

OFFICE OF INSPECTOR GENERAL OF REGISTRATION
DEPARTMENT OF REVENUE
GOVERNMENT OF NCT OF DELHI
05, SHAM NATH MARG, CIVIL LINES, DELHI 110054.

No.F.1(92)/Regn.Br./Div.Comm./HQ/2012 | 6112

Dated: 26/7/2021

CIRCULAR

Sub: GUIDELINES ISSUED UNDER SECTION 69 OF INDIAN REGISTRATION ACT FOR COMPLIANCE BY ALL SUB REGISTRAR OFFICES.

In order to provide effective and efficient registration services to the public and ensure smooth functioning of the registration process, following guidelines are issued for compliance in suppression of guidelines dated 12/11/2014 by all the Sub Registrar Offices.

1. All the Sub Registrars are hereby directed to ensure strict compliance of all the provisions of the Registration Act, 1908 and Indian Stamp Act, 1899 and other related statutes and circular / order issued by the Revenue Department from time to time in connection with registration of documents.
2. **PRESENTATION OF DOCUMENT:**
 - a) Documents of which registration is compulsory (Section 17 and 17-A of the Registration Act, 1908)-Section 17 of the Registration Act, 1908 lays the instruments whose registration is compulsory which covers documents such as Sale Deed, Gift Deed, Partition Deed, Mortgage Deed, Lease Deed for term exceeding one year and other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property.
 - b) Documents of which registration is optional (Section 18 of the Registration Act, 1908)-Section 18 of the Registration Act 1908 lays the instruments whose registration is optional which covers documents such as Will, General Power of Attorney (GPA), Lease Deed for term of less than one year and other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of less than one hundred rupees, to or in immovable property.
 - c) Original photographs of the parties are pasted not only on the original document but also on the second copy of the document meant for the record purposes by the office of Sub-Registrar.
 - d) (i) All documents other than Will shall be presented for registration within 04 (Four) months of its execution (Section 23 of Registration Act, 1908).

- (ii) If the document presented is beyond the permissible limit the same shall be referred to the Registrar, who may allow it on payment of fine upto ten times (Section 25 of Registration Act, 1908). The delay in such cases shall not be for more than 04 (four) months.
- e) (i) The documents covered under Section 17 of the Registration Act and are compulsory registrable document, then the same shall be presented in the office of the Sub Registrar, in whose jurisdiction part or whole of the property is situated.
- (ii) In other cases (other than 'WILL' and documents covered in (i) above), the documents shall be presented in the office where the Principal / Executant of the instrument resides and,
- (iii) In case of 'Will', the same may be registered in the office of any Sub Registrar.
- f) The Sub-Registrar has to ascertain and evaluate correctly the stamp duty chargeable on the instrument.
- g) Interlineations, alteration, blank, erasure etc. if any appearing in the instrument is duly attested by the parties or party executing the document.
- h) If the subject matter of the instrument is immovable property, such property must be properly identified in the instrument and the site plan must be annexed to identify the property.
- i) In the case of an instrument relating to immovable property the particulars in form of **Form A** providing relevant details of the property under transfer shall be provided in pursuance to Notification No. F.2 (12)/Fin.(F.1)/Part File/Vol.1(i)/3547 dated 18/07/2007 issued by the then Joint Secretary (Revenue). This form must be filled and demanded to ensure that property is not undervalued, and in order to prevent theft of stamp duty by declaring less market value of the property under transfer.
- (j) After scrutiny, endorsement by hand or by stamp to the effect that the "document scrutinized" must be put on the instrument.
- (k) The instrument must be "locked" by using user I.D. and password after the document is admitted for registration and the endorsement / stamp of 'locked' must be put on the instrument.
- (l) Identification documents of the executants and witnesses are annexed with the instrument.
- (m) No person other than parties to the document and witnesses shall be allowed to enter the Sub Registrar office / premises. No person other than parties shall be allowed to present the documents or enter into the Sub Registrar Office.

3. MODE OF IDENTIFICATION OF PARTIES THROUGH AADHAR NUMBER:

AADHAR Number / Enrolment Slip may be demanded to ensure identification of the parties. In case a person has no AADHAR Card but he is having enrolment Slip, he should be permitted to avail the services. In case a person does not possess enrolment slip or an Aadhar Card / Number, he should be asked to apply for the enrollment of Aadhaar card immediately at the Centre and he provided enrollment slip and after that he can avail the services.

4. ADMISSION OF EXECUTION:

Endorsement of the Sub Registrar must be made that the person executing the documents has admitted the execution of the instrument and he/ she is fully aware of the salient features of the contents of the instrument.

5. ISSUE OF CHARGEABILITY OF STAMP DUTY:

All the Sub Registrars are directed to charge stamp duty on the instruments as per schedule applicable on the date of execution of the instruments.

6. COMPULSORY SIGNING OF ENDORSEMENT:

The Sub-Registrars shall sign the endorsement under Section 52 and 58 of the Registration Act immediately as and when party (s) concerned submits the instrument duly executed and the same shall be put without any delay whatsoever i.e. on the same day.

7. DEFICIENCY MEMO IN CASE OF DISCREPANCY IN THE INSTRUMENT:

If there is any discrepancy in the document presented, the Sub-Registrar shall issue a system generated deficiency memo through DORIS immediately on the same day and at the spot to the parties concerned by a speaking order explaining clearly the deficiency. The document shall not be kept pending for any reason after removal of deficiency or after the expiry of time period given in the Memo.

8. PROCEDURE TO BE FOLLOWED, IN CASE ANY DISPUTE/OBJECTION RECEIVED BY SUB REGISTRAR

- i. Whenever the Sub Registrar receives information about any kind of dispute in respect of any property then the same should be uploaded on DORIS on the same day of receipt of such information.
- ii. Sub-Registrar shall give only an online system generated notice through DORIS to the concerned party/ parties providing 03 days time to produce any stay order from competent court of law.
- iii. The Sub Registrar shall not keep any document pending on the ground of complaint made by any party unless there is a stay order granted by Court of Law to maintain status quo or restraining the transfer of the property.



9. REGULARIZATION AND DELIVERY OF DOCUMENTS

Any document without any Dispute and Discrepancy must be registered latest by the day after the day of presentation of documents and it must be made sure that delivery of registered document is done on the same day.

10. EXTENT OF ENQUIRY AS REGARD TITLE:

Under the Indian Registration Act, no power has been conferred upon the registering authority to examine and enquire into the title of the property. The Sub-Registrar is not entitled to probe-in to the title as mentioned in the instrument in as much as it is for the parties to examine, ensure and verify the true character and title of the property as subject matter of the instrument. The Sub-Registrar is to ensure only that the executant or duly authorized person, admit the execution of the instrument and if the subject matter of the instrument is immovable property, such property has been properly identified in the instrument and is necessary the site plan is appended or annexed separately to identify the immovable property.

11. DOCUMENT PRESENTED THROUGH ATTORNEY:

- (i) The document may be presented in the Office of Sub Registrar for registration either by the persons executing the same or through agent or representative duly authorized by Power of Attorney executed and authenticated in accordance to the manner as laid down in Section 33 of the Registration Act, 1908.
- (ii) As the attorney is valid only till the life time of the Executant, the Sub-Registrar may, if the transaction is being effected through attorney holder, reasonably satisfy himself that the Executant of the power of attorney is still alive.

12. CLARIFICATION REGARDING POWER OF ATTORNEY:

(i) JURISDICTION FOR REGISTRATION OF POWER OF ATTORNEY

A power of attorney may be executed in the office of Sub-Registrar in whose jurisdiction the executants / principal resides irrespective of existence / or place of immovable property.

(ii) GPA IN NATURE OF SALE.

- a) The Sub Registrars should look into the contents of the document presented for registration in order to ascertain the nature of document and stamp duty chargeable on the same. It has been noticed that people are presenting the documents which contain the contents of a Conveyance but, in order to evade the stamp duty payable, the document is prepared under the title of "General Power of Attorney".
- b) Such kind of practices can be stopped when the Sub Registrars look into the nature and contents of the document and stamp duty should be levied accordingly. If the document presented for registration is titled as "General

Power of Attorney" but its contents contains the following clauses then the same shall be deemed to be in the nature of Conveyance and the Sub Registrar shall refer it to the concerned Collector of Stamps for adjudication of adequate stamp duty payable on it (these are some of the indicative clauses and not the exhaustive list of factors):-

- (a) The consideration has been paid for execution of the Power of Attorney.
- (b) The Power of Attorney presented is "irrevocable" in nature.
- (c) The Power of Attorney (POA) empower Attorney to sell, gift, exchange or permanently alienate the immovable property & the consideration received thereof is receivable in the name of the executants.
- (d) The possession of the property has been transferred to the Attorney through General Power of Attorney.

13. INSTRUMENT UNDER VALUED HOW TO BE DEALT:

If the Registering Officer, while registering any instrument transferring any property, has reason to believe that the value of the property or the consideration, as the case may be, has not been truly set forth in the instrument, he may, after registering such instrument, refer the same to the Collector for determination of the value or consideration, as the case may be, and the proper duty payable thereon.


14. IMPOUNDING OF DOCUMENTS (SECTION 33 OF INDIAN STAMP ACT):

The Sub-Registrar should not impound the document as a matter of routine and only in genuine cases where the stamp duty chargeable to the instrument is found deficient that the instrument be impounded that too within the parameters of section 33 of the Indian Stamp Act.

In these cases, the Sub Registrar on acceptance of document for registration, shall firstly endorse Section 52 and 58 on the document and only then shall refer the same to the Collector of Stamps for adjudication of the adequate stamp duty payable on it.

15. FINAL SIGNING THE CERTIFICATE OF REGISTRATION AS PER SECTION 60 OF THE ACT:

According to this Section the Certificate of Registration is to be endorsed after the provisions of Section 34, 35, 58 and 59 have been complied with. A certificate of Registration is evidence that the document was duly registered. As soon as the document is scrutinized and is made complete in all respects and is made as per law, then the Sub Registrar shall finally issue the Certificate of Registration under Section 60 and sign the same.



16. ON REFUSAL TO REGISTER THE DOCUMENT:

If the Sub-Registrar is of the opinion that the document presented for registration is against any of the provisions of law or administrative instructions / order, the Sub Registrar may refuse to register the document after hearing the parties concerned.

The refusal order should be a speaking order recording the reason for refusal and duly recorded in relevant Book Number. A copy of the refusal order be also sent to the Deputy Commissioner of the District, SDM (HQ), Spl. IGR apart from delivering a copy to the parties concerned.

17. DOCUMENTS REGISTERED OR REFUSED TO BE PASTED IN BOOKS:

The documents registered or refused registration shall be pasted in the following books immediately but is not later than 03 days

Book 1- "Register of non-testamentary document relating to immovable property".

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

Book 3- "Register of Wills and authorities to adopt"; and

Book 4- "Miscellaneous Register".

18. DELIVERY OF DOCUMENTS:

- i. The documents shall be delivered strictly between 15:00 to 17:00 hours.
- ii. It is directed that after registration the document shall be made available for delivery at delivery counter, on the same day of regularization of document to the executants or to any representative of executants carrying original receipt.
- iii. The delivery clerk shall affix the stamp in the manner indicated below:-

(a) Document delivered on By (Full signature with name & designation)

The delivery clerk shall maintain a register of delivered document in the format given below:-

S.No.	S.No. of the document	Date of To whom
	& date of registration	delivery delivered

19. PROPERTIES BOOKED BY MCD AS UNAUTHORIZED:

In pursuance of the Order No. F.36/(07)/ Coordn/ Div.Com/07/613-620 dated 13.04.2015 issued by the then Divisional Commissioner, by the Order and in the name of The Lieutenant Governor of Delhi, mentioning specific direction of Hon'ble High Court of Delhi in the Writ petition (CWC No. 4582/2003) titled Kalyan Sanstha Social Welfare Organization & Ors. Vs. UOI & Ors, The Sub-Registrars will use the details of all booked properties provided by the Municipal Corporation of Delhi and it shall be the duty of the Sub-Registrar to mention the details of the fact that the building is unsafe or has unauthorized construction at the time of registration of transactions relating to immovable property.

That the registration of transactions relating to immovable property shall not debar any action to enforce provisions of any law, including prevailing building byelaws/ structural safety norms, and that timely action against unauthorized construction/ unsafe buildings shall be taken by the law enforcement agencies/ authorities concerned as per law.

20. CLARIFICATION AS REGARD JUDGMENT OF THE SUPREME COURT IN SURAJ LAMP & INDUSTRIES VS. STATE OF HARYANA / AGREEMENT TO SELL:

- (i) The aforesaid judgment has nowhere questioned the power / jurisdiction / duties of the Sub-Registrar in respect of registration of document whether in the past or in future.
- (ii) In case of lease hold properties, the Hon'ble Court clearly held that such type of property can be transferred through assignment of lease which is also compulsory registrable document under section 17 of the Indian Registration Act chargeable to duty as per the Schedule-1A of the Stamp Act.

It is clarified to all the Sub Registrar that under section 17 (1-A) of the Registration Act, the documents containing contract to transfer for consideration any immovable property is compulsory registrable document if having been executed after the commencement of Registration (Amendment) Act, 2001 (w.e.f. 24/09/2001). An agreement to sell in respect of immovable property is covered under section 17 (1-A) of the Registration Act and is a valid document to be registered if so desired by the parties and as such all these documents cannot be refused by Sub Registrar.

21. BUILDER BUYER AGREEMENT OR COLLABORATION AGREEMENT:

In case of developer or collaboration agreement, the owner transfers his property for development / construction to the builder against consideration and hence, such documents are compulsory registerable under section 17 (1-A) of the Registration Act chargeable to stamp duty under article 23A of the Indian Stamp Act. The same principle applies in case of builder buyer agreement also, in which possession is handed over against consideration and such the Sub Registrars are bound to register such documents, when presented.

22. MONITORING OF WORK OF SUB-REGISTRAR OFFICES

The concerned DM/ Registrar shall monitor the activities of Sub-Registrar offices and shall scrutinize the registration of documents, through system generated reports and by conducting periodic inspections of the Sub-Registrar offices by himself/ herself or through authorized official.

23. PERIODIC INSPECTIONS OF THE SUB-REGISTRAR OFFICES

Timely and Hassle free registration of Documents in Sub-Registrar offices, is a key factor to improve Ranking in Ease of Doing Business (E.o.D.B) index. In pursuance of this a circular vide number F.1/2364 /Regn.Br. /Div.Comm. /HQ/ R/ 2019 / Pt.File-III/5247 dated 11.01.2021 was issued, for timely registration and delivery of the documents on the same day.

Accordingly, to monitor the same and to ensure the transparency in the process of Registration of documents, periodic inspections of the Sub-Registrar Offices shall be done by the Concerned District Magistrate/Registrar or by any officer deputed/ authorized by the District Magistrate/Registrar. They must inspect the following:

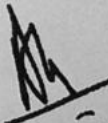
- i. Number of documents presented on any particular day, number of documents delivered in time bound manner.
- ii. Reason for the pendency of any document beyond prescribed time limit, shall be strictly monitored. For this, the day of presentation of the documents i.e. the day of appointment to Sub Registrar offices till the succeeding working day shall be taken into consideration.
- iii. Stamp duty collected by the Sub-Registrar on various documents shall be checked in order to find undervalued and miscategorized documents.
- iv. That undervalued documents are duly impounded and sent to the Collector of Stamps for recovery of stamp duty.
- v. Arbitrary refusal of registrations of documents, if any.
- vi. That no manual Deficiency Memo is issued.
- vii. That no middle men/ unauthorized person is present in Sub- Registrar Office. For this CCTV recording should be checked thoroughly.
- viii. Any other discrepancy noticed by the inspecting officer.
- ix. Any other violation of relevant acts/orders/circulars issued by competent authority.

The inspecting officer shall submit his report to the concerned Registrar, and the concerned Registrar shall submit a consolidated monthly report to Inspector General of Registration with his/her comments through Special IGR (HQ).

24. PERIODIC INSPECTIONS OF THE SUB-REGISTRAR OFFICES AT THE REVENUE HEAD QUARTER LEVEL.

In order to conduct periodic inspection of Sub-Registrar offices, suitable number of teams would be formed under the SDM, availability at Head Quarter. Each team would be entrusted to carry out thorough inspection of atleast 02 Sub-Registrar Offices every month. Support staff for their assistance during such inspections would be given from Head Quarters. The whole process of selection of Sub Registrar to be inspected would be conducted by Special IGR, Head Quarter.

A monthly report of inspection is to be submitted by each SDM to the Inspector General of Registration through Special IGR (HQ).


SANJEEV KHIRWAR
IGR, DELHI

Dated: 26/7/2021

No.F.1(92)/Regn.Br./Div.Comm./HQ/R/2012) 6112
Copy for information & necessary action to:-

1. All District Magistrates / Registrars, Delhi / New Delhi.
2. All Additional District Magistrates, Delhi / New Delhi.
3. All SDM's / COS's, Delhi / New Delhi.
4. All Sub Registrars, Delhi / New Delhi.

5. ✓ Sr. System Analyst with the request to upload the same on the departmental website today itself for all concerned.
6. P.S. to Pr. Secretary (Revenue)-cum-Divisional Commissioner, GNCTD.
7. P.A. to Special I.G.R. (Revenue), Delhi.
8. Guard File.



RAJESH CHOUDHARY
S.D.M (HQ) / C.O.S