with as little delay as possible.

198. In District Registrar's offices a list shall be maintained of all documents deposited in his fire-proof safe. It shall be in the for of a small book to be itself dept in the safe. It should show the contents of the safe on any given date separately for (1) sealed wills; (2) open wills; (3) unclaimed document; and (4) any other non-testamentary documents. The list of sealed and open wills should only give serial number, date of deposit or opening, and the reference to Book No. V. The list of other documents should show serial number, date of deposit, name of depositor, nature of deed, and date of return or destruction. From time to time, when it seems desirable, new pages should be opened, and all document not surrendered or destroyed under proper authority should be brought forward under a fresh serial number, and a note made after the previous entries to this effect.

Destruction of records

199. The following records may be destroyed after the expiration of periods specified against each, computed from the 1st January, next following the date of the record; provided that the District Registrar may, at his discretion, direct the retention for a longer period, or permanently, of any papers which he may consider likely to be useful in the future:

Nature of records Remarks	Period of retention
All correspondence whether in English or in Vernacular which is of an ordinary routine character and which the District Registrar considers fit to be destroyed	One year
Copies of documents unclaimed by applicants	Ditto
Application for copies of reasons for refusal To register	Ditto
Other applications, petitions, appeals records and Papers of an ephemeral character not otherwise Specified	Ditto
Weekly reports of unreturned documents	Ditto

Invoice of unclaimed documents	Ditto
Periodical returns of Sub-Registrar's office received by District Registrars	Ditto
Indent for forms and applications for registers By Sub-Registrars	Ditto
Receipts for memoranda of document received And dispatched	Ditto
Rubkars, etc. relating to documents impounded under the Stamp Act	Ditto
Rubkars from civil and Revenue Courts and officers forwarding copies of orders and certificates under Section 89, Act XVI of 1908	Ditto
Rubkars and reports relating to searches of encumbrances	Two years
Application for summoning executants and witnesses for issue of commissions	Ditto Summons returned after execution Ditto
Certificates by public officers to search register or take copies of entries in register	Ditto
Indents of forms on press	Three years
Papers about buildings or furniture of office	Ditto
Papers connected with the issue of commissions And the reports of commissioners	Ditto

Nature of records Remarks	Period of retention
Office copies of periodical returns in District Registrar's and Sub-Registrar's Office	Three years
Dak books or dispatch book	Ditto
Receipt books under Section 52, Act XVI Of 1908	Ditto
Bills for fees	Ditto
Completed volumes of receipts and dispatch registers maintained Sub-Registrar's office	Ditto
Application for copies, inspections and Searches along with affidavits or statement	

On oath taken by registering officers in Connection with such applications for Copies, inspections and searches	Ditto	
Completed volumes of registers of applications for copies, searches and inspections, the minutes books	Ditto	
Miscellaneous correspondence on Such subjects as bills and vouchers, Indents books, leave, and accounts	Ditto	Charge certificates
	Ditto	
Proceedings under Section 72, Act XVI of 1908	Ditto	
Orders regarding registration clerks in Sub-Registrar's offices if the original Orders exist in the District Registrar's Office	Ditto	
Copies of decrees of Civil Courts Cancelling registered documents	Ditto	
Objection slips	Ditto	
Blank from stock book	Ditto	
Registers of service postage stamps	Ditto	
Papers relating to appointment and Promotions for temporary establishment	Ditto	After leaving Government Service.
Papers relating to registration or dismissal	Ditto	After he ceases to be in Government service.
Papers relating to misconduct of an officer	Ditto	After final orders have been carried out and entry made in service book.

Nature of records	Period of retention	Remarks
Papers relating to punishment of Government servants	Three years	Register
of documents sent by post	Ditto	
Correspondence regarding budget	Five years	

Contingent and traveling allowance bills	Ditto	Register of
unclaimed documents	Ditto	
Contigent registers	Ditto	
Completed volumes of register No. VII of		
Visits and commissions	Ditto	
Challans of invoices of each remitted to		
Treasury and dakhilas	Six years	
Budget	Ten years	
Annual reports	Twelve years	
Papers regarding transfers	Ditto	
Completed volumes of registers of fees (siahas) and registers of impounded		
Documents	Ditto	
Statements and deposition of witnesses Or proceedings under Sections 41, 63, 73, And 74, Act XVI of 1908, and medical Certificates filed in support of the executants being major under Section 41 of the		
Registration Act.	Ditto	
Inspection notes	Ditto	
Register of saleable forms	Ditto	
Invoice with which records or over 12 Years standing are sent to central office		
Of records	Twenty-five years	
Order books	Ditto	
Register (No. VIII) of thumb-impressions	Thirty years	
Establishment pay bills	(a) Thirty-five Years	If the bills relate to the period prior to 1st April, 1932.
	(b) Five years (A)	For bills from April, 1932
Detailed statement establishment as it Stood on 1st April April,	(a) Six year	In respect of Form III from 1st 1932.
	(b) Thirty-five	For those which

	Years	relate to the period Prior to 1st April, 1982.
Papers relating to appointment and Promotions for permanent establishment	Thirty-five years (B)	
Acquittance rolls	Five years	Until a revised Register, duly attested by the
List of Government articles	……..	Sub-Registrar And approved By the District
Catalougue of books	Registrar is ……..	Prepared Ditto.

N.B. Papers relating to restablishment should be retained permanently.

(A) To be destroyed simultaneously with the pay bills, when service books have been verified in the manner laid down in the note below Subsidiary Rule 137 of the Financial Handbook, Volume II.

(B) Subject to the condition that before destruction, service of menials should be certified and a note to that effect in the service rolls concerned under the signature of the head of the office or one of his gazetted assistants.

200. Early in December in each year a list shall be prepared in Form No. 16, Appendix III, in all District Registrar's and Sub-Registrars' offices of the records and papers which, under the preceding rule, are liable to destruction on the 1st January ensuring. This list shall be submitted to the District Registrar for orders, and as soon as sanction is recorded thereon, the records or papers will be destroyed, and a certificate recorded at food of the list that they have been effectually destroyed. This list shall then be permanently preserved. It must be distinctly understood that no books, records, or other papers whatever, shall be destroyed

without the previous sanction in writing of the District Registrar of the district.

201. Destruction of unclaimed document. All district Registrars should, early in October of each year begin to prepare a list of unclaimed documents which have become liable to destruction under Section 85 of the Act. As soon as the list is prepared it should be hung up in a conspicuous place outside the office with a notice that unless the recipients appear within one month to claim the documents and pay any fines due on them the documents will be destroyed. Extracts from this list should, at be forwarded to

the office in which the document was registered, to be exposed in a similar manner. At the close of the month notice by letters "service paid" should be addressed to the party entitled to receive the document lying unclaimed, and if the document is not claimed a month after the issue of the letter it should be destroved by, or in the presence of the District Registrar, and the date of destruction should be notified to Sub-Registrars concerned, in view of a note being made in the margin opposite the copy in the book in which it is registered. In the event of the document being one of which registration has been refused, a note shall be made in the page of book II containing the order of refusal.

Languages

202. With reference to Section 19 of the Act it is declared that the language commonly used in the State shall be deemed to be Hindi in Devanagri script, but documents presented for registration may be written in any language. If however, the document is written in a language other than Hindi in Devanari script, and the language is not understood by the registering officer, the document shall be accompanied by a true copy thereof in that language and also by a true translation in Hindi in Devanagri script.

203. Procedure to be followed by registering officers when document written in a foreign language are presented for registration. When a document presented for registration is written in a language which the registering officer does not understand, and which is not commonly used in the district, the copy and translation required under Section 19 of the Registration Act must be compared by some person acquainted with both the languages of the document and that of the translation, and the original must be read out to him to the executant in the presence of the registering officer. That officer will then administer an oath to such person, and record his statement to the effect that the copy

and translation are true, and that the executant understands the contents and admits execution. This statement will be recorded on the translation and signed by the declarant and the registering officer. It will be copied, along with the translation and other endorsement, into the proper book.

Fees and fines

204. Table of fees. The fees prescribed by Government under Section 78 of the Act are those given in Appendix V. A printed table of fees in English and in the vernacular of the district shall be suspended in some conspicuous place in every registration office.

205. Credit of fees. All fees for the registration of documents are payable on presentation but should not be realized until the document has been formally accepted for registration. All fees received shall be credited to Government, whether the documents have been admitted to registration or

not. Traveling allowance realized under the provision of Article VII of the Table of Fees may, however, be appropriated by the registering officer or Commissioner, as the case may be.

206. All receipts in the Registration Department shall be credited in the treasury accounts under the following heads:

(a) Fees for registering documents-
Registration fees under Act XVI of 1908. (b)
Fees for copies of registered documents.

(c) Miscellaneous:

(1)Fees for the authentication of power-of-attorney.

(2)Fees on deposit, withdrawal or opening of covers containing wills.

(3)Fees on filing translations.

(4)Fines.

(5)Fees on commission issued.

(6)Fees on visits paid.

(7)Fees for inspection of books and indexes.

(8)Fees for searching for entries in books and their indexes.

(9)Extra fees for registration by District Registrars.

(10)Other miscellaneous receipt.

207. The sale-proceeds of the registration Forms Nos. 28,30 and 31, Appendix III, shall be credited into the treasury under the head "XLV-Stationery and Printing Stock Forms- Other forms" (no "XI

Registration" to which other registration receipts are creditable) by a separate challan which should not contain any other item in treasury Form No. 209 (not registration Form No. 19, Appendix III, which is used for other registration receipts). These challans in treasury Form No. 209 should be prepared and presented at the treasury in triplicate, the first copy to be retained in the treasury, the second to be sent to the District Registrar's office with application for replenishing the stock under Rule 164, and the third to be kept in the record of the registering officer's office. In monthly and quarterly returns to be prepared under Rules 138 to 140 income on account of sale of form shall be entered separately below the total of registration receipts.

208. Where there is a treasury of sub-treasury at the same place as the registration office, the fees taken at the latter shall be paid into the former daily, in time to admit of their being included in the treasury accounts for the day. All sums received subsequent to the closing of the treasury of sub-treasury accounts for the day shall be credited the next day along with the receipts up to the hour of closing of the treasury of sub-treasury accounts for that day, and so on. All sums taken on any day on which the treasury or sub-treasury is closed owing to holidays shall be credited on the day on which the treasury or sub-treasury re-opens. The words “treasury closed” should however be noted in the fees book against the fees of the day not credited on this account. All remittances to the treasury or sub-treasury shall be accompanied by an invoice in duplicate in

Form No. 19, Appendix III.

209. Where there is no treasury or sub-treasury at the same place as the registration office, the collections shall be remitted monthly or at such intervals as the District Registrar directs to the nearest treasury or sub-treasury of the revenue district in which the office is situated, by postal money order, in time to admit of their being included in the accounts of the month then current, and the following procedure shall be observed in doing so:

I. District Registrars will provide the Sub-Registrars of such offices with ordinary inland money order forms in books with counterfoils, such as are obtainable at all post offices, and these alone shall be used.

II. The Sub-Registrar shall make out a money order on one of these forms, filling in the name of the most convenient post office and other particulars, and making it payable to the officer in chare of the treasury or sub-treasury to which the money is to be remitted. He should note briefly

on the counterfoil and the coupon the heads to which the remittance is to be credited as laid down in Rules 206 and 207 for his own and the Treasury Officer’s information. The Sub-Registrar should at the same time fill in the usual form of invoice (

Form No. 19, Appendix III) and in treasury Form No. 209, if the amount of sale-proceeds of forms has also been remitted showing the purticulars of the remittance made, and send it the District Registrar of the district with the receipt granted to him by the post office for the money order and the commission paid thereon for his information as to the amount remitted and the amount paid as money order commission. The Treasury Officer, on receipt from the post office of the money order, will sign and date the money order and return it to the post office after cutting off the coupon. The aeknowledgment of the Treasury Officer will in due course be delivered to the Sub-Registrar by the post office and should be affixed to the counterfoil of the form in the money order book in support on the payment. In these cases the coupon will take the place of the challan or invoice of cash remitted (Form No. 19, Appendix III, and treasury Form No. 209 if the remittance is on account of the sale-proceeds of saleable forms) and the post office acknowledgment of the payee, *I e.,* the treasury officer will take the place of the treasury receipt.

210. Sub-Registrars should therefore ascertain the fixed closing date of the treasury of sub-treasury accounts and remit all fees in hand by money, order in time to secure their inclusion in the treasury accounts by the foxed date. No deduction should be made on account of the cost of the money order, which will be repaid to the Sub-Registrar along with his pay for the month as provided for in Rule III.

211. A fees book in Form No. 13, Appendix I, will be kept in all registration offices. This book must be written up daily.

Form No. 8, Appendix I. Each volume contains one hundred blank printed forms, and each form is divide into three parts:

(1) to contain particulars for identifying the document presented for registration, and an acknowledgment of the receipt of the prescribed registration fees. This is to be filled up, torn off and given to the presenter on realization of the fees.

(2) To contain a brief description of the document, an acknowledgment of its receipt for registration. This is the "receipt" mentioned in Section 52 of the Act, and it

should be filled up, torn off and given to the person presenting the document at the same time as the receipt for the fees.

(3) The counterfoils which remain permanently in the book.

213. Registering officers will see that receipts are given in the order in which documents are admitted to registration; that all prescribed particulars are filled in; that in the place for description of property it stated whether it is immovable or movable, and in the case of mortgages whether with or without possession; and lastly, that the name of the executant and not, as is sometime erroneously done, the name of the scribe, is noted in the place provided for this purpose.

214. Each volume of these receipt books, which contains one hundred printed forms numbered consecutively 1 to 100, shall be numbered in a consecutive series which shall commence and terminate with the calendar year, a fresh series being commenced at the beginning of each calendar year. A new volume however need not be brought into use at the beginning of the year, until all the receipts in the volume in use have been filled up. The volume in which receipts of two years fall should bear a double number, *e. g.* 300 of 1889/1 of 1900. The document will be returned to the person applying for return and presenting the receipt granted under Section 52 of the Act, or to the person desiring its return by post in the manner as laid down in Rule to the person desiring its return by post in the manner as laid down in Rule 322, provided he is the presenter of the document or a person nominated by the presenter under Section 61 (2) of the Act. The nomination in both cases must be on the reverse of the receipt. In cases of document returned personally to the person mentioned above, on presenting the receipt, the signature of the recipient will be taken with the date, in the space on the reverse of the receipt which will be pasted immediately to its proper counterfoil in the receipt book.

215. Lost receipt. If the person to whom the receipt was granted satisfies the District Registrar or Sub-Registrar that he has lost or mislaid it the document may be returned to him on his written acknowledgement of its return. If he is not personally known to the officer returning the document his thumb-impression should be taken on the counterfoil of the receipt unless he

is of sufficient standing to render this precaution unnecessary. The document shall in no case be returned to any one but the person who presented it for registration, or his representative or agent or a person nominated in writing to receive it in accordance with Section 61.

216. Commission fee. When several documents are registered by one party at the same time and place, one commission fee and one traveling allowance shall be charged. But if one journey is made to register documents belonging to different executants, the commission fee shall be charged against each person, or group of persons, registering a document or documents. Only one traveling allowance shall be charged and it shall be divided equally among the parties. For instance, if the Sub-Registrar goes to mauza Rmpur to register one document belonging to A, two document belonging to B and two document belonging to C and D, he should charge on commission fee to A, one commission fee to B and one commission fee to C and D, and should charge each with one-third of the traveling allowance.

217. Fees for search or for copies. The fees chargeable for copying document into registers will be found in Article II, those chargeable for copies of records issued to the public in Article X, and those chargeable for searches and inspections in Article VI of the Table of Fees, Appendix V.

218. Copying fee how to be calculated. In reckoning the number of works for words for the purposes of copying fees, every five figures and every group of five or less initials shall count as a word.

219. Inspection and copies of entries in registers. District Registrars shall permit inspection and grant copies of entries in the register kept up previous to the enactment of Act XVI of 1908, at the same rate of fees and to the same extent as in the case of registers under the present Act.

220. Refund of fees. In the event of registration being refused or not taking place or other reasons, any fees which may have been levied will be refunded except fees for commissions, summons and attendances, and traveling allowances, where such fees have been earned. Inspection or search fees may be refunded in cases where no inspection or search is made, but nowhere a partial inspection or search has been made. Any registration fees charged by a registering officer in excess of what is actually chargeable under the rules maybe refunded at the discretion of the District Registrar; provided that the refund is clamed within thirty day and the District Registrar is satisfied that there has been a clear over-charge.

Applications for refund of fees will be in writing to the District Registrar who will pass orders thereon. District Registrars will be responsible for seeing that receipts are obtained and recorded for the full amount of fees to be refunded.

221. Remission of fines. Applications for remission of fines levied under Section 25 or Section 34 shall be made in writing to the District Registrar, who shall forward them to the Inspector General under Section 70 of the Registration Act with his own remarks, Together with a bill for refund, if necessary, in the form prescribed by the Accountant General. Amounts so refunded shall be drawn by the District Registrar and paid to the person entitled to receive them on his furnishing a formal receipt.

Registers

222. Registers. In the office of every District Registrar and Sub-Registrar the following registers must be maintained:

Book	No.	I	Book	No.	IV
Additional Book -		I			
	Additional Book -				IV File
Book	-	I Book		-	VI Book
	-	II Book		-	VII
Book	-	III	Book	-	VIII

Each District Registrar must also keep an additional register called Book No. V.

223. The books shall consist of printed forms, 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 numbers shall not terminate with the year, but shall not terminate with the year, but shall run on perpetually. Every registering officer, on receiving such a volume, shall immediately examine it to see that it contains the certified number of pages, and that these have been numbered in proper consecutive order. He shall note the result on the title page.

224. Certificate of examination. When a volume is filled up and at the end of each calendar year (at whatever point in a volume this may occur), the registering officer shall certify after the last entry in the volume or of the year, as the case may be, the number of entries made in that volume during the current calendar 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, and any accidental

omission to make entries on any of the pages dealt with by the certificate. If in any current volume no entry is made in any calendar year the registering officer shall enter a certificate to that effect in that volume.

225. Consecutive numbers to be by the year. The consecutive number of entries in each book prescribed in Section 53 shall commence and terminate with the calendar year.

226. Concurrent volumes of same register. 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 District Registrar, keep up concurrently two or more volumes of any register book; the documents bearing even numbers being entered in one volume, and those bearing odd numbers in the other.

227. Certificate as to figures and amounts in documents. In order to guard against mistakes and alterations in the figures used in documents, the registering officer shall, in cases where the figures are not also expressed in words in the body of the document, sign a certificate in the following form on the back of the document, using word not figures "Certified that in the tenth line figures expressing five biswas and in the fifteenth line, figures expressing one thousand rupees. etc. etc., occur". All figures whether ordinary or *rakam,* used in document which are not also expressed in words in the body of the documents should be included in the certificates. If they are also expressed in words in the document itself no certificate is required.

Note. This rule does not apply the *khasra* numbers of fields nor to the *muhalla* numbers of houses.

Book No. I

228. Book No. I. Book No. I is the register of non-testamentary documents relating to immovable property as defined in the Registration Act. In this book shall be entered all documents registered under Sections 17 and 18 which relate to immovable property, and are not wills. It is open to public inspection, and copies of entries in it shall be given to all persons applying for them on payment of the prescribed fees. It shall contain the headings prescribed in

form No. I, Appendix I.

229. Territorial division. The description of the territorial division required by Section 21 of the Act shall be the name of the

village, pargana, tahsil and revenue district in which the house or parcel of land is situate, the name of the *thok* or *patti* being prefixed when the property is situated in a *pattidari* or *bhayachara* village.

Entries relating to property within the registering officer's jurisdiction should be made in black ink, the others in red ink in order to facilitate the preparation of index No. II.

230. Reference to previous registrations. When any document is registered in book No. I, III or IV affecting some other document previously registered in book No. I, III or IV a note giving the page, volume and the number of book of the latter document shall be entered opposite the entry of the earlier document. The note should be signed by the registering officer of the day. When the book containing the previous document is in the office the note will be immediately made. When the book is in the central office of the record of the district or in another district, a request for compliance with the rule will be immediately sent to the officer in charge of the central office of record or to the District Registrar in whose district the previous document was registered. Notes of compliance with this rule should always be entered on the copies of documents in which the reference to previous documents occur, as without such notes it cannot be easily ascertained whether the rule has been complied with.

231. Immovable property. Ordinarily no difficulty will be experienced in determining for the purposes of the Act what is and what is not "immovable" but occasionally doubts on this head may arise, and the following ruling stated for the guidance of registering officers.

232. Transfer or hypothecation of standing trees other than those sold in execution of decree by order of court. Owing, perhaps, to the verying definitions of "immovable property" and to the wording in Section 2 of the Registration Act XVI of 1908, there is considerable want of uniformity in the practice followed in different parts of this State when registering deeds of transfer or hypothecation of standing trees other than those sold in execution o decree by order of courts. The matter has been considered by the State Government and the Government of India and the principles to be followed are thus stated in the Government of India Home Department letter No. 19/1814, dated the 31st October, 1884:

"It would seen to be difficult to frame a definition of "movable" and "immovable" property suitable for practical use on a mere consideration of the physical nature of the property. It would appear to be

necessary to take into account also the way in which the property is regarded and dealt with at the time of the transaction, and this is apparently what the framers of the Indian Registration Act, 1877, meant to do by using the words 'standing timber' in contradistinction to trees. Certain trees, being almost invariably used as timber are commonly spoken of as 'timber trees'. But probably most trees would admit of being used both as timber and for other purposes. Thus, properly speaking, almost every tree, being potentially timber, and no tree actually timber, the question whether a tree is for the purposes of the transaction, to be deemed to be 'timber' must depend upon the way it is regarded and treated in that transaction. If, for example, Trees are sold with a view to their being cut down and removed, the sale is one of 'standing timber' within the meaning of the Registration Act. If, on the other hand, trees are sold, as it is understood they are in the class of cases referred to by the Government of Madras, with a view to the purchaser keeping them permanently standing and enjoying them by taking their fruit or otherwise, the sale would not, it is believed, on any construction of the Act, be regarded as one of standing timber, but would be a sale of immovable property. For these reasons the difference between the definition of 'immovable' property for the purposes of the Registration act and the Code of Civil Procedure would probably be found to be smaller than has, by some authorities, been supposed: but the possibility of removing any difficulty thence arising and assimilating the definition by an amendment of the law will be considered. Meantime it seems clear that, it the certificates in question when forwarded by the civil courts are to be registered at all, they must be registered in book No. I (*see* Act XII of 1879). The only question is whether, where the registering officer is of opinion that the property concerned is not 'immovable' within the meaning of the Registration Act, he should treat the certificate, as sent by mistake and abstain from registering it. The Government of India is of opinion that the proper course is to leave it to the civil Courts to determine in what cases certificates should be sent for registration, and that Registrars should, without attempting to consider and decide the points themselves. Register every certificate forwarded in book I in accordance with the provisions of Section 89 of the Indian Registration Act, 1877, as amended by Act XII of 1879".

233. All registering officer should apply the same principle to private sales of standing trees when deeds are presented for registration, and should determine in each case whether trees should be treated as immovable property and the deeds entered in book I, or as movable property and the deed registered in book IV, view of the definition in the Registration Act it will, perhaps, be well to trees of the classes ordinarily

utilized as movable property", unless the trees of the deed clearly contemplate the purchase keeping them standing and enjoying their products. Conversely, trees not ordinarily utilized would be treated as immovable property and registered in book I, unless the terms of the document made it clear that they were to be cut down.

234. Instruments evidencing the sale or exchange or mortgage of immovable property of a value less than Rs. 100 have, under the terms of Section 54, Section 59(as amended by Act VI of 1904) and Section 118 of the Transfer of Property Act IV of 1882, to be registered. The effect of Section 54 and of amended Section 59 is virtually to the distinction created by Section 17 and 18 of the Indian Registration Act between the compulsory and optional registration of instruments of sale or mortgage of immovable property even when the value of the property concerned was under Rs. 10.

Under the Registration Act their registration is not compulsory and therefore for the purpose of classification such transactions such transaction are to be treated as compulsory.

235. A special volume of register book I, to be called "Additional, with the sanction of the Inspector General, in any office where document's on printed or lithographed forms are presented for registration. The copy or each such document and endorsement required for entry in the register shall be made by filling in the blanks in a spare copy of the printed or lithographed form and by copying the endorsements written on the original on the reverse of the last page of the copy of the form thus prepared or on a separate sheet of paper when necessary. Each sheet of the copy thus made shall then be pasted on a separate numbered butt in the additional book no I, and the registration officer shall write his signature and the date, and shall affix the seal of the office, so that both signature and seal may be partly on each butt so used and partly on the sheet pasted thereon. All documents entered in the additional volume of book No I, shall be numbered in the same series as documents copied in the ordinary volume. As additional book No. I, is part and parcel of book No. I, each sheet pasted in the additional book No. I, must be paged at the top outer corner in bold figures in red ink in manuscript, each leaf being considered as two pages as in the case of book No. I, and endorsement under Section 60 must be recorded by referring to the pages thus given in manuscript and not to the butt numbers on which each sheet is pasted. Whenever any such document is transferred to the said additional book No. I, a brief note, showing that the document bearing number so and so, has been pasted into the additional

volume of book No. I, at page so and so, shall be inserted in red ink in book No. I, on the top of the page on which the next serial number is entered, but if the consecutive number of documents registered in additional book No. I, is

so large that there is no space for making all entries on the top of the page, the whole page of the ordinary book No. I, may be utilized for recording the notes in respect of those documents. On each printed or lithographed document entered in additional book No. I, should be conspicuously noted the page and volume of the register book No. I, of the consecutive series in which the printed or lithographed document is entered and below the line should be given the page and volume of the additional book also, *e. g.,* Registered as No. 500, Book 1, Volume 10 on pages 20 and21/and additional Book No. 1, Volume 11 on pages 6. In the indexing should similarly be made with reference to pages and volume of both the registers. The form (specimen attached) of the printed butt shall contain the following particulars:

I- Value o stamp.

Note. This column should also be used for notes of the kind written in the second column of ordinary book No. I.

II- Serial number of entry, nature and value of transaction and amount of registration and other fees and fines levied.

Specimen Form

Value of stamps		
Space of binding head 1 of ordinary book No. 1.	**Note.** This column should also be used for the notes of the kind	Serial number of entry, nature and value of transaction, other fees and fines levied

Note. (1) In the case of printed or lithographed documents presented for registration whether with or without maps or plans which are stitched and sealed in the form of a book, it will not be necessary to separate each page of the document, but the whole document consisting of printed or lithographed matter together with maps or plans, if any, should be pasted on one butt in the additional book No. I.

(2) In the case of maps or plans presented with printed or lithographed documents, if any, it will not be necessary to paste such maps or in the file book No. I, but they should be pasted along with the documents in the butts in the additional book No. I.

236. File book No. I. File book No. I. for filing (pasting in) copies and memoranda received from other offices under Sections 64 to 67 and 89 of the Registration Act, as well as the maps and plans presented with manuscript or typed documents under Section 21 (c) and translations and copies of documents in foreign languages presented under Section 19. As regards the copies of maps and plans and the translation and copies of foreign instruments held in this book under Sections 61, it will be sufficient to note thereon the registration number and date of registration of the document to which they appertain and the volume and the page where the entry will be found. But all

other copies and memoranda filed in this book shall be numbered in the manner laid down in Rule 237 and the necessary particulars given to them in indexes Nos. I and II. All documents should be pasted into it immediately on receipt, there is danger of their being lost or injure. It must be remembered that this file book is part and parcel of book No. I, and is only maintained as a separate volume to prevent the injury to the binding and the binding and the disturbance of paging which would result if the documents held therein were filed in the ordinary bond volumes.

237. Numbering of papers filed in book No. I. Copies and memoranda pasted into the file volumes of register book No. I, shall be entered in the consecutive numerical series of that register according to the date o receipt : for example a document having been entered in register book No. I, as No. 457, a copy received shall be pasted in the file volume of that register and receive the No. 458; and if before another copy is received a document is entered in register book No. I, it shall be numbered 459. The numbering of the copies pasted in the file book No. I, shall be conspicuously, market at the top and the document at numbers with volume and pages of the file book noted in red ink on the heading of the page in book No. I. on which the next serial number is entered. The file book is merely an additional volume of book No. I, a must be paged

in exactly the same way, *i. e.,* each side of each leaf must be treated as a page and numbered consecutively in bold figures at the top of outer corner, each leaf being considered as two pages, as in the case of book No. I, itself.

On each copy and memorandum entered in the file book should be conspicuously noted the page and volume of register book No. I, of the consecutive series in which the copy or memorandum is entered and below the line should be given the page and volume of the file book also, *e. g.,* "Registered Book I, Volume 10 on pages 20 and 21/file Book I, Volume II on page 60" As No. 500 in the indexing should similarly be made with reference to pages and volume of both the registers.

238. File book subsidiary to books Nos. III and IV. It sometimes happens that translations and copies are filed under Section 62 in the case o documents in foreign languages registered in book Nos. III and IV. If such translations and copies are few in number, they may be pasted into the register book to which they relate. But if they are at all numerous, it is in the discretion of the registering officer to open file book subsidiary to book Nos. II and IV, as the case may be.

Book No. II

239. Book No. II-*Book No. II for recording reasons for to register.* The book is also open to public inspection, and copies of entries in to 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 copy shall be given free of charge (for copying), but the copy must be stamped. The practice which sometimes prevails of copying the registered document into this book in *extensor* is unnecessary and erroneous. The reasons for refusal should however without being prolix, 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 on 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 District Registrar, under Section 72 or 75 or of a civil court under Section 77, a note of such order shall be made in this register opposite the original record of refusal. 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 in the manner described in Rule 287 without recording an order of refusal either on the document or in this book.

240. Discretional registration, by District Registrars. Re-registration under Section 23-A are made by the District Registrar. Under Section 30, clause (a) discretional authority is given to the District Registrar of a district to receive and register any document which might be registered by any Sub-Registrar subordinate to him. District Registrars should exercise the discretion here given to them with a due regard to the public convenience. A refusal to register may compel numerous parties and witnesses to travel to a distant sub-office and carry with them large sums of money. 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 and the Sub-Registrar having jurisdiction is unacquainted with that language, the District Registrar should never refuse to accept it for registration except for very cogent reasons. Where a District 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 in to the person presenting it without recording an order of refusal either on the document or in his book No. II.

241. 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 on any such grounds as the following (1) that the executants was dealing with property not belonging to him; (2) that the instrument infringed the rights of third persons not parties to the transaction; (3) that the transaction was fraudulent or opposed to public policy; (4) that the executants had not agreed to certain conditions of the

document; (5) that the executants was not acquainted with the conditions of the document; (6) that the executants declared that he had been deceived into executing; (7) that the executants is blind and cannot count. These and such like are matters for decision, if necessary, by competent courts of law, and registering officers, as such, have nothing to do with them. If the document be presented in a proper manner, by a competent person, at the proper office, within the time allowed by law, and if the registering officer be satisfied that the alleged executants is the person the represents himself to be, and if such person admits execution, the registering officer is bound to register the document without regard to its possible effects. But the registering officer shall make a note of such objections of the

kinds mentioned in grounds (1) to (7) above, as may by brought to his notice in the endorsement required by Section 58.

242. Denial of receipt of considerations. If any person admits the execution of a document presented for registration, but denies 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.

243. Unwillingness to register. If after the presentation of a document for registration the executants thereof does not appear, and the presenter neglects or refuses to enforce his attendance under part VII of the Registration Act, the document may be returned if claimed back. In such cases the refusal to register should be recorded after the four months limit prescribed in Section 34 has expired, and the document is be sent to the District Registrar for safe custody Rule 196.

244. If the executants appears and admits execution and his identity is established, the registration should be completed even though one or both of the parties may, after this stage, desire to withdraw the document from registration. If after admission of execution the executants refuses or neglects to sign the endorsement, the registering officer should note this refusal as prescribed in Section 58 of the Registration Act.

245. If after admission of execution and the necessary identification of the parties, the presenter (irrespective of the executants action) refuse to proceed or to sign the endorsement, the registration should nevertheless be completed and a note of the refusal to sign endorsed on the document. The document, if not claimed, should be kept for three months under Rule 196 and then sent to the District Registrar.

246. The case of simple denial of receipt of receipt of consideration is met by Rule 242. If the document is not claimed by the person who presented it, or some one authorized by him to receive it (Section 61), it should be

retained for three months under Ruler 196 and then sent to the District Registrar.

247. Correction of defects capable of remedy. 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 of refusal shall be made until the document concerned becomes time barred.

248. Partial refusal. 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 from:

"Registration refused as to *AB* and *CD*".

He shall record the reason for this partial refusal in his book No. II: but in all other respects he shall proceed with the registration of the document in the ordinary manner. This register shall contain the headings prescribed in

form No. 2, Appendix I:

Provided that where the person executing a document is dead, a registering officer shall not register the document unless all his legal representatives (personally or by agent as prescribed in Section 34 of the Registration Act) appear and admit the execution. The registering officer shall also take in such cases an affidavit from the claimants to the effect that there are no legal representatives of the deceased person besides themselves and shall refuse to register the document if the affidavit is not furnished.

249. Willful refusal or neglect to attend equivalent to denial of executing. The Calcutta High Court has ruled under Act III of 1877 in the case of *Radha Kissen v. Choonnelal Dat* [ILR V Cal 445] that refusal to admit execution of a document even if it is not made in the presence of the registering officer is a denial of execution within the meaning of the Registration Act, and so also is willful refusal or neglect to attend before the registering officer to admit execution, notwithstanding sufficient legal service which may not necessarily be personal; and when such refusal or neglect occurs, the remedy will lie under Section 73 or 77 of the Registration Act, as the case may be, for the purpose of having the document registered.

Book No. III

250. Book No. III. Book No. III 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 46. It shall contain the headings prescribed in forms No. 3, Appendix I. This book is not open to public inspection, nor are its indexes; but copies of entries in it or they shall, on payment of the prescribed fees, be given to the persons executing the documents to which

such entries relate, or to their, and after the death of the executions (but not before) to any person applying for such copies. The necessary search shall be made by the registering officer. 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 officer of those districts or sub districts.

251. No entry required in the 5th column of the heading of book No. III in the ordinary case of a testator presenting his own will. The particulars of the witnesses to his identity occur in the endorsement. It is only in the case of proceedings before the district Registrar under Section 45, or when a will, etc., is presented for registration to a Sub-Registrar by a person claiming there under after the death of the testator, that entries are to be made in Column 5.

252. In this book No. III the District Registrar must enter not only copies of the wills, etc., registered by himself, but also copies of the wills, opened under the provisions of Sections 45 and 46.

253. Wills and authorities to adopt. To prevent mistakes it is hereby explained that every document making posthumous disposition of property is a "will" and should, when registered, be entered in book No. III. 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 depositions which bring it within the above definition of "will". Deeds of adoption as generally met with in practice are of four classes-

(1)Deeds which recite the fact of adoption only.

(2) Deeds which recite the fact of adoption, and convey the property of the adoptive father to the adopted son in the lifetime of the former.

(3) Deeds which recite the fact of adoption and with the property to the adopted son after the adoptive father's death.

(4) Adoption deed executed by windows in pursuance of an authority to adopt.

Instruments of the first class, fall under Section 18, clause (f) of the Registration Act, and their registration is optional, but they must be presented if registration is desired within the time allowed in Part IV. They should be entered in book VI.

Instruments of the second class should always be recorded in the registers –Instruments of "gift" (*hibba-nama).* They must be brought for registration within the period of limitation allowed in Part IV, but are subject to different treatment, according as the property transferred is immovable or movable:

i. where the property transferred or any part thereof is immovable, the instrument falls under Section 17, clause (a) of Act XVI of 1908, and should be entered in book I. Its registration is compulsory.

ii. Where the whole of the property conveyed is movable, the instrument falls under Section 18, clause (d), and should be entered in book IV. Its registration is optional unless the transfer of the property is effected by the instrument itself when its registration is compulsory under Section 123 (2) of the Transfer of Property Act.

Instruments of the third class must be recorded and treated in every respect as wills (*wassiyat-nama*) Their registration is optional, [Section 18, clause (e)] and they may be presented at any time (section 27); they must be entered in book III.

Instruments of the fourth class must be treated in every respect as those of the first. But care mist be taken to distinguish between instruments conferring authority to adopt a son (*ijazat-nama tabniyat*), and adoption deed

executed in pursuance of such authority. The registration of an authority to adopt is compulsory, while that of an adoption deed is optional; the former deed must be entered in book No. III, the latter in book No. IV. Adoption deed not uncommonly contain stipulations on the part of the adoptive father the maintenance of the adopted son, and provision for his marriage expenses. Such stipulations are to be regarded only as a record of duties which are imposed by the law itself, without express mention, upon the adoptive father, and do not bring the deeds which contain them within the definition of "agreements" in Section 2, Act IX of 1872.

254. Book No IV. (1) Book No. IV is the miscellaneous register, in which are to be copied all document 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 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 the

agents or representatives of such persons. The necessary search shall be made by the registering officer. This register shall contain the headings prescribed in

Form No. 4, Appendix I.

(2) A special volume of register book IV to be called "additional Book No. IV" in the form of file book with numbered butts, may be opened, with the sanction of the Inspector General, in any office when documents on printed or lithographed forms are presented for registration. The procedure as laid down in Rule 235 shall also be followed in respect of lithographed documents pasted in Additional Book No IV. The form (specimen attached) of the printed butt shall contain the following particulars:

I- Value of stamp.

II- Nature and value of transaction.

III- Serial number of entry, amount of registration and other fees and fines levied.

Specimen Form

Value of stamp	Nature and value Of transaction, if any	Serial number of entry, amount of registration and other fees and fines levied

(3) Copies of entries in Book No. IV, Additional Book No. IV or of their indices containing any information relating to the property of a Waqf of any deed of Waqf shall be given free of charge when asked for by the President or the Secretary of the Shia Central Board or the Sunni Central Board for a *bona fide* public purpose.

255. Gift of movable property. It may here be noted that the registration of instruments of gift of movable property has under the 2en clause of Section 123 of the Transfer of Property Act, IV of 1882, been rendered compulsory whenever the property is not delivered to the done. Under Section 18 (d) of the Registration Act they are however optionally registrable and for the purposes of this Act the registration will be in book IV.

Book No. V

256. Book No. V. Book No. V is the register for recording transactions relating to the deposit and withdrawal of sealed wills mentioned in Part IX of the Registration Act. 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 District Registrar. It shall contain the headings prescribed in appendix I,

form No. 5.

257. All depositors of wills should be informed that no steps will be taken by Government to ascertain when they die and to communicate after their death with the beneficiaries. A copy of the following notice may be given to every person depositing a will for safe custody under the provisions of Section 42 of the Indian Registration Act, 1908.

Notice to depositors of wills

All wills deposited under Section 42 of the Registration Act are kept in perpetuity (unless withdrawn by the testator under Section 44 or removed into court under Section 46) in a fireproof safe. But depositors are informed that no steps can be taken by Government to ascertain the fact of their decease or to communicate thereafter with their beneficiaries. The sealed cover will simply be kept as deposited, unopened, until an application is made under Section 45 or 46 of the Act. It is the testator's duty to take such steps as he may deem necessary to ensure that the existence and place of custody of the will may be known to the person or persons interested.

Book No. VI

258. Book No. VI. Book No. VI is the register for recording brief abstracts of powers of attorney authenticated under section 33, clause (a). It is not necessary to copy out in full the powers of attorney authenticated under section 33, a brief memorandum of the contents is sufficient' but, the exact words of the governing portion of the power-of attorney empowering the attorney to

present documents for registration and to complete, the registration should be copied in Column 4 of Register No. VI. The office where registration is to be effected and a brief descreiption of the property to be dealt with should be given in the abstracts relating to special power-of attorney. Particulars as a indentifying witnesses should be copied in the last column. But when a power-of attorney is registered it must to course be copied out in full in book No. IV like any other document.

259. To prevent mistakes it is explained that the only description of power-of attorney which a registering officer is competent of authenticate under Section 33 is one which containts authority to present a document for registration, and this is the only kind of power of which entry should be made in book No. VI. The power-of-attorney must except a provided in Section 33 of the Act., be executed before the Sub-Registrar. The endorsement should state that this has been done and the abstract should always note that the instrument confers power to register. A power-of attorney may of course be registered like any other document as explained above, but it iwll not be valid for registration purposed 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 authentication, and it be not a power which the registering officer can authenticate, the shall registere the document in his book No. IV. But if the authenticate, he shall register the document in his book No. IV. But it the power contains authority to present a document for registration, the registering officer shall explain the difference between authentication and registration, and ascertain the presenter's exact whishes in respect of the document. There and ascertain the presenter's exact wishes in respect of 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 a separate transactions, and the usual fees shall be levied for both. This book shall contain the headings prescribed in

Form No. 6, Appendix I.

Book No. VII

260. Book No. VII. Book No. VII is the register of visits and commissions under Section 31, 33 and 38. It shall contain the headings prescribed the distance from the office to the place visited.

Book No. VIII

261. Book No. VII. Book No. VIII is the register of thumb impression. It shall contain the headings prescribed in

Form No. 18. Appendix I. If a thumb impression relates to a document registered in another officer a note to that effect should be made in book No. VIII.

Authentication of Register Books

262. Authentication of entries in register books. Every entry in books No. I. III and IV shall be, as practicable, an exact counterpart of the original; but interlineating, blanks, erasures or alterations should not be copied as such, but should be noted at foot as required by Section 20 of the Act. The registering shall see that entry has been made in the book to which it properly belongs; that the number affixed to it is that which is ought to bear in order to maintain the consecutive series required by Section 53, and that the book, the volume and the page entitled in the certificate of registration are correctly stated.

263. Examination of copies and authentication of errors. The record of every document shall be compared with the original by some person other than the copyist, and both the copyist and the examiner shall append their signatures to the record and enter the words "copied by" or "examined by". The registering officer shall then proceed to authenticate errors in the copy and to make any notes which may be necessary under Section 20 of the Act. He shall also affix his initials in English or short signature in vernacular at the bottom of each page and at the end of the record, and shall, under his usual full signature and official designation, certify it to be a true copy. In offices where is no clerk the procedure laid down in Rule 349 should be followed.

264. Erasure prohibited. No erasure shall be made with an ink erasure, knife or by any other means in any register book, but mistake shall be corrected when necessary with the pen. All interlineations and corrections in the register books shall be made in red ink. Corrections shall be made by drawing the pen through the words wrongly copied and rewriting them.

Indexes

265. Indexes to be prepared on printed forms. The current indexes, required by Section 54 to be kept up in every registration office shall be prepared on printed forms to be supplied from the Government Central Press, on indent being submitted to the office of the Inspector General. The sheets should be headed with the
different letters of the alphabet by the registering officer. At the end of the year all used sheets should be bound up in their proper alphabetical order.

266. Index No. 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 registered, or memorandum filed in book No. I, shall be entered. This index shall contain the names and additions not only of the parties concerned in the document 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 67, as well as those concerned in the copies of orders by Revenue officers granting loans under the Land Improvement Act or under the Agriculturists' Loans Act, and of certificates granted by Civil Courts under Rule 94, Order XXI, Schedule 1 of the Civil Procedure Code, 1908, or by Revenue officers which are filed under Section 89 of the Registration Act. It shall contain the headings prescribed in

Form No. 1, Appendix II.

267. Index No. II. Index No. II is that in which, by Section 55, the particulars mentioned in Section 21 relating to every document registered, or memoranda filed, in book No. I are to be entered. Entries should, as a rule, be made under the name of the town or principal village where the property affected is situated, the name of *mohalla,* in the case of a town, or of a *hamlet* in the case of a village beina in column 4.

But in sub-districts containing towns, to which the United Provinces Municipalities Act 1 of 1916, has been extended entries relating to property situate in such towns should be made under the name of the *mohal'a.* A Sub-Registrar on registering 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 District Registrar on receiving a copy of a document under Section 65, 66 or 67 shall enter only the property situate in his own district. A Sub-Registrar on receiving a memorandum of a document under Section 6 ', 65, 66 or 67, or a copy of an order or certificate under Section 89, shall enter the particulars of the property concerned in this index. But if the property is situated in more than one town or village in the district or sub-district the name of each place shall be separately indexed under its initial letter. It shall contain the headings prescribed in

268. Index No. III. Index No. Ill is that in which Section 55 requires that the names and additions of all persons executing every will and authority to adopt registered in book No. Ill, of the executors and persons respectively apppointed thereunder, and (after the death of the testator or donor, but not before) of all persons claiming under the same shall be entered. It shall contain the headings prescribed in

Form No. 3, Appendix II.

Note. The names of the claimants under a will or an authority to adopt should be indexed only when the testator or the donor is dead at the time the will or the authority to adopt is registered or the contents of a will is copied in book No. Ill according to Section 45 of the Indian Registration Act.

269. Index No 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 in book No IV or filed in Additional Book No. IV to be entered. It shall contain the headings prescribed in

Form No. 4, Appendix II.

270. 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 the proper register, or at latest on the following day. The efficacies who indexes the document shall append his signature with date under the words "Indexed by" which will be entered in red ink on the top of the copy of the document entered in the proper register, on the document filed in Additional Book No. I under Rule 235, on the document filed in Additional Book No. IV under Rule 254, or on a copy or memorandum filed in File
Book No. I under Rule 236 read with Rule 237, as the case may be. The registering officer shall, before he certifies a copy as true copy under Rule 263, or finally endorses a document, copy or memorandum under Rule 235 or 237 satisfying himself that the same has been properly indexed The indexes shall ordinarily be kept in Urdu and in the Kumaun division in Hindi. The headings of the columns have however been printed in English. Urdu and for the Kumaun division in English, Hindi, so as to enable ail District Registrars and Sub-Registrars acquainted with English and able to conduct business in that language (Rule 202) to prepare indexes of English documents in English, The English lettered sheets of the index should at the time of binding be put with sheets of the corresponding Urdu or Hindi letter.

271. Initial letters. Entries regarding Indians should be made with reference to the first letter of the name, and not that of the rank, title or caste. Entries regarding Europeans should be made with reference to the first letter *of* the surname Christian names and family names, the entires should be indexed in the same manner as European names. In the case of Native Christians who have no family names, and who and their father's names orthe name of their villages to their own, the entries should be indexed in the same manner as ordinary Indian names.

273. Companies, banks, etc. Entries regarding companies, banks, etc., shall be made under the initial letter of the first word, omitting the article.

Example. The Land Mortgage Bank of India, under "L" the Bank of Upper India, under "B", and the Allahabad Bank under "A".

274. Government. Entries in the case of documents in which Government is concerned shall be made in the English indexes under "G" as the first letter of the word "Government" and in the Urdu and Hindi indexes under *Saa* and *Seen* as the first letter of the word *"Sarkar"* the official designation of the officer representing Government being given in the first column.

275. Certificates of sales, etc. In the case of certificates of sale given by a court, the names of the judgment-debtor and of the auction purchaser should be indexed in the appropriate nominal index and an entry made under

"G" in the English and *Seen* and *Saa* in the Urdu or Hindi indexes of the official designation of the officer who has granted the certificate.

276. Security bonds. In the case of security bonds, the name of the person for whom the security is given should be indexed
as well as those of the executant of the bond, and the person in whose favour it is executed.

277. Agent or representatives. When a document is executed by an agent or representative, the name of every principal as well as of every agent or representative, and of every person claiming under the document, should be indexed.

Example.A bond executed by Mr. D , Manager on behalf of the Allahabad Bank, would be indexed under A for principal and also under D, that being the first letter of the Suriname of the agent executing the bond on behalf of the Bank.

Document executed by or in favour of guardians on behalf of minor should be in the names of the guardians as well as the minors.

If the person with respect to whom a document is to be indexed is mentioned in the document under an alias as well as his real name, the document should be indexed with respect to both the alias and the real name. Similarly, if a town or village is called by two distinct names in the document, it must be indexed with respect to both names.

278. Documents entered in file book No. I. The entries in indexes respecting all documents entered in file book No I shall be made in red ink, so that it may be apparent that the document has only been filed in the District Registrar's or Sub- Registrar's office.

Subsidiary Books

279. Order file. The order file is a guard-book in which should be filed all orders whether emanating from the Inspector General or the District Registrar of the District. All orders of this character should be pasted in as soon 3s received, and should not be allowed *to* lie loosely about. The order file must be in two parts. (1)---------- and general orders, of the Inspector General, and (2) Order of a general or permanent character issued by the District Registrar. Temporary or special orders will be put in the yearly bundles and be weeded according to the rules in Chapter V. The correction slips are not to be placed in the order file book but in the Manual. A list should be prepared for each year and pasted into the order file containing a brief description of all ciders so filed. This list should not be made up at the end of the year, but written up from time to time as orders are filed.

280. Minute book. Every Sub-Registrar shall keep a minute book in form No. 14, Appendix I. this book is intended, primarily to contain the record of all

suspensions of the ordinary procedure of acceptance for and admission to registration ; for example—

1. when the document presented for registration has been impounded under the Stamp Act
2. when the document is returned for presentation in the proper office ;
3. when the document is returned for correction or amendment ;
4. when the document is put aside pending appearance of parties or witnesses.

In it should also be recorded the reasons for non compliance with an application for search, inspection or copy.

Unless in the case of copies, searches and inspections sufficient particulars have already been given in the remarks columns of registers of applications for copies, searches and inspections.

281. The entries in the minute book should be made by the Sub-Registrar with his own hand and each proceeding should be signed and dated by him. When proceedings relating to the same case are recorded on more than one occasion, the serial numbers of the subsequent entries will be entered in column 2 of the first entry, in Column 2 each subsequent entry will show the serial number of the first entry.

282. When a document presented for registration is returned by a Sub-Registrar for correction or amendment or on any other ground, the Sub-Registrar shall also briefly record his reasons on an objection slip in

Form No. 16, Appendix I, and make over the slip to the presenter. When the document is subsequently admitted for registration, the Sub-Registrar will file the slip for perusal by the inspecting officers.

283. A refusal to register is not a suspension but a final termination of the proceedings, and in such a case the record is made in register No. II, not in the minute book. Every other circumstances which causes an interruption of the proceedings between the presentation of a document and its admission to registration, however brief that interruption may be, must be made the subject of separate entry in the minute book stating why proceedings were interrupted, and also, if necessary, of a second entry recording the removal of the impediment and the completion of the registration. In cases in which refusal has to be recorded on a date subsequent to the adjournment of pro-ceedings after entry in the minute book a reference to the entry in book 2 should be given in column 2 against the last entry of adjournment. Thus, in the commonest cases that of non-
appearance of an executants, there must be in the first place an entry to this or similar effect :

"Deed of sale, dated the 1st February, 1898 of a two anna share in mahal Rampur by *AS* in favour of *CD* presented by the latter this 10th day of February, 1898. *AB\s* not present. Registration postponed and process issued". Then, if executants appears, there1 will be a second entry :

"Document referred to in serial number so and so, *AB* having appeared registration completed, dated, etc". In this case if the process were ineffectual there would be no further separate entry, the eventual refusal being recorded in Register II with reference to the first entry in the minute book, and entry in book II in the second column against the first entry in the minute book.

Similarly, the reasons for non-compliance with an application, for inspection or copy should be concisely recorded, and if the objection is subsequently removed and the application is granted, a second entry stating the fact should be made. The method of filling in column 2 so as to connect entries relating to the same document together, is another point which is not understood. The object of the reference number is to enable each document to be traced through all the entries referring to it in the register.

The following examples will show clearly what is required :-

Annual Serial No.	**Reference number and number of and serial number of document (if any)**	**Note of proceedings**

1.	4	Deed of mortgage by *AB* to *CD* of 100 bighas in mahal Rarnpur, dated the 5th January, !908. Impounded as not duly stamped and sent to Collector this 12th day of January, 1898.
2.	(Blank)	Deed of sale by *EF* to *GH* of a house and grove in Jaialpur, dated the 12th February, 1898. Returned for presentation to S R. Kanpur, the proper
		day of February, 1898.
3.	7	Deed of mortgage of a 2 annas share in mahal Ram Parshad, mauza Gutani, by *JK* to *DM,* dated the 8th March, 1898. Erasures not attested. Returned for compliance with Section 20 of the Registration Act, this 15th day of
4.	1 (Book I, Vol. No. 124)	Deed referred to in serial No. 1 received back duly certified by Collector as to stamp, Registration completed this 17th day of March, 1898
5.	8	Deed of sale of house and garden in mohalla Uparkot, Kasba Syedpur by *NO* to *PQ,* dated the dated the 8th March, 1898
6.		P r e s e n t e d by *PQ. NO* does not appear. Registration deferred pending return to process issued this 18th day of March, 1898. Application by *RS* dated the 26th March, 1898, for copy of document No. 10, book III, Vol. 2 being the will of *TO* Refused under Section 57 of the
7	4 (Book I, Vol. 28, No. 198)	Document referred to in serial No. 8 represented after compliance with Section 20 of the Registration Act and registered this 25th day of March, 1898.

8.	(Book I, Vol. 22, No. 224	Document referred to in serial No. 5 *NO* having appeared and admitted execution registration completed this 10th day of April, 1898.
etc.	etc.	etc. etc. etc.

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PROCEDURE

Prior to acceptance

284. Registration of documents in which Sub-Registrar is interested or concerned. Sub-Registrars are prohibited from registering documents in which they are personally, or otherwise connected, or interested. Such documents can be registered by District Registrars without extra fee under Article IV of the tab'ie of fees.

285. Examination of documents. When a document is presented for registration the points requiring the attention of the registering officer may be summarized as follows :

1. Whether he has jurisdiction to register the document?
2. Whether the document is time-barred?
3. Whether the document is free from the objections in Section19, 20 and 21 ?
4. Whether the document is properly stamped?
5. Whether the document is presented by a proper person?
6. Whether the document was executed by the persons by whom it purports to have been executed ?

286 Examination as to jurisdiction. When a document is presented at a. registration office the registration officer will examine it to see whether he has authority to register it; and on this head, Parts V and VIII of the Registration Act Should be consulted. For the purposes of jurisdiction documents may be grouped into four classes :

1. Non-testamentary documents relating to immovable property mentioned in clauses (a) to (d) of Section 17, and clauses (a) to (c) of Section 18.
2. Wills and authorities to adopt.
3. Copies of decrees and orders of court.
4. All other documents.

Instruments of the first class may be accepted for registration by any registering officer in whose district or sub-district any portion of the property concerned is situate. Instruments of the second class may be registered in any office. A copy of a decree or order may be registered in the office of the Sub-

Registrar in whose sub-district the decree or order was made, or if it does not affect immovable property, in the office of any other Sub-Registrar under the State Government at which
all the persons claiming under decree or order desire the copy to be registered. A document of the fourth class may be registered, either in the office of the Sub-Registrar at the place of execution, or, if desired by the executants and persons claiming under it, in the office of any other Sub-Registrar under the State Government.

287. Procedure when registering officer has no jurisdiction. If the registering officer finds he has no jurisdiction to register a document presented" to him, he should endorse on the document the words "Returned for presentation in the proper office" and return it to the presenter informing him at what office he can obtain registration. An entry of the occurrence should at the same time be made in the minute book (Rule 280).

288. Examination as to time. When the registering officer finds he has jurisdiction, he should examine the document to see that it has been presented within the time allowed by Part IV of the Registration Act. Section 26 refers to documents executed out of the States and will be noticed below. With regard to all other documents, the law requires with certain exceptions [Sections 23, 23-A and 34, sub-section (I)]. that both the presentation for registration and the appearance of the executants shall take place within four months from the date of execution. But in order to avoid hardship in certain cases, it also provides that a further period of four months shall be allowed subject to a fine :

1. When a document months, owing to (Section 25) ;
2. When after a document has been presented, the executants, owing also to urgent necessity or unavoidable accident, cannot appear or cannot be made to appear to admit execution (Section 34, proviso).

289. Examination as to unverified interpolations, etc. If the document be brought for registration within the time allowed by law, the registering officer should see whether it contains any unverified interlineations, blanks, erasures or alteration of the kind mentioned in Section 20 of the Registration Act ; and, in the case of documents relating to immovable property, whether the description of it is sufficient for identification. If he is not satisfied on either of these points and if the omission cannot be immediately supplied he should endorse on the document the words "Returned for compliance with S. 20" (as the case may be) and hand the document back to the presenter in view of the detect being remedied. An entry of the occurrence is to be made
in the minute book (Rule 280). Foreign documents should not be accepted unless accompanied by the translation, and copies required by Section 19,

nor documents of the kind mentioned in Section 21 (4), unless accompanied by the required copy or copies of the map or plan.

290. Where interlineations or corrections occur in a document presented for registration, the registering officer must require such interlineations and corrections to be attested by the initials or signature of the executans of the deed, if that has not already been done. If the "parties or any of them cannot read or write, the Sub-Registrar should read over to them the correction or interlineation, and add a certificate that he has done so, and that the parties agreed thereto to his registration endorsement.

291. Examination as to stamp. When a document is presented at a registration office, the endorsement required by Section 52 of the Registration Act should be recorded in the form given in Rule 384, clause A, and signed by the registering officer and by the person presenting the document, except in the cases referred to Rules 284 to 289 and Rule 302. After recording the endorsement the first duty of the registering officer is to examine the document to see that it is duly stamped, or is exempt from stamp duty. When such examination discloses that a document is not duly stamped, the registering officer will levy the prescribed fees and make the endorsements required by Sections 58 and 59, but before proceeding to register the document under Section 60 further proceedings in the registration office should be stayed and the documents should be immediately impounded and forwarded to the Collector of the district under Section 38, clause 2, of Act It of 1899. After the document has been endorsed by the Collector in the manner prescribed by Section 40 (a) or 42 of the Stamp Act, as the case may be. registration proceedings shall at once be resumed and completed. Documents impounded under the Stamp Act should be sent to the Collector through the District Registrar. Every Sub-Registrar shall keep a register of documents impounded by him in

Form No. 15 given in Appendix I.

Note A. Government Notification No. 1074/VI—225-1909, dated the llth November, 1909. In the case of the registration of ar.y document, the stamp duly paid 01 which is iuwer than it would be but for trio pervious payment of stamp duty on some connected document, the registering officer shall note the amount of stamp duty paid on the pervious document This note should be made in the column "Value of stamps" in register **I or IV**.

Note B. When a document has been impounded by a Sub-Registrar the District Registrar has no power under the Stamp Act to decide it duly stamped and to stop it from going to the Collector.
There is of course no bar to his forwarding his opinion with it.

Nole C. Under Notification No. 683-F, dated the 28th December, 1 . 2 , published in the Gazette of India, dated the 4th January, 19i3, the starr. duty with which instruments executed by or on behalf of any Co-opevative Society for the time being registered under Act II of 1912, or instruments executed by any officer or member of any such society, and relating to the 'business of the society, are respectively chargeable has been remitted.

192 Place of presentation Documents must ordinarily ,be presented 'for registration at the registration office; but under Section 31. registering officers may, on special causes being shown, proceed to the private residence of any person desiring to present a document and may accept it then 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*.

293. Court-fee stamp on application. No court-fee is required ou written applications made to a registering officer for issue of commissions under Section 33 or 38, for the attendance by a registering officer under Section 3 1, 33 or 38 at a private residence or jail or for issue of summonses under Section 36. An application for the attendance of the registering officer at a private residence may be presented by an agent, relative, or servant of the applicant or be sent by post, but the presentation of the document in such cases can be made only by the person who desires to present for registration at his or her residence.

294. Sections 25 **and 34.** In cases of urgent necessity or unavoidable accident, therefore, a delay of four months is allowed for presentation, and a similar delay for appearance ; and both periods may be allowed for the same document, if any urgent necessity or an unavoidable accident occurs to prevent both the presentation of the document and the appearance of the executants in due time (Sections 25 and 34. proviso) The two periods are quite distinct, and are given for different purposes and at different stages in the

procedure of registration. This distinction is important, and, if it is borne in mind, the following instructions will be readily understood.

295. Procedure on failure of the executants to appear within four months from execution of document. (1) When a document has been presented to a

Sub-Registrar for registration, within the period (prescribed by Section 23, namely, four months~from date of its execution), and the executants fails to appear to admit execution within that period, and the case does not come under Rule 249, the Sub-Registrar must immediately after the expiration of the said period, record a formal refusal to register, leaving it to the parties to appeal to the District Registrar under Section 72 within 30 days, if they think proper :

Provided that if proceedings under Section ,;6 for the appearance of the executant are still per-ding at the expiry of the four months, snd the executant has not appeared, the case shall be reported to the District Registrar without a formal refusal to register being recorded. But when summons has been duly served and the executant refuses or neglects to appear a formal refusal to register it will be recorded under Rule 249 without waiting for the expiry of the period of four months.

(2) In any case referred to in sub-rule (I) the District Registrar shall not pass an order granting an extension of time or directing the Sub-Registrar to register the document, unless it is shown that the non-appearance of the executants was due to urgent necessity or unavoidable accident.

296. Procedure on failure of the executants to appear after payment of a fine under Section 25, within eight-months from execution of document. (1) If the time for accepting a document for registration has been extended under Section 25, and the "executants fails to appear to admit execution within the period of eight months from the date of its execution, and the case does not come under Rule 249, the Sub-Registrar must, immediately after the expiration of the said period, record a formal refusal to register, leaving it to the parties to appeal to the District Registrar under Section 72 within thirty days, if they think proper :

*For exemptions from personal attendance *see* Rules 314 and **315.**

Provided that if proceedings under Section 36 for the appearance of the executants are still pending at the expiry of the eight months, and the executant has not appeared, the case shall he reported to the District Registrar without a formal refusal to register being recorded. But when summons has been duly served and the executants refuses or neglects to appear a formal refusal to register will be recorded under Rule 249 without waiting for the expiry of the period of eight months.

(2) In any case referred to in sub-rule (1) the District Registrar shall not pass an order granting an extension of time or directing the Sub-Registrar

to register the document, unless it is shown that the non-appearance of the executants was due to urgent necessity or unavoidable accident.

297. Section 26. The above instructions apply to documents presented under Section 26, with this exception only that the first period of four months and the extended period of eight months must be reckoned from the date of their execution. These documents can, under no circumstances, remain pending beyond eight months from the date of their arrival in the States. In the case of a document executed by some of the parties in, and by other out of the States, the party presenting the document may proceed at his option under Section 23, Section 24 or Section 25 instead of Section 26 ; and if he does so, the provisions of above instructions regarding those sections shall apply. All pending documents must thus be refused registration after eight months from the date of execution, if presented under Section 23 or Section 24 after 12 months, if presented under Section 25 ; and after eight months from the date of arrival in India, if presented under Section 26.

298. The above instructions (Rules 295, 296, 297) are howvever subject to the proviso that the Sub Registrar may immediately record a refusal to register, without reporting the matter to the District Registrar, if is apparent that the failure to attend is due to the willful default or neglect of the excecutant, as the refusal in this case will be on ground of denial of execution (vide Rule 249 *supra).*

299. If the period of limitation for presentation or for appearance to admit execution of a document prescribed by the Act or extended by the District Registrar expires on a day on which the registration office is closed, the presentation or appearance shall be considered to have been made in due time if
it is made on the first day of the opening of the office *(vide* Section 10 of the General Clauses Act, X of 1897).

300 Parties entitled to present documents for registration. If the document be not open to any of the objections set forth above, the registering officer, before finally accepting it for registration, should satisfy himself that the person presenting it has legal authority to do so. The persons who may present a document for registiation are tne lollowing :

(a) in the case of a will, the testator, and after his death any person claiming under it as executor otherwise ;

(b) in the case of an authority to adopt, the donor, and after his death, the donee or the adopted son ;

(c) in the case of a copy of a decree or order, any person claiming under the decree or order ;

(d) in any other case, any person executing or claiming under the document ;

(e) the representative or assign of any of the foregoing ;

(f) the agent of any of the foregoing.

Note. Where the Indian Registration Act, 1908 or any rule made thereunder, requires or permits any act to be done with reference to a document by a person executing or claiming under the same and the document has been executed on behalf of Municipal or District Board or is a document under which a Municipal or District Board claims, the act may, notwithstanding anything to the contrary contained in the aforesaid enactment or in any rule thereunder, be done (1) in the case of Municipal Board, by the Chairman, the Executive Officer or a Secretary of the Board, or by other officer of the Board empowered by regulation in this behalf, and (2) in the case of District Board, by the Chairman, or by any other officer of the Board empowered by regulation in this behalf.

301. Presentation by representatives, assigns or agents. If the document having been executed by the principal, be presented by a representative* or assign the latter should satisfy the registering officer of his status. If by an agent, he must produce a power-of-attorney authenticated in the manner prescribed in Section 33 of the Registration Act. 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

forming the subject-matter of the deed. The registering officer does not record any confirmation of that power. His duty is confined to the question whether the persons purporting to have executed the instrument have in fact do.oe so or not. There are three possible cases :

1. where the actual executant, or p:rsoa 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 person appears.

In the first case, the registering officer has simply to ascertain whether the person so appearing does or does not admit execution, and his identity ; he is not concerned with the capacity in which the executant acted in signing the document. In the second case, the registering 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 registering 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 If the power-of-attorney is in a language which the registering officer does not understand and which is not commonly used in the district, he shall require a translation of it to be filed with the document.

302. Presentation by unauthorized person. If the registering officer finds that the person presenting the document is not legally authorized to present it he should endorse on the document "presented by.....who is not

**For the purposes of Registration Act. Section 3 "representative" includes the guardian of a minor and the committee or other curator of a lunatic or idiot.*

legally authorized to present it- Returned". An entry of the occurrence should at the same time be mace in the minute book. Section 23-A of the Indian Registration Act, 1908, as amended by Act XV of 1917, does not authorize a registering officer to accept presentation by ar. improper person but is only enacted to rectify errors already made.

303. Officials exempt from appearance It shall not be necessary for an officer of Government or any other person
referred to in sub section (1) of Section 88 of the Act to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him or in his favour in bis official capacity or to sign as provided in Section 58. Such officer or person if entitled to present any instrument for registration may transmit the same to the proper registering officer either through a messenger or by post. The words "executed by him or in his favour" shall be construed as referring also to an instrument

executed by or in favour of the predecessor-in-offke of the officer or person entitled to present any instrument for registration.

PROCEDURE ON ACCEPTANCE

304. Procedure on acceptance for registration - Identity of persons appearing When a document is accepted for registration the prescribed fees should be levied and the necessary entries made in the fees book. The counterfoil receipt should then be prepared and the receipts for the document and the fees delivered to the presenter. The registering officer should then, with as little delay as possible, enquire whether the document was executed by the alleged executant, and satisfy himself as to the identity of the person appearing before him to admit execution. He should also satisfy himself that the person admitting execution has read and understood the contents of the document and should if the person is illiterate or cannot read and understand the document will explain the nature and contents to him. If the presenter be the executant, or his representative, assign or agent, and if such executant, representative, assign or agent, and if such executant, representative, assign or agent be present, the registering officer shall make the necessary enquiry at once.

When the registering officer is not personally acquainted with executants, he shall require them to produce persons to testify to their identity. Such persons shall, if possible, be persons known to the registering officer personally, or failing these, persons of apparent respectability. Witnesses who are unknown to the registering officer shall have their thumb impressions recorded as in the case of executants *(vide* Rule 308, so far as it is applicable). Any distinctive physical peculiarity or marked deformity in a party or witness should be noted in the endorsement. But a descriptive roll need not be recorded except

in suspicious cases. This procedure must be in addition to, and not take the place of, the procedure required by Section 34, that the registering officer shall satisfy himself of their identity. Such descriptive rolls afford in themselves no proof of identity.

305. Identity of obscure and unknown persons. The registering officer must take care that the witness is really able to identify the person to be identified. To this end the witness should be clearly and specially asked •whether that person is or is not the person he professes himself to be, and what the nature of his-the witness's- acquaintance with that person is. The testimony of an identifying witness should be rejected if he has had no personal acquaintance with the person identified, but has merely been told his name for the purposes of that identification. Care should be taken that Identification does not become a trade among the petition-writers, menials

and hangers on of ths office. The testimony of persons who make such a trade should not be accepted.

306. Identity of pardaaashin women. In the case of documents executed by *pardanashin* iadies, registering officers should be careful to obtain an admission of execution from the executant's own lips. The mere statement of the relatives of other persons accompanying her is not sufficient. The lady should be seen and identified by some person acquainted with her appearance, and the name and relationship of such person to the executant should be noted in the endorsement. The terms of the document should be explained to the executant, and if while admitting execution, she objects to any of the terms, such objection should be noted. The instructions apply to the case of all documents executed by *pardanashin* ladies, whether registered at the registration office or on visit or by commission at the executant's residence.

307. Admission by and identification of executants. If execution by the alleged executant is admitted and the registering officer is satisfied on the points laid down in paragraph 1 of Rule 304 he should record on the instrument the endorsement required by Section 58 in one or other of the forms given in Rule 384, and such endorsement should be signed by the registering officer, the executant, and all the witnesses examined, but no such endorsement is necessary on a copy of a decree or order, or on a certificate sent under Section 89 of the Registration Act.

308. Thumb impression. In addition to all or any of the directions laid down in the Act or Rules made thereunder for
securing the identification of executants of documents, registering-officers shall take the thumb-impressions of all executants of documents, whether presonally known to them or not, the following cases :

1. Registrations under Section 17, clauses (a), (b), (c), (d) and (e) of the Act.
2. Registration under Section 18, clauses (a), (b) and (c) of the Act, "and also under clauses (d), (e) and (f) in the the Meerut and Rohilkh and Divisions only".
3. Powers-of attorney authenticated under Section 33. (4) Of all *pardanashin* women.

This rule may be relaxed only in the case of persons of position, regarding whose identity there can be of no doubt or room for suspicion and in the case of persons suffering from leprosy or similiar highly contagious disease, notwithstanding that such persons are not personally known to the registering officer. In the case of *pardanashin* women the impression shall be made either in the presence of the registering officer or of the person who identifies the woman, and in the latter case the name of the person who takes

the impression should be noted. A note shall be made in the register and on the document, of the fact and grounds of relaxation of the rule under this paragraph.

The impression taken shall be of the left thumb. If the left thumb be defective or injured, the right thumb, or any other digit may be used, and a note made in the register and on the document of the particular digit employed. If none of the above methods be possible, special care should be taken that the directions contained in Rule 304 are strictly complied with.

The impression shall be taken (1) on the document, in a clear space immediately under the signature of the executant to the endorsement required by Section 58 of the Act, and (2) in Register No. VIII (

Form No. 16, Appendix 1), which shall be maintained in all registration offices.

The apparatus to be employed will be supplied by the office of the Inspector General of Registration, and shall ordinarily consist of a tin box containing (I) a roller, (2) a tin plate, (3) a pot of printer's ink, and (4) a phial of turpentine. The mode of taking impressions is as follow? :

(a) A small quantity of ink should be applied to the plate and worked with the roller till it forms an even layer on the surface, which must be so thin as to allow the plate to show through it.

(b) The executant's left hand should be taken and the ball of the thumb, after being wiped, should be laid on the inked plate and rolled from side to side (not rubbed) and pressed gently, but firmly with the operator's own hand until sufficiently inked, and the inked finger should then be placed and lightly and carefully rolled on the paper on which the print is to be taken, in such a way that the pattern of the whole ball of the thumb, from side to side, is clearly impressed on it. It muse be specially borne in mind that any reverse movement, either at the time of applying or removing the thumb, will cause a smudge and spoil the impression.

(c) The roller and plate must be thoroughly cleaned daily.

Some difficulty is occasionally experienced in obtaining satisfactory thumb-impression when the executant is a *pardanashin* woman or an ignorant agriculturist. In such cases it is advisable to take first a few irnpres?\oas on a niece of waste pape^ and not to take an impression on the document or on the register unul the executant ami the operator (when as in the case .~.f a *pardunu-hin* women the registering officer is not the actual operator) are fully acquainted with the method to be employed. In cases when the thumb-impression taken on the document or on the register is blurred or indistinct, a second or, if necessary a third impression should be taken alongside the first, a note being made in the register and signed by the repistering officer whenever more than one impression is taken on the document itself.

309 Indeatificalion by patwari. Under Rules 34 (2), Province of Agra, Identification by Patwaris, and 32 (2) Oudh, of the Patwaris Rules—Board's Extent Circulars Part III—all patwaris are required when attending any court or upon any official to record in their diaries the fact of attendance, the cause of attendance, and the name and designation of the c«nrt or official. These rules apply to patwaris when attending the offices of District Registrars and Sub-Registrars for the purposes of identification in registration proceedings. It should accordingly be the practice for registering officers to require any patwari attending a registration office for the purpose of identifying a person executing a document to note the particulars referred to above in his diary, such entry being authenticated by the signature of the registering officer. Any

neglect or refusal on the part of a patwari to produce his diary should **be** brought to the notice of the Collector or Deputy Commissioner of the district. Sub Registrars should address the District Registrar of the district, who will take the necessary action in the matter.

310. Enquiry as to consideration. It will be observed that the endorsement just mentioned is to contain, amongst other particulars, any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution. Although the registering officer is required by law to question the alleged executant as the fact of execution, he is under no legal obligation to question him as to fact of receipt of consideration. At the same time such questioning would not be inconsistent with the provisions of the Act.

311. Summons for appearance of appearance of executants or witnesses. If the alleged executant or his representative, assign or agent be not present, and if it be necessary to summon such person or any other person whose presence or testimony is necessary, where the registering officer is alos either a judge or Revenue Officer, he shall issue processes as such officer is also Officer, as the case may be. Where, the registering office must be within the time, prescribed in section 34 of the Act.

312. Law as to summoning and attendance of witnesses. The law in force as to summoning and attendance of witnesses is contained in Order XIV. Schedule I of the code of Civil Procedure, and the rules in force for the remuneration of witnesses in Chapter XVII of General Rules (Civil) for Civil (1926), and in Rules 153 to 163 of the Oudh Civil Volume 1 of 1912.

313. Production of books and register in court. Sub-Registrars are absolutely Prohibited from producing the registers or book of their officers in courts on their own authority. When a sub. Registrar receivers an order or summons direct from a court for the production of registers or books of his office, he should return it with an endorsement that he has no power to produce the registers. etc. without the authority of the District Registrar, and that if the court requires the registers, etc. the order of summons should be addressed direct to the District Registrar. District Registrars and that if the court requires that registers, etc. the order of summons should be summons or order may permit the production of the original records, but they should ordinarily refuse to do so in the exercise of the their discretion under Sections 123 and 124, Act 1 of 1872

A government servant who is to attend a court as a witness with official documents should, where permission under Section

123 of the Evidence Act has been withheld, be given an order duly signed by the District Registrar in the following form. He should produce this certificate when called upon to given his evidence and should explain that he is not at liberty to produce the registers before the court, or to give evidence from them. He should, however, take with him the registers which he has been summoned to product.

ORDER

Summons from the court of ..... for the production at ..... of Registers Nos. ..... Volume..... of .....
relating to the District Registrars/Sub-Registrars' office:

a) I direct.....to appear with the registers mentioned in the summons and to claim privilege for them under ɋection '73 of the Evidence Act.

(b) I withhold permission to give any evidence derived from the reg-isters for which privilege is claimed under this order.

Dated..... the.....District Registrar.

314 Attendance for presentation of documents All documents must be presented by a person entitled to present them, to a registering officer and not to a Commissioner.

Ordinarily a document must be presented at the office of registration, but in the circumstances mentioned in Section 31 it may be presented at the residence of the person wishing to present it.

315 Issue of commissions under Sections 33 and 38. When a document has been presented to a registering officer, he may issue a commission under the circumstances laid down in the Registration Act to verify a power of attorney under Section 38, or to examine an executant or witness under Section 38. The issue of a commission to a registration clerk is absolutely prohibited except in cases of extreme urgency. In every case of the issue of a commission by a departmental Sub-Registrar he should report to the District Registrar the name and the position of the person to whom it was issued, and the reason why he did not proceed to the spot himself. The order shall be briefly endorsed on the document in words to this effect :

> "A commission is hereby issued under Section 33 or 38 of the Indian Registration Act, XVI of 1908. to (name and the designation of the commissioner), for the purpose of enquiring whether this power (or document) has been executed by /SB son of *CD* of .....by whom it purports to have been executed."

316. Commissions and visits to persons residing outside district or sub-district. If the person to be examined under Section 38 be not resident within the district or sub-district of the registering officer, a commission shall be directed to the District Registrar of the district in which such person resides, who may redirect to the Sub-Registrar, who may, if he cannot

personally attend, redirect it to any other person. The travelling allowance will be transferred to the registering officer to whom the commission is addressed.

A Sub-Registrar must not attend a residence situated outside his sub-district for any of the purposes of a visit without the permission of the District Registrar, and this permission should not be granted unless the District Registrar is satisfied that attendance at his own office or at the office of the Sub-Registrar by some duly qualified person would involve very exceptional inconvenience.

317. Return of commission. When the commission has been executed, the commissioner shall return the document to the office from which it was issued with a report which will be endorsed upon the document in the following form :

"Having visited the residence of *AB* son of *CD* at....., I have this day examined the said *AB* who has been identified to my satisfaction by *EF* son of *GH*etc , resident of..... and the said *AB* admitted (or denied) th: execution of this power (or document) and the receipt of the consideration (or part of it).

Full signature of executant

Full signature of witnesses

Full signature of Commissioner"

318. Examination of witness by commissioner. A commissioner may exatnine witnesses in the same manner as a registering officer ; and persons refusing to give testimony to a commissioner on being required to do so, shall be subject to the penalties and punishments which they would incur for the same offence if committed in a registration office. It shall be competent to a registering officer to examine the commissioner personally in his office touching any of the circumstances connected with the
discharge of his commission, specially with reference to the voluntary nature of the admission of execution

319. Procedure on denial of execution, etc. If the person by whom the document purports to be executed, denies its execution, or if he appears to the registering officer to be a minor,* an idiot or a lunatic, or if he be dead, and his representative or assign denies its execution, the registering officer, if a Sub-Registrar, is bound to record an order of refusal to register. A Sub-Registrar, on any such denial, has no authority to inquire into the fact of execution, but a District Registrar may do so either on appeal from the order of the Sub-Registrar under Section 73, or when the denial is made before him under Section 74.

320. Copies of reasons for refusing to register. Section 71 of the Act prescribes that when a Sub-Registrar refuses to register a document except on the ground of want of jurisdiction, he shall make an order of refusal and

record his reasons in book No. If, and endorse the words "registration refused" on the document. On application made by any person executing or claiming under the document, the Sub-Registrar shall, without payment ar.d unnecessary delay, give him a copy of the reasons so recorded. Ths words "without payment" refer to copying fees and not to stamps.

321. Procedure when there are several executants. When a document purports to have been executed by more than one person, the process described above must be observed in the case of each : but it is not essential that all the alleged executants should appear before the registering officer simultaneously. The identification and admission of as many as are present should be at once recorded, and registration of the document be postponed until the appearance subsequently, of the others. In such case, a single fee, will be charged, and not a separate fee for each executant or appearance.

322. On accepting a document for registration the registering officer shall ascertain from the presenter whether on registration it should be returned to him. or to some other person named by him, by post. If he desires the document to be returned by po^t he should be asked to make an endorsement to that effect on the back of the receipt issued to him under Section 52 of the Registration Act, giving the full address and the name of the nearest post.

Note to Rule 319-For the purposes of the Registration Act all persons domiciled in India being citizens of India of whatever race or religion, are to be considered minors until they have reached the full age of eighteen years *[vide* Government of India No. 535 (Home Department!, dated the 16th April, 1897].

office and to deposit a fee of seventy-five nave paise to cover the cost of transit charges. If the presenter has registered two or more documents at the same time and desires them to be returned together by registered post to the same addressee, the rate for additional documents should be ihe actual amount of postage required for their despatch subject to a minimum of twenty-five naye paise per document. The fee shall be shown separately for each document in red ink in column 8 of the fee book and credited into the treasury by the registering officer. When the document has been copied out it should be placed in a strong cover by the registering officer himself which should be sealed in his presence and sent to the presenter or to the person named under a service registered cover. The postal receipt for the cover will be kept with the registering officer until the postage acknowledgment receipt bearing the signature of person receiving the document with date is duly received. The delivery acknowledgment (the yellow receipt) with the receipt under Section 52 shall be pasted to the counterfoil and the postal white receipt will be destroyed. If the delivery acknowledgment is not returned within a fortnight, a reminder should be issued about it to the post office concerned. Documents returned undelivered by post shall be entered in the list of "unclaimed documents" after one month from the date or their return and shall be dealt with exactly as other unclaimed documents A register in

Form No. 21, Appendix I, shall be maintained in all offices for documents sent by post and notes about their return by the post office and delivery thereafter to proper persons shall be made in the columns provided in the register.

Procedure on admission to registration

323. Procedure when document is admitted to registration. When a document has been admitted to registration, it should be made over to the registration clerk to be copied into its appropriate book : and the registering officer should see that no unnecessary delav occurs, and that document are always entered in the books in the order of their admission. The entry should be an exact copy of the document registered, and all interlineations blanks, erasures and alterations which appear in the original shall be noted in the manner laid down in Rule 262. All such entries must be authenticated by the registering officer daily.

Applications for inspection, search or copies

326. Inspection and search and grant of copies. Section 57, Act XVI 1908, provides for-

a) Inspection of books Nos. I and II and of the indexes relating to book No. I by any person desirous of inspecting the same. The foregoing books and indexes being open to inspection (on payment of the prescribed fee) by any member of the public ; it follows that any person desiring information as to their contents may employ any other persons to make the necessary inspection.

(b) Searches for entries in books Nos. Ill and IV to be made only by the registering officer as a preliminary to the grant of a copy, on the application or certain classes of persons specified in clauses 2 and 3.

(c) The grant of copies of entries-

1. In books I and II and the indexes relating to book I, to all persons applying for such copies.
2. (In books III and IV and the indexes relating thereto, to certain classes of persons specified in clauses 2 and 3, Section 57, Act XVI of 1908.

327. (1) Anv decree-holder may, for the purpose of ascertaining the particulars required by Order XXI, Rule 66 (2) (c) of the Civil Procedure Code, apply for the search of books I and II and Indexes I and II, and on payment of the prescribed fee, the registering officer shall search the said books and indexes for the preceding twelve years or twelve years preceding the mortgage or attachment, as the case may be, and shall give a certificate of the result in

Form No. 29. Appendix III, within twelve days of receipt of the application. A *bona fide* decree-holder will be entitled to obtain a supplementary search certificate for a period shorter than 12 years on payment of proportionate fees, provided he produces the original search certificate relating to the same property for a period of 12 years or files an affidavit to the effect that he had obtained a search certificate before.

(2) On application by a decree-holder regarding ancestral property, the sale of which has been ordered in execution of a Civil Court decree, or immovable property, the sale of which has been ordered in execution of a Revenue court decree, and on payment of the prescribed fee, the registering officer shall make a similar search and give a similar certificate.

(3) Similarly any applicant desiring to file a security bond hypothecating immovable property under the provisions of Rule 5, 6, 8 or 10, Order XLI of the Civil Procedure Code, or otherwise in pursuance of any order of a court, may apply to a registering officer for search of books and indexes relating thereto and on payment of the prescribed fee a certificate of non-encumbrance or otherwise will be granted to him in the

form mentioned above.

The applicant for such a certificate shall note the following additional particulars in his application

(a)The name of the court and the number of the suit in which the certificate is to be filed.

(b)The date of registration of the security bond.

(c)The name of the party who executed the band,

(d)The name of the party for whose benefit it has been executed.

If any other application

(e)Whether this is the first application was made the result should be noted.

328. Applications how to he made. All applications for copies, inspections and searches shall be made in writing to the registering

Schedule 11 of the Court Fees Act. 1870 (Act No, Vil of 1870), as amended in Uttar Pradesh but no Court-fee is leviable application for searches and inspections.

Applications for searches to be made in books No. 111 and IV, under the provisions of Section 57 of the Registration Act and applications for copies of entries made in books I, II, III and IV may be presented personally or by post. When an, application is made by post, the applicant shall at the same time remit to the registering officer by money order the amount of the fees chargeable on account of the copy or search desired, together with amount of the stamp duty,-if any, payable under Article 24 of Schedule 1-B of the Indian Stamp Act. 1899 (Act No. 11 of 1899) as amended in Uttar Pradesh.

Applications for searches under Rule 327 may be made by a decree-holder or by his duly appointed agent and may be presented either personally by the decree holder or by his appointed agent or by post. All applications for inspections and searches will be made in

Form No. 30 or 31 of Appendix All. All applications in Form Nos. 28, 30 or 3 1, shall state the applicant's full address and whether he desires the copy, result of search or encumbrance certificate to be sent by post or will attend in person or receive it through another person nominated by him in that behalf.

In case the applicant desires the search certificates or copies of entries made in books I, II, III and IV to be sent to him by registered post he shall attach with his application a properly stamped and addressed registration (postal) envelope with a properly addressed acknowledge meat receipt The registering officer shall send the certificate or copies, as soon as ready in the registered cover provided for the purpose and paste the post office receipt as well as the acknowledgment receipt on the corresponding counterfoil of the receipt book. If the postage stamps

supplied by the applicant are sufficient;- the required papers including the postal cover supplied will be sent in another cover per bearing post. The fact that an envelope has been received with the application shall he noted as soon as the application is entered in the register, the column of remarks in

Form No. 9 (register of application for copies) or Form No. 10 (registers of searches) Appendix 1, as the case may be.

329. Copies of the prescribed forms of applications for copies, inspection arches may be obtained at five naye paise each from licensed deed stamp-vendor to whom such forms will be issued by the registering quantities of not less than ten of each kind at a time at the rate of four rupees per hundred. Forms will also be procurable from the registering officer at five naye paise each in case there is no licensed deed-writer or stamp- vendor near the office or he had no stock for "le to the public. The registering officer shall maintain an account of the sale of these forms in the register of saleable forms (

Form No. 22, Appendix 1) and shall issue receipts for the sale-proceeds in Form No. 8, Appendix 1, showing distinctly the amount of sale- proceeds against the item Miscellaneous" therein and enter the amount in the register of fees (Form No. 13, Appendix 1) As the amount of sale-proceeds of forms will be credited to a head different from that to which registration receipts are credited, entries on account of the sale-proceeds of forms should be made in the fee book below the total of registration receipts and separate from it a separate total being struck for the daily sale-proceeds of forms. Every entry of sale of those forms, must be recorded in the said register (Form No. 22, Appendix 1). The register in Form No. 22 shall & so be maintained in the District Registrar's Office which will issue these forms to Sub- Registrars only. Columns 7, 9 and 11 will remain blank in his register.

330 Particulars to he stated in application for inspection. Every application for inspection shall state the year or years in the books of which inspection is desired.

331. Particulars to be stated in application for search. Every application for search shall state the year or), ears in the books of which search is desired to be made, together with such further particulars as are necessary to enable the registering officer to identify the entry sought for. It shall also contain such further information as is necessary to satisfy the registering officer that the applicant is entitled under clause 2 or 3, Section 57, Act XV I of 1908, to require a search to be made, and the registering officer may require such proof, if any, as the considers necessary of the correctness of such information.

332. Application for and grant of copy. Applications for copies will be made in Form No. 28, Appendix III. Applications for copies which are received by the registering officer must be shown. in the register of applications for copies (Form No. 9, Appendix I). A note must be made in column II against all applications which required amendment or completion by search or inspection.

In case insufficient particulars are given in an application received by post for a copy of a document in book I or II the Sub-Registrar should legitimate the fact to the applicant and direct him to attend in person or authorize some other person to make an inspection.

333. Application for copy of entry in book 111 or IV to contain certain information. Every application for a copy of an entry in book III or book IV or in the indexes relating thereto, shall also contain such information as is necessary to satisfy the registering office r' that the applicant is entitled under sub-section (2) or (3), Section 57, Act XV.1 of 1908, to claim the copy, and the registering officer may require such

proof. If any, as he considers necessary of the correctness of such information.

334. Procedure to he adopted when above Information cannot he furnished. A person desirous of obtaining a copy of an entry in book III or IV, of in the indexes relating thereto should if he is unable to furnish the necessary particulars apply to the registering officer to search for the entry. Application for a search for an entry, and for a copy of the entry when rounds may be made simultanesouly and in single application, bearing a court-fee label or twenty-five naye paise and the same fees will be charged as would be chargeable on two separate applications. Subject to the provisions of Rule 327, the registering officer is not required to search for entries other than those in books 111 and IV, or in the indexes relating thereto. If therefore, a person desirous of obtaining a copy of any other entry is not able to furnish such particulars as are necessary to enable the document to be traced without search, he should obtain the necessary information by inspecting the records or causing them to be inspected on his behalf.

335. A copy of a document registrable in book 1 but inadvertently registered in book III or book IV can be granted only to the persons referred to in clauses (2) and (3) of Section 57 unless and until, the entry is transferred to the right book under Rule 355.

336. Court fee stamps on applications to he punched. The court-fee stamp on every application received shall be immediately punched by the receiving official, who shall add his initials and the date under it, and enter the application in the appropriate register (Forms Nos. 9, 10 and 11, Appendix 1). All applications of the same class should, save as provided by Rule 338, be dealt with inter se strictly in the order of receipt. Applications for copies received in the forenoon should, as far as possible, be complied with the same day and those received in the afternoon on the next day and should have precedence over the documents remaining to be copied in the registers. Urgent copies shall have preference over ordinary ones and must be furnished with as little delay as possible. Sub-Registrars will be responsible for seeing that no application for an urgent copy remains unattended for more than 21 hours.

337. Instructions In respect of inspections. Applications for inspections of records should be dealt with as early as possible and, as a rule, on the date of presentation; if it be necessary to postpone the inspection, the reasons should be noted in the column of remarks of the register of inspections (

Form No. 11, Appendix I). Persons inspecting records shall not be permitted to being pen and ink into the room; pencil notes may however be made. Inspections shall take place in the presence of the registering officer or in the case of District Registrars' offices in the presence or the chief registration clerk in all cases due precautions should be taken to prevent tampering with the records.

338 Instructions in respect of searches. Applications for search should be dealt with as early as possible and, as a rule on the date of presentation; if it be necessary to postpone the search, the reasons should be noted in the column of remarks of the register of searches (

Form No. 10, Appendix 1).

339. If the search required is one which cannot under clause (4), Section 57, Act XVI of 1908, or Rule 327 be claimed by the applicant, or, if the application does not contain sufficient information to enable the required entry to be identified, or if the registering officer considers it necessary to require proof of the correctness of the information referred to in Rule 331, he will inform the applicant personally if in attendance, or
by service paid post if he is not present. of the order passed on his application, and will the remarks column of the register the date of such integration.

340. Upon the completion of the search the registering officer will the applicant whether the required entry has been found or the search has proved fruitless. In the latter case the fee for starch shall not be refunded, but the applicant shall be entitled to receive if he wishes, certificate that the entry sought has not been found years in the books of which search has been made being former case he shall be permitted, if present, to read, or to the entry for the finding of which the fee has been paid, may be permitted to take notes thereof in pencil only, due precaution prevent any tampering with the registers If the applicant is not in attendance, the required intimation will be sent to him by post s date of intimation will be entered in column 8 of register of searches (

Form No. 10, Appendix 1), If the application for search has been accompanied by an application for a copy, and the entry of which the copy is required has been treated the requisite particulars should forthwith be noted oil the application for copy which shall be dealt with in the order in which it would have received priority if presented at the time at which such entries are The date of entry of such particulars will be noted in column 5 of register of applications for copies (Form No. 9, Appendix 1).

341 Application for aid grant of copy. Upon the receipt of an application for copy, containing the particulars and information required by Rule' 332 and 333, the registering officer shall sanction the application, unless it is one which should be refused under Section 57, Act XIV of 1908, in which a case he shall record the reasons for his refusal on the application the Apply cant being informed personally, if he is in attendance, or by post service paid if he is not present. If the entry

cannot be found, or if the application is refused on the ground that it does not contain the particulars or information required by Rules 332 and 333, or if the registering officer considers it necessary to require proof of such information, the nature of and reason for the order passed will be intimated to the applicant in the foregoing manner. The date of such intimation will be entered in the remarks column of register of applications for copies (

342. Manner of intimating amount of fee chargeable for searches or copies of maps and plans' In the case of maps and plans for which no fee are fixed, the amount of the fee that will be charged will be intimated to the applicant in the foregoing manner the date of intimation being entered column 11 of the register of applications for copies (

Form No. 9 Appendix l).

343. In the case of an application for search or for copy presented by Post, and not accompanied by a sufficient fee the registering officer shall all intimate to the applicant by service paid post the amount of the fees required including the stamp duty, if any, payable under Article 24 of Schedule1-B of the Indian Stamp Act, 1899 (Act No. 11 of 1899), as amended in Uttar Pradesh, and shall allow him a period of fifteen days within which to make good the deficiency. If at the end of such period the deficiency be not made good, the application shall be rejected. The date of intimation of the fee, to the applicant will be entered in column 11 of the register of applications copies (

Form No. 9, Appendix I).

344. Refund of copying fees. If for any reason a copy the fees for which have been paid cannot be furnished to the applicant, he shall be entitled to a refund of the fee for preparation of the copy but not of the twenty five naye paise court-fee affixed to the application. Similarly, if in any case the sum paid by an applicant on account of a copy exceeds the
amount chargeable on account of a such copy, the applicant shall be entitled to a refund of the excess. Such refunds shall be obtained in the manner prescribed Rule 220.

345. Rules for granting and refusing inspections, searches and copies of entries in registers, indexes and miscellaneous proceedings. The rules for granting or refusing copies and searches of the registers and indexes are contained in Section 57, Act XY] of 1908. Copies of official letters are not to be given as a mere matter of course, a copy of a report submitted to superior authority should not, as a rule, be given to the party concerned. Neither should copies of official letters from supreme authority he ordinarily given (paragraph 41 1. Manual of Government Orders'. Copies of miscellaneous proceedings between parties before registering officers should, however, not be withheld. This does not of course apply to correspondence and proceedings between officials, but only to proceedings before a registering officer, to which any of the public are parties. There may conceivably he cases in which it might not be advisable to issue copies, and if such cases arise, they should be referred to the District Registrar for orders.

346. Copies of documents etc to he stamped. Registering officers must be careful to see that the provisions of the stamp law, for the lime being in force are complied with in respect or copies of documents which they may furnish to applicants. A copy given under Section 57, Act XIV of 1908, requires to be stamped under Article 24, Schedule 1-B of the Indian Stamp Act, 1899 (Act No. 11 of 1899), as amended in Uttar Pradesh, with reference to the duty chargeable on the original document.

Copies given under Sections 57 and 71, Act XVI of 1908, and copies of proceedings, orders and depositions, etc., recorded by registering officers require to be stamped under Article 24, Schedule 1 of
the Indian Stamp Act (Act 11 of 1899). Copies of proceedings, orders or depositions taken or made by District Registrars under and for the purposes of Sections 480 to 482 of the Code of Criminal Procedure, require to be stamped under Article 9, Appendix 1 of the Courts Fees Act (Act VII of 1810).

347. Applications to be Bled in yearly bundles. Every application for search or inspection or fond a copy shall be numbered and filed by the registering officer in yearly bundles. Upon each such application, if it is

granted, should be previously endorsed the order granting the application and in the case of applications for search or inspection the numbers of the years for which the search or inspection was made and the amount of fee levied.

348. Inspection and searches by Government officials. Free searches shall be allowed by registering officers in the following cases:

(a)When ordered by Collectors or sale officers in connexion with encumbrances on ancestral property the sale of which has been ordered in execution of Civil Court decree.

(b)When ordered by a court. in respect of security bonds filed by or in favour of a person bound under Sections 106, 107. 109 and 1 10, Code of Criminal Procedure.

(c)When ordered by the head of a Government office in respect of security bonds filed by Government officials for due discharge of heir duties or in connexion with encumbrances on the property pledged is a security for the house building advances granted to Government servants.

(d)When ordered by district officer or Tabsildars in respect of matters connected with taqavi loans or the-, acquisition of land
under the Land Acquisition Act, 1894. or by Income-tax officers in connexion with the assessment of income-tax, Or by the Deputy District Planning officers, Block Development Officers and Principal Training Centres in respect of matters connected with loans under the Development and Planning Rules.

(e)When asked by the manager of a co-operative society registered under Act 11 of 1912.

(f)When requisitioned by the Director of Industries, Uttar Pradesh, in respect of encumbrances on securities to industrial concerns.

(g)When ordered by a Collector conducting the sale of immovable property in connexion with the realization of arrears of ferry dues, under Section 9 of the Northern India Ferries Act, 1878 (XVII of 1878).

(h)When asked by the President or the Secretary of the Shia Central Board or of the Sunni Central Board, for a bonafide public purpose regarding any information relating to the landed properly of a Waqf or encumbrances existing on it or any deed of Waqf registered in any registration office.

All searches under this rule shall be made by the registering officers themselves, except in cases (d), (e) and (h) where inspections subject to the restrictions contained in Section 57 of the Indian Registration Act, XVI of

1908, shall be permitted to be made by any person nominated on this behalf by the requisitioning authority.

Registering officers are also required to make searches themselves for encumbrances in connexion with the securities offered by applicants for loans from the Uttar Pradesh Financial Corporation or security bonds executed by Municipal or District Board's employees or by Court of Wards' officials when requisitioned by the head of their departments if such requisitions are accompanied by the requisite search fees. In all other cases the District Registrar may decide whether starch may bonafide free of charge by the registering, officer if a requisition is received for bonafide public purposes from a Government office or court. Search made by the registering officer under this rule may extend to books 1 and 11 and both corresponding indexes as well as to books Nos. 111 and IV and their indexes. The result of such searches shall be intimated in writing and signed by, the registering officer. The requisition and this intimation shall state the Particulars of years and books under search.

349. Copies to be examined and certified as true copies. No copy of an entry in the registers of indexes granted under S. 57, or reasons for refusal to register granted under sections 71 and 76 of the Registration Act, or of miscellaneous papers or proceedings of which copies may be issued under Rule 345 shall be delivered to the applicant untill it has been signed by the person who made it and, where possible, also by another person, who has compared it with the original and ascertained that it is correct, and until it has been certified to be a true copy by the registering officers. In offices where there are two or more clerks copies made by one clerk will be examined by another. Where there is only one clerk the registering officer must himself examine the copies and sign as having done so before certifying them as true copies. In the few offices in which there is no clerk all copies must necessarily be made, examined and certified by the registering officer himself, in which case the certificate will be as follows:

Where there is an authorized apprentice entertained, such apprentice may be employed in making, but not in examining copies. No copy shall be certified to be a true copy unless it shows correctly the value of the stamp or amps, if any, on the original document.

350. Re-registration for error of description. Re-registration of a document may take place under three circumstances: the first is where a deed is altered after registration by consent of parties, to correct an error of description and in furtherance of their original intention. Such alteration, in effect makes the document a new one, different from the one already registered; and it be a document falling under 8. 17, re-registration becomes obligatory."

Corrections in sale certificates and deeds by an order or decree of the court under Section 441 of the Specific Relief Act or Sections 152 and 153 of Civil Procedure Code, should be made in the file book registers and indexes their proper places.

351. Supplementary instrument to correct errors of description. Another, mode of correcting a misdescription in a registered document is to draw up a up supplementary document reciting the error in the former one, and the correction now intended to be made, and to register this document also. The supplementary document will require to be treated in every respect the same the original, and would be liable to the same fees, subject to a maximum rupees two and twenty-five naye paise. Stamp duty on the document shall be chargeable according to the provisions or the Indian Stamp Act, 18" 1 of 1899), as modified by subsequent amendments.

352 Re-registration when a document has been executed by several persons at different times. The third way in which document may be registered be 'Bistered more than once is, where it purports to be executed by several persons, but at the time of first registration had in fact been executed by some only of those persons. If after registration the other persons also execute the document must be registered afresh, but in the latter case limitation Will in. under the proviso in Section 23, not from the date of the document, but on the date of the last execution. 353, The third way in which document may be registered is as permitted by Section 28-A of the Indian Registration Act. 1908, as amended by Act XV of f 1917.

354. Procedure on registration. Wherever a document is re-registered will be treated in all respects as if it were an entirely new document and must be re-copied, id its altered form, in the proper register, and the full fees levied. If there be not sufficient room on the back of the document for the set of endorsements required, owing to its being already occupied with the bdorsem6nts recorded at the first registration, they may he written of continued on a separate piece of paper, as provided for in Rule 383.

Errors In registration. (Sections- 68'and 69 of Act XVI of 1908)

355. (i) In the event of a document being in a wrong register he registration shall stand, but the District Registrar shall on a report being made or in his own initiative after fully satisfying himself of the fact, direct that the copy of the document with the endorsement and the certificate thereon shall be transcribed in its appropriate register without further charge,. A document so copied shall be given the number assigned to the last previous document so copied document in the book to which it is transfer d with the letter "A" affixed.

(ii) A certificate in the following form %hall be entered in the endorsement column of the register to which the entry is transferred and
on the document below the former certificate, the document being sent for if it is not in the office:

Registered again under the orders of the District Registrar No..... 19.....as document No. A of 19.....in book.....volume..... pages .....

Dated ..... 19 ..... Signature of Registering Officer

(iii) A similar certificate shall be entered in red ink at the foot of the original entry of registration with the words "wrongly" registered in this book Prefixed".

356. The registering officer shall, on receipt of the District Registrar's &graph, issue a order directing the re-registration under the foregoing par defect in notice to the claimant under the document informing him of the defect in registration and requiring him to produce the original document. If the document is produced, the Procedure laid down in Rule 355 shall be followed. If the document is not produced no action Deed be taken.

357. (i) Where by inadvertence a document is registered in a wrong office, the registering officer shall inform the executing and claiming Parties of the facts register for a direction under Section 68 for its registration afresh in the Proper office.

(ii) Where the proper office of registration is in a district other than that in which the office of wrong registration is situated, the application shall be made to the District Registrar of that other district.

(iii) When a direction is so issued to a Sub-Registrar, be shall register the document without the levy of any fee and in the endorsement of presentation shall refer to the orders of the District Registrar.

(iv) The registering officer in whose office the document was originally registered shall in any case forward to the proper office, free of charge, a copy of a memorandum of the document in accordance with the procedure prescribed by Sections 64 to 66 and the receiving officer shall file the copy or memorandum in his file book 1.

358. Special registration of loans under Land Improvement Act. A registering officer will -be held liable for any loss to Government which may arise from neglect on his part in the registration of a document, the making of a search or the grant of copy of a document.

Special under Section 89

359. Effect of the above. Section 89 of the Indian Registration Act XVI of 1908. Enact that every officer granting a loan under the Land Improvement Act"1871 shaft send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of he land to be improved or of the land to be granted as collateral security is situate, and inch registering officer shall hie the copy in his book (file book No. 1).

360 Section 99 of the Registration Act, XVI of 1908, prescribes a special mode of registration of certain classes of documents, the effect of the provisions of this section is threefold

(1)they render obligatory the registration of all documents of the classes aforementioned, without regard to value;

(2)the obligation to register is imposed upon the officer granting the loan or the court of Revenue officer granting the certificate (as the case may be) and not upon the person, to whom the loan or certificate has been granted or the person claiming thereunder

(3)a particular mode of registration is prescribed : the Revenue officer is to send a copy of his order, or of the instrument securing repayment of the loan, to the registering officer having jurisdiction: and in like manner, the court or Revenue officer is to send the registering officer a copy of the certificate of sale ; the registering officer Will then file such copy in his book (file book No. 1) and this is sufficient registration for all legal purpose.

361. Separate registration of such documents by parties Is quite voluntary may be explained further that, although the law requires that documents of the kinds under notice shall be registered by Revenue officers and courts and not by the parties, there is nothing to prevent the holder of such a document or any- hereunder, from taking it, within four persons claiming months from its date to a registering officer having jurisdiction, for registration in the usual way, irrespective of any separate registration effected by the Revenue officer or court, but every such second registration is entirely voluntary, and in all such cases the registration is to be treated as optional and classed as such In the periodical returns [Columns 25 and 26-Miseellaneous registrations other than certified copies of decree and elder of court of the annual statement No.1].

Registration and authentication of documents presented in duplicate

362 Documents presented for registration in duplicate. (i) When two or more copies of a document are presented for registration at the same time the original document shall be registered in the ordinary manner, a note being catered on the original as regards the number of duplicates registered.

The registering officer shall treat the duplicates as such, if they are exact reproductions of the original, bear the same date and are certified by the executing parties to he true and exact copies of the original. Such copies shall be examined with the original and should any discrepancy be detected the presenter shall be required to reconcile it before the document is accepted for registration, if the original contains a map or plan, or any other annexure a copy shall he annexed to each of the copies to be registered.

Procedure (of registration) of duplicate presented with a document. Each Arch copy shall be separately numbered in the fee and the register but it will not be necessary to copy the whole document more than once in the register. So far as such copies are concerned only the serial numbers and the endorsements including the stamp vendor's endorsement, if any, shall be copied in the register below the copy of the original document and the certificate of registration on the original and on the copies shall mention all the pages of the volume occupied by the entries which relate to the original and the copies. Each copy of the document shall bear the same endorsements as the original with necessary change as to the serial number and also the following additional endorsement:

Duplicate (for triplicate or other copy) of serial no .....

Difference between the original and the duplicate (or triplicate or other copy)

Interlineations, blanks, alterations-, erasures in this:

Compared by

Reader .....

Examiner

Date..... Signature of Registering Officer

Note. In entering notes of interlineations, blanks alterations and erasures on the duplicates, triplicate or other copy, the particular letter, or word or figure interlined altered or erased shall: be specified, e.g. in line 12 the word "Currency" interlined, Letter "a" or figure 112" "altered" in' line 10 of the word "money" erased, and so on. When an erased -letter or word "Cannot be deciphered the note shall run as follows:

"A word occurring after 'the' in line 5 erased".

(ii) *Procedure of authentication of duplicate powers-of-atiorney presented with the original power-of-attorney.* The duplicate or the triplicate of a power of attorney presented for authentication shall be treated as a separate power and a separate attestation fee levied thereon, but it shall not be necessary to abstract the power more than once in register of powers-of-attorney (book No. Vl) So far as the duplicate or the triplicate copies are concerned, only their number, together with the value of stamp, shall be noted

in appropriate places, a note being at the same time made in the column for abstract to the effect that it is a duplicate, triplicate or other copy of power No..... abstracted in page .....

363. Stamp duty and registration fees on the duplicate copies. Stamp duty on each duplicate copy is chargeable according to the provisions of the Indian Stamp Act (11 of 1899) and registration fees will be levied at special rate laid down in Note F to Article 1 of Appendix V of the Manual.

Appeals and applications to the District Registrar.....

Under Sections 72 and 73 of the Registration Act

364. Appeals and applications to the District Registrar under Sections 72 and 73 of the Registration Act. When application is made to a District Register to reverse the order of a Sub-Registrar refusing to admit a document of the District Registrar should examine it to See registration, 1 was made within time i.e. 50 days after the date of the order and secondly, whether it was of the nature of application under Section 72. or of an application under Section 73, if the application be brought within time, and be of the nature of an appeal under Section 72, the District Register shall pass such orders thereon as seem to him proper under the circumstances. If it be made within time, and be of the nature of an application under Section 73, i.e. an application to establish a right to have a document registered on account of denial of execution, the District Registrar must make the enquiries prescribed in Section-74, and pass an order accordingly. This is an obligation imposed upon him by law, which he is not at liberty to avoid by referring the applicant to a Civil Court.

365. Reasons for refusal to he recorded. Every District Registrar rejecting an appeal made under Section '12, or refusing to direct registration of a document on application made under Section 73, should record his reasons for doing so in the usual manner in his book No. II.

Records of proceedings before the District Registrar

366. Every record of proceedings under the Registration Act before a District Registrar will be prepared in accordance with the General Rules (Civil) of 192 for Civil Courts subordinate at the High Court of Judicature at Allahabad, Chapter V, for districts in the province of Agra, and in accordance with the Oudh Civil Rules, 1912 Chapter IX, for districts in the Province of Oudh.

Copies and memoranda of documents

367. Copies and memoranda of documents, how to be prepared. The copies and memoranda required by Sections 64, 65, 66 and 67 the Act, shall be made on Form Nos. 21 and 22, Appendix III. The names and additions of all persons executing and of all persons claiming under the document, the nature and value of the transaction, and a description of the property affected

by wuch transaction sufficient for its identification, being entered in the space in the forms provided for the transaction of the copy of a document. The addition of the persons concerned is the "addition" as described in section 2 of the Act.

368 As required by Section 287 (2) of the Cantonment Act, 11 of 1924, it amended by the Repealing and Amending Act of 1927, the District Registrar or Sub Registrar of the district or sub-district, in which any cantonment is situated shall, when any document, relating to immovable Property within he cantonment is registered, send a memorandum relating to the property and particulars of registration in

Form 23, Appendix Ill, to the cantonment authority concerned or such other authority as Government may appoint in his behalf.

369 Hindi copies and memoranda to he sent to officer who do not under-[stand English. When a District Registrar receives a copy under Sections 65. 6 and 67, of an English or Urdu document which requires that memoranda forwarded to Sub-Registrars who do not understand English or Urdu the Memoranda shall be prepared in Hindi in Devanagri script and forwarded to each of the subordinate Sub-Registrars within whose sub-district any part of it property is situated.

In each memoradum description should he given of that part only of the property affected by $be registered document which is situated within the district to the Sub-Registrar of which-the memorandum is sent.

370. Copies of memoranda to be sent through District Registrars. A District Registrar receiving a copy under Section-65, clause I, shall cause the necessary memoranda for transmission to Sub-Registrar of his district to the prepared in his own office. The preparation and submission of these memoranda should not be required from the Sub-Registrar by whom the document was registered. He is only required by Section 65 to furnish a copy of the document with endorsement certificate and map, if any. Copies under Section 65 for District Registrars of district not in Ultar Pradesh shall be forwarded through the District Registrar to whom the Sub Registrar is sub-ordinate.

371. Copies Of memoranda far foreign District Registrars to he translated into English. In forwarding to District Registrars of districts not in Utlar Pradesh vernacular copies and memoranda so received as well as these relating to vernacular documents registered by themselves under Section 66, District Registrars shall send with the copies and memoranda an English translation of their content. .

372. Date of despatch to he noted. The date on which copies and memoranda are despatched shall he entered in the column provided for endorsements in red ink in the book in which the document has been copied or in the book in which the copy has been filed under Section 65 or Section 66.

373. Cost of transmission of copies and memoranda. The cost of transmitting copies and memoranda will be borne by Government. The registration fees include all charges, such as those for postage, paper, envelopes, etc., for transmission either within or outside Uttar Pradesh.

374. Oath or affirmation go he administered cautiously. The power rated in every registering officer by Section 63 of administering an oath shall not be exercised unless the registering officer doubts the truth of any

verbal statement made to him for the purposes of this section. an oath includes an affirmation under Section 6 of Act X of 18 73.

375. Statements on oath or 2ffirmalion, how to he 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 tot he effect that recorded evidence has been taken shall, in such cases, be endorsed on the document and entered in the book in which it is registered, in the column provided for copies of endorsements.

376. Form of oath. If in any special case an oath or affirmation appears necessary. It shall he administered according to the form of oath or affirmation prescribed for witnesses under the Indian Oaths Act (X of 1873) by the High Court.

377. Form of affirmation. The form of oath or affirmation presented for witnesses by the High Court of Judicature at Allahabad is:

For at oath-"The evidence which 1 shall give to the court shall he the truth, the whole truth, and nothing but the truth So help me God

For an affirmation. 'I solemnly affirm, that the evidence which I shall give to the court shall be the truth, the whole truth and nothing but the truth".

Prosecutions, cancellation of registered documents and documents discredited by Civil courts

378. Reports of prosecution. A preliminary report of all prosecutions instituted under part XIV of the Indian Registration Act shall be made to the Inspector General as soon as any such prosecution is commenced, setting

Forth briefly the cirusnstances which led to the prosecution. As soon as possible after decision, a full report shall be made to the Inspector General accompanied by a copy of the judgment of the court. **379.Prosecutions to be instituted only with the sanction of the District Registrar:-** No prosecutions shall instituted by a Sub-Registrar without the concurrence of the District Registrar of the district. Any offence punishable official capacity, as provided in Section 83, should be made the subject of a full and completed report to the District Registrar, accompanied by the written statement of the principals or witnesses, if any, whose evidence would be material to the considered ; and if prosecution is determined the District Magistrate should be addressed, in the usual way and the services of the District Government Pleader requisitioned. On the termination of the proceedings, the file of the case should be sent for the purpose, if the result has been an acquittal of deciding whether any further action is necessary in the ends of justice or, if the result has been a conviction of preparing the final report to be made to the Inspector General with copy of the judgment.

380.Cancellation of or correction in registered documents:- When under the provisions of Section 39 of Act I of 1877 (The Special 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 opposite the copy of the document cancelled, specifying the court rendering cancellation, and the number and date of its decree and a note should be made in the index as well. This rule, if carefully attended to will greatly enhance the value of the registers. The note should be signed by the registering officer of the day. Similarly,

when a registered instrument altered by the Collector acting under the provisions of Section 9 (2) of the Bundelkhand Alienation of Land Act. II of 1903 is received, a note of the alteration shall be made at the foot of the copy of the instrument in book I. no alteration must on any account be made in the body of the copy. All such instruments shall be sent to the registering officer (and returned) thought the District Registrar.

381.Registered document discredited by Civil Court owing to faulty registration procedure:- [Rule 435 of the North Western Provinces High Court Rules of the 4th April, 1896 and Rule 47 of the Outh Civil Rules, 1912]. Under the orders marginally noted, Civil Court will resport to District Registrars whenever they discredited a registered document owing to faulty procedure on the part of registering officers. Whenever a report is received under these order enquiry should be instituted, and such measures taken as may appear advisable under the circumstance of the case. The Inspector General should at the same time be informed of the measures so taken.

Endorsements

382.Endorsements how made:- Endorsements shall always be written by or in the presence of the registering officer and of the parties concerned. With the previous sanction of the District Registrar stamp with blank spaces may however be used for recording any of the shorter endorsement forms. It should be affixed by or in presence of the registering officer. With a person who cannot write or sign his name by means of a marks his name shall be recorded at length, and registering officer shall also sign his own name in attestation that the said mark was affixed in "his" presence. When there is no room on a document for the necessary endorsements, they shall be made on a separate sheet if foolscap paper, and attached to the document, a note being at the same time made in the document itself and signed by the registering officer. Every piece of paper so added must bear the seal of the registering officer and be signed and dated by him. The "addition" of

the person concerned is the "addition" as described in Section 2 of the Act, and the word is to be interpreted where used throughout these rules.

383.Endorsements and certificates required our copies of decrees and order of courts:- Section 58 does apply to certified copies decrees and order of courts or to copies field under Section 89 in file book No. I, such as copies of orders granting loans under the Land Improvement loans Act or the Agriculturalists' Loans Act, copies of certificates of sale, etc, the endorsement required by section 52 and the certificated required by Section 60 being all that should be recorded on such copies.

384.Forms of endorsement:- The following forms of endorsements shall be adhered to as far as the circumstances of each cases will permit : A-Forms of endorsements to be recorded on every documents presented for registration under Section 52.

(1) When presented at the registration officer by some person executing or claming under it.

Personated by (name and addition) at the officer of the (District Registrar or Sub-Registrar) of.....this.....day of.....between the hours of..... and .....

Signature of Registering Officer and presenter

Note:- When the document is presented by a preventative or agent or assign, this should be stated in addition to his name and addition and the name of his principal also inserted.

B-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.

(1)When the person purporting to have executed the document is personally known to the registering officer and admits the execution of the document and the receipt (if any) of the consideration stated in it :

Execution admitted and recent of consideration acknowledged (if so) by AB.....(profession) son fo.....(caste.....) resident of mauza..... pargana .....zila....., who is personally known to the registering officer.

Signature of AB

Government Notification No. 1144/VII-15, dated the 20th August, 1911.

(2) When the person purporting to have executed the document is not personally known to the registering officer, but admits the executed of the document and the receipt (if any) of the consideration stated

in it :

(I) "Executed admitted and receipt of consideration acknowledged (if so) by AB.....(profession), son of.....,caste, resident of mauza....., pargana.....zila.....

(II) The said AB indented by CD.....(profession) son of.....and by EF.....(profession) son of.....caste .....,resident of mauza.....,pargana.....,zila.....

(III) The witnesses, of either of them (as the case may be) being personally known to the registering officer, the thumb impression of impressions of such person or persons should be taken and underneath should immediately be written :

"The above impression is/impressions are the impression/impressions of CD and EF is/are of apparent respectability, has/have been duty taken.

(3)When the person admitting execution is a thumb agent of the executant, this should be stated along with his name and addition. If the agent is acting under a duty authenticated power-of-attorney, particulars thereof should be stated, e. g, dated of authentication and officer at which authenticated.

(4)A note is to be added to the endorsement whenever-

(a)Payment of money or delivery of goods is made before the registering officer ;

(b)receipt of consideration, in whole or part is admitted. The amount to be stated in (a) and (b) ;

(c)receipt of consideration, in whole or part, is denied ;

(d)execution is admitted, but the admitter refuses to sign the endorsement .

(5) When the executant is dead :

Execution by (executant) deceased, 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, etc.

(6)When the document is one executed by any of the officer mentioned in Section 88 :

"Having satisfied myself that this document was executed by AB 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, etc.

(7) When the document is one executed by a pardanashin laby [Rule 306] :

" The terms of the document have been read out and explained to Musammat AB wife, widow, or if unmarried, daughter of CD.....profession, son of.....caste.....resident of mauza.....pargana.....zila.....

She admitted execution and acknowledge receipt of consideration (if so) with he own lips. The said musammat AB is identified by inspection behind the pardah by EF.....(profession), son of.....caste,.....resident of mauza.....pargana.....zila.....who is her.....(relationship to be stated) and by GH (profession), son of.....,caste.....resident of mauza.....pargana.....zila.....who is her.....(relationship to be stated).

These witnesses for either of them(as the case may be) being personally known to the registering officer".

In the case of either or both the witnesses being not personally known the registering officer substitute in respect of such witness or witnesses for the last sentence above: "The thumb-impressions of EF, GH who is/are of apparent respectability have been duty taken".

Signature of Registering Officer

Note: Pardanashin ladies should, ordinarily, be identified by relatives. If relatives are not available identification may be made by secants or other persons who are admitted behind the pardah.

C-Forms of endorsements for authenticating powers-of-attorney under Section 53.

(1) When the principal attends at the registration officer :

"This power-of-attorney has been executed before me...by(name and addition), who is a resident of may district (or sub-district), and is personally known to me or is identified by.....who is personally known to me, or about whose identify. I have satisfied myself and I accordingly authenticate in under Section 33 of the Indian Registration Act, XVI of 1908, and record it as NO.....of 19.....,on page.....valume.....of book VI."

Date....., Signature of Registering Officer, etc

(2) When the registering officer visits the principal at his residence or jail :

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

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

"I have satisfied myself though (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), and I accordingly authenticate in under Section 33 of the Indian Registration Act, Xvi of 1908, and record it as No.....of .....19.....,on page.....volume.....of book VI."

Date....., Signature of Registering Officer, etc

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D-Form of endorsement ofter return of a commission issued under Section 38 to obtain evidence as to the execution of a document:

" Form the above report I am satisfied that this document has been voluntaulty executed by.....and I accordingly order it to be registered.

Date....., Signature of Registering Officer, etc

E-Forms of endorsements to be recorded on wills in deposit, the sealed covers if which have been opened under Section 45 of 46.

(1) When the will is removed into court under Section 46-

"Opened and removed into the court of.....pursuant to order, dated....."

Date.....,
Officer

Signature of Registering

F-From of endorsement to be recorded under Section 60 on every document registered including will have been opened and copied into book No. III under Section 145 and 46m copies and memoranda received under the provisions of Section 64 to 67 and the documents referred to in Rules 359-361.

(1) "Registered as No.....in book No.....volume

.....on page (or pages).....this.....day of....."

Signature of Registering Officer

Note:- Endorsement under Section 60 is not required on power-of-attorney authenticated.

G- From of endorsement as to figures and amount entered in document to be recorded on every document registered under the final endorsement :

"In the tenth the word 'biswas' and in the fifteenth line the word 'one thousand rupees' (according to circum stance) occur."

Signature of Registering Officer

H- Forms of endorsement to be recorded on document ordered to be registered under Section 75 to 77.

Draft of Forms in question is given below :

(1) Execution and payment of consideration (if any) proved in case No.....of.....19 and registration ordered by the District Registrar of the Munsif or the Civil Judge of dated..... I astoundingly admit the deed to registration under Section 72, 75 77, Act XVI of 1008.

Where executant appears under Section 75 (2) the above form should be altered thus:

Execution proved in case No..... of.....19..... dated..... before the District Registrar (of the Munsif of Civil Judge) of..... and receipt of consideration acknowledged (if so) by residence..... who appeared before me under Section 75 (c) and who is known to me of [as in the case of Form B (2), paragraph 3), accordingly admit the deed of registration under Section 72, 75 or 77, Act XVI of 1908.

1- Form when a will or authority to adopt is admitted to registration after the death of a testator or donor the endorsement should be-

"Admitted to registration under S. 41 (2). Registration: Act, on my being satisfied (1) that this will or authority was executed by the testator or donor; (2) that. the said.testator or donor is dead , and .(3) that..... son of....., the presenter is entitled to present it under S.40 of the Act.

CHAPTER IV

385. District Registrar's inspections. By Section 68 of the lndian Registration Act the District Registrar of the district is invested with and control over Sub-Registrar god to enable him to exercised such super- vision and control in an efficient manner, it is essential that he should examine the registers and other records therein as often as possible. Offices of all Sub-Registrars at the headquarters of a registration district shall be frequently inspected by District Registrars, and. other registration, offices once at least in each year by visiting such offices or by calling for and inspecting the books

and indexes, etc., which should be brought by the departmental Sub-Registrars in person and not by his clerk. Work must necessarily be stopped while the books are away' and this arrangement would enable the District Registrar to personally see the departmental Sub-Registrar and test his physical fitness. etc. The result of all inspections should be recorded in the inspection book of the office, and a copy sent to the Inspector General within 1 5 days from the date of inspection. In submitting the results of inspection, the purport of the orders issued should invariably he noted thereon before they are transmitted to the Inspector General.

386. To save probable inconvenience and disappointment to the public from the outlying office being closed owing to the absence of a Sub-Registrar at headquarters for inspection or other purposes for three or, four days at a lime under Rule 385, District 'Registrars should give fiften13 days' notice of the date an which the Sub-Registrar will be required in order that the Sub-Registrar way post up a notice at his office stating the date between which the office will be closed the public.

387. Examination of registers. When the Examination of the registers takes place at headquarters, the points on which the District Registers attention should be chiefly directed are-

(1)Whether the books have been neatly and cleanly kept, all the entries numbered consecutively, and properly authenticated by the registering officer, and all corrections verified by this initials. Area the registers firmly bound and in good conditions?

(2)Whether all the documents registered were duly stamped.

(3)Whether the documents had been copied into their proper register books, and whether the registering officer had jurisdiction.

(4)Whether the document was brought within time and was presented by a person entitled to do so, and whether the endorsement of presentation prescribed in Section 52 of the Act was correctly recorded.

(5)Whether the executant admitted execution and had been properly identified, and whether the endorsement-.recording such admission and identification as well as any payment of money or delivery of goods, or admission of receipt of consideration in whole or in part made in the registering
officer's presence, prescribed in Section 58, had been properly made.

(6)Whether the certificate of registration prescribed in Section-60 correctly describes the, registration: number book, volume, and page of the register, and is duly dated.

(7)In cases of refusal to register, whether the reasons of such refusal have been clearly recorded in book No. 11 and are sufficient.

(8)Whether copies and memoranda received for registration from other offices are duly filed in the file book No. 1, and are properly numbered.

(9)Whether the descriptions entered in book No. VI of powers-of-attorney authenticated show that authority was given to present documents for registration, and in the case of special powers, the offices where such powers were intended to be used. He should also see whether the endorsement shows that the power-of-attorney was executed before the Sub-Registrar.

(10)Whether the proper fees have been levied in each case and are entries in the registers, cheque-book, fees-book and dakhila, made in English as well as or instead of vernacular figures, and do all agree.

(11)Register No. VII, showing visits and commissions, should also be scrutinized. Does the Sub-Registrar' go himself? Is distance correctly shown and proper travelling allowance charged?

388. When the District Registrar examines an office in situ he should also see-

(1)the office accommodation

(2)the almirahs whether in good order with locks and whether they are sufficient: he should also examine the Condition of the registers and records:

(3)whether the miscellaneous papers are properly classified and kept in order and with method.

(4)whether weeding has been punctually and properly done;

(5)whether the indents are correctly prepared and the stock of blank forms neither excessive nor deficient;

(6)whether the staff is maintaining its efficiency-keeping proper hours and conducting the business of the office With punctuality, accuracy and despatch.

(7)whether the Sub-Registrar or clerk's carry on any other business, such as that of document writting, stamp-vending, petition, writing etc.

389. Examination of indexes and subsidiary books. Besides the Registrars, the indexes and other subsidiary books and records will require attention. The chief points to be looked to are

Whether the current indexes are' Clearly Written and brought up to A few index entries here and there should be tested to ace date that they have been correctly prepared. It should also be seen that the indexes of pas years have been properly bound.

(2) As to the fees book. whether the entries correspond with the registers, and whether the daily collection are promptly paid into the treasury.

(3) The receipt book should be examined to see whether the procedure prescribed in Rules 284-349 has been carried out, and Whether there has been any undue delay in returning documents after registration. Enquiry should also -he made as to whether any documents remained undelivered at time of inspection, and the reason thereof.,

(4) The minute book, order file and the miscellaneous records prescribed in Rules 279 to 283 should also be inspected.

390. It must be clearly understood that the appointment of Inspectors does not relieve District Registrars of the duty of inspecting registration offices under the instructions contained in Rules 385 to 389.

391. Inspecting officers to have free access and necessary Sub-Registrar's shall allow the inspecting Officers free access to all registers and Papers in their offices and shall give them all information Which they may equire and afford them every facility for the due performance of their duties. Inspecting officers should report any case in which this rule is not observed.