

# The Registration Act, 1977 (1920 A.D.)

JAMMU & KASHMIR

India

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### Act 35 of 1977

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The Registration Act, 1977 (1920 A.D.) Act No. 35 of 1977 [Sanctioned by His Highness the Maharaja Sahib Bahadur per Chief Minister's endorsement No. 83/2, dated 11th September, 1920, read with State Council Resolution No. 1, dated 8th April, 1925 (Notification 14-L/81).] An Act to consolidate the enactments relating to the Registration of Documents Whereas it is expedient to consolidate the enactments relating to the registration of documents; It is hereby enacted as follows:-

## Part I – Preliminary

### 1. Short title, extent and commencement.

(1) This Act may be called the Registration Act, 1977. (2) It extends to the whole of Jammu and Kashmir State. It shall come into force on the 1st day of Baisakh, 1978.

### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(1) [ "Addition" means the place of residence; and the profession, trade, of a person described, and in the case of a Permanent resident of the State , his father's name' or where he is usually described as the son of his mother then his mother's name and in the case of married woman, her husband's name; and] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.](2) "Book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book [and the information storage devices like floppy disc, hard disc or compact disc or any other device] [Added by Act No. XIII of 2011, dated 25th April, 2011.];(3) "District" and "sub-district" respectively mean a district and sub-district formed under this Act;(4) Omitted.(5) "Endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act;(6) "Immovable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached

to the earth, but not standing timber, growing crops nor grass;(7)"Lease" includes a counterpart, kabuliyat an undertaking to cultivate or occupy, and an agreement to lease;(8)"Minor" means a person who, according to the personal law to which he is subject, has not attained majority;(9)"Movable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immovable property; and(10)"Representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

## **Part II – Of the Registration-Establishment**

### **3. Inspector General of Registration.**

(1)[The Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] shall appoint an officer to be the Inspector General of Registration for the Jammu and Kashmir State:Provided that [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] appoint in this behalf.(2)The Inspector General may hold simultaneously any other office under Government.(3)[ The Government may also, appoint Additional Inspector General of Registration, Joint General of Registration and Deputy Inspector General of Registration and may prescribe the duties of such officers:Provided that every such officer shall be subordinate the Inspector General of Registration.] [Inserted by Act No. XIII of 2011, dated 25th April, 2011.]

### **4.**

Omitted.

### **5. Districts and sub-districts.**

(1)For the purpose of this Act, [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.(2)The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the Government Gazette.(3)Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

## **6. Registrars and Sub-Registrars.**

- [The Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] may appoint such public officers as it thinks proper to be District Registrars and [x x x x] [The words 'the Inspector General' omitted by Act XIV of 2004.] may appoint Sub-Registrars according to the sanctioned cadre and may also invest such public officers [as the Government think] [Substituted by Act XIV of 2004 for 'as he thinks'.], proper with powers of a Sub-Registrar for the several subdistricts.

## **7. Offices of Registrar and Sub-Registrar.**

(1)[The Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars.(2)[The Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar, and may authorise any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate :Provided that no such authorisation shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

## **8.**

Omitted.

## **9.**

Omitted.

## **10. Absence of Registrar or vacancy in his office.**

(1)When any Registrar is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General invests with powers in this behalf, shall perform the duties of the Registrar during such absence or until [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] fill up the vacancy.(2)Omitted.

## **11. Absence of Registrar on duty in his district.**

- When any Registrar is absent from his office on duty in his district, he may authorise any Sub-Registrar to perform, during such absence, all the duties of a Registrar except those mentioned

in sections 68 and 72.

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

- When any Sub-Registrar is absent, or when his office is temporarily vacant, any public officer whom the Registrar of the district authorises in this behalf shall be Sub-Registrar during such absence or until the vacancy is filled up [x x x x x] [The words 'the Inspector General of Registration' omitted by Act XIV of 2004.].

## **13.**

Omitted.

## **14. Remuneration and establishments of registering officers.**

(1)[The Government may assign such salaries as the Government deem proper] [Substituted by Act XIV of 2004 for certain words.] to the registering officers appointed under this Act or provide for their remuneration by fees, or partly by fees and partly by salaries.(2)[The Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] may allow proper establishments for the several offices under this Act.

## **15. Seal of registering officers.**

- The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] direct "The seal of the Registrar (or of the Sub-Registrar) of.

## **16. Register books and fire proof boxes.**

(1)The Inspector General of Registration shall provide for the office of every registering officer the books necessary for the purposes of this Act.(2)The books so provided shall contain the forms from time to time prescribed by the Inspector-General with the sanction of [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.], and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.(3)The Inspector General of Registration shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

## **16A. [ Keeping of books in computer floppies diskettes etc. [Inserted by Act No. XIII of 2011, dated 25th April, 2011.]**

(1)Notwithstanding anything contained in section 16, the books provided under section 16 may also be kept in computer floppies or diskettes or any other electronic form in the manner and subject to the safeguards as may be prescribed by the Inspector General with the sanction of the Government.(2)Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under sub-section (1) given by the Registering Officer under his hand and seal shall be deemed to be a copy given under section 57 for the purposes of sub-section (5) of that section.]

## **Part III – Of Registrable Documents**

### **17. Documents of which registration is compulsory.**

(1)The following documents shall be registered, namely ;-(a)instruments of gift of immovable property;(b)other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, to or in immovable property;(c)non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;(d)any partnership deed;(e)any adoption deed;(f)any non-testamentary authority to adopt; and(g)leases of immovable property for any term exceeding one year, and reserving a yearly rent exceeding fifty rupees:Provided that [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] may, by order published in the Jammu and Kashmir Government Gazette, exempt from the operation of this sub-section any such leased executed in any district, or part of a district.(h)[ non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, decree, assign, limit or extinguish, whether in present or in future, am right, title or interest, whether vested or contingent, to or in immovable property;] [Clause (h) to section 17(1) added by Act VII of 1996.](i)[ any document which purports or operates to effect any contract for sale of any immovable property.] [Inserted by Act No. XIII of 2011, dated 25th April, 2011.](2)Nothing in clauses (b) and (c) of sub-section (1) applies to-(i)any composition deed; or(ii)any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immovable property; or(iii)any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or(iv)any endorsement upon, or transfer of any debenture issued by any such Company; or(v)[any document other than the documents specified in clause (i) of sub-section (1)] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] not itself creating, declaring, assigning, limiting or extinguishing any right, title or

interest to or in immovable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or(vi)any decree or order of a Court [except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject-matter of the suit or proceeding] [In section 17 (2) (vi) words within brackets substituted for the words 'and any award' by Act VII of 1996.]; or(vii)any grant of immovable property by Government; or(viii)any instrument of partition made by a revenue officer; or(ix)[ [any instrument relating to the loan granted] [Clause (ix) substituted by Act VI of 1955.] under authority of Cabinet Order No. 1547-C of 1953 dated 15th December, 1953];(x)any order granting a loan under the [Jammu and Kashmir Government Aid to Agriculturist and Land Improvements Act, Samvat 1993] [Substituted by Act XXIII of 1966 for 'Agriculturists Loans Act'.], or instrument for securing the repayment of a loan made under that Act; or[(x-a) any instrument relating to the loan granted to displaced persons for construction of houses or for petty trade] [Clause (x-a) inserted by Act XXIII of 1966.];(xi)any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage;(xii)[ any instrument which purports or operates to transfer land in favour of State or a Panchayat constituted under the Jammu and Kashmir Village Panchayat Act, 2008] [Clause (xii) inserted by Act XXXII of 1956.].[\* \* \*] [Omitted 'Explanation. - A document purporting or operating to effect a contract for the sale of immovable property shall not be deemed to require or ever to have required registration by reason only of the fact that such document contains a recital of the payment of any interest-money or of the whole or any part of the purchase-money.' by Act No. XIII of 2011, dated 25th April, 2011.]

## **18. Documents of which registration is optional.**

- Any of the following documents may be registered under this Act, namely:-(a)leases of immovable property from year to year or for any term below one year, and reserving a yearly rent of rupees fifty or less and leases exempted under section 17;(b)instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in movable property;(c)wills; and(d)all other documents not required by section 17; to be registered.

### **18A. [ Document for registration to be accompanied by true copy thereof. [Section 18A inserted by Act VIII of 1964.]**

- Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document presented to him for registration unless such document is accompanied by a true copy thereof.]

## **19. Documents in language not understood by registering officer.**

- If any document duly presented for registration by in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by [two copies of the true translation] [Substituted by Act VIII

of 1964 for 'a true translation'.] into a language commonly used in the district and also by a true copy.

## **20. Documents containing interlineations, blanks, erasures or alterations.**

(1)The registering officer may in his discretion refuse to accept for registration,any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration.(2)If the registering officer registers any such document, he shall, at the time of registering the same make a note in the register of such interlineation, blank, erasure or alteration.

## **21. Description of property and maps or plans.**

(1)No non-testamentary document relating to immovable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.(2)Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.(3)Other houses and lands shall be described by their names, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.(4)No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map of plan as are equal to the number of such districts.

## **22. Description of houses and land by reference to Government maps or surveys.**

(1)Where it is, in the opinion of [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.], practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.(2)Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

## **Part IV – Of the time of Presentation**

### **23. Time for presenting documents.**

- Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to, the proper officer within four months from the date of its execution: Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final. Re-registration of certain documents. - Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered any person claiming under such document may within four months from his first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for registration was a presentation for registration made within the time allowed therefor under Part IV and all the provisions of this Act. as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration: Provided that, within three months from the commencement of this Act, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.

### **24. Document executed by several persons at different times.**

- Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

### **25. Provision where delay in presentation is unavoidable.**

(1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in the State is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding five times the amount of the proper registration fee, such document shall be accepted for registration. (2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.



## **26. Documents executed out of the State.**

- When a document purporting to have been executed by all or any of the parties out of the State is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied-(a)that the instrument was so executed, and(b)that it has been presented for registration within four months after its arrival in the State,may, on payment of the proper registration-fee, accept such document for registration.

## **27. Wills may be presented or deposited til any lime.**

- A will may at any time be presented for registration or deposited in manner hereinafter provided.

## **Part V – Of the Place of Registration**

### **28. Place for registering documents relating to land.**

- Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clauses (a), (b), (c), (d), (e), (f) and (g), and section 18 clause (a) shall be presented for registration in the office of the Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

### **29. Place for registering other documents.**

(1)Every document other than a document referred to in section 28, and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] at which all the persons executing and claiming under the document desire the same to be registered.(2)A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immovable property, in the office of any other Sub-Registrar under [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] at which all the persons claiming under the decree or order desire the copy to be registered.

### **30. Registration by Registrars in certain cases.**

(1)Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.(2)Omitted.

### **31. Registration or acceptance for deposit at private residence.**

- In ordinary cases the registration or deposit of documents under this Act, shall be made only at the office of the officer authorized to accept the same for registration or deposit: Provided that such officer may, on special case being shown, attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

## **Part VI – Of Presenting documents for Registration**

### **32. Persons to present documents for registration.**

- Except in the cases mentioned in section 31 and section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration office, -(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or (b) by the representative or assign of such person, or (c) by the agent of such person, representative or assign duly authorised by power-of-attorney executed and authenticated in manner hereinafter mentioned.

### **32A. [ Affixation of photograph and thumb impression. [Inserted by Act No. XIII of 2011, dated 25th April, 2011.]**

- Every person presenting any document for registration under section 32 shall affix his passport size photograph and thumb impression to the document: Provided that where such document relates to the transfers of ownership of immovable property, the passport size photograph and thumb impression of each buyer and seller of such property mentioned in the document shall also be affixed to the document.]

### **33. Power of attorney recognizable for purposes of section 32.**

(1) For the purposes of section 32, the following powers of attorney shall alone be recognized, namely -(a) if the principal at the time of executing the power-of-attorney resides in any part of the State, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides; (b) if the principal at the time aforesaid does not reside in the State, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, [Indian] [Substituted by A.L.O. 2008 for 'British'.] Consul or Vice-Consul, or representative [x x x x x] [The words 'of His Majesty or' omitted by A.L.O. 2008.] of the Government of India : Provided that the following persons shall not be required to attend at any registration-office for the purpose of executing any such power-of-attorney as is mentioned in clause (a) of this section, namely: -(i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend ; (ii) persons who are in jail under civil or criminal process ; and (iii) persons exempt by law from personal appearance in Court. (2) In the case of every such person the Registrar or Sub-Registrar, as the case may be, if satisfied that the power-of-attorney has

been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office aforesaid.(3)To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar may either himself go to the house of the person purporting to be the principal, or to the Jail in which he is confined, and examine him, or issue a commission for his examination.(4)Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

### **34. Enquiry before registration by registering officer.**

(1)Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88, and 89, no document shall be registered under this Act, unless the person executing such document, or their representatives, assigns or agents authorised as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding five times the amount of the proper registration fee, in addition to the fine, if any payable under section 25, the document may be registered.(2)Appearances under sub-section (1) may be simultaneous or at different times.(3)The registering officer shall thereupon(a)enquire whether or not such document was executed by the persons by whom it purports to have been executed;(b)satisfy himself as to the identity of the person appearing before him and alleging that they have executed the document; and(c)in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.(4)Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.(5)Nothing in this section applies to copies of decrees or orders.(6)[ No document shall be registered under this Act unless the registering officer is satisfied that the market value of the property, which is the subject matter of the instrument received by him for registration has been truly set forth therein and is not less than true market value of such property as determined in accordance with the provisions of the Stamp Act, Samvat 1977 and the rules framed thereunder.] [Added by Act III of 2006.]

### **35. Procedure on admission and denial of execution respectively.**

(1)(a)If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or(b)if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or(c)if the person executing the document is dead, and his representative or assign appears before- the registering officer and admits the execution, the registering officer shall register the document as directed in sections 58 to 61. inclusive.(2)The registering officer may in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be or for any other purpose contemplated by this Act, examine any one present in his office.(3)(a)If any person by whom the document purports to be executed denies its execution, or(b)if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or(c)if any person by

whom the document purports to be executed is dead, and his representative or assign denies its execution the registering officer shall refuse to register the document as to the person so denying, appearing, or dead: Provided that, where such officer is Registrar, he shall follow the procedure prescribed in Part XII: [Provided further that the Inspector General of Registration with the sanction of [the Government] [Further proviso to section 35 (3) added by Act II of 1988.] may by notification in the Jammu and Kashmir Government Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, be deemed to be a Registrar for the purposes of this sub-section and Part XII.]

## **Part VII – Of Enforcing the Appearance of Executants and Witnesses**

### **36. Procedure where appearance of executant or witness is desired.**

- If any person presenting any document for registration or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] direct in this behalf to issue a summons requiring him to appear at the registration office, either in person or by duly authorised agent, as in the summons may be mentioned, and at a time named therein.

### **37. Officer or Court to issue and cause service of summons.**

- The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

### **38. Persons exempt from appearance at registration office.**

(1)(a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration office, or (b) a person in Jail under civil or criminal process, or (c) persons exempt by laws from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration office, shall not be required so to appear. (2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

### **39. Law as to summonses, commissions and witnesses.**

- The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall save as aforesaid and

mutatis mutandis, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

## **Part VIII – Of Presenting Wills and Authorities to Adopt**

### **40. Person entitled to present wills and authorities to adopt.**

(1)The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.(2)The donor, or after his death the donee, of any authority to adopt, or the adoptive, son, may present it to any Registrar or Sub-Registrar for registration.

### **41. Registration of wills and authorities to adopt.**

(1)A will or an authority to adopt presented for registration by the testator or donor, may be registered in same manner as any other document.(2)A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied-(a)That the will or authority was executed by the testator or donor, as the case may be ;(b)that the testator or donor is dead; and(c)that the person presenting the will or authority is, under section 40, entitled to present the same.

## **Part IX – Of the Deposit of Wills**

### **42. Deposit of wills.**

- Any testator may, either personally or by duly authorised agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

### **43. Procedure on deposit of wills.**

(1)On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book, No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.(2)The Registrar shall then place and retain the sealed cover in his fireproof box.

### **44. Withdrawal of sealed cover deposited under section 42.**

- If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorised agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied

that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

#### **45. Proceedings on death of depositor.**

(1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence open the cover, and, at the applicant's expense, [cause a true copy of the contents thereof to be made and filed in his Book No. 3.] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] (2) When such [true] copy has been filed [Substituted by Act No. XIII of 2011, dated 25th April, 2011.], the Registrar shall re-deposit the original will.

#### **46. Saving of certain enactments and powers of Courts.**

(1) Nothing hereinbefore contained shall affect the provisions of section 81 of the Probate and Administration Act, or the power of any Court by order to compel the production of any will. (2) [When any such order is made, the Registrar shall, unless a true copy of the will has been already been filed under section 45, open the cover and cause a true copy of the will to be made and filed in his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.]

### **Part X – Of the Effects of Registration and Non-Registration**

#### **47. Time from which registered document operates.**

- A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

#### **48. Registered documents relating to property when to take effect against oral agreements.**

- All non-testamentary documents duly registered under this Act, and relating to any movable property, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession [and the same constitutes valid transfer under any law for the time in being force] [In section 48 words within brackets added by Act VII of 1996.].

#### **49. Effect of non-registration of documents required to be registered.**

- No document required by section 17 [or by any provision of the Transfer of Property Act] [In section 49 words within brackets added by Act VII of 1996.] to be registered shall-(a) affect any immovable property comprised therein, (b) confer any power to adopt, or (c) be received as evidence

of any transaction affecting such property or conferring such power, unless it has been registered.

## **50. Certain registered documents relating to land to take effect against unregistered documents.**

- Every document falling under any exemption mentioned in section, 17, or clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every un-registered document relating to the same property, and not being a decree or order, whether such unregistered documents be of the same nature as the registered document or not.

## **Part XI – Of the Duties and Powers of Registering Officers**

(A)As to the Register-Books and Indexes.

### **51. Register books to be kept in the several offices.**

(1)The following books shall be kept in the several offices hereinafter named, namely:-A - In all registration offices-Book 1, "Register of non-testamentary documents relating to immovable property";Book 2, "Record of reasons for refusal to register" ;Book 3, "Register of wills and authorities to adopt" ;Book 4, "Miscellaneous Register" ;B - In the offices of Registrars-Book 5, "Register of deposits of wills".(2)[ In Book 1 shall be filed(a>true copies of all documents; and(b)all memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.](3)In Book 4 shall be [filled true copies of all documents] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] registered under clauses (b) and (d) of section 18 which do not relate to immovable property.(4)Nothing in this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.(5)[ If in the opinion of the Registrar, any of the Books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may, by a written order direct such Book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69 and the copy prepared ad authenticated under such direction shall for the purposes of this Act be deemed to have taken the place of, and to be, the original Book or portion, and all references in this Act to the original Book or portion thereof shall be deemed to be reference tot he Book of portion so copied or authenticated.] [Added by Act No. XIII of 2011, dated 25th April, 2011.]

### **52. Duties of registering officer when document presented.**

(1)(a)The day, hour and place of presentation, [hour, the photograph and thumb impression affixed under section 32-A] [Inserted by Act No. XIII of 2011, dated 25th April, 2011.] and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;(b)a receipt for such document shall be given by the registering officer to the person presenting the same; and,(c)[ subject to the provisions contained in section 62 a copy of every document admitted in registration shall, without unnecessary delay, be pasted in the Book

appropriated therefor according to the order of admission of the document.] [Clause (c) substituted by Act VIII of 1964.](2)All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

### **53. Entries to be numbered consecutively.**

- All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

### **54. Current indexes and entries.**

- In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has [filed a true copy] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] of, the document to which it relates.

### **55. Indexes to be made by registering officers and their contents.**

(1)Four such indexes shall be made in all registration offices, and shall be named respectively, Index No. I, Index No. II, Index No. III and Index No. IV.(2)Index No. I shall contain the names and additions of of persons executing and of all persons claiming under ["every documents" of which a true copy or a memorandum is filed] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] in Book No. 1.(3)Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.(4)Index No. III shall contain the names and additions of all persons executing [every will and authority of which a true copy is filed in Book No. 3] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all person claiming under the same.(5)Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every [document of which a true copy is filed] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] in Book No. 4.(6)Each index shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.[56. Repealed.] [Section 56 omitted by Act II of 1988.]

### **57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.**

(1)Subject to the previous payment of the fees payable in that behalf, the Books No. 1 and 2 and the Index relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62 copies of entries in such books shall be given to all persons applying for such copies.(2)Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executant (but not before)



to any person applying for such copies.(3)Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.(4)The requisite search under this section for entries in Books No. 3 and 4 shall be made only by the registering officer.(5)All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.(B)As to the procedure on admitting to registration.

## **58. Particulars to be endorsed on documents admitted to registration.**

(1)On every document admitted to registration, other than a copy of decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely :-(a)the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent ;(b)the signature and additions of every person examined in reference to such document under any of the provisions of this Act; and(c)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.(2)If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

## **59. Endorsements to be dated and signed by registering officer.**

- The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

## **60. Certificate of registration.**

(1)After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered" together with the number and page of the book in which [the true copy of the document has been filed] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.](2)Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

## **61. Endorsements and certificate to be copied and thereupon, on sanction by [the Governor] [Substituted by Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 for 'Sadar-i-Riyasat'.] required to be submitted to him, document returned.**

- [(1) The endorsement and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented along with the document, and the true copy of the map or plan, if any, mentioned in section 21 shall also be filed along with the true copy of the document.] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.](2)if a document falls under clause (a) or (b) of sub-section (1) of section 17, the registering officer shall, after its registration in his office, submit it in the manner prescribed in this behalf for [the Governor's] [Substituted by Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 for 'Sadar-i-Riyasat'.] sanction.[(2-a) Notwithstanding anything to the contrary in sub-section (2) or in any other law, rule or order [the Governor] [Sub-section (2-A) added and words within brackets in such section (3) substituted by Council Resolution No. 124 dated 20th March, 1926 (Notification I/L-83 published in Government Gazette dated 5th Jeth, 1983, (Extraordinary).] may, by order published in the Jammu and Kashmir Government Gazette, subject to such conditions or restrictions (if any) as may be specified by [the Governor] [Substituted by Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 for 'Sadar-i-Riyasat'.], dispense with the submission to him, for his sanction of all or any class of the documents referred to in sub-section (2) and may also, by such order and subject to such conditions or restrictions (if any), authorise any officer to give sanction to all or any class of such documents.] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.](3)[On receipt of the sanction required under sub-section (2) or, (2-a) as the case may be, or if the document does not require submission for such sanction,] [Sub-section (2-A) added and words within brackets in such section (3) substituted by Council Resolution No. 124 dated 20th March, 1926 (Notification I/L-83 published in Government Gazette dated 5th Jeth, 1983, (Extraordinary).] on compliance with the procedure, hereinbefore provided, the registration of the document shall be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

## **62. Procedure on presenting document in language unknown to registering officer**

- [(1) When a document is presented for registration under section 19, a copy of the translation shall be pasted in the register of documents of the nature of the original, and the second copy of the translation, together with the copy referred to in section 19, shall be filed in the registration office.] [Sub-section (1) substituted by Act VIII of 1964.](2)The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

## **63. Power to administer oaths and records of substance of statements.**

(1)Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.(2)Every such officer may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the

registering officer.(3)Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.(C)Special Duties of Sub-Registrar

#### **64. Procedure where document relates to land in several sub-districts.**

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

#### **65. Procedure where document relates to land in several districts.**

(1)Every Sub-Registrar on registering a non-testamentary document relating to immovable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property situate other than the district in which his own sub-district is situate.(2)The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.(D)Special Duties of Registrar

#### **66. Procedure after registration of documents relating to land.**

(1)On registering any non-testamentary document relating to immovable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.(2)The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.(3)Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.(4)Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.[67. Omitted.] [Section 67 omitted by Act 1 of 1968.](E)Of the Controlling Powers of Registrars and Inspector General.

#### **68. Power of Registrar to superintend and control Sub-Registrars.**

(1)Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.(2)Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to

him or in respect of the rectification of any error regarding the book or the office, in which any document has been registered.

## **69. Power of Inspector General to superintend registration offices and make rules.**

- The Inspector General shall have a general superintendence over all the registration offices in [the territories of the State] [Substituted by Act X of 2010 for 'the territories under His Highness'.], and shall have power from time to time to make rules consistent with this Act-(a)providing for the safe custody of books, papers and documents;(aa)[ providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16-A; and] [Inserted by Act No. XIII of 2011, dated 25th April, 2011.](b)Omitted ;(c)Omitted ;(d)regulating the amount of fines imposed under sections 25 and 34, respectively ;(e)regulating the exercise of the discretion reposed in the registering officer by section 63 ;(f)regulating the form in which registering officers are to make memoranda of documents;(g)regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;(gg)[ regulating the manner in which the instruments referred to in sub-section (2) of section 88 may be presented for registration; [Inserted by Act No. XIII of 2011, dated 25th April, 2011.](gga)regulating the manner of recopying of Books, indexes or portions thereof;](h)declaring the particulars to be contained in Indexes No. I, II, III and IV respectively; and(i)generally, regulating the proceedings of the Registrars and Sub-registrars.(2)The rules so made shall be submitted to [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] for approval, and after they have been approved, they shall be published in the Government Gazette, and on publication shall have effect as if enacted in this Act.

## **70. Power of Inspector General to remit fines.**

- The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.

## **Part XII – Of Refusal to Register**

### **71. Reasons for refusal to register to be recorded.**

(1)Every Sub-Registrar refusing to register a document, except on the grounds that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his book No. 2. and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document shall without payment and unnecessary delay, give him a copy of the reasons so recorded.(2)No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

## **72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.**

(1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the registrar may reverse or alter such order. (2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

## **73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.**

(1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document or his representative, assign or agent authorised as aforesaid may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered. (2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

## **74. Procedure of Registrar on such application.**

- In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire-(a) whether the document has been executed; (b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

## **75. Order by Registrar to register and procedure thereon.**

(1) If the Registrar finds that the document has been executed and that the requirements have been complied with, he shall order the document to be registered. (2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59, and 60. (3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration. (4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence, as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any

such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure.

## 76. Order of refusal by Registrar.

(1) Every Registrar refusing—(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or (b) to direct the registration of a document under section 72, shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded. (2) No appeal lies from any order by a Registrar under this section or section 72.

## 77. Suit in case of order of refusal by Registrar.

(1) Where the Registrar refuses to order the document to be registered, under section 72, or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree. (2) The provisions contained in sub-sections (2) and (3) of section 75 shall, mutatis mutandis apply to all documents, presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such.

## Part XIII – Of the Fees for Registration, Searches and Copies

### 78. Fees.

- The fees payable under this Act are :- [I. - For registration of documents:-] [Substituted by Act IX of 1982 with effect from 1-5-1982.]

Documents	Amount or value entered in the documents	Fee payable			
1. Sale deeds and Mortgage deeds.	When it does not exceed Rs. 20	Rs. 1.20			
	When exceeds Rs. 20 but does not exceed Rs. 30.	Rs. 1.80			
	do.	30	do. 40.	Rs. 2.40	
	do.	40	do. 50.	Rs. 3.00	

do.	50	do. 60.	Rs. 3.60
do.	60	do. 70.	Rs. 4.20
do.	70	do. 80.	Rs. 4.80
do.	80	do. 90.	Rs. 5.20
do.	90	do. 100.	Rs. 6.00
do.	100	do. 1,000.	
on every Rs. 100 or part thereof in excess of Rs. 100	Rs. 3.60		
When it exceeds Rs. 1,000 for every Rs. 100 or part thereof in excess of Rs. 1,000	Rs. 1.20		
2. Wills and authorities to adopt			Rs. 4.80
3. Deeds of gift or of settlement			Rs. 2.40
4. Deeds of partition Farkhati and partnership			Rs. 4.80
5. Other deeds			Rs. 2.40]
II. For searching the registers.	Rupees two for the register of each year.		
III. For copy of a copy.	According to the rates prescribed in the copying rules.		
IV. For the issue of a commission.	The amount fixed by the registering officer as proper.		
V. For filing translation.	Fifty paise.		
VI. For attending private residences.	[Rupees twenty] [Substituted by Act I of 1984, section 2 for the words and figures 'Rupees five and 25 paise per mile respectively.'] and if such residence is outside the limits of the headquarter [Rupee one per kilometer] [Substituted by Act I of 1984, section 2 for the words and figures 'Rupees five and 25 paise per mile respectively.'] for travelling expenses.		

**79. [ Fees may be remitted or reduced by the Government. [Section 79 inserted by Notification 20-L/86 published in Government Gazette dated 14th Chet 1986.]**

- [The Government] may by notification in the Jammu and Kashmir Government Gazette remit or reduce the fees chargeable under section 78 with respect of any document or class of documents.]

## **80. Fees payable on presentation.**

- All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

### **80A. [ Recovery of insufficient registration fees as arrears of land revenue/ refund of excess fee. [Inserted by Act No. XIII of 2011, dated 25th April, 2011.]**

(1) If on inspection or otherwise it is found that the fees payable under this Act in relation to any document which is registered has not been paid, or has been paid insufficiently, such fees may, after failure to pay the same on demand within the period specified therein, on a certificate of the Registering Officer concerned, be recovered from the person who presented such document for registration under section 32 as arrears of land revenue. (2) Where the Registrar finds that the amount of fee in excess of that which is legally chargeable has been charged and paid under provisions of this Act, he may, upon an application in writing or otherwise, refund the excess fee to the person who paid such fee.]

## **Part XIV – Of Penalties**

### **81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.**

- Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who being charged with the endorsing, copying, [translating, registering or filling a true copy of any document] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] presented or deposited under its provisions, endorses, copies, translates [registers or files a true copy of such, document] [Substituted by Act No. XIII of 2011, dated 25th April, 2011.] in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury, as defined in the Ranbir Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

### **82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment.**

- Whoever, - (a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act; or (b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or (c) falsely personates another, and in such assumed character presents any document or makes any admission



or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or(d)abets anything made punishable by this Act;shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

### **83. Registering officers may commence prosecutions.**

(1)A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the Registrar or the Sub-Registrar, in whose territories district or sub-district, as the case may be, the offence has been committed.(2)Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

### **84. Registering officers to be deemed public servants.**

(1)Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Ranbir Penal Code.(2)Every person shall be legally bound to furnish information to such registering officer then required by him to do so.(3)In section 229 of the Ranbir Penal Code the words "judicial proceeding" shall be deemed to include any proceeding under Act.

## **Part XV – Miscellaneous**

### **85. Destruction of unclaimed documents.**

- Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years, may be destroyed.

### **86. Registering officer not liable for thing bona fide done or refused in his official capacity.**

- No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

### **87. Nothing so done invalidated by defect in appointment of procedure.**

- Nothing done in good faith pursuant to this Act or the law of registration heretofore in force, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

### **88. Registration of documents executed by Government officers or certain public functionaries.**

(1)Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for any Official Trustee or Official Assignee, or for the Receiver or Registrar of the High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.(2)Where any instrument is so executed, the registering officer to whom such instruments is presented for registration may, if he thinks fit, refer to such officer of the Government, Official Trustee, Official Assignee, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

### **89. Copies of certain orders, certificates and instruments to be sent to registering officers and fled**

- Every officer granting a loan under the Land Improvement Loans Act, shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.(2)Omitted.(3)Every officer granting a loan under the Agriculturist Loan Act, shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.(4)[ Every officer granting a loan to a craftsman, artisan or petty trade under authority of Cabinet Order No. 1547-C dated 15th December, 1953, shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.] [Sub-section (4) inserted by Act VI of 1955.]

### **89A. [ Copies of Court decrees, sale certificates by competent authority under Land Revenue Act, Samvat 1996 to be sent to Registering Officers and filed in the Registers. [Inserted by Act No. XIII of 2011, dated 25th April, 2011.]**

(1)Every Court passing any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of any person shall, in accordance with the rules made in this a memorandum describing the property as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of immovable property comprised in such decree or order is situate, and such officer shall file the copy of the decree or order and the memorandum in his Book No. 1:Provided that where the immovable property is situate within the local limits of the jurisdiction of more than one Registering Officer, the procedure indicated in this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.(2)Every officer

issuing a sale certificate of the immovable property of a defaulter under the provisions of any law relating to revenue recovery for the time being in force including the Land Revenue Act, Samvat 1996 shall send a copy of such sale certificate together with a memorandum describing the property, as far as may be practicable, in accordance with the provisions of section 21 to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property, which the written demand relates, is situate and such Registering Officer shall file a copy of the sale certificate and the memorandum in his Book No. 1: Provided that where the immovable property is situated within the local limits of the jurisdiction of more than one Registering Officer, the procedure indicated in this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.] Exemptions from Act.

## **90. Exemption of certain documents executed by or in favour of Government.**

(1) Nothing contained in this Act or the State Law of Registration heretofore in force, shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:—(a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement; or (b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or (c) documents which, under any law for the time being in force, are filed periodically in any revenue office by patwaris or other officers charged with the preparation of village records; or (d) sanads, inam, title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land. (e) Omitted. (2) All such documents and maps shall, for the purposes of sections 48 and 49 be deemed to have been and to be registered in accordance with the provisions of this Act.

## **91. Inspection and copies of such documents.**

- Subject to such rules and the previous payment of such fees as [the Government] [In sections 3, 5, 6, 7, 10, 14, 15, 16, 17, 22, 29, 36, 69 (2) and 91 the words 'the Government' Substituted for the words 'His Highness' by Act X of 1996.] prescribed in this behalf, all documents and maps mentioned in section 90, clauses (a), (b) and (c), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

## **92.**

Omitted.

## **93.**

Omitted.

#### **94. Loss of documents.**

- In case of loss of the original document, after its presentation to the Sub-Registrar but before completion of registration proceedings, the copy, taken from the Sub-Registrar's register, may, for purposes of registration, be treated as original, and such copy when registered, shall have the effect, as the original document itself.