

The Punjab Registration (Validating) Act, 1930

HARYANA

India

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Act 2 of 1930

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The Punjab Registration (Validating) Act, 1930 Punjab Act 2 of 1930 Statement of Objects and Reasons. - Sections 4 and 6 of the Cantonments Act, 1910, provided for the appointment of Cantonment Magistrates who exercised certain executive as well as judicial functions within the limits of the Cantonments in which they were appointed. Section 9 of the Indian Registration Act, 1908, gave power to the local Government to constitute cantonments as Registration Sub-districts and enacted that where such sub-districts were constituted the Cantonment Magistrate should be the Sub-Registrar in the sub-district. This section was repealed by section 3 of the Repealing and Amending Act, 1927. In exercise of the power conferred by section 9 of the Indian Registration Act, 1908, the local Government had constituted cantonment sub-districts in various cantonments including those of Ambala, Jullundur, Ferozepore, Lahore, Sialkot, Rawalpindi and Kasauli. The Cantonments Act, 1924, which came in force on the 1st May, 1924, repealed the Cantonments Act, 1910, and the new Act did not include any provisions for the appointment of Cantonment Magistrates. From the 1st May, 1924, therefore, no such officers as 'Cantonment Magistrates' existed, but officers known as 'Executive Officers' were appointed to carry on the executive duties previously performed by Cantonment Magistrates and the magisterial work in cantonments became part of the work of the ordinary magisterial staff of the district. In cases where the volume of work or the situation of the cantonment made this necessary, a Magistrate on the District staff was deputed to hold his Court within the limits of the Cantonment. In some cantonments, in which Registration Sub-districts had been established, registration work continued to be performed either by the new Executive Officers or by the Magistrates exercising magisterial functions within the cantonments. As neither of the classes of officers were "Cantonment Magistrates" within the meaning of section 9 of the Registration Act, they had not in effect any authority to perform the duties of Sub-Registrar, but carried on the work of the Registration sub-district under the mistaken idea that they were so empowered. The mistake was not discovered for some time, but when it came to light it was rectified by the abolition of the special cantonment sub-districts originally constituted under section of the Indian Registration Act, 1908 and the amalgamation of the areas previously contained therein with neighbouring sub-districts. This was done in the case of the cantonment sub-districts of Ambala, Jullundur, Ferozepore, Lahore, Sialkot and Rawalpindi by Punjab Government Notification No. 10161, dated the 30th March, 1926, published in the Gazette of the 2nd April of that year. The

sub-district of Kasauli which includes the small town of Kalka was not abolished with the others but with the repeal of section 9 of the Registration Act in 1927, it became open to Government to appoint any person to be Sub-Registrar thereof and such appointment was made in Punjab Government Notification No. 21112-Reg, dated the 16th July, 1928. After the abolition of cantonment sub-district the work of registration was done in the ordinary manner by the regular registration staff. As it is doubtful whether the registration work erroneously performed in good faith by the officers in question is strictly valid, it has been decided to place the matter beyond all doubt by the introduction of this validating Bill." Punjab Gazette Extraordinary, 1930, Page 16. [Received the assent of His Excellency the Governor on the 19th March, 1930, and that of His Excellency the Viceroy and Governor General on the 17th April, 1930, and was first published in the Punjab Gazette, on the 2nd May, 1930.] An Act to validate the registration of documents in certain cantonment sub-districts in [Punjab] [Substituted for the words 'East Punjab' Adaptation of Laws Order, 1951.]. Preamble. - Whereas it is necessary to remove doubts as to the validity of registration of documents purporting to be registered in certain cantonment sub-divisions in [Punjab] [Substituted for the words 'East Punjab' Adaptation of Laws Order, 1951.], and whereas the previous sanction of the Governor General under sub-section (3) of section 80-A of the Government of India Act has been obtained; it is hereby enacted as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Registration Validating Act, 1930. (2) It extends to [Haryana] [Substituted by the Adaptation of Laws, Haryana Order, 1968.]. (3) It shall come into force at once.

2. Validation of acts of registering officers purporting to act as Sub-Registrars in respect of certain registered documents.

- All acts performed by registering officers purporting to act as Sub-Registrars of the cantonment sub-districts mentioned in the first column of the Schedule during the period given opposite each sub-district in the second column of the Schedule shall be valid and shall be deemed to have been validly performed on and from the dates of their performance as though the appointment of the persons aforesaid had been duly made in accordance with the law relating to registration in force during the period specified opposite each sub-district in the Schedule.

3. Validation of the records of the aforesaid registered documents.

- In particular and without prejudice to the generality of acts validated by the foregoing provision - (a) all documents registered by registering officers in the sub-district aforesaid during the periods specified shall be deemed to have been validly registered on the dates of their registration; (b) all entries and indexes relating to the documents registered as aforesaid made in the register-books in the manner provided by Part XI of the Indian Registration Act, 1908, shall be deemed to have been validly made; (c) all copies of such registered documents which have been duly signed and sealed by the registering officers aforesaid in the manner required by section 57 of the Indian Registration Act, 1908, shall be admissible for the purpose of proving the contents of the original documents.

4. Indemnity for registering officers acting bona fide in official capacity.

- Notwithstanding anything contained in any law to the contrary, no registering officer as is described in section 2 shall be liable in any suit or proceeding for any claim or demand by reason of anything in good faith done or refused by him in his official capacity.

Schedule

Cantonment sub-district	Period
Ambala	30th April, 1924 to 2nd April, 1925
Jullundur	30th April, 1924 to 2nd April, 1926
Ferozepore	30th April, 1924 to 2nd April, 1926
[-] [Entries relating to Lahore Sialkot and Rawalpindi omitted by the Adaptation of Laws (Third Amendment) Order, 1951.]	[-] [Entries relating to Lahore Sialkot and Rawalpindi omitted by the Adaptation of Laws (Third Amendment) Order, 1951.]
Kasauli	30th April, 1924 to 2nd April, 1926