

to sell certain property pledged in the obligation. *Rájmojan Mukarjé v. Nilmoni Mittra* (1).

As to jurisdiction it was ruled, in *Kesab Lál Mittra v. Musabdi Mandal* (2), that a Small Cause Court which has jurisdiction in suits up to Rs. 500, may enforce payment of a claim under this Section not exceeding Rs. 500, but such a Court has no jurisdiction to entertain a claim for more than Rs. 500 whether principal or interest.

As regards the procedure under this Section, the Court ought not to summon the defendant. *Kristo Kishor Ghose v. Brajanath Majumdar* (3). Nor is it necessary to prove the signature of the Registering Officer, though it is competent for the Court, if it shall see sufficient cause, to require evidence on the point. *Mír Habib-us-Subhán v. Mír Husain Ali* (4).

54. In any proceedings under this Part of this Act, the Court may order the obligation sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and may further order that all proceedings shall be stayed until the plaintiff shall have given security for costs thereof.

55. After decree, the Court may under special circumstances set aside the decree, and if necessary stay or set aside execution; but there shall be no appeal against any decree or order made under Section 53, Section 54, or this Section.

In *Rás Behá's* case (5) it was ruled that there is no appeal from an order refusing to allow the amount due under a decree passed upon an obligation specially registered under Section 52 to be paid by instalments, and directing immediate enforcement of the decree.

But it is competent to the Court under Section 55, on a representation by the judgment debtor after decree, to set aside the decree and stay or set aside execution. *Kristo Kishor Ghose v. Brajanath Majumdar* (6). Where the Deputy

(1) 11 W R 222

(4) 5 W R., S O C. Ref. 14.

(2) 4 W R., S. C. C Ref 11.

(5) 7 W. R 130.

(3) 6 W. R., Civ Ref 11.

(6) 6 W R., Civ. Ref 11.

Commissioner of Hazareebaugh refused to enforce a bond specially registered under Act XVI of 1864, the High Court, in the case of *Jugti Saho* (1), declined to interfere, and intimated that the petitioner's proper course was to appeal to the Judicial Commissioner, and, if dissatisfied with his order, to come up in special appeal to the High Court. *L. S. Jackson, J.* "The petitioner whose application for the enforcement of the bond has been refused is, it seems to me, in the position of a decree-holder, whose application to execute his decree has been dismissed or thrown out of Court."

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

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

Register Books to be **56.** The following Books shall be kept in the several Offices. kept in the several Offices hereinafter named; (that is to say):—

In all Registration Offices:—

Book 1.—"Register of Instruments relating to immoveable property."

Book 2.—"Record of reasons for refusal to register."

In the Offices of Registrars:—

Book 3.—"Register of deposits of Wills and Authorities to adopt," and

Book 4.—"Register of Wills and Authorities to adopt."

In the Offices of Registrars and of Sub-Registrars:—

Book 5.—"Register of decrees and orders."

Book 6.—"Miscellaneous Register."

In Book 1 shall be entered all documents registered under Section 17 and the first four clauses of Section 18, and all other documents mentioned in Section 18, clause 7, which

relate to immoveable property. In Book 5 shall be filed all Memoranda of Decrees and Orders sent under Section 42. In Book 6 shall be entered all documents registered under clauses 5 and 7 of Section 18, and not entered in Book 1 or in Book 5: Provided that, if the Registrar General shall so direct, wherever Act No. XVI of 1864 is now in force, down to the thirty-first day of December 1866 and no longer, the Books directed to be kept by Section 56 of the same Act shall be kept, and the rules relating to the entries made therein and the Indexes to be made therefor shall be observed, anything in this Act contained to the contrary notwithstanding.

57. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting the same, and, subject to the provisions contained in Section 70, every such document shall, without unnecessary delay, be copied in the Book appropriated therefor according to the order of its presentation, and a receipt for such document shall be given by the Registering Officer to the person presenting the same.

Documents to be copied according to order of presentation.

It is to be observed that the law does not require the Registering Officer to sign this endorsement, though it is no doubt desirable that he should do so.

For the form of endorsement see Rule 42.

Documents will not be copied until the executants have admitted their execution under Section 66. See Rule 52.

58. 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.

Entries to be numbered consecutively.

Copies of documents originally registered elsewhere, however, will have a distinct series of their own. See Rule 61.

59. In every Office in which any of the Books next herein-after 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, in an alphabetical order, and immediately after the document to which it relates shall have been copied by the Registering Officer.

"Copied by the Registering Officer." Qui facit per alium, facit per se. See Rule 81.

60. Two such Indexes shall be made in all Registration Offices, and shall be named respectively *Index No. I* and *Index No. II*. *Index No. I* shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Books Nos 1, 3 or 4, and the name of the first plaintiff and first defendant in the suit in the case of all memoranda filed in Book No. 5. *Index No. II* shall contain such particulars mentioned in Section 21, relating to every such document, as the Registrar General may from time to time direct in that behalf. A third Index, to be called *Index No. III* shall be made by Registrars and Sub-Registrars, and shall contain the names and additions of all persons executing and of all persons claiming under every document copied into Book No. 6. *Extra particulars in Indexes.* *Indexes Nos. I, II and III* shall also contain such other particulars, and shall be prepared in such form, as the Registrar General shall from time to time direct.

See Rules 78—95.

61. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such inter-

Two copies of entries in Indexes Nos. I and II to be sent by Sub-Registrar to Registrar.

vals not exceeding one month as the Registrar General shall from time to time direct, two copies of all entries made by such Sub-Registrar during the last of such intervals in Indexes Nos. I and II.

See Rule 84.

62. Every Registrar receiving such two copies shall in

One of each pair of copies received by Registrar from Sub-Registrar to be filed in Registrar's Indexes, and the other to be sent to General Registry Office with a copy of entries in Registrar's Indexes.

every month file one of such copies in his Indexes Nos. I and II respectively ; and, at such intervals as the Registrar General shall from time to time direct, shall send the other of such copies to the General Registry Office. Every Registrar shall also send to the General Registry Office a copy of all the entries which he shall have made in his Indexes Nos. I and II respectively during the last of such intervals.

See Rule 85.

63. On the receipt in the General Registry Office of the

Copies sent by Registrar to be filed in Indexes of General Registry Office.

copies so sent by the Registrar, they shall be filed in the Indexes Nos. I and II respectively kept in such Office.

64. If the Registrar General shall so direct, an alphabet-

Annual alphabetical Index to entries in Indexes.

ical Index shall be prepared in every Registration Office at the end of each year of all entries made during the past year in the current Indexes in such Office ; and in every Office in which Book No. 2 shall be kept, an alphabetical

Index shall be prepared at the end of each year to the entries made in such Book during the past year.

See Rule 77.

65. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1, 2 and 5, and the Indexes relating to such Books shall be at all times open to inspection by any person applying to inspect the same ; and, subject to the provisions of Section 70, copies of entries in such Books shall be given to all persons applying for such copies. Subject to the same provision, copies of entries in Books Nos. 3, 4 and 6, and in the Indexes relating thereto, shall be given to any person executing or claiming under the documents to which such entries respectively refer ; but the requisite search for such entries shall be made only by the Registering Officer. Such copies shall be signed and sealed by the Registering Officer, and shall be *prima facie* evidence of the contents of the original documents.

See Rules 106 and 107.

(B.)—*As to the Procedure on admitting to Registration.*

66. On every document admitted to registration, there shall be endorsed from time to time the following particulars ; (that is to say) :—

1. The signature and addition of every person admitting the execution of the document ; and, if such execution shall have been admitted by the representative, assign or Agent of any person, the signature and addition of such representative, assign or agent :

2. The signature and addition of every person who may have been examined in reference to such document under any of the provisions of this Act : and

3. 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 made in his presence in reference to such execution.

See note to Section 36.

For the form of endorsement see Rule 49.

The following point was submitted for the opinion of the Advocate General of Madras .—

“*A* executes an instrument in favor of *B*. It is presented for registration by *B*, on whose requisition *A* is summoned. *A* appears, admits the execution, but refuses to sign the endorsement. Should the Registering Officer refuse to proceed with the registration, or should he dispense with the signature of the recusant party? Is *A* liable to punishment under Section 180 of the Penal Code?”

The Advocate General replied :—“As to the first question, I am of opinion that the Registering Officer should refuse to register. The object of registration is to get written admissions of the execution of the document from the parties to it. Sections 68 and 69 of Act XX of 1866 show that there can be no registration unless and until all the provisions of Sections 36, 66 and 67 have been complied with. Section 36 at first sight appears only to require the admission of the executing party. But it goes on to say that, after admission, the Registering Officer is to register as directed in Section 68, and Section 68 requires an endorsement by the admitting party.

“I think *A* is not liable to punishment under Section 180 of the Penal Code. The Registering Officer is no more competent to require a party to sign than he is to require him to register. His duty is merely to carry out the voluntary wishes of the parties who appear before him.”

The Advocate General of Bengal agreed in this view :—“I concur entirely with Mr Mayne. The case of a person admitting execution and afterwards refusing to sign the endorsement, has not been contemplated by the Legislature. No doubt there are certain legal forms which the parties are bound to comply with, in the sense that, without such compliance, registration cannot

be effected, but the Registering Officer has no power to enforce such compliance directly; his only course is to refuse to register." This opinion has lately been confirmed by the High Court at Calcutta in the case of *Brajanath Páin v. Amala Dást* (1). See Rule 50.

"Evidence is admissible to prove that money was not actually received although it may be stated in the written instrument of sale that it has been received. The practice obtaining in this country of preparing the instrument of sale, and registering it before payment of the purchase-money, would afford unbounded opportunity for fraud, if the Court arrived at any other decision than that such proceedings do not stop enquiry into the fact of payment." *Gaur Parshád v. Nandú Singh* (2).

The Advocate General of Madras writes :—

"I do not think the Registering Officer is required by Act XX of 1866, Section 66, to examine the persons who appear before him as to the receipt of the consideration; and it seems to me that such a course is open to grave objections. The subjects on which he is required to examine the persons who appear before him are set forth in Section 36. They all relate to the fact of execution, the identity of the parties, or the authority of those who appear as Agents. If an admission of the receipt of consideration is made before him, he is bound to record it; and I agree with the Registrar in the opinion that he is equally bound to record an admission of receipt of *part* of the consideration; also that he is bound to record the admission, although made in the absence of the other parties to the instrument, but I do not think it is any part of his duty to examine the parties with a view to extracting admissions. * * *

"The Act seems to contemplate the case of one of the parties to a document calling upon the other, in presence of the Registrar, to admit, not only the execution of the deed, but his receipt of the consideration named in it. It could not have been intended that a document heavily stamped, perhaps, at the expense of one party, should be permanently defaced by an *ex parte* statement extracted by the Registrar from the other party, or by the Registrar's own summary of what he considered to be the legal effect of that statement."

67. The Registering Officer shall affix the date and his signature to all endorsements mentioned in the last preceding Section, relating to the same document and made in his presence on the same day.

Such endorsements to be dated and signed by Registering Officer.

It will be observed that the endorsements must be made *in the presence* of the Registering Officer.

68. After the provisions of Sections 36, 66 and 67 shall have been complied with, the Registering Officer shall endorse on the document a certificate containing the word "Registered," together with the number and page of the book in which the document shall have been copied. Such certificate shall be signed, sealed and dated by the Registering Officer, and shall then be *prima facie* evidence that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsement referred to in the last preceding Section have occurred as therein mentioned.

Certificate showing that document has been registered, and number and page of book in which it has been copied.

For the form of endorsement see Rule 59.

A certificate of registration is evidence that a bond was registered, but not that it was executed. *Kripa Nath Talápátra v. Bhasá Mullah* (1). It is not necessary to prove the Registering Officer's signature. *Mir Habib-us-Subhán v. Mir Husain Ali* (2).

69. The endorsements and certificates mentioned in Sections 67 and 68 shall thereupon be copied into the margin of the Register Book, and the copy of the map or plan (if any) mentioned in Section 21 shall be filed in Book No. 1. The registration of the document shall thereupon be considered to be complete, and the document shall then be returned to the person who shall have presented the same for registration, or to such other person (if any) as he shall

Endorsements and certificate to be copied.

Document to be returned.

(1) 6 W. R. 105.

(2) 5 W. R., S. O. C. Ref. 14.

have nominated in writing in that behalf on the receipt mentioned in Section 57.

See Rule 12.

70. When a document is presented for registration under

Procedure on presentation of a document in a language unknown to the Registering Officer.

Section 19, the translation shall be transcribed in the register of instruments of the nature of the original, and together with the copy referred to in

Section 19, shall be filed in the Registration Office, and the endorsements and certificate respectively mentioned in Sections 67 and 68 shall be made on the original, and for the purpose of making the other copies required by any Section other than Section 65, the translation shall be treated as if it were the original.

The Sections "other than Section 65," under which copies may be required, are Sections 72, 73, 74 and 78.

71. It shall be lawful for every Registering Officer at his

Power to administer oaths.

discretion to administer an oath to any person examined by him under the

Record of substance of statements.

provisions of this Act. He 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 shall admit the correctness of such note, it shall be signed by the Registering Officer.

"Oath" includes a solemn affirmation under Section 2. See Rule 51

The notes of an enquiry held before a Registering Officer are not admissible as evidence of what the prisoner said on that occasion. *Queen v. Parmanand Bári* (1).

*(C.)—Special Duties of Sub-Registrar.***72.** Every Sub-Registrar on registering a document

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Sub-Districts.

relating to immoveable property which is not wholly situate in his own Sub-District, shall forward a copy thereof, and of the endorsement and certificate thereon, and of the map or plan (if any) mentioned in Section 21, to every other Sub-Registrar subordinate to the same Registrar as himself in whose Sub-District any part of such property is situate; and every such Sub-Registrar shall file such copies in his Book No. 1.

See Rules 61—64.

73. Every Sub-Registrar on registering a document relat-

Procedure on Sub-Registrar's registration of document relating to immoveable property situate in several Districts

ing to immoveable property situate in more Districts than one, shall also forward a copy thereof and of the endorsement and certificate thereon, together with such number of copies of the map or plan (if any) mentioned in Section 21 as may be necessary, to the Registrar of every district in which any part of such property is situate other than the district in which his own Sub-District is situate. The Registrar on receiving the same shall enter in his Book No. 1 the copy of the document and one of the copies of the map or plan (if any), and shall forward a copy of the document together with a copy of the map or plan (if any) 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 copies shall file the same in his Book No. 1.

This Section does not require a copy to be sent to the Registrar of the District within which the document is originally registered, but to every other Registrar, and to all Sub-Registrars within whose District or Sub-District any part of the property may be situated.

(D.)—Special Duties of Registrar.

74. On registering any instrument relating to immoveable property under Section 32, the Registrar shall forward a copy of such instrument, together with copy of the map or plan (if any), mentioned in Section 21, to each Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate, and he shall also forward a copy of such instrument, together with such number of copies of the map or plan (if any), mentioned in Section 21 as may be necessary, to any other Registrar in whose District any part of such property is situate; and every Sub-Registrar and Registrar, on receiving any such copy or copies, shall follow the procedure prescribed for them respectively in Section 73.

75. Every memorandum received under Section 41 shall be copied in the margin of the part of the Book in which the document affected by such memorandum is registered; and for this purpose the Registrar shall send a copy of such memorandum to every Sub-Registrar in his District in whose Office the said document is registered, who shall copy such memorandum in the margin of the copy of the document registered in his Office. When any such memorandum shall relate to immoveable property situate in more Districts than one, the Registrar receiving the same shall also send a copy thereof to every other Registrar within whose District any part of such property is situate, who shall on receiving such copy follow the procedure prescribed for a Registrar in the first clause of this Section.

Every memorandum received by a Registrar under Section 42 shall be filed by him in his Register Book No. 5, and

he shall then send a copy thereof to every Sub-Registrar subordinate to himself in whose Sub-District any part of such property is situate, and every such Sub-Registrar shall file it in his Register Book No. 5.

See Rules 66—69.

76. A Will and an Authority to adopt presented for registration by the testator or donor, may be registered in the same manner as any other document. A Will or Authority to adopt presented for registration by any person entitled to present the same, other than the testator or donor, shall be registered if the Registrar shall be satisfied that the person so presenting the same is the person he represents himself to be, and that the Will or Authority was executed by the testator or donor, as the case may be.

In other words, the Registrar must be satisfied in the latter case of three things; (1) that the Will or Authority was executed by the testator or donor respectively, (2) that the testator or donor is dead, and (3) that the person who presents the Will or Authority is a person claiming as executor or otherwise under the Will, or that he is the donee or adoptive son under the Authority or the duly authorized Agent of any of them. (Section 44)

By the definition (Section 2) Wills are not instruments, and the provisions of Section 74 therefore do not apply to their registration.

77. On receiving for deposit a sealed cover under Section 44, the Registrar, if he shall be satisfied that the depositor is the testator or donor, as the case may be, or his duly authorized agent, shall transcribe in his Register Book No. 3 the superscription on such sealed cover, and note in the Register and on the sealed cover the year, month, day and hour of such presentation and receipt, together with the name of the depositor, and the inscription so far as it is

legible on the seal of the cover. The Registrar shall then place and retain the sealed cover in his fire-proof box.

(E.)—Of the Registrar General.

78. On any instrument being registered in the General Registry Office under Section 31, a copy of such instrument and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose District any part of the property to which the instrument relates is situate, and the Registrar receiving such copies shall follow the procedure prescribed for him in Section 73.

Procedure on registration in General Registry Office.

(F.)—Of the Controlling Powers of Registrars and Registrars General.

79. 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; and every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he may consider 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 shall have been registered.

Registrar to superintend and control Sub-Registrars.

See Section 11. A Sub-Registrar acting for a Registrar cannot exercise this power.

80. The Registrar General shall exercise a general superintendence over all the Registry Offices in the Territories administered by the local Government, and shall have power from time to time to frame rules consistent with this Act—

Powers of Registrar General.

Power to frame Rules.

For providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept ;

For declaring the languages in which, and the materials on, in, and with which documents presented for registration are to be written or printed, the size of such documents and the extent of blank space to be left thereon ;

For declaring what territorial divisions shall be recognized under Section 21 ;

For regulating the amount of penalties imposed under Section 24 ;

For the exercise of the discretion reposed in the Registering Officer by Sections 52 and 71 ;

For declaring the particular sto be contained in Indexes Nos. I, II and III respectively ;

For declaring the holidays that shall be observed in the Registration Offices ;

And, generally, for regulating the proceedings of the Registrars and Sub-Registrars under him.

The rules so framed shall be submitted to the local Government for approval, and after they shall have been approved, they shall be published in the Official Gazette, and shall then have the same force as if they were inserted in this Act.

The Rules appended to this Act were published in the *Calcutta Gazette* of the 19th May 1869.

81. No order shall be made to cancel the registration of

No order to cancel any document under this Act or under registration. Act No. XVI of 1864

PART XII

OF REFUSAL TO REGISTER.

82. Every Registering Officer who shall refuse to register a document, except one which he has a discretion to refuse to accept for registration, or except one which he has refused to register solely because the property to which it relates is not situate within his District or 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, and on his furnishing a stamped paper of the value of eight annas, shall without unnecessary delay give him a copy of the reasons so recorded. No Registering Officer shall accept for registration a document so endorsed, unless and until an appeal shall have been presented under the provisions herein contained and decided in favour of the appellant.

See Rules 74, 75 and 76.

A "discretion" is vested in Registering Officers under Sections 20, 31 and 32. The exception is no doubt intended to apply to the discretionary power of refusal, but as the Section stands, a Registering Officer is not bound to record his order if he refuse *for other reasons* to register a document which he may have consented to accept under the discretion allowed him.

In the matter of Brindaban Chandra Saha (1) it was laid down that a Registering Officer has no power to refuse to register a deed on the ground that the full consideration therein mentioned has not been paid. His duty, when the parties appear before him, is simply to ascertain whether the deed has been executed by the persons by whom it purports to have been executed. *Rajchandra Bandu v. Rajeswari Dasi* (2). But he must see that the requirements of this Act are complied with. Thus in *Guru Das Datta v. Dwarkanath Mani* (3) it was ruled that the Registrar was clearly right in refusing to register when the parties would not attend and did not consent to the registration; and

(1) 1 Begnal Law Reports, O. C. 47.

(2) Ind. Jur. 240.

(3) 6 W. R. Misc. Ref. 61.

in *Brayanath Páin v Amala Dást* (1) the Court held that, reading Sections 36, 68 and 66 together, a Registering Officer cannot rightly register under the Act until all the persons executing the document have not only admitted the execution thereof, but have also written their signatures on the back.

83. An appeal shall lie against an order of a Sub-Registrar

Registrar may alter or revise orders of Sub-Registrar refusing registration.

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. Provided that, whenever the Registrar shall himself as Sub-Registrar have passed the order appealed against, the appeal shall lie to the Registrar-General. Any Registrar or Registrar General who shall refuse to direct the registration of any document 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, and on his furnishing a stamped paper of the value of eight annas, shall without unnecessary delay give him a copy of the reasons so recorded.

There is no appeal to the Registrar General from a Registrar's order unless the Registrar has passed the order as Sub-Registrar. Under Section 32 an appeal will ordinarily lie to the Registrar General from an order of the Registrar of Calcutta. But it is necessary to show that no portion of his District has been formed into a Sub-District. *Brayanath Páin v Amala Dást* (1).

84. If a Registrar or Registrar-General shall, under Sec-

Procedure where Registrar or Registrar General refuses to register or direct registration of documents falling under Section 17 or Section 18, Clauses 1, 2, 3 and 4.

tion 82, make an order of refusal to register any document referred to in Section 29, or if a refusal to register shall have been made under Section 15 of Act XVI of 1864, or if he shall under Section 83 on appeal make an

(1) Indian Daily News, 29th May 1869.

order of refusal to direct the registration of such document, it shall be lawful for any person claiming thereunder, his representative, assign or agent authorized as aforesaid, within thirty days after the making of such order of refusal, to apply by petition to the District Court in order to establish his right to have such document registered.

The petition shall be in the form contained in the Schedule to this Act, or as near thereto as circumstances will permit, and shall be accompanied by copies of the reasons recorded under Sections 82 and 83, and the statements in the petition shall be To be verified and stamped. verified by the petitioner in manner required by law for the verification of complaints, and the petition shall, where a stamp is required by law, bear a stamp of eight annas, and may be amended by permission of the Court.

The document shall be admissible in evidence on the presentation and hearing of the petition, Document admissible in evidence. anything hereinbefore contained to the contrary notwithstanding.

The Court shall fix a day for the hearing of the petition not less than two days after the service next hereinafter mentioned, and it shall direct a copy of the petition, Court to fix day for hearing petition and copy thereof to be served. with a notice at the foot thereof of the day so fixed, to be served on the Registering Officer and on such other persons (if any) as the Court shall think fit; and the provisions of the Code of Civil Procedure as to the service and endorsement of summonses shall apply, *mutatis mutandis*, to copies of petitions under this Section.

On the day so fixed as aforesaid, the Court may, if it shall think proper, and if the requirements of the law for the time being in force have been complied with on the part of the petitioner so as to entitle the document to registration, order such Registrar or Registrar-General to register the document, or to direct its registration in the proper manner, and he shall thereupon obey such order, and shall, so far as may be practicable, follow the procedure prescribed in Sections 66, 67 and 68, and (provided the document be duly presented for registration within thirty days after the making of such order) the registration pursuant to such order shall take effect as if the document had been registered when it was duly presented for registration to the Officer so refusing as aforesaid.

Provided that when the Officer presiding over the District Court shall himself as Registering Officer have made any order appealed against under this Section, the petition shall, within sixty days after the making of such order, be presented to the High Court, and the provisions contained in the former part of this Section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon.

This Section takes the place of Section 15 of Act XVI of 1864, under which, on a Registering Officer refusing to register an Instrument the registration of which was compulsory, a regular suit might be brought to establish the right to have the instrument registered, and the instrument was made admissible in evidence for the purposes of such suit. By the decision of a Full Bench in *Shaikh Rahmatullah v. Shaikh Sharatullah Qazi* (1), it was held that a regular suit to enforce registration will no longer lie, and that the only remedy in the case of a refusal is contained in this Section. And this view was confirmed in the case of *Tulsi Sahu v. Mahadeo Dás* (2). The wording of the Section is

(1) 1 Bengal Law Reports, F. B 58.

(2) 2 Bengal Law Reports, A. C 105.

unfortunately somewhat obscure. It is not clear what form the proceedings under it are to take. In the proviso to the Section the word "appeal" is made use of, and it was therefore a question whether the Court had any jurisdiction to carry its enquiry beyond the mere fact of the correctness or otherwise of the Registrar's order. But this question may be said to have been set at rest by a late decision in *Brajanáth Páin v. Amala Dást* (1), in which the Court inclined to the opinion that "the right to have the document registered," which is to be established on petition, is not merely the right which is limited by the observance of all the requirements of the proceeding before the Registrar, but is concurrent with the right under the document itself. *Phear, J.*—"One who has a right to any interest in, or to take any benefit under any instrument required by Section 17 to be registered, must have a right to have it registered, otherwise the primary right becomes a nullity. But the ordinary machinery of Registrars and Sub-Registrars only furnish the means of obtaining registration when all the persons executing the document consent thereto. The Registering Officer is throughout concerned only with ascertaining this consent from the executing persons themselves. If this is withheld, an altogether different procedure is rendered necessary. The case becomes one of a person asserting a right hostilely to another who opposes it. Recourse must be had to the Civil Courts, and the ordinary rules which govern the contest of right in those Courts come into play. Accordingly, Section 84 prescribes that the petition to the District Court shall take the form of a plaint, and the proceedings which follow on the filing of it must be those of an ordinary suit in which such of the persons executing the document as refuse to consent to its registration, together with the Registrar when necessary, should be defendants. The question to be tried will be, whether or not the petitioner has a right as against the persons executing the document registered. That right will, of course, depend upon the circumstances of each case, and cannot well be made the subject of a general definition."

In *Guru Dás Datta v. Dwarkanáth Máná* (2), the persons executing the document had omitted to appear before the Registering Officer, and it was held that Section 15 of Act XVI of 1864 applied only to cases in which registration had been improperly refused by the Registrar. But this decision was over-ruled in *Rámlál Singh v. Thakur Dyal* (3), in which it was laid down that even though the order of refusal was perfectly proper, still an application would lie to the Civil Court, and the Court might order registration.

It is worthy of remark that, while under Section 83 an appeal lies against an order of refusal passed by a Sub-Registrar in the case of any document

(1) *Indian Daily News*, 29th May 1869.

(2) 6 W. R. Misc. Rul. 62.

(3) 9 W. R. 576.

whatever, "whether the registration of such document is compulsory or optional," an application can only be made to the District Court under this Section in the case of a refusal to register a document of the nature specified in Section 29 that is, speaking generally, a document affecting immoveable property. The operation of Section 15, Act XVI of 1864, was still further restricted to the case of those instruments the registration of which is compulsory. It should also be noted that a District Court cannot under this Act receive an application against the order of a Sub-Registrar *direct*, that is, unless and until an appeal has been made to the Registrar or Registrar-General under Section 83.

Under the present law, moreover, it is to be observed that it is only a *claimant*, his representative, assign or agent, who can petition the Court under this Section; and the Court can only order registration, if the petitioner has complied with the requirements of the law so as to entitle the document to registration. For example, a Court would not order registration, if the instrument had not been presented for that purpose within four months from the date of its execution. *Manmohini Dást v. Bishtamahí Dást* (1). See Section 22, note.

But there are certain formalities required by the Act which may be dispensed with, if registration is ordered by the Court. The procedure prescribed in Sections 66, 67 and 68 will only be followed "so far as may be practicable," that is, if a person executing the document refuse to appear or admit his execution, the endorsement under Section 66 may be dispensed with.

In Chôta Nagpore the petition under this Section should be made to the Judicial Commissioner. *Budhú Mahton* (2).

Although the petition under this Section partakes of the nature of a regular suit, there is no appeal to the High Court from the order of a District Court. *Ramesar Mahton v. Kalyanasuari Dehya* (3). *Salgrám Misr v. Musammát Jankí Kumwar* (4). *Couch, C. J.*—"Act XVI of 1864, in Section 15, provides that 'if a District Registrar or Deputy Registrar shall refuse to register an instrument falling within the provisions of Section 13, it shall be lawful for any person interested to institute a regular suit in order to establish his right to have such instrument registered.' Under that provision, there would have been an appeal, special as well as regular, as one of the incidents of a suit. * * * The new Act makes no provision whatever for an appeal to this Court, except 'when the Officer presiding over the District Court shall himself as Registering Officer

(1) 7 W. R. 112.

(2) 8 W. R. 266.

(3) 9 W. R. 283.

(4) 9 W. R. 122

have made any order appealed against under this Section,' in which case it is provided that 'the petition shall within sixty days after the making of such order be presented to the High Court, and the provisions contained in the former part of this Section shall, *mutatis mutandis*, apply to such petition and the order (if any) thereon'; otherwise there is no provision authorising this Court to order registration. From the terms of this Section, it appears that the Legislature intended to alter the procedure and to substitute a summary procedure for the regular suit and its incidents which existed under the provision of the former Act." *Ex parte Dharamdās Bhavanidds* (1). In *Rámchandra Pál v. Bechárám De* (2), the plaintiff set forth that the defendant had fabricated a certain *kibala* as if executed by him, and had got it registered by order of Court under this Section; on this ground the plaintiff sought to have the *kibala* declared fictitious and void as against him, but the Court held that there was no good cause of action, the wrongful act upon which the plaintiff relied having been already declared to be right and proper as between the parties by a competent Court.

It may be observed in conclusion that, if the Court orders registration, the Registering Officer is bound to obey the order in every case, but the registration will not be valid unless the document has been "duly presented for registration within thirty days after the making of such order."

In *Bhimal Makton v. Musanemát Alimissa alias Begam Jún* (3), it was ruled that, where registration had been refused under Act XVI of 1864, a regular suit might still be brought under Section 15 of that Act, notwithstanding this Section. And the general law of limitation is applicable to such a suit. *Ramlal Singh v. Thákur Dyál* (4). But in order to bring a suit under that Section, it is necessary that registration should have been refused by a Registering Officer. *Manmohini Dás v. Bishtamahí Dás* (5), and *Ujjal Mandal v. Hirasatullah Mandal* (6).

Registering Officer not to be liable for anything *bona fide* done or refused in his official capacity.

85. No Registering Officer shall be liable to any suit, claim, or demand by reason of any thing *bona fide* done or refused in his official capacity.

(1) 3 Bombay H. C. Reports, A. C. J. 140.

(2) 10 W. R. 329.

(3) 8 W. R. 423.

(4) 9 W. R. 576.

(5) 7 W. R. 112.

(6) 7 W. R. 150.

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

86. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a Table of Fees payable—

Fees for registration, searches and copies to be fixed by local Government.

For the registration of documents :

For searching the Registers :

For making or granting copies of reasons, entries or documents, before, on, or after registration ;

And of extra or additional Fees payable—

For every registration by a Registrar-General under Section 31, or by a Registrar under Section 32 :

For special registration under Section 52 :

For the issue of Commissions :

For filing translations :

For attending at private residences ,

And for such other matters as shall to the local Government appear necessary to effect the purposes of this Act.

The local Government may from time to time, subject to the like approval, alter such Table. A Table of Fees. Table of the Fees so payable shall be published in the Official Gazette, and a copy thereof in English and the vernacular language of the District shall be exposed to public view in every Registration Office.

87. All fees for the registration of documents under this Act shall be payable on presentation, and all fees received under the provisions of this Act (not being fees payable

Fees and penalties to be credited to Government.

under Section 14 to Officers who are paid wholly or in part by fees), and all penalties received under Section 24, shall be remitted to the Treasury of the District or Sub-District or to such other Treasury as the local Government shall from time to time direct, and shall be credited to Government.

See Rules 41, 121, 122 and 123.

PART XIV.

MISCELLANEOUS.

88. Nothing done in good faith pursuant to the said Act No. XVI of 1864 or this Act by any Registering Officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Nothing done by Registering Officer to be invalidated by defect in his appointment or procedure

89. Notwithstanding anything herein contained, it shall not be necessary for any Officer of Government, or for the Administrator-General of Bengal, Madras or Bombay, or for any Official Trustee, or for the Sheriff, Receiver or Registrar of a 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 66; but when any instrument is so executed, the Registering Officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary of Government, or to such Officer of Government, Administrator-General, Official Trustee, Sheriff, 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.

Registration of instruments executed by Government Officers or certain public functionaries.

90. Every Registering Officer appointed under this Act

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

and every person employed in his Office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under the provisions of this Act, shall endorse, copy, translate or register such document 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 Indian Penal Code to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

"Injury" is defined in the Indian Penal Code, Section 44, to be any harm whatever illegally caused to any person in body, mind, reputation or property.

91. Whoever shall intentionally make any false statement,

Penalty for making false statements before Registering Officer.

whether on oath or not, and whether it shall have been recorded or not, before any Officer acting in execution of this Act, in any proceeding or enquiry under this Act, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

See Sections 36, 66 and 71.

In *Queen v. Durgacharn Basu* (1), in which a Sub-Registrar had taken evidence as to the execution of a deed, and had prosecuted the grantor thereof for having intentionally made a false statement in stating that he had not executed the deed, it was held that the Sub-Registrar was competent to examine any person for any purpose contemplated by the Act, and that any statement made by such person before such an Officer in any proceedings or enquiries under the Act, if intentionally false, renders such person liable to a criminal prosecution.

(1) 6 W. R. Crim. Rul. 81, mis-reported as *Queen vs Jagat Chandra Datta*.

92. Whoever shall intentionally deliver to a Registering Officer in any proceeding under Section 19 or 21 a false copy or translation of a document, or a false copy of a map or plan, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Penalty for delivering false copy or translation

93. Whoever 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 under this Act, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Penalty for false personation.

A Magistrate has power to try offences under this Section. If, however, he considers that a more severe punishment is requisite than he is competent to award, he should commit to the Sessions (1).

In *Queen v. Lathi Bewa and others* (2) a vendor proceeded in company with three persons to Dacca to register her deed of sale. She being taken ill on the way, her three companions went to the Registration Office, where one of them personated the vendor and got the deed registered, she was convicted of cheating by false personation, and the other two of abetting that offence. *Held*, on revision, that as there was no intention apparent on the part of the accused to injure or defraud any one, the conviction should have been under Sections 93 and 94 of Act XX of 1866 and not under Section 419 of the Penal Code.

94. Whoever abets within the meaning of the Indian Penal Code anything made punishable by this Act, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for abetment of offences under this Act.

Three persons who put up a fourth to personate one whose authority was required to complete a conveyance of immovable property, were held guilty under this Section. *Queen v. Salimuddin and others* (3).

(1) 8 W. R. Crim. Letters 14

(2) 2 Bengal Law Reports A. C. 25.

(3) 7 W. R. Cr. Rul. 99.

95. A prosecution for any offence under this Act coming to the knowledge of a Registering Officer in his official capacity may be instituted by the Registrar-General, the Branch Registrar-General, the Registrar or (with the sanction of the Registrar to whom he is subordinate) the Sub-Registrar in whose Territories, District or Sub-District, as the case may be, the offence has been committed. All prosecutions under this Act shall be instituted before a person exercising the powers of a Magistrate or subordinate Magistrate of the first class; and all fines imposed under this Act may be recovered in the manner prescribed in Section 61 of the Code of Criminal Procedure.

Section 61 of the Code of Criminal Procedure runs thus —

"In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, to issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, which may be found within the jurisdiction of the Magistrate of the District."

A Magistrate has full power under this Section to try and adjudicate upon, as well as to entertain and enquire into, charges under this Act, and he is not bound to commit to the Sessions *Queen v Ahsanullah and others* (1) See also Section 93, note But a commitment to the Court of Session is perfectly legal. *Reg v Rarlogh, áv bin Hanmantráv* (2).

96. Every Registering Officer appointed under this Act shall be deemed a Public Servant within the meaning of the Indian Penal Code, and every person shall be legally bound to furnish information to such Registering Officer when required by him to do so. And in Section 228 of the

Registering Officers to be deemed Public Servants.

(1) 10 W. R. Cr. Rul. 21.

(2) 5 Bombay H. C. Reports Cr. Ca. 7

Indian Penal Code the words "judicial proceeding" shall be taken to include any proceeding under this Act.

Section 176 of the Indian Penal Code runs as follows —

"Whoever, being legally bound to give any notice or to furnish information on any subject to any Public Servant as such, intentionally omits to give such notice, or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to Five Hundred Rupees, or with both."

And Section 228 —

"Whoever intentionally offers any insult, or causes any interruption to any Public Servant, while such Public Servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to One Thousand Rupees, or with both."

97. All references to the said Act No. XVI of 1864 in
References to Act No. XVI of 1864 to be read as if made to this Act. Acts passed previous to the date of this Act coming into operation shall be read as if made to this Act.

98. This Act shall come into operation on the first day of
Commencement of Act where Act No. XVI of 1864 is in force. May 1866, wherever Act No. XVI of 1864 is now in force. This Act shall come into operation on the same day in the Territories under the Bombay Government known as the Panch Maháls and attached to the Collectorate of Kaira, and on the first day of July 1866 in the Province of Sind; and Act No. XVI of 1864 shall not be deemed to have come into operation in such Territories or Province, any notification of the local Government to the contrary notwithstanding. This Act may be extended to any part of British India by an order of the local Government to be notified in the

Official Gazette; and such order may, at any time before such extension shall come into operation, be altered or cancelled.

Act XVI of 1864 came into operation in the "Presidencies of Bengal, Madras, and Bombay" on the 1st January 1865, and by notification No. 6638, dated 24th December 1864, it was extended by the Lieutenant-Governor of Bengal to the Territory of Darjeeling from the same date. By another notification, dated 31st December 1864, it was extended to the Province of Chota Nagpore (excepting the Tributary Estates) from the same date.

This Act was extended to the Punjab and its Dependencies by notification No. 5461, dated 5th October 1867, with effect from the 1st January 1868. The General Registry Office is at *Lahore*. The Act was extended to the Central Provinces by a notification No. 3723, dated 11th April 1867, with effect from the 1st May following, and by notification No. 2194, dated 4th March 1867, the Chief Commissioner was vested with the power of a local Government under the Act. It was moreover extended to the Assigned Districts of Hyderabad, with effect from 1st June 1868, by notification No. 129, dated 29th April 1868, and the Resident was vested with the powers of a local Government.

This Act is also in force in Mysore and Coorg, but it has not yet been extended to Oudh or British Burmah.

99. From the date on which this Act shall be extended

as hereinbefore provided to any part of British India in which the Acts hereinbefore mentioned are not in force, all

Rules and Regulations relating to the registration of assurances in force in such part of British India shall cease to have effect, except as regards documents duly registered under such Rules or Regulations.

100. Anything contained in this Act to the contrary

notwithstanding, every instrument of the kinds mentioned in Sections 17 and 18, which shall have been executed in any such part of British India before the date on which this Act shall come into operation therein,

shall be accepted for registration if it be duly presented for registration within twelve months from such date.

This Section re-enacts the provisions of Section 17 of Act XVI of 1864 for those parts of British India in which that Act was not in force. Section 17 provided that no deeds which had been executed before the date on which the Act came into operation should be accepted for registration unless they were presented for that purpose within twelve months from that date. But the Section does not say that deeds executed prior to the passing of the Act shall not be received in evidence. The object of the Section was to encourage parties to register old deeds at once. *Karu Lal Thakur v. Dhunai Mandal* (1). And see *Báma Sundari Dást v. Madhab Chandra Gahu* (2). So in *Grija Singh v. Gridhári Singh* (3), the Court ruled that the registration of the instruments mentioned in this Section was not compulsory, and that non-registration carries no penalty with it. In this case, however, the purchaser under a prior unregistered deed was found to have been in possession under it for eleven years, and the question was not fairly tried as between an unregistered deed executed prior to 1855, and a later deed duly registered under the present law. And though the Court in that case did express the opinion that Section 50 does not apply to instruments registered under this Section, it is submitted, on the other hand, that such an interpretation would imply a retrograde policy on the part of the Legislature, the priority of registered over unregistered deeds having been enunciated so far back as 1793. Had Act XVI of 1864 never been passed, a later registered conveyance would have taken effect against a prior unregistered conveyance. See Section 50, note.

101. For three months after the date on which this Act shall come into operation in any part of India in which Act No. XVI of 1864 has not come into operation, a power of attorney not duly executed according to the provisions of Section 35, anything therein contained to the contrary notwithstanding, shall be deemed to have been duly executed under the

Recognition, in Territories in which Act XVI of 1864 is not in force, for three months, of Powers of Attorney not duly executed.

(1) 8 W. R. 86.

(2) 8 W. R. 269.

(3) 1 Bengal Law Reports, A. C. 14. Throughout the judgment in this case, as reported, this Section is erroneously quoted for Section 17 of Act XVI of 1864. That Act having come into operation in Bengal on the 1st January 1865, old deeds could only be registered within twelve months from that date. This Section does not apply to Bengal.

provisions of the same Section, if the Registering Officer shall be satisfied that it has been executed in good faith, and if a power of attorney attested under the provisions of this Act cannot be obtained within the period during which the document sought to be registered can, under such provisions, be accepted for registration.

102. All or any of the register Books and Indexes kept under this Act or the said Act No. XVI of 1864, or any Act, Rule or Regulation repealed by either of them, may be transferred to the custody of the Registrar of the District in which they are now preserved, or to such other Officer in that or any other District as the local Government shall from time to time direct, and all Rules contained in or made pursuant to this Act shall, so far as they may be applicable, apply to the Books and Indexes so transferred as aforesaid.

Registers kept under former enactments to be transferred to Registrar of the District.

See Rule 106 and Section 65.

he represented himself to be, ^{or} That your petitioner adduced evidence that the said C. D. was the person he represented himself to be].

6. That the said Sub-Registrar thereupon made an order of refusal, dated the day of 186 , to register the said instrument, and gave your petitioner a copy, which is filed herewith, of the reasons for such order.

7. That your petitioner on the day of , appealed to the Registrar of , against such order.

8. That the said Registrar thereupon made an order of refusal, dated the day of , to direct the registration of the said instrument, and gave your petitioner a copy, which is filed herewith, of the reason for such order.

9. That the reasons referred to in paragraphs 6 and 8 are, as your petitioner submits, insufficient, [*or* That your petitioner has complied with the requirements of the said Act so far as it has been possible for him to do so].

Your petitioner therefore prays that your Honour will order the said Sub-Registrar to register the said instrument.

A. B.

FORM OF VERIFICATION.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

Sd. A. B.

ACT No. XXVII OF 1868.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor-General
on the 21st October 1868.)*

AN ACT TO EXEMPT CERTAIN INSTRUMENTS FROM THE INDIAN REGISTRATION ACT, 1866.

WHEREAS it is expedient to exempt expressly from compulsory registration under the Indian Registration Act, 1866, certain documents heretofore or hereafter executed by or in favor of Government; It is hereby enacted as follows.—

1. Nothing contained in the said Act shall be deemed to require, or to have at any time required, the registration of any of the documents or maps comprised in the Schedule hereto annexed.

Scheduled documents
exempted from Act XX of
1866

But all such documents and maps shall, for the purposes of Sections Forty-eight and Forty-nine of the same Act, be deemed to have been and to be registered in accordance with its provisions.

2. Subject to such rules and the previous payment of such fees as the local Government may from time to time prescribe in this behalf, all documents and maps specified in the first, second, and third clauses of the said schedule shall

Inspection and copies
of scheduled documents.

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.

3. A copy of every document mentioned in the fourth clause of the said schedule and executed on or after the first day of May 1866, shall, in the case of every such document heretofore executed, as soon as may be after the passing of this Act, and in the case of every such document hereafter executed, as soon as may be after its execution, be sent by the Local Government to the Registrar or to every Registrar within whose district the whole or any part of the immoveable property comprised in such document is situate, and shall be filed by him in his Book 1.

This Act to be read
with Act XX of 1866

4. This Act shall be read with and taken as part of Act No. XX of 1866.

SCHEDULE.

(1). 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.

(2). Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land other than waste land, and which form part of the record of such survey.

(3). Documents which, under any law for the time being in force, are filed annually by patwáris or other officers charged with the preparation of village records.

(4). Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land, in reward for special services.

In the opinion of the Superintendent and Remembrancer of Legal Affairs, deeds of sale and leases of waste lands are not exempted from compulsory registration under this schedule.

RULES

FRAMED UNDER SECTION 80 OF ACT XX OF 1866.

(Published in the "Calcutta Gazette" of the 26th May 1869.)

I.--OF ESTABLISHMENTS.

I. WHEREVER the Officer in executive charge of the district
is *ex officio* Registrar, all changes in such
Sections 10 13 appointments shall at once be reported
to the Registrar-General by the Officers giving and receiving
charge. In other cases a Registrar shall apply for leave of ab-
sence through the Registrar-General, who, in reporting such appli-
cation to Government, shall submit, under Section 13, the name of
the person whom he proposes to appoint.

2. When a Registrar leaves his office on duty in another part
of his District, he shall appoint the Sub-
Section 11 Registrar of the Sub-district having its
head-quarters at the same place as his own, to perform all the
duties of his office, except those described in Sections 79 and 83,
and such appointment shall be at once reported to the Registrar-
General.

3. Whenever a Sub-Registrar is about to leave his Sub-dis-
trict, he shall report to the Registrar,
Section 12. who shall forthwith nominate a compe-
tent person residing at or near the head-quarters of the Sub-district
to be Sub-Registrar *pro tempore*. If there shall be no such per-
son, the Registrar shall himself assume charge of the Sub-Registry
Office, until the return of the Sub-Registrar or appointment of a
successor; and in such case, the extra or additional fee chargeable
for registration by a Registrar shall not be charged upon registra-
tions effected during the absence of the Sub-Registrar.

4. If a Sub-Registrar holding any other office shall be required by the necessities of such office to leave his head quarters for more than two days, he shall previously report to the Registrar, who shall appoint a competent person to be Sub Registrar in his absence, if there be no such person, the Sub-Registrar shall retain his office.

Section 12

5 All appointments made under Section 12 shall be forthwith reported to the Registrar General.

Section 12

6 Appointments under Section 9, and appointments of special Registrars under Section 10, shall be specially reported by the Registrar General to Government. All other appointments under Section 10, and all appointments under Sections 11 and 12, shall be included in a monthly report to Government.

Sections 9 to 13

7. Every Registrar shall forward to the Registrar-General a monthly report of the establishment under him, the first of which reports shall contain a list of the persons employed and their respective duties and salaries, and following reports shall contain a record of any change that may have taken place during the month. Such report shall include persons appointed as commissioners, apprentices and copyists, whether receiving a fixed salary or paid by the fees.

II.—OF DOCUMENTS.

8. All documents (except Wills) presented for registration shall be written in ink, lithographed, or printed on paper, parchment, vellum, or vegetable parchment, and shall be of size not less than a foolscap half-sheet, and contain blank space of not less than one side of such half-sheet, or shall be attached to a covering slip containing such blank space.

Section 80.

9. The following languages shall be considered to be commonly used in the districts named, viz :—
Section 19.

In the Patna Division and in the Districts of Bhaugulpore and Monghyr :—English, Hindec, and Urdu.

In the Chôta Nagpore Division * and in the Districts of Purneah, Darjeeling and the Sonthal Pergunnahs —English, Hindec, Urdu and Bengalee.

In the Burdwan, Nuddea, Rajshahye, Dacca, and Chittagong Divisions :—English, Bengalee and Urdu.

In the Cuttack Division :—English, Bengalee, Urdu and Uriya.

In the Assam Division :—English, Bengalee, Urdu and Assamese.

10. If the persons executing a document are present at the time of registration, they shall attest with their initials all interlineations, &c. ; if not, the Agent, &c., may attest them or the document may be returned for the attestation of the Principal at the discretion of the Registering Officer, but a document shall never be returned on this ground unless the interlineations, &c., are of an important character.
Section 20.

11. The description specified in Section 21 may be dispensed with, if the identification is complete without it, as when an estate is described as “No. 221 on the Collector’s Rent-roll,” or “a three annas share in No. 221.” But the following territorial divisions shall always be specified :—District, (*i.e.*, Collectrate,) Pergunnah (or Thannah, where Pergunnahs do not exist), Mouzah, and also the Registration District and Sub-district.
Section 21.

12. Documents of which the registration is not complete, and completed documents pending delivery, shall be kept separate. A list of documents which have been unclaimed for more than one

* See the *Calcutta Gazette* of the 23rd June 1869.

month from completion shall be hung up in the Office, and such documents shall not be returned unless a fine of one rupee be paid for every month or part of a month beyond the first month during which they may have been unclaimed. In such case the document may be delivered on payment of the fine to any person recorded as executing or claiming under it, whether or not he be able to produce the receipt.

III.—OF TIME.

13. Every Registering Officer shall sit during certain hours, which shall be duly notified to the public. But he may at his discretion accept documents for registration during any other portion of the day, and he shall be bound to accept a document on the last day of limitation at any time before sunset.

14. When a document is presented to a Registrar under Section 24, the Registrar may either register it himself (in which case he will charge, the extra fee prescribed, as well as the penalty), or he may direct the Sub-Registrar, who might otherwise have registered the deed, to do so on payment of the penalty prescribed.

15. The holidays to be observed in Registration Offices shall be the days on which the Bank of Bengal is closed by notification in the *Calcutta Gazette*

IV.—OF PLACE.

16. No Registrar shall, except for special cause, receive and register an instrument which might be registered by the Sub-Registrar holding his office in the same place.

17. No Registering Officer shall proceed to any house under Section 33 except on payment of the fee for such visit, and if the house be at a

distance of more than one mile from his Office, he may also demand travelling allowance at the rate of eight annas per mile. He shall not so proceed unless there be some urgent necessity arising out of sickness or a similar reason. A Sub-Registrar, in reporting a visit under this Section, shall state the distance and the amount of travelling allowance received.

V.—OF POWERS OF ATTORNEY.

18. The form of authentication of Powers of Attorney shall be as follows :—“ Executed in my presence
 Section 35 on the day of 18
 by A. B., of , who is personally known to me, (or whose identity was proved by the testimony of C. D. and E. F.) and recorded as No. for 18 .”

(Seal and Signature.)

19. The Registering Officer shall satisfy himself of the identity of persons appearing to execute a power in the same manner as of persons appearing to acknowledge the execution of a document.

20. Every Registering Officer shall keep a Register of the Powers of Attorney authenticated by him, which shall contain the following headings:—Number, date, name of the Principal executing the Power and his addition, name of the Attorney and his addition, names of the persons (if any) who identify the Principal, and nature of the Power. At the end of the same book shall be an Index to the names of all Principals and Attorneys, referring to the page at which the details of the Power are recorded, and such Index shall be written up at the time of authentication.

21. Powers of Attorney given for general purposes are available under this Act, if they contain or imply an authority to appear in a Registration Office, and are executed in presence of and authenticated by, a Registering Officer or other Officer named in the Act, and Powers previously executed may be made

available by the addition of a clause to that effect, and by re-execution in presence of such Officer.

22. When a document is presented for registration which has been executed under a special Power of Attorney, the Power shall be returned to the Agent after the necessary particulars have been noted in the endorsement, as hereinafter prescribed; but if the Power has been granted for registration purposes only, it shall be filed in the Office. General Powers shall always be returned to the Attorneys who hold them.

23. Powers of Attorney, whether given for registration purposes or not, may be registered under Section 18, Clause 7, but this is independent of their authentication required under Section 35.

24. No Registering Officer shall proceed to any house or jail, or issue a Commission under Section 35 or 39, until a fee has been paid by the applicant; and the Registering Officer may at his discretion, and if the place be not within a mile from his Office, call upon the applicant, to pay travelling allowance for himself and any clerk accompanying him, or for any person to whom a Commission is issued.

25. A separate fee shall be charged upon every signature which requires attestation, but travelling allowance shall only be charged for the actual distance travelled. Thus, if two women residing together sign one Power of Attorney, two Commission fees will be charged, but travelling allowance will only be charged for one journey.

26. Persons exempt by law from personal appearance in Court are native gentlemen who have been specially exempted by Government, and ladies of rank, who, according to the custom of the country, are not permitted to appear in public.

VI.—OF SUMMONSES AND COMMISSIONS.

27. Every application made by a Registering Officer for the service of a summons shall be accompanied with the amount of "Process Fee" payable in each case.

Sections 37 and 39.

28. If the summons be addressed to a person who executed, or is alleged to have executed, the document, it shall require him to attend in person, or by agent; if it be addressed to any person whose evidence is required to prove a fact, it shall require him to attend in person.

Section 37.

29. Application for a visit or Commission under Section 39 may be made either instead of or after the service of a summons.

Section 39.

30. The fees for summoning witnesses shall be regulated according to the Rules for the service of processes in the Revenue Courts, and shall be credited to the Revenue Process Fund.

Section 38.

31. The expenses of a witness shall be paid in at the time of the application for the summons, and shall be sent to the Revenue Officer who issues the summons to be paid to the witness.

Section 37, and Act VIII of 1859, Section 151.

32. The summons shall be served in the manner prescribed by Sections 154-57 and 159-60 of Act VIII of 1859, and the proceedings under Sections 159-60 shall be taken by the Revenue Officer by whom the summons was issued.

Section 40 and Act VIII of 1859, Sections 154-57 and 159-60.

33. If any person without lawful excuse fails to comply with a summons, the Registering Officer shall give information to the Revenue Officer who issued the summons, who shall proceed under Section 168 of Act VIII of 1859 to compel his attendance.

Section 168 of Act VIII of 1859.

34. If the person to be examined under Section 39 be not resident within the district or sub-district of the Registering Officer, or if the Commission be issued by the Registrar-General, it shall be directed to the Registrar of the district in which the witness is, who may re-direct it to the Sub-Registrar, who may, if he cannot personally attend, re-direct it to any Officer of his establishment.

35. Commissions shall be ordinarily issued by a Registering Officer to some member of his establishment, whether salaried or not; but a Registrar may issue a Commission to a Sub-Registrar.

36. A Commissioner may examine witnesses in the same manner as a Registering Officer.

37. After the Commission has been duly executed, it shall be returned to the Office from which it was issued, together with the report on the point of enquiry, and the names of the persons whose testimony has been taken.

38. Persons refusing to give testimony to a Commissioner on being required to do so, shall be subject to the same penalties and punishments which they would incur for the same offence, if committed in the Registration Office.

39. It shall be competent to a Registering Officer to examine the Commissioner personally in his office touching any of the matters referred to by him or mentioned in his report, or the manner in which he may have conducted the investigation.

VII.—OF PROCEDURE.

40. On the presentation of a document for registration, the Registering Officer shall first satisfy himself that it has been presented at the proper Office, and within the prescribed time,

and by some person executing or claiming under it, or his representative or assign, or by the agent of any of them duly authorized under Section 35, and that it bears the proper stamp, and is otherwise admissible. This will be certified on the face of the deed near the stamp in the following terms :—

“Stamp correct under Clause _____ of Schedule _____ of the Stamp Act. Admissible under Sections _____ of the Registration Act,” quoting Sections 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32 or 34, or as many of them as are required, and the certificate shall be signed or initialed by the Registering Officer or by his Clerk.

Explanation.—Thus, if a document referring to immoveable property be in the usual language of the district, Section 19 need not be quoted; if it contains interlineations which are properly attested, is correct in its specification of boundaries, and is presented within four months at the proper Sub-Registrar's Office by a person claiming under it, the Sections quoted will be 20, 21, 22, 29, and 34.

41. After entry of the certificate under the preceding rule, the Registering Officer shall receive the fee, and any penalty payable under Rule 14, and enter the amount on the deed close to the certificate prescribed in Rule 40, and at the same time an entry will be made in the fee book, showing the number of the deed, the proper schedule, the amount received, and the name of the payer.

42. The deed will now be endorsed with the *First Endorsement* to the following effect :—

Presented for registration between the hours of _____ and _____
 Section 57. _____ M. on the _____ day of _____
 18 _____ at the Office of the Sub-
 Registrar (or Registrar) of _____ by A. B., Attorney for
 C. D., one of the executing parties.

(Sd) A. B.

M

43. The amount of the fee paid shall be entered on the receipt for the document which is given to the person presenting the same under Section 57.

Proviso to Section 35.

44. The representatives of a person are—

Section 2. (a.) The guardian of an infant.

(b.) The Committee or other legal guardian of a lunatic or idiot.

(c.) Executors or administrators.

(d.) Heirs.

The right to appear shall be proved in the first three cases by the production of the appropriate legal documents : heirship shall be proved by evidence to the satisfaction of the Registering Officer.

45. If there be more than one representative, they shall appear in person or by Agent to admit

Section 36.

execution, unless in the case of a deceased person, the Registering Officer be otherwise satisfied of the fact of execution.

46. The Registering Officer in the case last mentioned may satisfy himself of the fact of execution by the testimony of trustworthy persons, or by summons under Section 37, or he may be so satisfied by his personal knowledge of the handwriting of the deceased.

47. It is impossible to lay down rules to enable the Registering Officer to satisfy himself of the identity of persons appearing before him ; he shall require the best testimony procurable ; and the testimony of persons known to himself, or of persons in a public position, such as Zemindars, officers of the Court, pleaders, &c., is always better than that of unknown and obscure persons.

48. The *Second Endorsement* under Section 66 shall not be made, unless all the persons who have executed the document appear *simultaneously* before the Registering Officer. If they are all present and admit the execution of the document, and if the Registering Officer is satisfied of their identity, he shall proceed to record the second endorsement. If any person by whom the document purports to have been executed, denies that it was so executed by him, the Registering Officer shall refuse to register the document. If the Registering Officer is not satisfied of the identity of any person appearing before him, he shall postpone the proceeding for further evidence.

49. The endorsement shall be to the following effect :—
 Section 66. Execution was admitted by—

1.—George William Browne, of Calcutta, Merchant.

2. George William Browne as aforesaid, Agent for Stephen Dawes, of Monghyr, Contractor, under a Power of Attorney, No. 37 for 1866, executed in the presence of the Sub-Registrar of Monghyr.

(Sd.) G. W. BROWNE,

Known personally to the Registrar-General.

3.—Piyari Charan Chakravarti, of No. 116, Lower Chitpore Road, Calcutta, Banian.

(Sd.) P. C. CHAKRAVARTI.

Section 71. Identified by Gopal Chandra Basak, Pleader of the High Court, resident at Bhavanipur.

(Sd.) G. C. BASAK.

Piyari Charan admitted receipt of consideration as stated in the deed.

(Sd.) W. L. HEELEY,

Dated the

Registrar-General.

50. If any person admits his execution of the document, but declines to sign this endorsement
Sections 36 and 66. when called upon to do so, the Registering Officer shall refuse to register the document.

51. The oath shall only be administered when it appears
Section 71. necessary.

52. As soon as the endorsement under Section 66 has been made, the document shall be made over to the copyist for the purpose of being entered in the Register.

53. All endorsements shall be made in red ink, excepting signatures, which may be made in black ink.

54. The registry books shall have two margins. On the left hand margin shall be copied in red ink the value of the stamp and all the endorsements made in the Office; in the centre shall be copied the deed itself in black ink, and the right hand margin shall be left vacant for entries of Civil Court Memoranda under Section 41.

55. The writing shall be distinct, and the books shall be kept neatly.

56. Several volumes of each book may, if necessary, be kept up at once; if two volumes are kept up, documents 1, 3, 5, &c., shall be registered in volume 1 and 2, 4, 6, &c., in volume 2, and similarly, if three or more are kept up.

57. The "addition" required by the law to the name of any
Section 2 person shall include (where necessary) the name of the father.

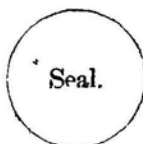
58. If the endorsements be made on a covering slip or rider,
Section 2. a note to that effect shall be endorsed on the instrument itself.

59. When the document has been copied, the Registering
Sections 68 and 69 Officer shall proceed to make the certificate required by Section 68 (*Third*

Endorsement), which shall be in the following form, and it shall be copied in the left hand margin of the Register :—

Registered in Book	Volume
Page	Being No.
	for 18

Dated the



Signature.

60. 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. The Registering Officer shall then proceed to authenticate all errors in the copy, and any notes which may be necessary under Section 20 of the Act. He shall also affix his initials to each page, and at the end of the record, certify it to be a true copy.

VIII.—OF THE REGISTRATION OF COPIES.

61. In addition to the bound volumes of Book I, every Registrar and Sub-Registrar shall keep a file volume, in which he will file copies of registered documents which have been forwarded to his Office under Sections 72, 73, 74 or 78 of the Act. This volume shall have a distinct number assigned to it, like the other volumes of Book I, and it shall be bound at the end of the year. Copies shall have a distinct serial number of their own, with the addition of the letter A.

62. The form in which copies are to be made shall be uniform in size, paper, and ruling with the sheets of the bound books; such forms shall be kept in stock in every Office, and shall be given to persons wishing to make their own copies at 1 anna per sheet. If the copies are not furnished by the person who

presents the document, they shall be made in the Office at his expense.

63. It shall be the duty of the clerks of the establishment to count the words in a document, and this shall be done as soon as the document has been received, in order that the person presenting the same may pay for the copies at the time of presentation, if he desires to do so. A document shall on no account be returned until the cost of making the copies and the necessary charges for postage have been defrayed.

64. Copies for Sub-districts in another district shall be enclosed to the Registrar of that District, together with the copy for his own Office.

IX.—OF MEMORANDA OF CIVIL COURTS.

65. Memoranda under Sections 41 and 42 shall be drawn up in the forms which have been prescribed by Sections 41 and 42. the High Court.

MEMORANDUM A.

(Under Section 41.)

Serial No. of registered instrument, with Page, No. and Volume of Register in which it has been entered.	Names of parties to and No. of the suit, and whether an original or appealed suit.	Description of the immoveable property referred to in the instrument.	Effect of the decree or order on the instrument	Date on which decree or order was passed.	Name and official designation of Officer by whom the decree or order was passed.

MEMORANDUM B.

(Under Section 42.)

Names of parties to, and No. of the suit, and whether an original or appealed suit.	Description of the improveable property affected by decree or order.	Effect of the decree or order on the said property.	Date on which decree or order was passed.	Name and official designation of Officer by whom the decree or order was passed.

66. A Memorandum under Section 41 shall be copied into the right hand margin of the register in every Office in which a copy of the document referred to has been placed on record. If the register has been transferred to the Registry Office, the necessary entries shall be made in that Office. The first column of the memorandum, which is a simple reference to the deed as registered, need not be entered in the register. On an entry being certified by the Registering Officer to be correct, the original memorandum may be destroyed.

67. Any Registrar who, under Section 41, receives a Memorandum of a decree or order affecting a document which was originally registered by a Registrar-General, shall forward a copy thereof to the Registrar-General.

68. Memoranda under Section 42 shall be kept strung together till the end of the year, or until a sufficient number have been received to form a volume of average size, when they shall be bound. They shall be numbered and paged afresh on receipt in a Sub-Registry Office.

69. The copies required by Section 75 shall be made by the fixed establishment of the Registrar.

70. A register of the fees payable on the registration of memoranda shall be kept up in the form below; and on the realization of any fee, a note of the fact shall be immediately made in the appropriate column of the register. This register may be kept in the vernacular.

Register of Fees payable upon the registration of Memoranda of decrees and orders of the Civil Courts.

Date of receipt of Memorandum	Form A. or B.	Serial No of A or Registered No of B.	No. and year of suit	From what Court received	Amount of fee payable.	Date of payment.	Signature of Registering Officer.

the District, is not accompanied by a true translation and true copy. (Section 19.)

(ii.)—That interlineations, &c., are not attested. (Section 20.)

(iii.)—That the description required by Section 21 is not complete; or that copies of a map or plan have not been given. (Section 21.)

(iv.)—That the document has not been presented by any person executing or claiming under it, or by his representative or assign, or by the Agent of any of them. (Section 34.)

(v.)—That the presenting Agent's Power of Attorney has not been made according to the Act; or that the alleged representative or assign has failed to prove his *status*. (Section 34.)

(vi.)—That the fee or other expense due on the document has not been paid. (Section 87.)

[In all these cases the document may, in the first instance, be returned with the endorsement "Returned for completion of description" or "for payment of fee," or as the case may be. If it be a second time presented for registration incorrectly, or if it be presented correctly, but after the expiry of the time, registration shall be refused.]

(vii.)—That it is presented after the period of limitation. (Part IV).

(viii.)—That it is not drawn up in the manner, or with the materials, directed in Rule 8.

[In these two cases registration shall be refused at once.]

B. After admission.

(ix.)—That execution is not admitted by all the persons who are alleged to have executed. (Section 36.)

[Registration shall be refused as soon as the Registering Officer is satisfied of the identity of any person refusing to admit with the person alleged to have executed.]

(x.)—That an executant, his representative, assign or agent refuses to sign the second endorsement as required by Section 66.

(xi.)—That a person purporting to have executed the document is a minor or of unsound mind, or otherwise incompetent to execute the document. (Section 36.)

[In these two cases registration shall be refused at once.]

(xii.)—That the Registering Officer is not satisfied of the identity of any person appearing before him and alleging that he executed the document. (Section 36.)

(xiii.)—That the Registering Officer is not satisfied as to the truth of the allegation that a person who executed the document is dead. (Section 36.)

(xiv.)—That the admitting Agent's Power of Attorney has not been made in accordance with the Act, or that an alleged representative or assign has failed to prove his *status*. (Section 36.)

[In these three cases the Registering Officer may allow a postponement for a definite time, in order that satisfactory proof or a sufficient Power may be procured. If proof is not given within that time, and cause for a further postponement is not shown, he shall refuse registration.]

76. The reasons for which the registration of a document is refused shall be recorded in Book II at the time the order of refusal is made.

77. At the end of Book II shall be an Index, in which the name of the person who executed the document, and the page on which the order of refusal is recorded, shall be entered at the time the order is recorded.

Section 64.

XII.—OF INDEXES.

78. The Nominal Index No. I shall contain the following headings :—

Section 60.

1. Name of person.
2. Addition.
3. Interest in the transaction, as purchaser, mortgagee, decree-holder, &c.
4. Office of registration.
5. Serial No.
6. Book.
7. Volume.
8. Page.

79. The Local Index No. II shall contain the following headings :—

1. Name of property or of Mouzah, or, in towns, of street.
2. Name of Pergunnah or Thannah.
3. Sub-district in which the property is situated.
4. Nature of the transaction, as sale of land, decree for possession of house, &c.
5. Office of registration.
6. Serial No.
7. Book.
8. Volume.
9. * Page.

[*Note.*—The Office of registration will always be the Office in which the index entries are made.]

80. Index III shall contain the same headings as No. I, with the exception of column 4..

81. Index entries shall be extracted at the time of the comparison of a document with the register, and they shall be posted into the Index books of the Registering Officer on the same or, at latest, on the following day.

82. The entries under each letter shall be arranged according to the vowel of the first syllable, if the word begins with a consonant; or according to the second vowel, if the word begins with a vowel.

83. In Sub-Registry Offices the index entries shall be made at once in bound books or in loose sheets stitched together, which shall afterwards be bound.

84. Every Monday the Sub-Registrar shall extract the entries relating to documents registered during the previous week, and shall send two copies of them to the Registrar to whom he is subordinate. Provided that the Registrar General may, in the case of any particular Office, extend the interval at which the copies shall be sent to any period not exceeding one month.

85. One of the copies so received by the Registrar shall be forthwith forwarded, with copies of the index entries of his own Office for the same period, to the Registrar-General, and the other shall be copied into bound books in proper arrangement in the Registrar's Office. Provided that, with the special sanction of the Registrar-General in each case, the slips, instead of being copied afresh in the Registry Offices, may be simply filed and bound up in proper arrangement at the end of the year.

86. In all Registry Offices, and in the General Registry Office, separate Indexes shall be compiled, as far as possible, for each

Magisterial District. These district indexes will thus contain the entries regarding all registered documents affecting immoveable property within the district.

87. In all Offices the index entries shall be made in English. If the documents are written or executed in English, the names of the persons and places shall be spelt in the same way in which they are written in the documents. If the documents are written or executed in a vernacular language, the spelling shall be regulated according to the following Tables :—

Bengali.

ক	k	খ	th	ক	khy
খ	kh	দ	d	খ	slit
গ	g	ধ	dh	অ	a
ঘ	gh	ন	n	আ	á
ঙ	n	প	p	ই	i
চ	ch	ফ	ph	ঈ	í
ছ	chh	ব	b or v	উ	u
জ	j	ভ	bh	ঊ	ú
ঝ	jh	ম	m	ঋ	ri
ঞ	n	য	j, y	ঌ	rí
ট	t	র	r	এ	e
ঠ	th	ল	l	ঐ	ai
ড	d	শ	s	ও	o
ঢ	dh	ষ	sh	ঔ	au
ণ	n	স	s	ং	ng
ত	t	হ	h		n

NOTE.—When ব forms the second letter in a compound it should be written *u*, though it is silent in the pronunciation; as Biswás (pronounced Bissás) Dwárganáth.

Urdu.

ا	a, á, i, u,	ر	r	ف	f
ب	b	ز	z	ق	q
پ	p	ژ	r	ک	k
ت	t	ڙ	zli	گ	g
ٹ	t	س	s	ل	l
ث	s	ش	sh	م	m
ج	j	ص	s	ن	n
چ	ch	ض	z	ه	h
ح	h	ط	t	و	au, o, ú, or w
خ	kh	ظ	z	(at the beginning of a word)	
د	d	ع	a, á, i, u	ی	ai, e, i or y
ڊ	d	غ	gh	(at the beginning of a word)	

88. If more persons than one execute or claim under a document, their names shall not all be included in one entry in Index I, and similarly, if more places than one are mentioned in a document, they shall not all be included in one entry in Index II, but each name shall be entered in its appropriate place in the indexes. Provided that it shall not be necessary to enter in Index II the name of any place which is not situated within the district in which the Indexing Office lies.

[*Explanation.*—A document is executed by *A* and *B* conveying to *C* and *D* three parcels of land, *x*, *y*, *z*, situated in three Districts *X*, *Y*, *Z*, respectively. The document is registered, and a copy of it is recorded in each of the three Districts *X*, *Y*, *Z*. In indexing the document, each of the persons *A*, *B*, *C*, *D*, will be entered in Index I, under its appropriate letter, in every district. But the parcel of land *x*, which is situated in district *X*, will alone be entered in Index II* of that district, and similarly the parcels *y* and *z* will alone find entry in the Districts *Y* and *Z* respectively.]

89. *The name of a depositor of a sealed cover shall be entered in Index I.

90. Registering Officers shall index all copies of documents and memoranda which are received by them in the same way as if the documents or memoranda had been originally registered in their Offices, but the entries relating to such copies shall be made in red ink.

91. When a memorandum under Section 42 refers to property which has been sold by an order of the Court, besides the names of the first plaintiff and first defendant, as required by Section 60 of the Act, the name of the purchaser shall be given in Index I. Particulars of the property shall in every case be entered in Index II.

92. Great care is necessary in selecting the proper index word. In the case of Europeans, it shall be the *surname*, and for certain classes of Hindus, the family name, as *Ghose* or *Bandopādhyāy*. But a mere title or designation of caste shall not be taken as the index word. Musalman names shall be purified as far as possible from Bengali corruptions.

93. If each parcel of immoveable property has not a distinctive name of its own, the name of the mouzah shall be given, and any further description added which seems to be necessary. Examples :—

Rámpur, Towjee No. 521 ; 2 annas.

Govindpur, 30 beegahs within specified boundaries.

94. When a document is executed in favour of Government, the index entry shall be made under *G.*, *Government*. If in favour of the Court of Wards, under *W.*, *Wards*, *Court of*, and of any other Court, under *C*. The names of Companies shall be entered as they stand, the article only being omitted. Thus *Land Mortgage Bank of India Limited* under *L.*, *Ganges Steam Navigation Company Limited* under *G*.

95. The Registrar shall take care that all index entries are made according to rule. In the case of inaccuracies in the Sub-Registrar's slips, he shall correct them, and return the slips after