

Why a document must be registered?

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We all know the importance of documents in our everyday life, especially when it is related to the some important things like property, loan and insurance, business contracts, etc. Sometimes it is necessary to register documents according to laws. In India, The Registration Act, 1908 governs the rules and regulations about the registration of a document.

In this article we will discuss the needs and advantages of registration of document. We will also discuss the legal provisions related to document registration.

What is a document and registration of document?

According to the section 3 of Indian Evidence Act, 1872, "Document means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter." Definition of document under the Evidence Act has wider scope than that if documents to be registered under the Registration Act. Under the Indian Evidence Act, even a conversation written on blank paper can be termed as a document if it is well appreciated as proper evidence. On the other hand, usually, the documents having the nature of an agreement come under the purview of the Registration Act.

Document registration is the process in which a document is verified and recorded by particular authority to consider it as authentic in a proper way.

The main aim of document registration is to give validity and authenticity to a document. According to The Registration Act, 1908 some types of documents are mandatory to be registered and some of the documents are optional. Section 17 of this Act talks about compulsory registration of documents and Section 18 talks about the optional registration. Document must be registered to safeguard people from frauds, legal hurdles, and it can be used as valid evidence in court if it is required.

In compulsory registration you cannot complete the transaction without registration of document. In business contracts it is advised by the experts to register the documents as it gives more transparency to the business deal and document can be presented as evidence in the court if any dispute arises.

Importance of document registration in India

Apart from the need for document registration we discussed earlier, document registration has some importance in India. Document registration is sixth item in the concurrent list under Article 246 of Constitution of India. Concurrent list is important because law made by the Union prevails over the State for concurrent matters; the State, by acquiring presidential assent can override Union laws.

Document which you can register under The Registration Act, 1908.

As we have discussed earlier in this Act registration of documents is divided into two categories one is compulsory registration and second is optional registration. Here the list of documents which you can register under this Act.

Under Section 17:

1. Document of gift deed of immovable property.
2. Documents related creating some kind of interest in the immovable property having value above one hundred rupees.
3. Document of lease of immovable property on yearly basis.
4. Documents related to contracts of transfer of immovable property.
5. Documents related to shares in the joint stock company.
6. Any decree or order of court.
7. Documents related to grant of immovable property by government.
8. Documents related to grant of loan.
9. Documents of mortgage deed for loan in part or whole.
10. Documents related to adoption.

Under Section 18

1. Documents creating some kind of interest in the immovable property having value below one hundred rupees.
2. Receipts or documents related to payment of the consideration for creating interest in such property.
3. Documents of lease agreement less than one year and which do not comes under section 17.
4. Will and also different documents which are not mentioned in section 17.

Advantages of document registration.

We have already discussed some advantages of document registration in this article. Most important reason behind registration of a document is to provide authenticity and validity to the document. Apart from this there are many advantages of document registration. Registered document can be used as an evidence in the court. For some kind of documents like documents related to the immovable property the transaction will not be complete without registration. In many cases, court declared transfer of property to be invalid if document is not properly registered.

In business contracts it becomes necessary to register the documents related to the contract. Registration of document also prevents from the various frauds like fraud property transfer, fake documents etc. In case a registered document is lost, we will have its copy where you have registered it.

Registration of Documents

Section 28 and Section 29 of this Act defines the place for registration of documents related to the land and other documents respectively. According to section 28, documents mentioned in section 17 of this Act related to immovable property can be registered under the office of Sub – Registrar within whose sub district, some or whole part of the land mentioned in document is located. According to section 29, every document may be registered at the office of sub registrar in whose sub district document is executed or any other sub registrar office document is claimed to be executed, except documents which can be registered under section 28 or copy of decree or order. Copy of decree or order may be registered at the office of sub registrar in whose sub district decree is made.

Case laws

1. Narinder Singh Rao vs Avm Mahinder Singh Rao & Ors on 22 March, 2013^[i].

In this case Supreme Court held that, a will has to be attested by two witnesses to be valid and if it involves the transfer of property, it must be registered.

- **Satya Pal Anand v. State of M.P. & Ors**^[ii]

In this case Supreme Court held that when document is registered authorities cannot revoke the registration.

- **Vishavanavbhat Annabhat Pujari v. Mallappa**^[iii]

sub – registrar. In this case court held that the portion of land located under jurisdiction of sub – registrar is valid for registration and intention of parties has no effect here.

- ***Suraj Lamp and Industries Pvt. Ltd. versus State of Haryana and Another***^[iv].

In this case court held that, a general power of attorney cannot be used to transfer of property. Also court stated that, The Registration Act, 1908, was enacted with the intention of providing orderliness, discipline and public notice in regard to transactions relating to immovable property and protection from fraud and forgery of documents of transfer.

Conclusion

In this article we discussed the need of document registration and its advantages. Also we discussed why a document must be registered and some sections of The Registration Act, 1908 related to registration. The document registration is considered as very important because of various reasons which have discussed in this article. Some provisions pertaining to the importance of registration of documents in today's world.

"The views of the authors are personal"

Reference

[i] See *this* <https://indiankanoon.org/doc/141466740/>. (last accessed: 05 November 2019).

[ii] See *this* <https://indiankanoon.org/doc/84105948/>. (last accessed: 05 November 2019).

[iii] *AIR 1925 Bom 514 (Bom)*.

[iv] *AIR 2012 SC 206*.

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