

## Registration Act, 1908

### Section 51 - Register-books to Be Kept in the Several Offices

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(1) The following books shall be kept in the several offices hereinafter named, namely:--

A--In all registration offices--

Book 1, "Register of non-testamentary documents 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".

B--In the offices of Registrars--

Book 5, "Register of deposits of wills".

(2) In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.

(3) In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18 which do not relate to immovable property.

(4) Nothing in this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

#### STATE AMENDMENTS

##### 1 Andhra Pradesh:

In section 51, in sub-section (1), for the words "The following books", the words "The following books and the information storage devices as specified in sub-section (1) of section 16" shall be substituted.

##### 2 Bihar:

To section 51 the following new sub-section shall be added, namely:--

"(5)(a) 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 so prepared and authenticated shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, 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 prepared and authenticated as aforesaid.

(b) Notwithstanding anything contained in this Act, copies of any of the books mentioned in sub-section (1) or any portion of such book prepared and authenticated before the commencement of the Indian Registration (Bihar Amendment) Act, 1947, in pursuance of an order of the Registrar or the Inspector-General shall, for the purposes of this Act, and of the Indian Evidence Act, 1872, 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

prepared and authenticated."

### 3 Goa:

In section 51,--

(a) for sub-section (2), the following sub-section shall be substituted, namely:--

"(2) In Book I shall be filed--

- (i) true copies of all documents, and
- (ii) all memoranda,

registered under sections 17, 18 and 39 which relate to immovable property, and are not wills.";

(b) in sub-section (3) for the words "entered all documents", the words "filed true copies of all documents" shall be substituted.

### 4 Gujarat:

Same as those of Maharashtra.

### 5 Karnataka:

Amendments to section 51(2) and (3) are the same as in Kerala. Insert sub-section (5) as under:

"(5) If, any of the books mentioned in sub-section (1) is destroyed or in the opinion of the Registrar is in danger to 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 reconstructed or, recopied as the case may be and authenticated in such manner as may be prescribed under section 69 and the copy prepared and authenticated under such direction shall for the purpose 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 prepared and authenticated."

### 6 Kerala:

In section 51,--

(i) for sub-section (2), substitute the following:--

"(2) In Book 1 shall be filed--

- (i) true copies of all documents; and
- (ii) all memoranda,

registered under sections 17, 18 and 89, which relate to immovable property and are not wills.";

(iii) in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents".

### 7 [8] [9] Maharashtra:

In section 51,--

(i) in sub-section (2), after the figures "89", the words and figures "sub-sections (2) and (4)" were inserted.

(ii) after sub-section (4), add the following new sub-section, namely:--

"(5) If, in the opinion of the Registrar, any of the books mentioned in subsection (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."

[Note.--Section 8 of the Bombay Act 25 of 1938 runs as follows:

"8. Validity of copies made prior to enactment of this Act.--Notwithstanding anything contained in the said Act (i.e. the Indian Registration 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".]

(iii) in sub-section (2), for the words "18 and 89, sub-sections (2) and (4)", substitute the words "and 18 and section 89 except sub-sections (1) and (3) thereof".

#### 10 Orissa:

In its application to the State of Orissa, in section 51,--

(a) for sub-section (2), the following sub-section shall be substituted, namely,--

"(2) In Book 1 shall be filed--

- (i) true copies of all documents, and
- (ii) all memoranda,

registered under sections 17, 18 and 89, which relate to immovable property, and are not wills";

(b) in sub-section (3), for the words "entered all documents", substitute "filed true copies of all documents";

(c) after sub-section (4), insert the following new sub-sections, namely,--

"(5) If, in the opinion of the Registrar, any of the books mentioned in subsection (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 so prepared and authenticated under such direction shall, for the purpose of this Act, and of the Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, as the case may be, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated.

(6) Notwithstanding anything contained in this Act, copies of any of the books mentioned in sub-section (1) or any portion of such books prepared and authenticated before the commencement of the Registration (Orissa Amendment) Act, 1989, in pursuance of an order of the Registrar or the Inspector-General of Registration, shall, for the purposes of this Act, and of the Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion, as the case may be, and all references in this Act to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."

#### 11 Pondicherry:

With reference to the documents specified in the rules made under section 52(3) as obtaining in Pondicherry, section 51 shall stand modified as follows:--

Modifications are the same as in Kerala (i) and (ii).

### 12 Tripura:

In section 51,--

(i) substitute sub-section (2) as under--

"(2) In Book 1 shall be:

(i) pasted true copies of all documents, and

(ii) filed all memoranda,

registered under sections 17, 18 and 89 which relate to immovable property and are not wills."

(ii) in sub-section (3) for the word "entered", substitute the words "pasted true copies of".

### 13 Uttar Pradesh:

After sub-section (4) of section 51, insert sub-section (5) as under--

"(5) Where due to fire tempest, flood, excessive rainfall, violence of any army or mob or other irresistible force, any or all of the books specified in sub-section (1) are destroyed or become illegible either wholly or partially and the State Government is of the opinion that it is necessary or expedient so to do, it may, by order direct such book or such portion thereof as it thinks fit, to be re-copied, authenticated or reconstructed in such manner as may be prescribed, and the copy so prepared, authenticated or reconstructed shall, for the purpose of this Act and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be, the original book or portion."

Tamil Nadu and West Bengal:

For modification in section 51, see Schedule as inserted by Tamil Nadu Act 21 of 1966 and West Bengal Act 17 of 1978.

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1. Vide Andhra Pradesh Act 16 of 1999, section 4 (w.e.f. 31-12-1998).
  2. Vide Bihar Act 14 of 1947, section 2 (w.e.f. 21-4-1947).
  3. Vide Goa Act 24 of 1985, section 5 (w.e.f. 5-12-1985).
  4. Vide Act 11 of 1960, section 87 and Gujarat A.L.O. 1960.
  5. Vide Karnataka Act 41 of 1984, section 2 (w.e.f. 7-11-1986); Karnataka Act 55 of 1976, section 6 (w.e.f. 24-10-1976).
  6. Vide Kerala Act 7 of 1968, section 7 (w.e.f. 22-2-1968).
  7. Vide Bombay Act 5 of 1929, section 7 (w.e.f. 22-5-1929) read with Act 35 of 1958, section 2 (w.e.f. 28-4-1958).
  8. Vide Bombay Act 24 of 1938, section 3 (w.e.f. 8-2-1939) read with Act 35 of 1958, section 2 (w.e.f. 28-4-1958).
  9. Vide Maharashtra Act 20 of 1971, section 58(c) (w.e.f. 15-6-1972).
  10. Vide Orissa Act 14 of 1989, section 6 (w.e.f. 19-9-1989).
  11. Vide Pondicherry Act 17 of 1970, section 3 (w.e.f. 1-11-1970).

**12.** Vide Tripura Act 7 of 1982, section 6 (w.e.f. 1-1-1983).

**13.** Vide Uttar Pradesh Act 19 of 1981, section 10 (w.r.e.f. 1-8-1981).

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