The Registration Act, 1908

(ACT NO. XVI OF 1908)

[18th December, 1908]

[1]♣An Act to Consolidate the enactments relating to the Registration of Documents.

WHEREAS it is expedient to consolidate the enactments relating to the registration of documents;

It is hereby enacted as follows:-

PART I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Registration Act, 1908.

(2) It extends to the whole of Bangladesh, except such districts or tracts of country as the Government may exclude from its operation.

(3) It shall come into force on the first day of January, 1909.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,□

(1) “addition” means the place of residence, and the profession, trade, rank and title (if any) of a person described, and his father's name, or where he is usually described as the son of his mother, then his mother's name:

(2) “book” includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book:

[2][(2a) “co-operative society” means a co-operative society registered under the Co-operative Societies Act, 1912, or under any other law for the time being in force relating to the registration of co-operative societies.]

(3) “district” and “sub-district” respectively mean a district and sub-district formed under this Act:

(4) “District Court” includes the [3][High Court Division] in its ordinary original civil jurisdiction:

(5) “endorsement” and “endorsed” include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act:

(6) “immoveable property” includes land, buildings, benefits to arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth, hereditary allowances, rights to ways, lights, ferries and fisheries but does not include□

(a) standing timber, growing crops or grass whether immediate severance thereof it intended or not;

(b) fruit upon and juice in trees whether in existence or to grow in future; and

(c) machinery embedded in or attached to the earth, when dealt with apart from the land:

(7) “lease” includes a counter-part, kabuliyat and an undertaking to cultivate or occupy:

(8) “minor” means a person who, according to the personal law to which he is subject, has not attained majority:

(9) “moveable property” means property of every description, except immoveable property:

(10) “representative” includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot: and

(11) “tout' means a person□

(a) who habitually frequents the precincts of a registration office, without a licence granted to him under the rules made under section 80G, for the purpose of obtaining employment for himself or for any other person in connection with any registration business; or

(b) who is declared to be deemed to be a tout for the purposes of this Act by rules made under section 80G;

PART II

OF THE REGISTRATION-ESTABLISHMENT

Inspector-General of Registration

3. (1) The Government shall appoint an officer to be the Inspector-General of Registration for [4][Bangladesh]:

Provided that the Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the Government appoints in this behalf.

(2) Any Inspector-General may hold simultaneously any other office in the service of the [5][Republic].

[Repealed]

4. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

Districts and sub-districts

5. (1) For the purposes of this Act, the Government shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.

(2) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits shall be notified in the official Gazette.

(3) Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

Registrars and Sub-Registrars

6. The Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

Offices of Registrar and Sub-Registrar

7.(1) Government shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars.

(2) The Government may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar, and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate:

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

Inspectors of Registration-offices

8. (1) The Government may also appoint officers, to be called inspectors of Registration-offices, and may prescribe the duties of such officers.

(2) Every such Inspector shall be subordinate to the Inspector-General.

[Repealed]

9. [Repealed by section 3 and 2nd Schedule of the Repealing and Amending Act, 1927 (Act No. X of 1927).]

Absence of Registrar or vacancy in his office

10. (1) When any Registrar, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the Government fills up the vacancy.

(2) [Omitted by the Adaptation of Central Acts and Ordinance Order, 1949.]

Absence of Registrar on duty in his district

11. When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in sections 68 and 72.

Absence of Sub-Registrar or vacancy in his office

12. When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the vacancy is filled up.

Report to Government

of appointments under sections 10, 11 and 12

13. (1) All appointments made under section 10, section 11 or section 12 shall be reported to the Government by the Inspector-General.

(2) Such report shall be either special or general, as the Government directs.

Establishments of registering officers

14. (1) [Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.]

(2) The Government may allow proper establishments for the several offices under this Act.

Seal of registering officers

15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and [6][Bengali]:-

“The seal of the Registrar (or of the Sub-Registrar)

of .”

Register-books and fire-proof boxes

16. (1) The Government shall provide for the office of every registering officer the books necessary for the purposes of this Act.

(2) The books so provided shall contain the forms from time to time prescribed by the Inspector-General with the sanction of the Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

(3) The Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

PART III

OF REGISTRABLE DOCUMENTS

Documents of which registration is compulsory

17. (1) The following documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, [7][* * *] this Act came or comes into force, namely:-

(a) instruments of gift of immoveable property;

[8][(aa) declaration of heba under the Muslim Personal Law (Shariat);]

[9][(aaa) declaration of gift under the Hindu, Christian and Buddhist Personal Law;]

(b) 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, [10][* * *] to or in immoveable property;

Explanation − In the case of an assignment of a mortgage the consideration for the deed of assignment shall be deemed to be the value for registration.

(c) Non-testamentary instruments (other than the acknowledge-ment of a receipt or payment made in respect of any transaction to which an instrument registered under clause (o) relates) which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and

[11][(cc) instrument of mortgage referred to in section 59 of the Transfer of Property Act, 1882;]

(d) leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent;

(e) non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, [12][* * *] to or in immoveable property;

[13][(f) instrument of partition of immovable property effected by persons upon inheritance according to their respective personal laws;

(g) instrument of sale in pursuance of an order of the Court under section 96 of the State Acquisition and Tenancy Act, 1950]:

Provided that the Government may, by order published in the official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty taka.

(2) Nothing in clauses (b) and (c) of sub-section (1) applies to-

(i) any composition deed; or

(ii) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property; or

(iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest, to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(iv) any endorsement upon or transfer of any debenture issued by any such Company; or

(v) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest [14][* * *] to or in immoveable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; or

(vi) any decree or order of a Court except a decree or order expressed to be made on a compromise and comprising immoveable property other than that which is the subject-matter of the suit or proceeding; or

(vii) any grant of immoveable property by the Government; or

(viii) any instrument of partition made by a Revenue-officer; or

(ix) any order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the Land Improvement Loans

Act, 1883; or

(x) any order granting a loan under the Agriculturists' Loans Act, 1884, the Bangladesh Krishi Bank Order, 1973 or under any other law for the time being in force relating to the advancement of loans for agricultural purposes, or any instrument under which a loan is granted by a co-operative society for any such purpose, or any instrument made for securing the repayment of a loan so granted; or

(xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage; or

(xii) any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue-officer; or

(xiii)any counter-part of a lease, where the lease corresponding thereto has itself been registered.

[15][* * *]

(3) Authorities to adopt a son, executed after the first day of January 1872, and not conferred by a will, shall also be registered.

Registration of contract for sale, etc.

[16][17A. (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, a contract for sale of any immovable property shall be in writing, executed by the parties thereto and registered.

(2) A contract for sale referred to in sub-section (1) shall be presented for registration within thirty days from the date of execution of the contract and the provisions regarding registration of instruments shall apply.

Effect of unregistered contract for sale executed prior to section 17A becomes effective

17B. (1) Where a contract for sale of immovable property is executed but not registered prior to coming into force of section 17A-

(a) the parties to the contract shall, within six months from the date of coming into force of that section,-

(i) present the instrument of sale of immovable property under the contract for registration, or

(ii) present the contract for sale itself for registration; or,

(b) either of the parties, if aggrieved for non compliance with any of the provisions mentioned in clause (a), shall, notwithstanding anything contained to the contrary in any law for the time being in force as to the law of Limitation, institute a suit for specific performance or recession of the contract within six months next after the expiry of the period mentioned in clause (a),

failing which the contract shall stand void.

(2) The provision of sub-section (1) shall not apply to any contract for sale of immovable property on the basis of which a suit has been instituted in a civil court before coming into force of section 17A.]

Documents of which registration is optional

18. Any document not required to be registered under section 17 may also be registered under this Act.

Documents in language not understood by registering officer

19. If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

Documents containing interlineations, blanks erasures or alterations

20. (1) The registering officer may in his discretion refuse to accept for registration any document in which any interlineations, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineations, blank, erasure or alteration.

(2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

Description of property and maps or plans

21. (1) No non-testamentary document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(2) Houses in towns shall be described as situate on the north or other side of the street or road (which should be specified) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(3) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(4) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

Description of houses and land by reference to Government maps or surveys

22. (1) Where it is, in the opinion of the Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Government may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

(2) Save as otherwise provided by any rule made under subsection (1), failure to comply with the provisions of section 21, sub-section (2) or sub-section (3), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

Instrument of transfer

[17][22A. (1) Every instrument of transfer required to be compulsorily registered under this Act shall contain the particulars necessary to convey the intention of the parties, complete description of the properties to be transferred and nature of the transaction.

(2) Photographs of both the executant and the recipient shall be pasted on every instrument and the parties shall sign and put their left thumb impressions across their photographs in the instrument[18][:

Provided that if any party is incapable of signing, he shall not be required to sign.]

(3) The government shall, within three months of coming into force of the Registration (Amendment) Act, 2004 by notification in the official Gazette, prescribe a format for the purposes of this section.]

PART IV

OF THE TIME OF PRESENTATION

Time for presenting documents

23. Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within [19][three months] from the date of its execution:

Provided that a copy of a decree or order may be presented within [20][three months] from the day on which the decree or order was made, or, where it is appealable, within [21][three months] from the day on which it becomes final.

Re-registration of certain documents

[22][23A. Notwithstanding anything to the contrary contained in this Act, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document may, within four months from this first becoming aware that the registration of such document is invalid, present such document or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefor under Part IV, and all the provisions of this Act, as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered

in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration:

Provided that, within three months from the twelfth day of September, 1917, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid.]

Documents executed by several persons at different times

24. Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

Provision where delay in presentation is unavoidable

25. (1) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in Bangladesh is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration.

(2) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Documents executed out of Bangladesh

26. When a document purporting to have been executed by all or any of the parties out of Bangladesh is not presented for registration will after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied-

(a) that the instrument was so executed, and

(b) that it has been presented for registration within four months after its arrival in Bangladesh,

may, on payment of the proper registration fee, accept such document for registration.

Wills may be presented or deposited at any time

27. A will may at any time be presented for registration or deposited in manner hereinafter provided.

PART V

OF THE PLACE OF REGISTRATION

Place for registering documents relating to land

28. (1) Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (1), clause (a), (b), (c), (d) and (e), section 17, sub-section (2), and section 18, in so far as such documents affects immoveable property shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or [23][major portion] of the property to which such document relates is situate [24][:

Provided that where the major portion of such property is not situate within one sub-district the document shall be presented for registration in the office of the Sub-Registrar within whose sub-district any portion of such property is situate.]

(2) Notwithstanding anything contained in sub-section (1),-

(a) after a document is registered, no party thereto shall be entitled to question the validity of its registration on the ground that the property which purported to give jurisdiction to the Sub-Registrar to register it either did not exist or was fictitious or insignificant or was not intended to be conveyed; and

(b) a document the registration of which is secured by the inclusion of a non-existent, fictitious or insignificant portion or item shall not in any manner affect the rights of a person who was not a party thereto and acquired rights in the property without notice of the transaction to which such document relates.

Place for registering

other documents

29. (1) Every document not being a document referred to in section 28 or a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the Government at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Government at which all the persons claiming under the decree or order desire the copy to be registered.

[Omitted]

30. [Omitted by section 3 of the Registration (Amendment) Ordinance, 1985 (Ordinance No. L of 1985).]

Registration or acceptance for deposit at private residence

31. The presentation, registration or deposit of documents under this Act shall ordinarily be made only at the office of the officer authorized to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI

OF PRESENTING DOCUMENTS FOR REGISTRATION

Persons to present documents for registration

32. Except in the cases mentioned in section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented,-

(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or

(b) by the representative or assign of such person, or

(c) by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

Power-of-attorney recognizable for purposes of section 32

33. (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 Bangladesh 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 resides in any other part of Bangladesh, a power-of-attorney executed before and authenticated by any Magistrate;

(c) if the principal at the time aforesaid does not reside in Bangladesh a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, Bangladesh Consul or Vice-Consul or representative of the Government:

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose 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.

(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.

Enquiry before registration by registering officer

34. (1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26:

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances under sub-section (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon-

(a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;

(b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and

(c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such persons so to appear.

(4) Any application for a direction under the proviso to sub-section (1) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is sub-ordinate.

(5) Nothing in this section applies to copies of decrees or orders.

Procedure on admission and denial of execution respectively

35. (1) (a) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or

(b) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(c) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61, inclusive.

(2) the registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

(3) (a) If any person by whom the document purports to be executed denies its execution, or

(b) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(c) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution, the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII:

Provided further that the Government may, by notification in the official Gazette, declare that any Sub-Registrar named in the notification shall, in respect of documents the execution of which is denied, by deemed to be a Registrar for the purposes of this sub-section and of Part XII.

PART VII

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES

Procedure where appearance of executant or witness is desired

36. If any person presenting any document for registration or claiming under any document, which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion call upon such officer or Court as the Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

Officer or Court to issue and cause service of summons

37. The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

Persons exempt from appearance at registration-office

38. (1) (a) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or

(b) a person in jail under civil or criminal process, or

(c) persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

(2) In the case of every such person the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

Law as to summonses, commissions and witnesses

39. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and mutatis mutandis, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act.

PART VIII

OF PRESENTING WILLS AND AUTHORITIES TO ADOPT

Persons entitled to present Wills and authorities to adopt

40. (1) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration.

(2) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any registrar or Sub-Registrar for registration.

Registration of wills and authorities to adopt

41. (1) A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document.

(2) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied-

(a) that the will or authority was executed by the testator or donor, as the case may be;

(b) that the testator or donor is dead; and

(c) that the person presenting the will or authority is, under section 40, entitled to present the same.

PART IX

DEPOSIT AND DISPOSAL OF WILLS

Deposit of wills

42. (1) Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover super scribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

(2) The testator shall also endorse on the cover the name and address of the person to whom the original document shall be delivered after registration thereof, after his death.

Procedure on deposit of wills

43. (1) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of

such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(2) The Registrar shall then place and retain the sealed cover in his fire-proof box.

Withdrawal of sealed cover deposited under section 42

44. If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

Proceedings on death of depositor

45. (1) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, upon the cover, and, at the applicant's expense, cause the contents thereof to be copied in to his book No. 3 and then deliver the deposited will to the nominee of the testator or his representative.

(2) If, in respect of any will deposited no steps are taken by the testator or other person under section 44 or sub-section (1) of this section, the Registrar shall follow the procedure hereinafter provided for the disposal of such will or sealed cover.

Saving of certain enactments and powers of Courts

46. (1) Nothing hereinbefore contained shall affect the provisions of [25][the Succession Act, 1925,] or the power of any Court by order to compel the production of any will.

(2) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied in to his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

Destruction of Wills

[26][46A. (1) Any will in deposit with a Registrar at the commencement of the Registration (Amendment) Ordinance, 1962, and any will thereafter

deposited may be destroyed after following the procedure hereinafter provided, if the will is not registered before such destruction.

(2) Every registering officer shall on the first day of July in the year next after the commencement of the Registration (Amendment) Ordinance, 1962, and on the first day of July in every succeeding third year, send by post a notice to every depositor and his nominee, inquiring about the depositor's present address and shall enter on the cover and in his registers any new address supplied in response to such notice.

(3) If, as a result of such notice or in any other manner, the Registrar is satisfied that the testator has died, the Registrar shall, after making an entry in his books as to the death of the testator and the nature of the information on which he has acted, open the cover in the presence of a judicial officer (not below the rank of [27][* * *] [Assistant Judge]. He shall thereupon issue a notice to the executor, if any, and also to such other person or persons deriving any benefit under the will as the two officers may determine, informing them about the existence of the will and also that unless steps are taken within a period of six months therefrom for registration of the will the document shall be liable to be destroyed.

(4) Notwithstanding the expiry of the period specified in the notice, until the will is actually destroyed in accordance with the provision of the Destruction of Records Act, 1917, the registration of the same can be effected, at the request of the person entitled thereto, on payment of the proper charges.]

PART X

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION

Time from which registered document operates

47. A registered document shall operate from the time which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

Registered documents relating to property

48. All non-testamentary documents duly registered under this Act, and relating to any property, whether moveable or immoveable shall take effect

when to take effect against oral agreements

against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession and the same constitutes a valid transfer under any law for the time being in force:

Provided that a mortgage by deposit or title-deeds as defined in section 58 of the Transfer of Property Act, 1882, shall take effect against any mortgage-deed subsequently executed and registered which relate to the same property.

Effect of non-registration of documents required to be registered

49. No document required to be registered under this Act or under any earlier law providing for or relating to registration of documents shall-

(a) operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, to or in immoveable property, or

(b) confer any power to adopt,

unless it has been registered.

Certain registered documents relating to land to take effect against unregistered documents

50. (1) Every document of the kinds mentioned in clauses (a), (b), (c) and (d) of section 17, sub-section (1), and every document registrable under section 18, in so far as such document affects immoveable property or acknowledges the receipt or payment of any consideration in respect of any transaction relating to immoveable property, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not:

Provided that the person in possession of the property under an unregistered document prior in date, would be entitled to the rights under section 53A of the Transfer of Property Act, 1882 if the conditions of that section are fulfilled:

Provided further that the person in whose favour an unregistered document is executed shall be entitled to enforce the contract under the unregistered document in suit for specific performance against a person

claiming under a subsequent registered document, subject to the provisions of clause (b) of section 27 of the Specific Relief Act, 1877.

(2) Nothing in sub-section (1) applies to leases exempted under the proviso to sub-section (1) of section 17 or to any document mentioned in sub-section (2) of the same section, or to any registered document which had not priority under the law in force at the commencement of this Act.

Explanation - [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

PART XI

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS

(A) As to the Register-books and Indexes

Register-books to be kept in the several offices

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

A-In all registration offices-

Book 1, “Register of on-testamentary documents relating to immoveable 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 immoveable property, and are not wills.

(3) In Book 4 shall be entered all documents registered under section 18 which do not relate to immoveable 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.

(5) 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 partially, the Registrar may, by a written order, direct such book or portion thereof as he thinks fit, to be recopied and authenticated in such manner as may be prescribed by rules, and the copy prepared and authenticated under such direction shall, for all purposes of this Act and of the Evidence Act, 1872, be deemed to be the original book or portion and all references in this Act to the original book shall be deemed to be to the book or portion so recopied and authenticated.

Duties of registering officers when document presented

52. (1) (a) The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

(b) a receipt for such document shall be given by the registering officer to the person presenting the same; and

(c) subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

(2) All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the inspector-General.

Registering Officer not to register unless certain particulars are included in an instrument of sale

[28][52A. Upon presentation of an instrument of sale of any immovable property, the Registering Officer shall not register the instrument unless the following particulars are included in and attached with the instrument, namely-

(a) the latest khatian of the property prepared under the State Acquisition and Tenancy Act, 1950, in the name of the seller, if he is owner of the property otherwise than by inheritance;

(b) the latest Khatian of the property prepared under the State Acquisition and Tenancy Act, 1950, in the name of the seller or his predecessor, if he is owner of the property by inheritance;

(c) nature of the property;

(d) price of the property;

(e) a map of the property together with the axes and boundaries;

(f) a brief description of the ownership of the property for last 25 (twenty-five) years; and

(g) an affidavit by the executant affirming that he has not transferred the property to any person before execution of this instrument and that he has lawful title thereto.]

Entries to be numbered consecutively

53. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Current indexes and entries therein

54. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, on field a memorandum of, the document to which it relates.

Indexes to be made by registering officers, and their contents

55. (1) Four such indexes shall be made in all registration-offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

(2) Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector-General from time to time directs in that behalf.

(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

(5) Index No. IV shall contain the name and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector-General from time to time directs.

(7) If, in the opinion of the Registrar, any of the indexes 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 index or portion thereof, as he thinks fit, to be recopied in such manner as may be prescribed by rules, and any copy so prepared shall, for the purposes of this Act and of the Evidence Act, 1872, be deemed to be the original index or portion and all references in this Act to the original index or portion shall be deemed to be references, to the index or portion prepared as aforesaid.

[Repealed]

56. [Repealed by section 2 of the Indian Registration (Amendment) Act, 1929 (Act No. XV of 1929).]

Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries

57. (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all time open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provision, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

(5) All copies given under this section shall for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

(B) As to the Procedure on admitting to Registration

Particulars to be endorsed on document admitted to registration

58. (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars namely:-

(a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

Endorsements to be dated and signed by registering officer

59. The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

Certificate of registration

60. (1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word “registered,” together with the number and page of the book in which the document has been copied.

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

Endorsements and certificate to be copied and document returned

61. (1) The endorsements and certificate referred to and mentioned in section 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

Procedure on presenting document in language unknown to registering officer

62. (1) When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration office.

(2) The endorsements and certificate respectively mention-ed in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

Power to administer oaths and record of substance of statements

63. (1) Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

(2) Every such officer may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

[(BB) Special Duties of Registering Officer

Procedure where documents not properly valued.

63A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, where it appears to the registering officer that the value of any document presented for registration is less than the market value determined in the policy made under section 69, the registering officer shall, for the purpose of realising proper duties and other fees, require the presentant to submit the duties and fees so required and after realising such duties and fees, he shall register the said document.

(2) Where it is found upon inspection or otherwise that by non-compliance of the provision of sub-section (1), a document has been registered by a registering officer with improper duties and fees, such non-compliance of the said registering officer shall be deemed to be misconduct and the unpaid amount of duties and fees shall be realised from the concerned registering officer.]

(c) Special Duties of Sub-Registrar

Procedure where document relates to land in several sub-districts

64. Every Sub-Registrar on registering a non-testamentary document relating to immoveable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property in situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

Procedure where document relates to land in

65. (1) Every Sub-Registrar on registering a non-testamentary document relating to immoveable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in

several districts

section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

(2) The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-registrars subordinate to him within whose sub-district any part of such property is situate: and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(D) Special Duties of Registrar

Procedure after registration of documents relating to land

66. (1) On registering any non-testamentary document relating to immoveable property the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate.

(2) The Registrar shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

Omitted

67. [Omitted by section 3 of the Registration (Amendment) Ordinance, 1985 (Ordinance No. L of 1985).]

(E) Of the Controlling Powers of Registrars and Inspectors-General

Power of Registrar to superintend and control

68. (1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

Sub-Registrars

(2) Every Registrar shall have authority to issue (whether on compliant or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

Power of Inspector-General to superintend registration offices and make rules

69. (1) The Inspector-General shall exercise a general superintendence over all the registration offices in [29][Bangladesh] and shall have power from time to time to make rules consistent with this Act

(a) providing for the safe custody of books, papers and documents;

(b) declaring what languages shall be deemed to be commonly used in each district;

(c) declaring what territorial divisions shall be recognized under section 21;

(d) regulating the amount of fines imposed under sections 25 and 34, respectively;

(e) regulating the exercise of the discretion reposed in the registering officer by section 63;

(f) regulating the form in which registering officers are to make memoranda of documents;

(g) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;

(h) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;

(i) declaring the holidays that shall be observed in the registration-offices; [30][* * *]

(j) generally, regulating the proceedings of the Registrars and Sub-Registrars [31][;

(k) framing of policy in respect of determining market value of property under section 63A.]

(2) The rules so made shall be submitted to the Government for approval, and, after they have been approved, they shall be published in the official Gazette, and on publication shall have effect as if enacted in this Act.

Power of Inspector-General to remit fines

70. The Inspector-General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.

PART XI-A

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY

Application of this Part

[New PART XI-A was inserted by section 17 of the Registration (Amendment) Ordinance, 1962 (Ordinance No. XLV of 1962).]

70-A. This Part shall apply to such areas only as are specified in a notification issued under section 70-D.

Definition

70-B. For the purposes of this Part “Photo-Registrar”, means a Photo-Registrar appointed under this Part.

Appointment of Photo-Registrars

70-C. The Government may appoint a Registrar or Sub-Registrar or any other person to be a Photo-Registrar for the performance of duties under this Part:

Provided that the Government may, subject to such restrictions and conditions as it thinks fit, delegate the power of appointing Photo-Registrars to the Inspector-General of Registration.

Documents may be photographed in areas notified by Government

70-D. (1) The Government may, by notification in the official Gazette, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of Photography.

(2) On the issue of such notification it shall be translated into Bengali [32][* * *] and shall be posted in a conspicuous place at the registration offices affected by the notification.

Application of Act to areas notified under section 70-D

70-E. In any district or sub-district in respect of which a notification has been issued under section 70-D, the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely:-

(1) (a) Every document admitted to registration under section 35 or section 41 shall on every page-

(i) be signed in the presence of the registering officer by the person or anyone of the persons presenting the document for registration; and

(ii) be carefully marked with an identification stamp and the serial number of the document.

(b) It shall then be transmitted by the registering officer, unless he is himself the Photo-Registrar, to the Photo-Registrar, and the registering officer or the Photo-Registrar, as the case may be, shall cause each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon, if any, wherewith the pages of the document are sewn together, in order to separate the pages of the document, and, as soon as the document has been photographed, he shall, as far as practicable, exactly rebind the document as before, and, if he has cut the thread or ribbon shall seal it over the joint with his seal:

Provided that the party presenting the document for registration shall, if he so desires, be allowed to be present and watch the unbinding, rebinding and sealing of the document:

Provided further that if the party presenting the document so requests the document shall be returned to him unbound:

Provided also that before or after transmission of the document to the Photo-Registrar the party presenting the document may require the registering officer to have it copied by hand under section 52, or if the document has been presented for registration under section 19 its

translation copied under section 62 on payment of an additional copying fee.

(c) There shall then be prepared and preserved the negative and at least one Photographic print and to each such negative and print the Photo-Registrar shall fix his signature and seal in token of the exact correspondence of the copy to the original document, as admitted for registration:

Provided that when more than one such negative is recorded on one length of film and the Photo-Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo-Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film.

(d) On set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memoranda in books provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows:-

(a) in section 19 the words “and also by a true copy” shall be omitted;

(b) sub-section (4) of section 21 shall be omitted;

(c) the words “according to the order of its admission” occurring in clause (c) of sub-section (1) of section 52 shall be omitted;

(d) section 53 shall be omitted;

(e) in sub-section (1) of section 60 the words “and page” shall be omitted;

(f) sub-section (1) of section 61 shall be omitted; and

(g) in sub-section (1) of section 62,-

(i) for the word “transcribed” the word “copied” shall be substituted; and

(ii) for the words and figures “copy referred to in section 19” the words “photograph of the original” shall be substituted.

Power to make rules

70-F. The Inspector-General may, with the previous approval of the Government, by notification in the official Gazette, make rules for the purposes of giving effect to the provisions of this Part.]

PART XII

OF REFUSAL TO REGISTER

Reasons for refusal to register to be recorded

71.(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words “registration refused” on the document; and, on application made by an person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

Appeal to Registrar from orders of Sub-Registrar refusing registration on ground

72. (1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days

other than denial of execution

from the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution

73. (1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

Procedure of Registrar on such application

74. In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire-

(a) whether the document has been executed;

(b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

Order by Registrar to register and

75. (1) If the Registrar finds that the document had been executed and that the said requirements have been complied with, he shall order the

procedure thereon

document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence, as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908.

Order of refusal by Registrar

76. (1) Every Registrar refusing-

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

Suit in case of order of refusal by Registrar

77. (1) Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit far a decree directing the

document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree:

Provided that failure to file a suit or the dismissal of a suit filed under this section shall not disentitle a party to any other remedy to which he may be entitled, on the basis of the unregistered document.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, mutatis mutandis, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

PART XIII

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES

Fees to be fixed by Government

78. The Government shall prepare a table of fees payable-

(a) for the registration of documents;

(b) for searching the registers;

(c) for making or granting copies of reasons, entries or documents, before, on or after registration;

and of extra or additional fees payable-

(d) for every registration under section 30;

(e) for the issue of commissions;

(f) for filing translations;

(g) for attending at private residences;

(h) for the safe custody and return of documents; and

(i) for such other maters as appear to the Government necessary to effect the purposes of this Act.

Registration fee for contract for sale, heba and mortgage

[33][78A. Notwithstanding anything contained in section 78 or any other law for the time being in force,-

(a) registration fee payable for registration of a contract for sale of any immovable property shall be-

(i) five hundred taka, where valuation of the property is not more than five lakh taka;

(ii) one thousand taka, where valuation of the property is above five lakh taka and not more than fifty lakh taka; and

(iii) two thousand taka, where valuation of the property is above fifty lakh taka;

(b) registration fee payable for registration of a declaration of heba of any immovable property under the Muslim Personal Law (Shariat) shall be one hundred taka irrespective of the value of the property, if such heba is made between spouses, parents and children, grand parents and grand children, full brothers, full sisters and, full brothers and full sisters;

[34][(bb) registration fee payable for registration of a declaration of gift of any immovable property made under the Hindu, Christian and Buddhist Personal Law, if such gift is permitted by their Personal Law, shall be one hundred taka irrespective of the value of the property, provided such gift is made between spouses, parents and children, grand parents and grand children, full brothers, full sisters and, full brothers and full sisters ;]

(c) registration fee payable for registration of an instrument of mortgage referred to in section 59 of the Transfer of Property Act, 1882 shall be as follows-

(i) where the amount of money to be secured does not exceed five lakh taka-		1% (one per centum) of the amount of money to be secured, but not less than two hundred taka and not more than five hundred taka;
(ii) where the amount of money to be secured is above five lakh taka but does not exceed twenty lakh taka-		0.25% (zero point two five per centum) of the amount of money to be secured, but not less than fifteen hundred taka and not more than two thousand taka; and

(iii) where the amount of money to be secured is above twenty lakh taka-		0.10% (zero point one zero per centum) of the amount of money to be secured, but not less than three thousand taka and not more than five thousand taka.]

Registration fee for instrument of partition

[35][78B. Notwithstanding anything contained in section 78 or any other law for the time being in force, fee payable for registration of an instrument of partition of immovable property shall be-

(i) five hundred taka, where valuation of the property is not more than three lakh taka;

(ii) seven hundred taka, where valuation of the property is above three lakh taka and not more than ten lakh taka;

(iii) twelve hundred taka, where valuation of the property is above ten lakh taka and not more than thirty lakh taka;

(iv) eighteen hundred taka, where valuation of the property is above thirty lakh taka and not more than fifty lakh taka;

(v) two thousand taka, where valuation of the property is above fifty lakh taka.]

Publication of fees

79. A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and [36][Bengali] shall be exposed to public view in every registration office.

Fees payable on presentation

80. All fees for the registration of documents under this Act shall payable on the presentation of such documents.

PART XIII-A

OF TOUTS

Powers to frame and publish lists of touts

[PARTS XIIIA and XIIIB were inserted by section 9 of the Bengal Registration (Amendment) Act, 1942 (Act No. V of 1942).]

80A. (1) Every Registrar of a district as regards his own office and the offices subordinate thereto and every sub-divisional magistrate as regards the registration offices within his own jurisdiction may frame and publish

lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80B, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published by a sub-divisional magistrate under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the Registrar of the district for the removal of his name from such list; and the orders of the Registrar passed after such inquiry (if any) as he considers necessary, on such application shall be final.

Inquiry by a Sub-Registrar regarding suspected touts

80B. Any Registrar of a district of sub-divisional magistrate may send to any Sub-Registrar within the jurisdiction of such authority the name of any person alleged or suspected to be a tout, and request the Sub-Registrar to hold an enquiry in regard to such person; and the Sub-Registrar shall thereupon hold an enquiry into the conduct of that person and, after giving him an opportunity of showing cause as provided in sub-section (2) of section 80A, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout; and that authority may include the name of any person who has been so proved to be a tout in the list of touts framed and published by him under sub-section (1) of section 80A:

Provided that such authority shall here any such person who, before his name has been so included, appears before him and desires to be heard.

Hanging up of lists of touts in Registration Offices

80C. A copy of every such list shall be kept hang up in registration office to which the same relates.

Exclusion of touts from precincts of Registration Offices

80D. A registering officer may, by general of special order, exclude from the precincts of his registration office any person whose name is included in any such list.

Presumption as to touts found within precincts of Registration Offices

80E. Every person who having been excluded from the precincts of a registration office under section 80D is found within the precincts of any registration office without written permission from the registering officer shall be deemed to be acting as a tout for the purposes of section 82A.

Provided that this section shall not apply where such person is a party to a document intended for registration at such office or has been directed to appear by any process of Registering Officer.

Arrest and trial of touts

80F. (1) Any registering officer may, by an order in writing, direct any person named in the order to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be forthwith produced before the registering officer.

(2) If the tout admits his offence the provisions of section 480 and 481 of the Code of Criminal Procedure, 1898, shall be applicable, so far as may be, to his detention, trial and punishment.

If the tout does not admit his offence the provisions of section 480 of the said Code shall be similarly applicable to his detention, trial and punishment.

(3) A registering officer shall be deemed to be a Civil Court for the purposes of sections 480, 481 and 482 of the said Code.

PART XIII-B

OF DEED – WRITERS.

Power to Inspector-General to make rules relating to

80G. (1) The Inspector-General shall have power from time to time, to make rules, consistent with this Act-

(a) prescribing the manner in which and the terms subject to which persons who write documents, outside the precincts of registration office,

deed-writers

or who frequent the precincts of registration offices, for the purpose of writing documents, may be granted licences;

(b) prescribing the fees (if any) to be paid for such licences; and

(c) declaring the conditions under which persons who write documents outsides the precincts of registration offices without licences shall be deemed to be touts for the purposes of this Act.

(2) The rules so made shall be submitted to the Government for approval, and, after they have been approved they shall be published in the official Gazette and on publication shall have effect as if enacted in this Act.

PART XIV

OF PENALTIES

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure

81. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the [37][Penal Code], to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for making false statements, delivering false copies or translations, false personation, and abetment

82. Whoever-

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document or a false copy of a map or plan; or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act;

shall be punishable with imprisonment for a term which may extend to seven years, or with fine or with both.

Penalty

[38][82A. Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extent to three months, or with fine which may extent to five hundred taka, or with both.]

Registering officer may commence prosecutions

83. (1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector-General, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Save as provided in section 80F, offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

Registering officers to be deemed public servants

84. (1) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the [39][Penal Code].

(2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

(3) In section 228 of the [40][Penal Code], the words “judicial proceeding” shall be deemed to include any proceeding under this Act.

PART XV

MISCELLANEOUS

Destruction of unclaimed documents

85. Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

Registering officer not liable for thing bona

86. No registering officer shall be liable to any suit claim or demand by reason of anything in good faith done or refused in his official capacity.

fide done or refused in his official capacity

Nothing so done invalidated by defect in appointment or procedure

87. (1) Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

(2) Any defect in or the want of authority of a person to present a document shall not by itself, render invalid the registration of the document or the transaction effected by it.

Registration of documents executed by Government officers or certain public functionaries

88. (1) Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator-General of [41][Bangladesh] or for any Official Trustee or Official Assignee, or for the Receiver or Registrar of [42][the Supreme Court], to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to any Secretary to Government or to such officer of Government, Administrator-Genera, Official Trustee, Official Assignee, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Copies of certain orders, certificates and instruments to be sent to registering officers and field

89. (1) Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction whole or

any part of the immoveable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1.

(3) Every officer and every Co-operative Society granting any such loan as is referred to in clause (x) of sub-section (2) of section 17 shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.

(4) Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

Exemptions from Act

Exemption of certain documents executed by or in favour of Government

90. (1) Nothing contained in this Act [43][* * *] shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:-

(a) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement; or

(b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or

(c) documents which, under any law for the time being in force, are filed periodically in any revenue-office by patwaries or other officers charged with the preparation of village-records; or

(d) sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest

in land; or

(e) [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection and copies of such documents

91. Subject to such rules and the previous payment of such fees as the Government prescribes in this behalf, all documents and maps mentioned in section 90, clauses (a), (b), (c) and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Repealed

92. [Repealed by the Government of India (Adaptation of Indian Laws) Order, 1937.]

Repealed

93. [Repealed by section 2 and Schedule of the Repealing Act, 1938 (Act No. I of 1938).]

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[1] Throughout this Act, except otherwise provided, the words “Bangladesh”, “Government” and “Taka” were substituted, for the words “Pakistan”, “Provincial Government” or “Central Government” and “rupees” respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[2] Clause (2a) was inserted by section 2 of the Registration (Amendment) Ordinance, 1961 (Ordinance No. XXXII of 1961).

[3] The words "High Court Division" were substituted, for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[4] The word "Bangladesh" was substituted, for the words "the territories subject to such Government" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[5] The word "Republic" was substituted, for the word "State" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[6] The word “Bengali” was substituted, for the words “in such other language as the Provincial Government directs” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[7] The words, letters, figures and commas “Act No. XVI of 1864, or the Indian Registration Act, 1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 1877 or” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[8] Clause (aa) was inserted by section 3 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[9] Clause (aaa) was inserted by section 2 of The Registration (Amendment) Act, 2012 (Act No. XLI of 2012). (with effect from 7th October 2012)

[10] The words and comma “of the value of one hundred taka and upwards,” were omitted by section 2 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[11] Clause (cc) was inserted by section 3 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[12] The words and comma “of the value of one hundred taka and upwards,” were omitted by section 2 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[13] Clauses (f) and (g) were added by section 3 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[14] The words and comma “of the value of one hundred taka and upwards,” were omitted by section 2 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[15] Explanation of sub-section (2) of section 17 was omitted by section 3 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[16] Sections 17A. and 17B. were inserted by section 4 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[17] Section 22A was inserted by section 5 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004)

[18] The colon “ : ” was substituted for the full-stop “ . ” at the end of sub-section (2) of section 22A and thereafter the proviso was added by section 2 of The Registration (Amendment) Act, 2006 (Act No. XXVII of 2006).

[19] The words “three months” were substituted, for the words “four months” by section 6 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[20] The words “three months” were substituted, for the words “four months” by section 6 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[21] The words “three months” were substituted, for the words “four months” by section 6 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004).

[22] Section 23A was inserted by section 2 of the Indian Registration (Amendment) Act, 1917 (Act No. XV of 1917)

[23] The words “major portion” were substituted, for the words “some portion” by section 2 of the Registration (Amendment) Ordinance, 1985 (Ordinance No. L of 1985).

[24] A colon was substituted for the full-stop at the end of sub-section (1) and thereafter the proviso was added by section 2 of the Registration (Amendment) Ordinance, 1985 (Ordinance No. L of 1985).

[25] The words, commas and figure “the Succession Act, 1925,” were substituted, for the words, commas and figures “section 259 of the Indian Succession Act, 1865, or of section 81 of the Probate Administration Act, 1881,” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[26] The words “Civil Judge or” were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[27] The words "Assistant Judge" were substituted, for the words "MUnsif" by section 3 of the Civil Courts (Amendment) Act, 1987 (Act No. 14 of 1987).

[28] Section 52A. was inserted by section 7 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004)

[29] The word "and" was omitted by section 8 of the Finance Act, 2002 (Act No. XIV of 2002).

[30] The word ``and`` was omitted by section 8 of the Finance Act, 2002 (Act No. XIV of 2002).

[31] A semi-colon was substituted for the full-stop at the end of clause (j) and thereafter a new clause (k) was added by section 8 of the Finance Act, 2002 (Act No. XIV of 2002).

[32] The words and commas "in the case of the Province of East Pakistan, and in Urdu in the case of the Province of West Pakistan," were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[33] Section 78A was inserted by section 8 of the Registration (Amendment) Act, 2004 (Act No. XXV of 2004)

[34] Clause (bb) was inserted by section 3 of The Registration (Amendment) Act, 2012 (Act No. XLI of 2012).(with effect from 7th October 2012)

[35] Section 78B was inserted by section 3 of The Registration (Amendment) Act, 2006 (Act No. XXVII of 2006).

[36] The word “Bengali” was substituted, for the words “the vernacular language of the district” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[37] The words "Penal Code" were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[38] Section 82A was inserted by section 10 of the Bengal Registration (Amendment) Act, 1942 (Act No. V of 1942)

[39] The words "Penal Code" were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[40] The words "Penal Code" were substituted, for the words “Pakistan Penal Code” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[41] The word "Bangladesh" was substituted, for the words "East Pakistan" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[42] The words "the Supreme Court" were substituted, for the words “a High Court” by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

[43] The words, commas and figures “or in the Indian Registration Act, 1877, or in the Indian Registration Act, 1871 or in any Act thereby repealed,” were omitted by section 3 and 2nd Schedule of Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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