

Most Immediate

F. No. 27012/8/2015-LRD  
Government of India  
Ministry of Rural Development  
Department of Land Resources

NBO Building, Nirman Bhawan,  
New Delhi-110011  
Dated the 9<sup>th</sup> March 2017

**To:**

Chief Secretaries / Administrators of all States / Union Territories

**Subject:** Prevention / identification of *benami* / fraudulent transactions - Use of consent-based Aadhaar authentication for Registration under the provisions of The Registration Act, 1908 [Policy circular no. 3 of 2017].

Sir,

1. I am directed to refer to the correspondence resting with letter of even number dated 07-12-2015 on the subject of 'Acceptance of consent based Aadhaar authentication services offered by UIDAI as a valid method of collecting the information mentioned in Section 32 A of the Registration Act, 1908' wherein benefits and desirability of consent-based Aadhaar authentication services for registration of documents were cited.
2. Consent-based Aadhaar authentication services will provide a cost-effective and fully-auditable method of fulfilling the requirements of Section 32 A of the Registration Act 1908 which relates to 'Compulsory affixing of photograph, etc.'
3. This will facilitate the executants by simplifying and quickening the registration process and also be a substantial step towards preventing / identifying *benami* / fraudulent transactions.
4. The use of Aadhaar number in Registration will need implementation in a manner that is administratively feasible and legally tenable, and in particular does **not** infringe the provisions contained in (i) the Registration Act 1908, (ii) the Prohibition of *Benami* Property Transactions Act 1988, (iii) the Information Technology Act 2000 and (iv) the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act 2016.

5. Section 32 A of the Registration Act 1908 provides for affixing photographs and fingerprints of the executants. To enable consent-based Aadhaar authentication services for registration of documents, the State Government / UT Administration / Inspectors General of Registration of the State / UT will need to exercise the powers contained in Section 69 ('Power of Inspector-General to superintendent registration offices and make rules') of the Registration Act 1908 as amended from time to time and as applicable to the concerned State / UT. For ready convenience, certain relevant Sections of the Registration Act 1908 [Sections 32 A, 34, 35 52 (1) (a) and 69 (1) (j) are given in **Annexure I**.
6. In exercising the rule-making powers under Section 69, the definitions given in the Registration Act 1908 will be used.
7. Wherever applicable the definitions given in the Prohibition of *Benami* Property Transactions Act 1988, the Information Technology Act 2000 and the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act 2016 may be appropriately used.
8. For ready convenience a model template of draft Rules under Section 69 (1) (j) of the Registration Act 1908 is enclosed as **Annexure II**.
9. It would be desirable for the State Government / UT Administration to kindly consider providing Points of Service (POS) at each Sub-Registrar Office (SRO) in the State / UT to enable consent-based Aadhaar authentication for registration of documents.
10. It would also be desirable for UIDAI to kindly provide a ready option of enrolment at or proximal to each SRO to facilitate enrolment in case any executant does not possess an Aadhaar number and is desirous of obtaining one at the spot itself so as to use the services of consent-based Aadhaar authentication.
11. Internet connectivity and other requisite infrastructure will also have to be kindly ensured by the State Government / UT Administration.
12. Enabling consent-based Aadhaar authentication services in registration of documents will make the system citizen-friendly and also substantially contribute towards the objective of preventing / identifying *benami* / fraudulent transactions, which is in overall national and public interest.
13. In this overall context it is also relevant that Integration of Computerized Registration with Computerized / Digitized Land Records is *inter alia* being undertaken under the aegis of the Digital India Land Records Modernization Programme

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(DILRMP). Having regard to the time and resource etc. considerations at the ends of the State Governments / UT Administrations, it is suggested that the following priority could be considered:

(i) Where integration of computerized registration with computerized / digitized land records (i.e. integration of the two processes of registration and updation of land records) has been completed, the State Government / UT Administration may consider ensuring that the requisite infrastructure (i.e. POS in the SRO, enrolment facility at or proximal to the SRO, internet connectivity, etc.) is put in place and the necessary rules / notifications under the Registration Act 1908, the Information Technology Act 2000 and the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act 2016 are issued at the earliest and preferably within **one month**.

(ii) Where integration of registration with land records is at an advanced stage, the requisite infrastructure is put in place and the necessary rules / notifications are issued at the earliest and preferably within **two months**.

(iii) In the remaining cases, where the integration is at an initial stage or as yet not initiated, the requisite infrastructure is put in place and the necessary rules / notifications are issued at the earliest and preferably within **three months**.

14. It may specifically be seen that *per se* the objective is to put the requisite infrastructure in place and issue the necessary rules / notifications to enable consent-based Aadhaar authentication in **all** SROs in the State / UT, irrespective of whether or not the process of integration of registration with land records has been initiated or completed etc. A reasonable order of priority has however been suggested in para 12 above.

15. It is requested that in view of the national objective of preventing / identifying *benami* / fraudulent transactions, the State Government / UT Administration may kindly consider appropriate action on the above lines on the **highest time-bound priority**.

Yours faithfully

  
(Hukum Singh Meena)

Joint Secretary to Government of India

Tel. No.23063462

**Annexure I****Certain Relevant Provisions of the Registration Act, 1908****Section 32A. Compulsory affixing of photograph, etc.**

Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document: Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document.

**Section 34. Enquiry before registration by registering officer**

(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 person executing such document, or their representatives, assigns or agents authorised 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 person 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, assignee or agent, satisfy himself of the right of such person 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 subordinate.

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(5) Nothing in this section applies to copies

**Section 35. Procedure on admission and denial of execution respectively**

(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, assignee or agent, such representative, assignee or agent admits the execution, or

(c) If the person executing the document is dead, and his representative or assignee 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 assignee 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 State 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, be deemed to be a Registrar for the purposes of this sub-section and of Part XII.

**Section 52. Duties of registering officers when document presented**

(1) (a) The day, hour and place of presentation the photographs and fingerprints affixed under section 32A, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it;

**Section 69. Power of Inspector-General to superintend registration offices and make rules**

(1) The Inspector-General shall exercise a general superintendence over all the registration-offices in the territories under the State Government, and shall have power from time to time to make rules consistent with this Act-

(j) generally, regulating the proceedings of the Registrars and Sub-Registrars.

Annexure II

OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION.

STATE OF \_\_\_\_\_

No. / /2017

Dated March, 2017

NOTIFICATION

In exercise of the powers conferred under clause (j) of sub-section 1 of section 69 read with section 32 A of the Registration Act, 1908 (16 of 1908), the Inspector General of Registration, State of \_\_\_\_\_ with the prior approval of the State Government as required under sub-section of 2 of section 69 of the Act make the following Rules, namely:-

1. Short title, extent and commencement- (1) These Rules may be called the Registration (use of Aadhaar number) Rules, 2017.
- (2) The rules shall come into force as in Sub-Registrar offices as notified by the Inspector General of Registration. Different dates may be appointed for different Sub-Registrar offices.
2. Definitions – (1) ‘Act’ means the Registration Act, 1908 (16 of 1908);
- (2) ‘Applicant’ means executant of the deed.
- (3) ‘Aadhaar Number’, ‘Aadhaar Number holder’, ‘Authentication’ and other words / terminology relating to Aadhaar number and matter connected therewith, when used in this rule and not defined in the Act, have the same meaning as defined in the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act 2016 and the Information Technology Act 2000.
3. (1) Provisions of the Aadhaar Act and Regulations framed thereunder Act have come into effect from 14th September 2016 and notifications to this effect have been published in the Official Gazette. Section 57 of the Aadhaar Act 2016 permits the use of Aadhaar number for establishing the identity of an individual

for any purpose pursuant to any law or contract to this effect subject to the procedure and obligations under section 8 and Chapter VI of Aadhaar Act.

(2) Use of consent-based Aadhaar authentication of executants as a valid method of collecting the information mentioned in Section 32 A of the Act for registration of documents may be enabled in Sub-Registrar offices as notified by the Inspector General of Registration to make the system citizen-friendly and also substantially contribute towards the objective of preventing / identifying benami / fraudulent transactions, which is in overall national and public interest.

4. (1) An Applicant executing the registration of deed is required to provide his/her Aadhaar number, and other details as sought at the time of registry of deed for the purpose of establishing his/her identity and authentication thereof. The Applicant will be required to undergo Aadhaar authentication at the time of verification of details at the registry office / other designated offices.

(2) An Applicant not yet enrolled for Aadhaar is hereby required to apply for Aadhaar enrolment in case he/she is entitled to obtain an Aadhaar number as per Section 3 of Aadhaar Act. Such an Applicant may visit any Aadhaar enrolment center (list available at [www.uidai.gov.in](http://www.uidai.gov.in)) to get enrolled for Aadhaar.

(3) For the purpose of Aadhaar enrolment for an Applicant who entitled to obtain Aadhaar, department incharge of registration of deeds in the state government/ Union Territory administration is hereby required to specially set up Aadhaar enrolment facilities at designated registry office / other offices for the purpose of Aadhaar enrolment. The Applicant can approach such an enrolment facility at the designated office and get himself/herself enrolled for Aadhaar. These centres shall also provide Aadhaar update (biometric and demographic) facilities. The list of such designated registry office / other offices with Aadhaar enrolment facility is available on the [www.\\_\\_\\_\\_\\_](http://www._____).

(4) An Applicant who has enrolled for Aadhaar and has not received the Aadhaar number should provide the 28 digit Aadhaar Enrolment ID printed on the Aadhaar enrolment slip, at the time of registry of deed. The registry of deed, subject to other requirements, will be accepted with such Enrolment ID mentioned on the same. Once Aadhaar is assigned to such applicants, they will be required to provide the Aadhaar number online and also undergo Aadhaar



authentication at the registry office / designated offices either prior or post registration of the deed as the case may be.

(5) In case an Aadhaar enrolment facility is not available at a convenient designated registry office / other offices, the Applicant should submit a request for Aadhaar enrolment at such designated registry office. The registry office / designated offices will issue a request number to such an Applicant. This request number should be entered by the Applicant at the time of registration of the deed. Such an Applicant is required to undergo Aadhaar enrolment once the facility becomes available or at a nearby Aadhaar enrolment centre and thereafter provide the Enrolment ID online. Once the Aadhaar number is assigned, the Applicant is required to provide the Aadhaar number online and undergo Aadhaar authentication at the registry office / designated offices either prior or post registration of the deed, as the case may be. The application for Aadhaar enrolment shall be made no later than six months from the date of registration of the deed.

(6) An Applicant, who is entitled to registry of deed but not for an Aadhaar number, shall make an application for Aadhaar enrolment as soon as he/ she becomes so eligible. Once an application for enrolment is made, the same process as in Clause 4.5 above shall be followed.

5. In the event of failure to comply with the requirements of Clause 4, there may be some delay in processing of registration of deeds, as the procedure for identification and verification of applicants would become more stringent and stricter scrutiny of the deed documents may be undertaken.

6. Above provisions shall also be applicable for entities such as organizations/ entities/ institutions/ HUF(Karta) wherein authorised signatory, of these entities shall fulfil the aforesaid provisions