

PASSED ON 23.05.2022

[AS PASSED BY THE SENATE]

A

BILL

further to amend the Registration Act, 1908

WHEREAS it is expedient further to amend the Registration Act, 1908 (XVI of 1908) in its application to the extent of Islamabad Capital Territory, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Registration (Amendment) Act, 2022.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Amendment of section 17, Act XVI of 1908.- In the Registration Act, 1908 (XVI of 1908), in section 17,-

(i) in sub-section (1), after clause (b), the following new clause shall be inserted, namely:-

“(ba) an instrument which grants power to an attorney or which constitutes an agreement to create, declare, assign, limit or extinguish, by way of sale, any right, title or interest of the value of one hundred rupees and upward, to or in immovable property;”

(ii) in sub-section (2), in clause (v), before the semicolon “;” occurring at the end, the following shall be inserted, namely:-

“except a document which grants power to an attorney or is an agreement to sell any right, title or interest of the said value in immovable property”

STATEMENT OF OBJECTS AND REASONS

In the light of provisions of Section 17,18 and 50 of the Registration Act, 1908, it is obvious that the agreement to sell is not complete transaction and does not create any right on property till fulfillment of the terms and conditions dealt therein. However, due to tendency in the society of making false and forged documents, such as agreement to sell, and then using it in support of false plea in Civil Courts for establishing the right in property, it is desirable to amend Section 17 of the Registration Act by inserting the agreement to sell as compulsorily registrable. This will operate as an effective check to prevent the abuse of an agreement to sell. The amendment also provides any instrument constituting power to attorney as registrable under section 17 of the Act, which shall effect as a bar to the frivolous litigation, thereby saving the precious time of courts and resources of litigant public.

**SENATOR SHAHADAT AWAN
MEMBER-IN-CHARGE**