

Registration Act, 1908

Section 33 - Power-of-attorney Recognizable for Purposes of Section 32

(1) For the purposes of section 32, the following powers-of-attorney shall alone be recognized, namely:--

(a) if the principal at the time of executing the power-of-attorney resides in any part of 1 [India] in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;

(b) if the principal at the time aforesaid 2 [resides in any part of India in which this Act is not in force], a power-of-attorney executed before and authenticated by any Magistrate;

(c) if the principal at the time aforesaid does not reside in 1 [India], a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, 3 [Indian] Consul or Vice-Consul, or representative 4 [***] of the Central Government:

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, namely:--

- (i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;
- (ii) persons who are in jail under civil or criminal process; and
- (iii) persons exempt by law from personal appearance in court.

5 [Explanation.--In this sub-section "India" means India, as defined in clause (28) of section 3 of the General Clauses Act, 1897 (10 of 1897).]

(2) In the case of every such person the Registrar or Sub-Registrar or Magistrate, as the case may be, if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

1. Substituted by Act 3 of 1951, section 3 and Schedule, for "the States" (w.e.f. 1-4-1951).

2. Substituted by Act 3 of 1951, section 3 and Schedule, for "resides in any other part of the States" (w.e.f. 1-4-1951).

3. Substituted by the A.O. 1950, for "British".

4. The words "of His Majesty or" omitted by the A.O. 1950.

5. Inserted by Act of 1951, section 3 and Schedule (w.e.f. 1-4-1951).

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