

# Bill Summary

## The Registration (Amendment) Bill, 2013

- The Registration (Amendment) Bill, 2013 (the Bill) was introduced in the Rajya Sabha on August 8, 2013 by the Minister of Rural Development, Mr. Jairam Ramesh.
- The Bill seeks to amend the Registration Act, 1908 (the Act). The Act deals with registration of immovable property.
- Under the Act it is not compulsory to register immovable property that is leased for less than one year. The Bill makes registration compulsory, irrespective of the term of the lease of the immovable property, that is, even property that is leased for less than one year must be registered.
- It provides that wills, authority to adopt by a will and any documents notified by the state government may be registered by the concerned parties.
- The Bill prohibits registration in certain cases, specifically relating to transactions which (a) are prohibited by any central or state act; (b) entail transfer of property owned by the central and state governments or by any person who is not statutorily empowered to do so; (c) entail transfer of property which is attached permanently by a competent authority; and (d) may adversely affect accrued interest in immovable properties of the central, state and local governments and educational, cultural, religious and charitable institutions.
- The Act specifies that immovable property can only be registered in the state within which it is located. The Bill seeks to allow the registration of these documents anywhere in the country.
- Any person presenting a document at the registration office must affix a passport size colour photograph, get photographed by a digital camera and affix their thumb impression on the document.
- The Bill makes new provisions relating to the recovery of inadequate payment of registration fee and refund in case the fee paid is in excess of what is legally payable.
- Amendments have been proposed as a result of the rapid computerisation of land records in the country. For example, the Bill includes provisions for enclosing scanned copies of documents in certain cases.
- All banks and financial institutions that grant loans on the basis of equitable mortgage may send an e-copy of the same to the registering officer under whose jurisdiction the property to be mortgaged is situated.

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