

## CHAPTER - IV

GOVERNMENT OF ASSAM  
REGISTRATION DEPARTMENT : DISPUR  
GUWAHATI-781006.

## ORDERS BY THE GOVERNOR

## NOTIFICATION

Dated Dispur, the 7th December, 1989

No. REGN. 43/86/68.- In exercise of the power conferred under Section 78 of the Indian Registration Act, 1908 (Act XVI of 1908) and in supercession of all previous notifications on the subject, the Governor of Assam is pleased to amend the following table of Registration fees payable under the said Act with effect from 1st January, 1990.

In this article "Section" means Section of the Indian Registration Act, 1908.

## 1. Ordinary fees-

(A) The fees of the registration of the documents described below shall be regulated on an addvalorem scale and calculated according to the value of right, title and interest affected in the manner following that is to say :-

## Details :-

- |    |   |                             |
|----|---|-----------------------------|
| 1. | Where the value does not exceed Rs. 500.00                              | Rs. 10.00                   |
| 2. | Where the value exceeds Rs. 500.00 but does not exceed Rs. 1000.00      | Rs. 15.00                   |
| 3. | Where the value exceeds Rs. 1000.00 but does not exceed Rs. 10,000.00   | Rs. 20.00<br>(per thousand) |
| 4. | Where the value exceeds Rs. 10,000.00 but does not exceed Rs. 20,000.00 | Rs. 25.00<br>(per thousand) |

5.	Where the value exceeds Rs. 20,000.00 but does not exceed Rs. 30,000.00	Rs. 30.00 (per thousand)
6.	Where the value exceeds Rs. 30,000.00 but does not exceed Rs. 50,000.00	Rs. 35.00 (per thousand)
7.	Where the value exceeds Rs. 50,000.00 but does not exceed Rs. 75,000.00	Rs. 40.00 (per thousand)
8.	Where the value exceeds Rs. 75,000.00 but does not exceed Rs. 90,000.00	Rs. 45.00 (per thousand)
9.	Where the value exceeds Rs. 90,000.00 but does not exceed Rs. 1,50,000.00	Rs. 55.00 (per thousand)
10.	Where the value exceeds Rs. 1,50,000.00 but does not exceed Rs. 3,00,000.00	Rs. 65.00 (per thousand)
11.	Where the value exceeds Rs. 3,00,000.00 but does not exceed Rs. 5,00,000.00	Rs. 75.00 (per thousand)
12.	Where the value exceeds Rs. 5,00,000.00	Rs. 85.00 (per thousand)

### Description of Documents

Conveyances and reconveyances, bills of sale, deeds of gift or dowers settlements, deeds of partition, leases, deeds of mortgage or instruments of further charge, bonds of all kinds including indemnity and security bonds, assignments of any interest secured by a bond or mortgage deed, policies of insurance Bills of exchange and promissory notes and generally all other documents, viz. as acknowledgement or ordinary receipts for money received, certificates of sale, award directing a partition, declaration of trust of the nature of settlement, deeds of exchange of property, transfer of lease for a consideration, assignment by a partner of his share and interest of his co-partner on dissolution of partnership for a consideration, etc. of the nature of those here in mentioned, provided :

1. That the cases where any consideration is expressed the consideration, in the case of periodical payments other than leases and annuities, the amount payable of one year in addition to any fine or premium or money advanced, in the case of bonds and mortgages, the amount to be secured and in the case of a deed or partition, the value of the separated share or shares on which stamp duty has been paid, shall be taken to be the value of the right, title or interest affected ;

2. That in the case of a lease : The registration fees will be assessed on :

(a) Where by such lease of rent fixed and no fine or premium is paid or delivered and no money advanced, if the lease is granted :-

(i) for a period less than one year : The total sum payable under the lease ;

(ii) for a specified period of one year or more : The average annual rental ;

(iii) for an indefinite period : The average annual rental which would be payable for the first ten years if the lease continued so long ;

(iv) in perpetuity : One fifth of the whole amount of rent which would be payable in respect of the first fifty years of the lease.

(b) Where such lease is granted for a fine or premium or for money advanced where no rent is reserved :-

(c) When such lease is granted for a fine or premium or money advanced in addition to rent reserved. : The aggregate amount of such fine, premium or advance in addition to the fee which would have been payable in such lease under sub-clause (a) of this articles, if no fine premium or advance had been paid or delivered.

3. That in the case of annuity bonds - : The Registration fees will be assessed on

(a) Where the sum is payable for a definite period, so that the total amount to be paid can be previously ascertained, : Such total amount.

(b) Where the sum is payable in perpetuity or for an indefinite time not terminable with any like in being at the date of such annuity bond. : The total amount which according to the terms of such annuity bond will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due.

(c) Where the sum is payable for an indefinite time terminable with any like in being at the date of such a annuity bond. : The maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

That the registration fees leviabale upon a document purporating to give collateral or auxiliary or additional or substituted security or security by way of further assurance where the principal or primary

Rs. 50.00

mortgage is proved to the satisfaction of the registering officer to have been duly registered shall be the same as for the Principal or primary mortgage if the same does not exceed Rs. 1000 otherwise it shall be.

5. That if no consideration rent or other value be expressed in the document the amount payable shall be in every case. : Rs. 100.00

6. That if a lease given to any raiyat and the Kabuliyat or counterpart of such lease executed by such raiyat be brought for registration at the same time the fees chargeable in respect of the two documents shall not be greter than the fee which would have been charged upon the lease along.

Note :-

(i) In the case an Agricultural lease when the kabuliyat under article A (6) is registrered without the payment of fees no fee under Article G (a), G (b) or Rate should be charged in respect of such kabuliyat. But if a visit has to be paid or a commission issued in respect of such kabuliyat, the fees prescribed under Article M or N should be levied and if the kabuliyat is unclaimed for more than one month from the date of compiction, the fee chargeable under article 5 should be realised.

(ii) It is immaterial who actually pays the single fee due on account of the registration of a patta and Kabuliyat under Article A (6) but it will be charged half to the lessor and half to the lessee. It is the desire of the State Government that the provision of Article A (6) should be widely known throughout the country. Sub-Registrars are responsible for specially drawing the attention of raiyats and others to paragraph one of the broad sheet of Stamps duty on Agricultural leases.

(iii) A raiyat for the purpose of Article A(6) is an actual cultivator of the ground entitled to receive his lease should be primacie a raiyat lease in orther to entitle to the benefit of Article A(6).

7. The fee on any instrument comprising or relating to several district matters be the aggregate of the fees with which separate instruments each comprising or relating to the one of such matters, would be chargeable.

8. An instrument so farmed as to come within two or more descriptions of the documents enumerated shall, when the fees chargeable thereunder are different be charged with the highest of such fees.

Note :- Sepatate fees under Article A are not leviabale on the value of the individual interest of the parties to a deed but are calculated on the total value of the interest affected by the document.

(b) The fee for the registration of a separate instrument acknowledging the receipt or payment of any sum of money, whether as consideration on account of any deed of sale or mortgage or as rent on account of any lease or other value expressed in any document, shall be calculated according the amount received, on the scale prescribed in the foregoing atricle, provided that, if any instrument referring to the same transaction has already been registered the fee shall not exceed.

(C) The fee to be paid :- Rs. 10.00

(a) for the deposit of a sealed cover containing a will shall be Rs. 30.00

(b) for opening of such cover in addition to the cost of copying the contents which shall be charged according to the scale laid down in this table for the granting of certified copies. Rs. 30.00

(c) for the registration of a will or authority to adopt when presented open or revocation or cancellation of a will Rs. 30.00

(d) for the withdrawal of a sealed cover containing a will Rs. 30.00

### Explanation -

When a will is forwarded to any Court under Section 46 of the Act, it shall be accompanied by a memorandum of the fee for opening the cover and of the charges for copying and it shall be the duty of the court to levy such fee and charges and remit them to the registrar.

(D) The fee for the registration of a certified copy of a decree or order of a court shall be Rs. 20.00

(E) The fee for the registration of an agreement for personal service shall be Rs. 15.00

(F) The fee for the registration (a) of a document whereby rent remuneration or hire is paid partly in money value of the portion payable in kind is not expressed and Rs. 15.00

(b) of any document of a description not mentioned above shall be Rs. 10.00

The following documents are also chargeable with registration fee under this Article, Viz. release, surrender of lease revocation of trust and Settlement deed of partner ship divorce divorce and agreement dissolution of partnership and deed of cancellation (other than cancellation of will) as follows :-

1. Release	Rs. 20.00
2. Surrender of lease	Rs. 20.00
3. Revocation of Trust and Settlement	Rs. 20.00
4. Partnership Deed	

(a) Where the capital expressed in the deed, then	Rs. 5.00 Per thousand or part there of
(b) Where the capital is not expressed in the deed, then	Rs. 500.00
5. Divorce and agreement	Rs. 20.00
6. Dissolution of partnership	
(a) Where the capital was upto Rs. 5000.00	Rs. 10.00
(b) Where the capital was exceeding Rs. 5000.00 but did not exceed Rs. 10,000.00	Rs. 20.00
(c) Where the capital was exceeding Rs. 10,000.00 but did not exceed Rs. 25,000.00	Rs. 30.00
(d) Where the capital was exceeding Rs. 25,000.00 but did not exceed Rs. 50,000.00	Rs. 40.00
(e) Where the capital was exceeding Rs. 50,000.00 or capital was not expressed in the original deed.	Rs. 50.00
7. Deed of cancellation	Rs. 20.00
(H) Fee payable for inspecting or searching the indexes and the registers, etc. shall be as follows :-	
(a) For the 1st year, for each entry of the name of persons or property contained in and in respect of each document, for which inspection of search of the index of a specified office is made.	Rs. 5.00
(b) For every additional year as aforesaid	Rs. 3.00

- (c) For inspection of copy of each document in register book I (including files of copy memorandum and sale certificate) or indexes relating to Book I or for search of copy of each document in Registrar Book III or IV or search or inspection of any other book or Register for any particular year. Rs. 5.00
- (b) When an applicant requires the inspection or search to be made within three days, he shall have to pay or double the fees prescribed in/Sub-Clauses (a, d or c) as the case may be.
1. No fee for search or inspection of the indexes of any one office in respect of any number of documents relating to one or the same property shall exceed provided that :-
  2. If any application for a copy of an entry or for inspection or search of an entry the nature of the document, the date of registration, the register and volume in which it is copied and its number in such volume are shown in the application by a person who is interested in an entry or document, no fee for search or inspection of the indexes shall be levied. But in case where the particulars furnished by the applicant are incorrect and a search or inspection becomes necessary, the necessary fees should be levied.
  3. No fee for search or inspection need be levied in respect of application for copies of entries in Book II, by the party concerned.

Every application for grant of a certified copy except at the time of the registration of a document or as provided in Sub-causes (2) and (3) above, should be accompanied by the fee necessary to trace the entry in the indexes at the above rates.

A call for information from any court or Revenue authority shall if it necessitates search in the registers, be accompanied by the necessary fee for search, but officer of Government shall be permitted to search or inspect for bonafide public purposes, the Register Books and Indexes without fee. On the occasion of the annual enquiries prescribed by Government regarding the securities of mauzadars and ministerial Officers, the usual fee must be paid when

the search is made by a clerk of the registration office, but no fee will be charged if the search is made by a clerk deputed by the officer making the enquiries.

When a Register Book is called for by a court the fee for search should be levied by the court from the party at whose instance the register is called for-

(I) For making or granting copies of reasons, entries or documents before or after registration, a fee shall be charged at the rate of Rs. 5.00 for every three hundred words.

(a) When an applicant requires his copies to be furnished within three days from the date of application, he shall have to pay double the fee prescribed in clause 'I'

Government officers requiring to take copies of entries documents or maps for bona-fide public purposes are exempted from the payment of fees-

(b) When a trained hand for making copies of map or plan is temporarily engaged, the registering officer shall personally assess in each case and the amount so relised as cost from the parties shall be paid to such copyist as his remuneration ;

(c) When an applicant requires the inspection or search to be made on the day of the application he shall have to pay double the fees prescribed in Sub-clauses (a) (b) as the case may be ;

(d) Co-operative societies shall have to pay the extra fees under Articles H (d), if they want the inspection or search to be made on the day of application ;

(e) When an applicant presents a printed, photostate or typed copy of a document already registered half the amount leviable under this Article.

## II. Extra-or Additional Fees :

(G) For every (a) copy and (b) memorandum of a document to be forwarded to another office under section 64-67, there shall be paid an extra-fee equivalent to that paid under Article. A. B. D or F provided that the fee or a copy shall not exceed Rs. 35.00 and that the fee for a memorandum shall not exceed ... .. Rs. 15.00

(K) For Registration by any Register of any document under section 30 (I) , an extra fee equal to the ordinary fee, or Rs. 30.00 whichever is less ... .. Rs. 30.00

Note :- The additional fee shall not be payable when an instrument is registered by a Registrar acting as Sub-Registrar or in consequence of the Sub-Registrar by whom it should be registered under section 29 being a party interest in the transaction to which such instrument relates.

(M) (a) The fee for the attendance under section 31 (of Indian Registration Act. 1908) of an officer at a private residence for acceptance for registration of any one document or for deposit of any will or authority, shall be, ... .. Rs. 50.00

(b) The fee for attendance at private residence when the presentant is so ill as to be unable without risk to attend at the Registration office, or at a Jail, for the acceptance for registration of any one document, or for deposit of any will or authority shall be, ... .. 50.00

Provided that where two or more persons who executed the same document reside together only one fee shall be charged sofar as those persons are concerned. The fees shall be credited to Government.

Travelling expenses for journey to perform such visits shall be relised from the party for whose benefit the visit is to be paid and appropriated by the registering officer at the rate as admissible to Government servants as per T A Rules and where the place of visit is within the radius of 8 K M from the Registration office, then a fixed charge of Rs. 30.00 may be made.