

The Registration Act, 1908

(ACT NO. XVI OF 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

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