**NOTES ON DRAFT REGISTRATION BILL 2025**

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**Purpose of Registration Act is:**

* Prevention of frauds and malpractices
* Protection of registration data
* Dissemination of Registration data
1. Existing Act ispre-Constitution Registration Act, 1908. Registration itself is meant to **prevent fraud** and the law of registration has its genesis in the **Statute of Frauds in England**.
2. **Title registration** is unknown to the Act
3. The Act is only meant to prevent frauds by perpetuating the documents and making provision for copying as well as access to the public.
4. It is felt it to be essential that the process of registration **is robust**, **reliable**, and **capable of adapting to evolving societal and technological developments**.
5. There is:
* growing use of technologies, evolving socio-economic practices,
* and increasing reliance on registered documents
* for due diligence, service delivery, and legal adjudication have underscored the need to create a forward-looking registration framework
1. Several states and union territories have already introduced innovations such as online document submission and digital identity verification under the existing 1908 Act

**NATIONAL GENERIC DOCUMENT REGISTRATION SYSTEM (NGDRS)**

Many states in India have adopted computerized systems for document registration, with the National Generic Document Registration System (NGDRS) being a key initiative. **NGDRS,** **or e-Registration**, has been implemented **in 18 States/UTs** and data sharing is underway in another 13, totalling 31 States/UTs covered. This modernization aims to streamline the registration process for land records and other documents.

13 States / UTs namely; Andhra Pradesh, Chandigarh, Haryana, Gujarat, Madhya Pradesh, Odisha, Puducherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Uttar Pradesh and West Bengal have **started sharing data with national portal of NGDRS or e-Registration** through User Interface / API. Thus, making it total 31 States / UTs covered under NGDRS or e-Registration.

**I. Historical Context**

- What were the main shortcomings of the Registration Act, 1908?

- How did these issues affect buyers, sellers, and government revenue?

**NOTES**:

* It is a 1908 Act. (which is 117 years old by now)
* Moral changes, increasing population and demand on land
* Migration to other countries
* Requirement of simple language
* **There are no short comings in the old Act**. But the following types of frauds could not be tackled effectively.
1. **Impersonation;** Old section 32-A and now Section 29 (1) (a) (**Identity Verification**) handles this issue.
* PAN number is made mandatory now, for some documents where ever it is prescribed under Sec.29 (1) (b).
* Electronic signatures can be made.
* Consent based Aadhar authentication is provided.
1. **Frauds through GPAs**: Power of Attorney is a good facility provided in the Act, but many frauds are taking place, particularly wrt SPA/GPAs executed abroad and are notarised there, where there is no cross verifying mechanism for them. As such **powers related to transfer of Immovable property are made compulsorily registerable (Sec.12 (g). It implies that the sale power given abroad has to be registered here. ( read with proposed Sec.30)**
2. **Fraudulent description of the property**: Now the new section 34 provides for safeguards in the description of property such as “**any unique identification number**”.
* For properties recording of google coordinates would be helpful. In our state we are already implementing mentioning of “**Google Coordinates**”.
* In case of Plots, obtaining of approved copy of layout shall be made mandatory.
* Licensed surveyor drawn map may also be included.
* All these measures prohibit or control the registration of Govt or other’s land (physically) while showing non prohibited survey numbers etc.

4**. Scanning frauds**: Now **even the pending document is being scanned** in our state so, that scope for fraud is contained.

**II. Key Provisions of the Draft Bill**

- What are the most important changes introduced in the Draft Registration Bill, 2025?

- How is e-registration different from the old paper-based process?

**Salient features of the present Bill are:**

1. **Facilitating Online Registration**:
* **enabling provisions to support online registration**, including **electronic presentation and admission of documents**,
* **Issuance of electronic registration certificates**, and **digital maintenance of records**.
* Aadhaar-based authentication with informed consent is permitted, alongside alternative verification mechanisms for individuals who do not possess Aadhaar or choose not to use it.
* The Bill also enables electronic integration with other record-keeping systems to enhance the efficiency and integrity of information flows.
* The persons who present documents online may be asked to present physically for verification u/s 32(4)

 **Note:** Maharashtra implemented online registration (**e-Filing** or **digital submission** of ) of documents such as, Sale deeds, Lease deeds, Gift deeds and Mortgages. Visiting portal, creating account, selecting document type, entry of property and party details, uploading of document, payment of duty, Biometric verification, Digital execution and submission.

1. **Expanding the Scope of Compulsory Registration**:
* the Bill expands the list of documents requiring compulsory registration.
* These include
* agreements to sell,
* powers-of-attorney,
* sale certificates issued by competent authorities,
* equitable mortgage arrangements,
* and certain instruments based on court orders.
1. **Cancellation provision** (mentioned 13times): Bill contains in Chapter-XIII and Section 64, grounds for cancellation and the procedure. This is one sensitive issue where legal matters are involved and the Adjudicating authority has to work very carefully. Under Section 80 (aa) Government has to make appropriate rules on the “**manner**” and “**grounds**” “**noting method**” for this.
2. **Reinforcing Legal and Procedural Rigour**:
* The Bill proposes clear and objective grounds under which a registering officer may refuse registration.
* It also provides an enabling provision for appropriate governments to issue rules on cancellation of registration subject to certain standards, including compliance with principles of natural justice. These provisions are intended to ensure that the registration process operates within the bounds of law while upholding the reliability and evidentiary value of registered instruments.
1. **Institutional Strengthening and Governance Reforms**:
* Creating a more agile and responsive hierarchy, including the introduction of
* Additional and Assistant Inspectors General of Registration.
* It also streamlines the appointment process for Registrars in case of vacancies and
* vests rule-making authority with the appropriate government to ensure alignment with local governance structures.
1. **Accessible and Citizen-Centric Processes**: The Bill promotes:
* plain language drafting,
* digital enablement, and
* transparent procedures to make the registration process more accessible, especially for individual citizens and small businesses.
* It encourages simplification without compromising on legal certainty or procedural safeguards.

**III. Impact on Property Transactions**

- How will compulsory registration of agreements to sell, POAs, sale certificates, and mortgages improve transparency?

- In practical terms, how will this reduce disputes during property sales?

**IV. Effect on Loans & Banking**

- How does bringing equitable mortgages into compulsory registration help banks and borrowers?

- Will this make loan approvals faster and safer?

**In the proposed Bill:**

**Section-12**: **Compulsory registration of documents:**

* Rupees one hundred limit removed.
* Words “for some consideration” may mislead. What if there is no consideration?
* Leases for less than one year are not made compulsory
* DAGPAs/Construction agreements are made compulsorily registerable
* GPA with transfer power are now included
* DOTs are made compulsory registerable when they are not filed by the banks u/s 14 (3) (earlier optional)
* Sale certificates are made compulsory registerable (earlier exempted)
* Amalgamations etc are now made compulsorily registerable
* authorities to adopt is made compulsorily registerable
* Since admission of execution is recorded in SRO, scope for fraud is reduced
* Public will have access to the records of these documents
* Once mortgage is compulsorily registered, loaning agencies are safe
* When public record is available, people tend to verify EC and Documents before going in for property transactions, which greatly reduces disputes.

**V. Fraud Prevention & Safeguards**

- What new measures are included to prevent fraudulent registrations?

- How will the new Adjudicating Authority cancel registrations obtained through false or illegal means?

1. **Section 64** -**Grounds for cancellation of registration**: For the first time one **“Adjudicating Authority”** not below the rank of IG of Registration and an **Appellate Authority** not below the rank of Secretary are proposed to be created to deal with cancellation of registered documents, which power so far is vested with the Civil Courts. The grounds mentioned are:
* Document was registered on the basis of **false information**
* Document was registered **in contravention of the provisions of this Act**
* The document relates to a transaction which is found to **be against the provisions of any applicable law by a competent court or authority, upon the submission of the order**

 The Adjudicating Authority has to follow the following principles in the process

* To act either upon a complaint made by an aggrieved party or *suo moto*
* The Adjudicating Authority must issue notice to the parties that have executed the document
* The Adjudicating Authority must provide the parties and persons the opportunity to be heard
* The Adjudicating Authority must record in writing the reasons for its decision
* The Adjudicating Authority must note the cancellation of registration of any document ( may be delegable power)
* Appeal by the aggrieved parties to be within thirty days from the date of the order, prefer an appeal before such Appellate Authority
* Both the above authorities are *not conferred with the power to adjudicate the title of the parties* which is in the realm of the courts.

**VI. Clean Title vs. Deeds Registration**

- Does this Bill provide conclusive clean title to property owners?

- If not, what is the difference between improved deeds registration and a conclusive title system?

- What role do states have in moving towards a guaranteed title regime?

As said earlier, this Act aims at registration of documents only. We are far from providing title to the property. However some efforts were made on experimental basis wrt Agricultural lands in the name of Bhu Bharathi, in NZB district. Providing conclusive Title can be seen in Australia, some states of USA, Canada, and Malaysia. Britishers who brought our Registration Act, have the Torrens system now.

The Torrens system is a system of land registration where the state maintains a central register of land titles, acting as the **conclusive proof of ownership** and interests in land. Based on the principles of [mirror principle](https://www.google.com/search?sca_esv=3ab4769019a97b6f&rlz=1C1YTUH_enIN1088IN1088&q=mirror+principle&sa=X&ved=2ahUKEwiCm8ilpayPAxW4RmcHHV-oAnMQxccNegQIHhAB&mstk=AUtExfBo5S5nEe0iEaTe3jOWvMypzej-w36Jcg4I50dPRp0Zu1D_u5EcazbN7PJ2pmnmWnQ4OyObLY4JYra3nNlXgCM2PpIumOdcGLLiX1JQ0WSxuhYmDgZUBQgb7zWQ3c6ZguQ&csui=3), [curtain principle](https://www.google.com/search?sca_esv=3ab4769019a97b6f&rlz=1C1YTUH_enIN1088IN1088&q=curtain+principle&sa=X&ved=2ahUKEwiCm8ilpayPAxW4RmcHHV-oAnMQxccNegQIHhAC&mstk=AUtExfBo5S5nEe0iEaTe3jOWvMypzej-w36Jcg4I50dPRp0Zu1D_u5EcazbN7PJ2pmnmWnQ4OyObLY4JYra3nNlXgCM2PpIumOdcGLLiX1JQ0WSxuhYmDgZUBQgb7zWQ3c6ZguQ&csui=3), and [assurance principle](https://www.google.com/search?sca_esv=3ab4769019a97b6f&rlz=1C1YTUH_enIN1088IN1088&q=assurance+principle&sa=X&ved=2ahUKEwiCm8ilpayPAxW4RmcHHV-oAnMQxccNegQIHhAD&mstk=AUtExfBo5S5nEe0iEaTe3jOWvMypzej-w36Jcg4I50dPRp0Zu1D_u5EcazbN7PJ2pmnmWnQ4OyObLY4JYra3nNlXgCM2PpIumOdcGLLiX1JQ0WSxuhYmDgZUBQgb7zWQ3c6ZguQ&csui=3), it simplifies and secures land transactions by replacing the need for lengthy chains of title deeds with a guaranteed [Certificate of Title](https://www.google.com/search?sca_esv=3ab4769019a97b6f&rlz=1C1YTUH_enIN1088IN1088&q=Certificate+of+Title&sa=X&ved=2ahUKEwiCm8ilpayPAxW4RmcHHV-oAnMQxccNegQIHhAE&mstk=AUtExfBo5S5nEe0iEaTe3jOWvMypzej-w36Jcg4I50dPRp0Zu1D_u5EcazbN7PJ2pmnmWnQ4OyObLY4JYra3nNlXgCM2PpIumOdcGLLiX1JQ0WSxuhYmDgZUBQgb7zWQ3c6ZguQ&csui=3) issued by the state. The system ensures transparency and provides a state guarantee for the title, meaning the government ensures the accuracy of the register and may compensate individuals for any loss of land due to errors or fraud.

We have to go long way to provide conclusive title system. But it is not impossible.

Improved deed registration system, gradually paves way for the implementation of conclusive title system one day. Land is a State subject under the Indian Constitution (Entry 18, List II, Seventh Schedule), meaning **states have exclusive legislative and administrative control over land records, registration, and property rights**. States have the power to digitise the land records, integrating land records with registration process (now we have it wrt agricultural lands) and conducting of land surveys.

This gives each state the autonomy to design, implement, and reform its land titling systems.

Our ILRMS system can be said to be a good system. With proper re-survey of the state, records can be updated and cleaned. Karnataka Government has implemented Bhumi project in a wonderful way.

**MAJOR CHANGES BROUGHT IN THE NEW ACT (DRAFT BILL)**

* In the 1908 Act there are 93 sections, out of which 5 sections were repealed and one section is omitted.
* There are 86 sections in the 2025 Bill.
* Except the following Sections, all the old and new sections have almost similar clauses, but in many of them there is simplification of language employed and somewhat clauses are elaborated for an easy understanding. To some extent simple language is used.
* **Following new sections are introduced**
* Section 29 -Identity verification for registration (r/w 37 (6) (7))
* Section 33 -Templates for registerable documents
* Section 54 -Notification to concerned authorities- purport now known
* Section 58 -Grounds for refusal of registration
* Section 64 -Grounds for cancellation of registration
* Section 80 - Power of the appropriate government to make rules**.**
* Section 81 -Laying of Rules
* Section 82-Provisions to be in addition to existing laws
* Section 83 - Power of the Central Government to amend Schedule.
* Section 84 - Power to remove difficulties
* Section 86 - Amendments to TP Act on certain definitions
1. **Section 29** -Identity verification for registration: Provided for electronic or e-record verification. Electronic signatures as per Information Technology Act. Aadhar verification is **consent based only** as it is now.
2. **Section 33** -Templates for registerable documents: The concerned state government has to notify the templates for the compulsory registerable documents (optional).
3. **Section 54** -Notification to concerned authorities: Purport of this section is not understood.
4. **Section 58** -**Grounds for refusal of registration**: They include-
* Registration of Government lands both central or state ( present 22-A (1) ( a) & (b)
* But 22-A (1) C and D are not covered
* For the registration of above lands, a NOC is required from competent authority
* Properties attached by competent authorities under state or central statues, or by a Court or Tribunal.
* The SR is not satisfied about the identity of the persons appearing before her.
* This Section does not entitle a SR to adjudicate the Title of the party.
1. **Section 80** - Power of the appropriate government to make rules**:** In the present Act, the IG has to prepare the Rules and obtain the sanction of legislature. In the proposed Bill, it is entirely the duty of the Governments. The matters on which rules are to be made are quite elaborately given.

**OTHER CHANGES OF SIGNIFICANCE**

1. **“Additions”** list expanded to include
* Copy of document in electronic format
* “Execute”
* Inspector General
* Lease expanded
* Mental capacity
* Mortgage by DOT
* Registering officer
* Registrar
* Registration Certificate
* Sub-Registrar
* The word “her” is used 58 times in the Bill, starting with definition of “minor”
* The word will” is used 100 times, many times it shall be “Shall”
1. **Section-4:** Provision is made for the appointment of-
* Additional IGs
* Joint IGs
* Deputy IGs
* AIGs
1. **Section-5**: Appointment of Non-public officers as SRs is removed
2. **Section-8**: Provision to appoint Judge of the District Court when the Registrar of the District is absent is removed.
3. **Section-11**: Seal of the office. Earlier prescription of :—“*The seal of the Registrar (or of the Sub-Registrar) of*” is removed now. This has to be objected to otherwise there will be no uniformity and different states tend to use different wordings.
4. **Section-14**: Banks and Financial institutions and other creditors granting loans on the basis of DOTs shall have to file a copy of the MDOT or The DOT with the registering officer. Note: 14(3) … **must file a copy of the memorandum or Deposit of Title deed**…. The filing of certificate of sale by a co-operative officer, Civil Court or of the Revenue officer are removed from filing as they are made compulsory registerable.
5. **Section-15 (e) : New clause proposed:** notices of relinquishment of occupancy by occupants, or of alienated land by holders of such land, in favour of the appropriate government, under the applicable laws for the time being in force.
6. **Section-24**: Office for registering documents relating to land: It requires careful study as it mentioned “affecting immovable property” which is wider in meaning. Whether any optionally registerable documents fall under its purview?
7. **Section-30**: Power of attorney recognisable for the purposes of section 28: Only registered power-of-attorney **related to transfers of immovable property**, are recognised when the principal is in India.
8. **Section-32**: **Form, manner and fee for presenting documents for registration:**
* Physically
* Electronically in such notified offices, such notified documents
* Clause 4 safety- it requires physical appearance of the party executing and electronically presenting the document
1. Section- **Section 33** -Templates for registerable documents: The concerned state government has to notify the templates for the compulsory registerable documents (**optional**).
2. **Section-34**: **Description of property in documents presented for registration:** Additionally for any “unique identification number of the property”, provided. We may propose Google or Navic coordinates to be mentioned. PTIN also.
3. **Section-35**: **Document in language not understood by the registering officer:** Obtaining of true copy is dispensed with. In case of electronic copying of documents such as scanning there will be no problem, but in manual system that would be a problem.
4. Section-37: **Enquiry and verification by registering officer:** Electronic presentation is also provided. This has to be prescribed by the appropriate government.
5. **Section 54** -Notification to concerned authorities: Purport of this section is not understood.
6. **Section 64** -**Grounds for cancellation of registration**: For the first time one **“Adjudicating Authority”** now below the rank of IG of Registration and an **Appellate Authority** not below the rank of Secretary are proposed to be created to deal with cancellation of registered documents, which power so far is vested with the Civil Courts. The grounds mentioned are:
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* The Adjudicating Authority must note the cancellation of registration of any document ( may be delegable power)
* Appeal by the aggrieved parties to be within thirty days from the date of the order, prefer an appeal before such Appellate Authority
* Both the above authorities are not conferred with the power to adjudicate the title of the parties which is in the realm of the courts.
1. **Section-70: Fees to be fixed by appropriate government:** the registration fee must have a reasonable relationship **with the cost of providing services** by the appropriate government under this Act; and The appropriate government must ensure that where several documents are employed for completing a transaction, fees for any purpose under sub-clause 1 will be payable only in relation to the principal document and each of the other documents employed for completing the transaction will require payment of **only nominal fees** (if any) prescribed.
2. **Section-71: Fee payable on presentation:**
* Recovery of deficit fees is provided under this section.
* Refund of excess charged and paid is provided here which we have in our Rules.
1. **Sections- 72 &73: Penalties:** Jail term is reduced from **earlier 7 years to 3 years**
2. **Section-78. Protection of action taken in good faith:** This protection earlier available to registering officers is now **extended to Inspector General of Registration**.
3. **Section-79: Nothing so done invalidated by defect in appointment or procedure:** New words “Not affecting the merits of the case” are added.
4. **Section- 80:**  **Power of the appropriate government to make rules:** In the present Act, the IG has to prepare the Rules and obtain the sanction of legislature. In the proposed Bill, it is entirely the duty of the Governments. The matters on which rules are to be made are quite **elaborately given**.
5. **Section-86: Amendments**: certain definitions to be amended in the TP Act are proposed here. They are:
* Sale
* Contract for sale
* Mortgage when to be by assurance
1. **Schedule**: A schedule is placed at the end of the Bill showing-
* Part A - Particulars to be contained in Books maintained under section 66
* Part B - Form and Particulars to be contained in indexes maintained under section 67