

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 1713

ANSWERED ON THURSDAY, THE 03.08.2023

Requirement of registration of wills and sale agreements

1713. SHRI SUSHIL KUMAR GUPTA:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Government is aware of the significant amount of pending litigation in courts concerning the authenticity of unregistered wills and unregistered agreements to sell;
- (b) whether Government has any proposals to make registration of wills and agreements to sell compulsory in order to reduce litigation;
- (c) details of the proposal, if any, regarding the compulsory registration of wills and agreements to sell; and
- (d) if not, the reasons therefor?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY OF CULTURE

(SHRI ARJUN RAM MEGHWAL)

(a) to (d): Record of various cases in High Courts and District & Subordinate Courts is maintained on the National Judicial Data Grid (NJDG). NJDG,

however, does not maintain any separate category of cases relating to authenticity of unregistered wills and unregistered agreements.

Registration of documents and deed is a concurrent subject as per entry no. 6 of List III (Concurrent List) of Schedule VII to the Constitution and provisions of the Act are implemented by the States and UTs. Section 17 of the Registration Act, 1908 provides for documents of which registration is compulsory. The Registration (Amendment) Bill, 2013 as brought by Department of Land Resources, Ministry of Rural Development in the Rajya Sabha in August, 2013 inter alia provides compulsory registration of immovable property irrespective of the term of the lease of the property including even property that is leased for less than one year; allowing registration of immovable property documents anywhere in the country; recovery of deficit registration fee and refund of excess fee etc.
