

Standing Committee Report Summary

The Registration (Amendment) Bill, 2013

- The Standing Committee on Rural Development (Chairperson: Dr. P. Venugopal) submitted its report on the Registration (Amendment) Bill, 2013 on May 8, 2015.
- The Bill seeks to amend the Registration Act, 1908. The Act governs the process of registering documents such as those relating to property, wills, etc., in the country. It specifies: (i) the authorities which are responsible for registration, (ii) the process of registration, (iii) documents which will need to be registered, and (iv) penalties for not adhering to certain provisions of the Act.
- The Committee endorsed the Bill, but made certain recommendations. Major recommendations of the Committee are detailed below.
- **Compulsory registration of leases of less than one year:** At present, the Act does not require the registration of leases which are less than one year in duration. The Bill seeks to make the registration of all leases (of immovable property) mandatory, including those that are less than one year, if the monthly rent of the property is more than Rs 50,000.
- The Committee agreed with mandating the registration of these documents. However, it added that state governments should be allowed to decide the criteria (such as rent payable) for exempting compulsory registration. This will allow state governments to determine the amount of rent payable at which registering a lease is mandatory, instead of fixing the amount at Rs 50,000.
- **Role of state governments:** The Act allows state government to exclude areas from the application of the Act. The Bill removes this provision. The Committee recommended that the government consider allowing state governments to exclude areas, based on the requirements of the state, through state laws in harmony with the Act.
- The Bill also seeks to allow state governments to make rules relating to the Act such as the manner of presenting documents for registration, and the manner of disposing of appeals, etc. The Committee recommended that a time limit be specified for state governments to frame rules.
- **Place of registration:** The Act requires that land related documents should be registered at the sub-district level, in the sub-district where the land is located. The Bill seeks to allow the registration of these documents anywhere in the country.
- The Committee observed that the lack of infrastructural facilities to deal with this at the ground level might lead to fraudulent registration or create problems for those who wish to register land. It therefore recommended that these documents should not be allowed to be registered anywhere in the country. However, instead of registration at the sub-district level, registration may be allowed at the district level.
- **Compulsory registration of wills:** The Act allows for the registration of certain documents such as wills to be optional. The Bill limits the types of documents for which registration is optional to: (i) wills and (ii) other documents specified by the state government.
- The Committee recommended that the government consider making the registration of wills compulsory. Additionally, the Committee recommended that the central government make a list of documents for which registration will be optional. State governments may notify any other documents for which registration will be optional.
- **Compulsory registration of adoption deed:** The Act provides for the compulsory registration of documents authorising the adoption of a son. The Bill seeks to also provide for the registration of documents to adopt a daughter. The Committee recommended that the adoption deed should also be compulsorily registered.
- **Electronic registration:** The Bill seeks to allow the e-registration of documents. The Committee recommended that e-registration be allowed only when sub-registrar offices are equipped with adequate facilities which allow for the identification of those applying online.
- **Definitions:** The Committee pointed out that the terms 'registrar', 'sub-registrar', and 'registration office' have not been defined in the Act. It recommended that these terms be defined.

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