



## The Indian Registration (Bombay Amendment) Act, 1929

Act 5 of 1929

### Keyword(s):

Central Act Amendment, The Indian Registration Act, 1908

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THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1929.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. [Omitted.]
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4. Amendment of section 21 of Act XVI of 1908.
5. Amendment of section 22 of Act XVI of 1908.
6. Amendment of section 36 of Act XVI of 1908.
7. Amendment of section 51 of Act XVI of 1908.
8. Amendment of section 54 of Act XVI of 1908.
9. Amendment of section 55 of Act XVI of 1908.
10. Amendment of section 57 of Act XVI of 1908.
11. Amendment of section 69 of Act XVI of 1908.
12. Amendment of section 89 of Act XVI of 1908.

BOMBAY ACT No. V OF 1929.<sup>1</sup>

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1929.]

[22nd May 1929]

Adapted and modified by the Adaptation of Indian Laws Supplementary Order in Council.

An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

**XVI** WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay in manner hereinafter appearing; and whereas the previous sanction of the Governor General required by section 80A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Indian Registration (Bombay Amendment) Short title. Act, 1929.
2. \* \* \* \*
3. In section 13 of the said Act,
  - (1) sub-sections (1) and (2) shall be repealed; and
  - (2) after the word "Sub-Registrars" the words "and Inspectors of Registration offices" shall be inserted.
4. To sub-section (2) of section 21 of the said Act the following shall be added, namely:—
 

Amendment of section 21 of Act XVI of 1908.

"In all city surveyed areas in the Bombay Presidency, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records."
5. In sub-section (2) of section 22 of the said Act for the word "Save" the words "Except in the case of city surveyed areas in the Bombay Presidency and except" shall be inserted.
 

Amendment of section 22 of Act XVI of 1908.
6. In section 36 of the said Act for the words "may in his discretion" the words "in his discretion, may, upon receipt of the prescribed fee, issue, or may" shall be substituted; and after the word "issue" a comma shall be inserted.
 

Amendment of section 36 of Act XVI of 1908.
7. In sub-section (2) of section 51 of the said Act after the figures "89" the words and figures "sub-sections (2) and (4)" shall be inserted.
 

Amendment of section 51 of Act XVI of 1908.
8. In section 54 of the said Act after the word "books" where it occurs for the second time the words "and there shall also be prepared current indexes of the contents of the copies filed under sub-sections (1) and (3) of section 89" shall be inserted.
 

Amendment of section 54 of Act XVI of 1908.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1929, Part V, p. 8; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1929, Vol. XXV.

<sup>2</sup> See Central Act.

<sup>3</sup> The proviso which added to section 8 of the Indian Registration Act, 1908, by this Act was omitted by the Adaptation of Indian Laws Supplementary Order in Council.

Amendment  
of section 55  
of Act XVI  
of 1908.

9. In section 55 of the said Act,

(a) for sub-section (1) the following shall be substituted, namely :—

“(1) six such indexes shall be made in all registration offices and shall be named respectively, Index No. I, Index No. I-A, Index No. II, Index No. II-A, Index No. III and Index No. IV ;”

(b) after sub-section (2) the following sub-section shall be inserted, namely :—

“(2A) Index No. I-A shall contain the names including the father's name, or, in the case of persons usually described by their mother's name, the mother's name and the places of residence of all persons executing, and of all persons claiming under, the documents of which copies are filed under sub-section (1) or (3) of section 89 ;”

(c) after sub-section (3) the following sub-section shall be inserted, namely :—

“(3A) Index No. II-A shall contain such particulars mentioned in section 21 as the Inspector-General may, from time to time, prescribe in this behalf in regard to every copy filed under sub-section (1) or (3) of section 89 ;”

(d) for the words “and additions” wherever they occur the words “including the father's name, or, in the case of persons usually described by their mother's name, the mother's name, and the places of residence” shall be substituted.

Amendment  
of section 57  
of Act XVI  
of 1908.

10. In sub-section (1) of section 57 of the said Act after the words and figures “Book No. 1” the following words and figures shall be inserted, namely :—

“and, so long as they are preserved, the copies filed under sub-sections (1) and (3) of section 89 and the indexes relating to such copies.”

Amendment  
of section 89  
of Act XVI  
of 1908.

11. In clause (h) of sub-section (1) of section 69 of the said Act, after the figures “1” and “II” the figures “I-A” and “II-A” respectively shall be inserted.

Amendment  
of section 89  
of Act XVI  
of 1908.

12. In sub-sections (1) and (3) of section 89 of the said Act for the words and figure “Book No. I” the word “office” shall be substituted.

THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1930.

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CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 69 of Act XVI of 1908.
3. Insertion of new Part XI-A in Act XVI of 1908.

BOMBAY ACT No. XVII OF 1930.<sup>1</sup>

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1930.]

[4th September 1930.]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

XVI WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay, in manner hereinafter appearing; And whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Indian Registration (Bombay Amendment) Act, 1930.

XVI of 1908. 2. After clause (g) of sub-section (1) of section 69 of the Indian Registration Act, 1908, hereinafter called the said Act, the following clause shall be inserted, namely:—

Amendment of section 69 of Act XVI of 1908.

“(gg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints and negatives.”

3. After Part XI of the said Act, the following shall be inserted, namely:—

Insertion of new Part XI-A in Act XVI of 1908.

## “PART XI-A.

## OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY.

70-A. This part shall apply to the areas only in respect of which a notification is issued by the [Provincial Government] under section 70-C.

Application of this part.

70-B. For the purposes of this Part ‘Photo-Registrar’ means any person appointed by the [Provincial Government] to perform the duties of Photo-Registrar under this Part:

Definition.

70-C. (1) The [Provincial Government] may, by notification in the Official Gazette, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

Documents may be photographed in areas notified by Provincial Government.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1930, Pt. V, p. 180; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1930, Vol. XXIX.

<sup>2</sup> See Central Acts.

<sup>3</sup> The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation of Indian Laws Order in Council.

<sup>4</sup> The proviso was omitted by the Adaptation of Indian Laws Supplementary Order in Council.

<sup>5</sup> The words “Official Gazette” were substituted for the words “Bombay Government Gazette” by the Adaptation of Indian Laws Order in Council.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the Registration offices affected by the notification.

Application  
of Act to  
areas notified  
under section  
70-C.

70-D. In any district or sub-district in respect of which a notification has been issued under section 70-C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely:—

(1) (a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.

(b) It shall then be transmitted by the registering officer to the Photo-Registrar, who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document, and, as soon as the document has been photographed, he shall rebind the document exactly as before and if he has cut the thread or ribbon shall seal it over the joint with his seal:

Provided that before transmission of the document to the Photo-Registrar the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

(c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo-Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration.

(d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in books provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows:—

(a) In section 19 the words 'and also by a true copy' shall be omitted;

(b) sub-section (4) of section 21 shall be omitted;

(c) the words 'according to the order of its admission' occurring in clause (c) of sub-section (1) of section 52 shall be omitted;

(d) section 53 shall be omitted;

(e) in sub-section (1) of section 60 the words 'and page' shall be omitted;

(f) sub-section (1) of section 61 shall be omitted;

(g) in sub-section (1) of section 62,—

(i) for the word 'transcribed' the word 'copied' shall be substituted; and

(ii) for the words and figures 'copy referred to in section 19' the words 'photograph of the original' shall be substituted."

BOMBAY ACT No. XVIII OF 1933.<sup>1</sup>

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1933.]

[ 18th October 1933 ]

An Act further to amend the Indian Registration Act, 1908, in its application to the Presidency of Bombay.

XVI of 1908. WHEREAS it is expedient further to amend the <sup>2</sup>Indian Registration Act, 1908, in its application to the Presidency of Bombay, for the purpose hereinafter appearing ; And whereas the previous sanction of the Governor General required by sub-section 5 & 6 (3) of section 80A of the Government of India Act has been obtained for the passing Geo. V of this Act ; It is hereby enacted as follows :—  
c. 61.

1. This Act may be called the Indian Registration (Bombay Amendment) Act, Short title. 1933.

XVI of 1908. 2. To clause (gg) of sub-section (1) of section 69 of the <sup>2</sup>Indian Registration Act, 1908, in its application to the Presidency of Bombay, hereinafter called the said Act, the following, shall be added, namely :—  
Amendment of section 69 of Act XVI of 1908.  
“ and the manner of fixing the signature and seal of the Photo-Registrar at the end of a length of film ; ”

3. To clause (o) of sub-section (1) of section 70D of the said Act the following shall be added, namely :—  
Amendment of section 70D of Act XVI of 1908.

“ Provided that when more than one such negative is recorded on one length of film and the Photo-Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo-Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film.”

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Pt. V. p. 902 ; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

<sup>2</sup> See Central Acts.



**THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1938.**

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**CONTENTS.****PREAMBLE.****SECTIONS.**

1. Short title.
2. Insertion of new section 22A in Act XVI of 1908.
3. Amendment of section 51 of Act XVI of 1908.
4. Amendment of section 69 of Act XVI of 1908.
5. Substitution of new section 70B for section 70B in Act XVI of 1908.
6. Amendment of section 70D of Act XVI of 1908.
7. Insertion of new section 70E in Act XVI of 1908.
8. Validity of copies made prior to enactment of this Act.

BOMBAY ACT No. XXIV OF 1938.<sup>1</sup>

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1938.]

[8th February 1939.]

An Act to amend the Indian Registration Act, 1908,<sup>2</sup> in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Indian Registration Act, 1908, in its application to the Province of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Indian Registration (Bombay Amendment) Act, Short title. 1938.

2. After section 22 of the Indian Registration Act, 1908, hereinafter called the said Act, the following section shall be inserted, namely :—

Insertion of new section 22A in Act XVI of 1908

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

Documents registration of which is opposed to public policy.

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

3. To section 51 of the said Act, the following new sub-section shall be added, namely :—

Amendment of section 51 of Act XVI of 1908.

“(5) If, in the opinion of the Registrar, any of the books mentioned in sub-section (1) is in danger of being destroyed or becoming illegible wholly or partially, the Registrar may by a written order direct such book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under section 69, and the copy prepared and authenticated under such direction shall for the purposes of this Act be deemed to have taken the place of and to be the original book or portion, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so recopied and authenticated.”

4. In sub-section (1) of section 69 of the said Act,—

Amendment of section 69 of Act XVI of 1908.

(i) to clause (g) the following shall be added, namely :—

“and the manner of recopying such books or portions thereof”;

(ii) in clause (gg)—

(a) for the word “and” after the word “negatives” a comma shall be substituted; and

(b) the following shall be added at the end, namely :—

“and the procedure generally in the Government Photo Registry”.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1938, Part V, pp. 357 and 558; For Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1938, Vol. 4, pp. 3715-3713; and for Proceedings in Council; see *Bombay Legislative Council Debates*, 1938, Vol. 5, pp. 250-252.

<sup>2</sup> See Unrepealed Central Act, Vol. V, p. 433.

Substitution  
of new  
section 70B  
for section  
70B in Act  
XVI of 1908.

5. For section 70B of the said Act the following shall be substituted, namely :—

Definitions.

“70B. In this Part—

(1) ‘Government Photo Registry’ means the office where documents are photographed under the provisions of this Part.

(2) ‘Manager, Government Photo Registry’ means the person in charge of the Government Photo Registry.

(3) ‘Photo Registrar’ means any person appointed by the Provincial Government to perform the duties of Photo Registrar under this Part.”

Amendment  
of section  
70D of Act  
XVI of 1908.

6. In section 70D of the said Act—

(1) In sub-section (1)—

(i) in clause (b)—

(a) for the word “Photo Registrar” wherever it occurs the words “Manager, Government Photo Registry” shall be substituted ;

(b) the word “exactly” shall be omitted ; and

(ii) after the proviso to clause (c) the following further proviso shall be inserted, namely :—

“Provided further that in case of documents containing plans or maps, the negatives of such plans and maps may be prepared on paper instead of on films and where the negatives are so prepared, the Photo Registrar shall fix his signature and seal separately to each such negative and print of such plan or map in token of the exact correspondence of the copy to the original map or plan contained in the document as admitted for registration.” ;

and

(iii) to clause (d) the following proviso shall be added, namely :—

“Provided that print of plans or maps contained in documents may either be bound with the prints of such documents or filed separately in such manner as the Inspector General may direct.” ;

and

(2) After clause (a) of sub-section (3) the following shall be inserted, namely :—

“(aa) sub-section (2) of section 20 shall be omitted ;”

7. After section 70D of the said Act, the following new section shall be inserted, namely :—

Insertion of  
new section  
70E in Act  
XVI of 1908.

“70E. (1) Nothing in this Part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer is not in a fit condition to be photographed. Savings.

(2) Notwithstanding anything contained in this Part, in the case of any document containing a map, plan, or trademark label, if the party presenting the document so desires, the registering officer may accept true copies of such map, plan or trademark label and where such true copies are accepted, the map, plan or trademark label shall not be photographed and such copies thereof shall be filed in the appropriate book.”

8. Notwithstanding anything contained in the said Act, copies of any of the books mentioned in sub-section (1) of section 51 of the said Act or any portion of such book, prepared before the enactment of this Act and authenticated in pursuance of the order of the Registrar or Inspector General shall for the purposes of the said Act be deemed to have taken the place of and to be the original book or portion ; and all references in the said Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated.

Validity of  
copies made  
prior to  
enactment  
of this Act.

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**THE TRANSFER OF PROPERTY AND THE INDIAN REGISTRATION  
(BOMBAY AMENDMENT) ACT, 1939.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Application of Act.
3. Amendment of section 52 of Act IV of 1882.
4. Amendment of sections 18 and 28 of Act XVI of 1908.

BOMBAY ACT No. XIV OF 1939<sup>1</sup>.[THE TRANSFER OF PROPERTY AND THE INDIAN REGISTRATION  
(BOMBAY AMENDMENT) ACT, 1939.]

[15th June 1939]

Amended by Bom. 17 of 1945\*

An Act to amend the Transfer of Property Act, 1882<sup>2</sup>, and the Indian Registration Act, 1908<sup>2</sup>, in their application to the Province of Bombay.

WHEREAS it is expedient to amend the Transfer of Property Act, 1882, and the Indian Registration Act, 1908, in their application to the Province of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Transfer of Property and the Indian Registration Short title.  
(Bombay Amendment) Act, 1939.

2. This Act shall apply to notices in respect of suits or proceedings which relate Application to immovable properties situate wholly or partly in <sup>of Act.</sup> [the Greater Bombay] with effect from such date as may be directed by the Provincial Government in this behalf by notification in the *Official Gazette*:

Provided that the Provincial Government may by similar notification direct that the provisions of this Act shall apply to such notices relating to immovable properties situate wholly or partly in such other area as may be specified in the said notification.

IV of 1932. 3. Section 52 of the Transfer of Property Act, 1882, shall be renumbered as Amendment of section 52 of section 52 of the said Act and of Act IV of 1932.

(i) in sub-section (1) so renumbered after the word "question", the words and figures "if a notice of the pendency of such suit or proceeding is registered under section 18 of the Indian Registration Act, 1908", and after the word "property" where it occurs for the second time, the words "after the notice is so registered", shall be inserted; and

XVI of 1908.

(ii) after the said sub-section (1) so renumbered the following shall be inserted, namely:—

"(2) Every notice of pendency of a suit or proceeding referred to in sub-section (1) shall contain the following particulars, namely:—

- (a) the name and address of the owner of immovable property or other person whose right to the immovable property is in question;
- (b) the description of the immovable property, the right to which is in question;
- (c) the court in which the suit or proceeding is pending;
- (d) the nature and title of the suit or proceeding; and
- (e) the date on which the suit or proceeding was instituted."

\* This Act was repealed and re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1939, Part V, p. 67 or *Bombay Legislative Assembly Debates*, 1939, Vol. 5, p. 3683, or *Bombay Legislative Council Debates*, 1939, Vol. 6, p. 767. For Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1939, Vol. 5, pp. 3108-3111; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1939, Vol. 6, pp. 600-638.

<sup>2</sup> Central Acts.

<sup>3</sup> These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Sch. E read with Bom. 52 of 1947, s. 2, proviso.

Amendment  
of sections 18  
and 28 of  
Act XVI of  
1908.

4. In the Indian Registration Act, 1908,—

(1) in section 18—

(i) the word " and " after clause (e) shall be deleted ; and

(ii) after clause (e) the following shall be inserted, namely :—

"(ee) notices of pending suits or proceedings referred to in section 52 of <sup>IV of</sup> 1882.  
the Transfer of Property Act, 1882 ; and " ; and

(2) in section 28 for the brackets, letters and word "(b) and (c)", the brackets, letters and word "(b), (c) and (ee)", shall be substituted.

**THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1947.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Repeal of Bom. X of 1942.
3. Amendment of section 28 of Act XVI of 1908.



BOMBAY ACT No. XIV OF 1947.<sup>1</sup>

[THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1947.]

[21st April 1947.]

An Act to repeal and re-enact the provisions of the Indian Registration (Bombay Amendment) Act, 1942.

26  
Geo. 5,  
Ch. 2.  
Bomb.  
of  
1942.

WHEREAS in view of the provisions of sub-section (4) of section 93 of the Government of India Act, 1935, it is expedient to repeal and re-enact the provisions of the Indian Registration (Bombay Amendment) Act, 1942 ; It is hereby enacted as follows :—

1. This Act may be called the Indian Registration (Bombay Amendment) Short title. Act, 1947.

Bomb.  
X of  
1942.

2. The Indian Registration (Bombay Amendment) Act, 1942, is repealed.

Repeal of  
Bomb. X of  
1942.

XVI  
of  
1908.

3. In section 28 of the Indian Registration Act, 1908, in its application to the Province of Bombay, for the brackets, letters and word “(c) and (ee)” the brackets, letters and word “(c), (cc) and (ee)” shall be substituted.

Amendment  
of section 28  
of Act XVI  
of 1908.

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1947, Pt. V, page 1 ; for Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1947, Vol. X, and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1947, Vol. XII.

**THE INDIAN REGISTRATION (BOMBAY PROVISION FOR UNIFORMITY AND AMENDMENT) ACT, 1957.**

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**CONTENTS.**

**PREAMBLE.**

**SECTIONS.**

1. Short title.
2. Extension of certain Acts amending Act XVI of 1908 to whole State.
3. Repeal of M. P. Act VIII of 1955 and deletion of provisions in Act XVI of 1908.
4. Amendment of section 21 of Act XVI of 1908.
5. Amendment of section 22 of Act XVI of 1908.
6. Amendment of section 69 of Act XVI of 1908.
7. Amendment of section 89 of Act XVI of 1908.

**SCHEDULE.**

BOMBAY ACT No. XXXV OF 1958.<sup>1</sup>

[THE INDIAN REGISTRATION (BOMBAY PROVISION FOR UNIFORMITY AND AMENDMENT) ACT, 1957.]

[16th April 1958]

An Act to provide for uniformity in the provisions of the Indian Registration Act, 1908, in its application to the State of Bombay, and further to amend the said Act.

XVI of 1908. WHEREAS it is expedient to provide for uniformity in the provisions of the Indian Registration Act, 1908, in its application to the State of Bombay, and for that purpose to extend to the rest of that State certain Acts which amend, in its application to a part of the State, the Indian Registration Act, 1908, and to repeal the Indian Registration (Madhya Pradesh Amendment) Act, 1955 ;

XVI of 1908. M. P. Act VIII of 1955.

XVI of 1908. AND WHEREAS it is also expedient further to amend the Indian Registration Act, 1908, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Eighth Year of the Republic of India as follows :—

1. This Act may be called the Indian Registration (Bombay Provision for short title. Uniformity and Amendment) Act, 1957.

XVI of 1908. 2. The provisions of the Acts mentioned in the Schedule which amend the Indian Registration Act, 1908, in its application to the pre-Reorganisation State of Bombay, are hereby extended to and shall be in force in, that part of the State of Bombay to which they did not extend immediately before the commencement of this Act ; and the Indian Registration Act, 1908, shall, from the commencement of this Act, be deemed to be amended accordingly also in that part of the State.

XVI of 1908. Extension of certain Acts amending Act XVI of 1908 to whole State.

M. P. Act VIII of 1955. XVI of 1908. 3. The Indian Registration (Madhya Pradesh Amendment) Act, 1955, is hereby repealed ; and clause (k) of sub-section (1) of section 69 and new section 82A, inserted by that Act in the Indian Registration Act, 1908, in its application to the Vidarbha region of the State of Bombay, shall be deleted therefrom.

M. P. Act VIII of 1955 and deletion of provisions in Act XVI of 1908.

XVI of 1908. 4. In section 21 of the Indian Registration Act, 1908, in its application to the State of Bombay (hereinafter referred to as " the principal Act "), for sub-section (2) the following shall be substituted, namely :—

Amendment of section 21 of Act XVI of 1908.

" (2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. In all city surveyed areas, houses and lands shall also be described by their cadastral survey numbers as in the city survey maps and records."

<sup>1</sup> For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1957, Extra, Part V, p. 218.

Amendment  
of section 22  
of Act XVI  
of 1908.

5. In section 22 of the principal Act, for sub-section (2), the following shall be substituted, namely :—

“(2) Except in the case of city surveyed areas and except as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.”

Amendment  
of section 69  
of Act XVI  
of 1908.

6. (1) In section 69 of the Indian Registration Act, 1908, as in force in the pre-XVI Reorganisation State of Bombay, in sub-section (1), clause (ggg) shall be repealed. of 1908.

(2) In section 69 of the principal Act, in sub-section (1), the following clause shall be inserted after clause (gg), namely :—

“(ggg) regulating the procedure for transmitting documents for being photographed and the serial numbering, binding and preservation of the photographic prints and negatives, the manner of fixing the signature and seal of the Photo-Registrar at the end of a length of film, and the procedure generally in the Government Photo Registry ;”

Amendment  
of section 89  
of Act XVI  
of 1908.

7. (1) In section 89 of the Indian Registration Act, 1908, as in force in the XVI Vidarbha region of the State of Bombay, sub-sections (5) and (6) shall be repealed. of 1908.

(2) In section 89 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely :—

“(5) Every Consolidation Officer passing an order,—

(i) under sub-section (1) of section 29 or sub-section (2) of section 29A of the Bom. Bombay Prevention of Fragmentation and Consolidation of Holdings LXII Act, 1947, or of 1947.

(ii) under sub-section (1) of section 203 of the Madhya Pradesh Land M. P. Revenue Code, 1954, or Act II of 1955.

(iii) under sub-section (1) of section 31 of the Hyderabad Prevention of Hyd. Fragmentation and Consolidation of Holdings Act, 1956, Act XL of 1956.

shall send a copy of such order to the registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate, and such registering officer shall file the copy in his Book No. 1.

(6) Every sale Officer granting a certificate of sale under section 20 of the C. P. Central Provinces and Berar Co-operative Land Mortgage Banks Act, 1937, shall and send a copy of such certificate to the registering officer within the local limits of Berar whose jurisdiction the whole or any part of the immovable property comprised of Act I in such certificate is situate, and such registering officer shall file the copy in his 1937. Book No. 1.”

## SCHEDULE.

(See section 2.)

Serial No.	Acts.	Provisions extended.
1	2	3
1	The Indian Registration (Bombay Amendment) Act, 1929 (Bom. V of 1929)	Sections 1, 3(1) and 6 to 12 (both inclusive).
2	The Indian Registration (Bombay Amendment) Act, 1930 (Bom. XVII of 1930).	Sections 1 and 3.
3	The Indian Registration (Bombay Amendment) Act, 1933 (Bom. XVIII of 1933).	Sections 1 and 3.
4	The Indian Registration (Bombay Amendment) Act, 1938 (Bom. XXIV of 1938).	Sections 1 to 3 (both inclusive), 4 (i) and 5 to 7 (both inclusive).
5	The Transfer of Property and the Indian Registration (Bombay Amendment) Act, 1939 (Bom. XIV of 1939).	The whole Act.
6	The Indian Registration (Bombay Amendment) Act, 1947 (Bom. XIV of 1947)	Sections 1 and 3.

**MAHARASHTRA ACT No. XXXV OF 1966<sup>1</sup>**

[THE INDIAN REGISTRATION (MAHARASHTRA AMENDMENT) ACT, 1966.]

[9th November 1966]

**An Act further to amend the Indian Registration Act, 1908, in its application to the State of Maharashtra.**

XVI of 1908. **WHEREAS** it is expedient further to amend the Indian Registration Act, 1908, in its application to the State of Maharashtra, for the purpose hereinafter appearing; It is hereby enacted in the Seventeenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Registration (Maharashtra Amendment) Act, 1966. Short title.

XVI of 1908. 2. In the Indian Registration Act, 1908, in its application to the State of Maharashtra, after section 80, the following new section shall be inserted, namely:—

Insertion of new section 80A in Act XVI of 1908.

“ 80A. (1) If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the prescribed period), on a certificate of the Inspector General of Registration, be recovered from the person who presented such certificate for registration under section 32 as an arrear of land revenue. The certificate of the Inspector General shall be final and shall not be called in question in any court or before any authority: Recovery of excess registration fee as arrear of land revenue and provision for refund.

Provided that, no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector General of Registration finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess.”

<sup>1</sup>For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1966, Part V, Extra., page 886.

THE REGISTRATION (MAHARASHTRA AMENDMENT) ACT, 1975

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PREAMBLE

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1. Short title.
2. Amendment of section 80-A of Act XVI of 1908.

MAHARASHTRA ACT No. XLIX OF 1975<sup>1</sup>

[THE REGISTRATION (MAHARASHTRA AMENDMENT) ACT, 1975]

[27th September 1975]

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

XVI of 1908. WHEREAS it is expedient further to amend the Registration Act, 1908, in its application to the State of Maharashtra, for the purpose hereinafter appearing; It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows :—

1. This Act may be called the Registration (Maharashtra Amendment) Act, Short title, 1975.

XVI of 1908. 2. In section 80-A of the Registration Act, 1908, in its application to the State of Maharashtra,—

Amendment  
of section  
80 A of  
Act XVI of  
1908.

(a) in sub-section (1), for the portion beginning with the words "If on inspection" and ending with the words "arrear of land revenue" the following shall be substituted, namely :—

"If on inspection or otherwise it is found that any fee payable under this Act has not been paid or has been paid insufficiently, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector-General of Registration, be recovered as an arrear of land revenue from the person from whom such demand is made ;"

(b) for the marginal note, the following shall be substituted, namely :—

"Recovery of fees, and provision for refund."

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1974, Part V, J/438—10





# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ४, अंक १६]

शुक्रवार, मे २५, २०१२/ज्येष्ठ ४, शके १९३४

[ पृष्ठे ५, किंमत : रुपये १८.००

असाधारण क्रमांक २८

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Registration (Maharashtra Amendment) Act, 2010 (Maharashtra Act No. X of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. X OF 2012.

*(First published, after having received the assent of the President, in the "Maharashtra Government Gazette", on the 25th May 2012).*

*An Act further to amend the Registration Act, 1908, in its application to the State of Maharashtra.*

16 of 1908. WHEREAS it is expedient further to amend the Registration Act, 1908, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Maharashtra Amendment) Act, 2010.

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

Short title and commencement.

Amendment  
of section 7  
of Act 16  
of 1908.

2. In section 7 of the Registration Act, 1908, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), to sub-section (1), the following proviso shall be added, namely :—

16 of  
1908.

" Provided that, the State Government may, by order published in the *Official Gazette*, specify the documents for registration by the office of the Joint Sub-Registrar so established. "

Amendment  
of section 17  
of Act 16  
of 1908.

3. In section 17 of the principal Act, in sub-section (1), after clause (e), the following clauses shall be added, namely :—

" (f) agreement relating to the Deposit of title deeds, where such deposit has been made by way of security for the repayment of a loan or an existing or future debts ;

(g) sale certificate issued by any competent officer or authority under any recovery Act ;

(h) irrevocable Power of Attorney relating to transfer of immovable property in any way, executed on or after the commencement of the Registration (Maharashtra Amendment) Act, 2010. "

Mah.  
X of  
2012.

Deletion of  
section 22A  
of Act 16  
of 1908.

4. Section 22A of the principal Act shall be deleted.

Amendment  
of section 32  
of Act 16  
of 1908.

5. In section 32 of the principal Act, after the word and figures " and 89, " the words " or when the document is presented by electronic means, " shall be inserted.

Amendment  
of section 34  
of Act 16  
of 1908.

6. In section 34 of the principal Act,—

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

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

(b) in sub-section (3), after clause (c), the following proviso shall be added, namely :—

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

(c) in sub-section (4), for the words " proviso to " the words " first proviso to " shall be substituted.

Amendment  
of section 35  
of Act 16  
of 1908.

7. In section 35 of the principal Act,—

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

(b) to sub-section (2), the following proviso shall be added, namely:—

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

8. In section 69 of the principal Act, in sub-section (1), after clause (j), the following clause shall be added, namely:—

“ (k) regulating the procedure for presentation of document, appearance for admission, endorsements, manner of fixing signature and seal, mode of payment of registration fees and other fees and such other process, when the document is presented by electronic means. ”

Amendment of section 69 of Act 16 of 1908.

9. After section 89 of the principal Act, the following sections shall be inserted, namely:—

Insertion of sections 89A, 89B, 89C and 89D in Act 16 of 1908.

“ 89A. (1) Every Court passing,—

(a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of any person, or

(b) an order for interim attachment or attachment of immovable property or for the release of any immovable property from such attachment,

Copies of court decrees, attachment orders, etc., to be sent to Registering Officers and filed in registers.

shall, in accordance with the rules made in this behalf, send a copy of such decree or order together with a memorandum describing the property as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy of the memorandum in his Book No. 1 :

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one registering officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

(2) Every officer issuing a certificate of sale or a written demand before the attachment of the immovable property of a defaulter under the provisions of any law relating to Revenue Recovery for the time being in force including the Revenue Recovery Act, 1890, shall,—

1 of  
1890.

(a) send a copy of such certificate of sale or written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21 ;

(b) where such written demand is withdrawn or attachment of property is lifted or the property sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand is situate, and such registering officer shall file a copy of the written demand and the memorandum in his Book No. 1 :

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one registering officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

Notice to be sent to registering officers by mortgagor in case of mortgage by depositing title deeds and provisions for compensation in favour of subsequent transferee.

**89B.** (1) Every person who has mortgaged immovable property by way of a mortgage by depositing title deeds under clause (f) of section 58 of the Transfer of Property Act, 1882 shall, within thirty days from the date of the mortgage, file a notice of intimation of his having so mortgaged the property, giving details of his name and address, name and address of the mortgagee, date of mortgage, amount received under the mortgage, rate of interest payable, list of documents deposited, and description of the immovable property in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property is situate, and the said officer shall file the same in his Book No. 1 :

IV of  
1882.

Provided that, if the property so mortgaged falls within the jurisdiction of more than one registering officer, the procedure specified in this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

(2) If, the person who has mortgaged the property as aforesaid fails to file a notice within thirty days as stated in sub-section (1) before the registering officer or officers, as the case may be, and enters into any transaction in relation to or affecting the immovable property which is the subject matter of the mortgage, with a third party ; such a transaction shall be void and the third party shall be entitled to refund of any amount paid by him together with interest at twelve per cent. from the date of payment and also to compensation for any damages suffered by him, from the transferor.

(3) The amount recoverable by such transferee as specified in sub-section (2) shall be a charge on the interest of the mortgagor, in the mortgaged property :

Provided that, nothing in this section shall apply to the instruments of agreement relating to mortgage by deposit of title-deeds which are duly registered as per the provisions of this Act.

**89C.** Any person who failed to file a notice under section 89B to the registering officer alongwith fees, within the period specified in that section, shall be punished with imprisonment for a term which shall not be less than one year but which may be for a term which may extend to three years and shall also be liable to fine.

Punishment for failure to file notice under section 89B.

**89D.** (1) The State Government may, by notification in the *Official Gazette*, make rules for all purposes connected with the filing of copies of documents referred to in section 89A or filing of notices referred to in section 89B, in the appropriate book under this Act.

Power to make rules for filing of true copies of documents and notices referred in sections 89A and 89B.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,—

(a) the manner in which notices or true copies of documents shall be prepared ; and

(b) the manner of filing of the notices or true copies.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”

