

June 2025

Government proposes draft registration bill for online registration of property documents

The Government of India (“**GoI**”) has introduced the draft Registration Bill 2025 (“**Bill**”), marking a transformative shift in the country's property registration framework by proposing to replace the 117 (one hundred and seventeen) year old Registration Act of 1908 (“**Present Act**”). This comprehensive reform aims to digitise the registration process, enhance transparency, and create a uniform, citizen-centric system for property and document registration across all States and Union Territories. The Bill introduces provisions including online registration capabilities, Aadhaar-based authentication systems, expanded scope of compulsory registration, and elimination of jurisdictional barriers through digital platforms. The GoI has invited suggestions from public on the draft Bill latest by June 25, 2025.

Key features of the Bill

Expanded scope of compulsory registrable documents

The Bill significantly expands the scope of documents requiring compulsory registration beyond the limited categories specified in the Present Act. While the Present Act focused primarily on instruments of gifting immovable property, leases of immovable property, and instruments creating rights or interests in immovable property, document setting out terms for equitable mortgage (excluding the title deeds, the copies of which have been filed with the registering officer by banks, financial institutions and other creditors under Section 14(3) of the Bill), the Bill encompasses a much broader range of contemporary transaction types.

The expanded categories under Section 12(1) of the Bill include power of attorney for transfer of immovable property, sale certificates issued under Central or State acts, and instruments related to corporate reconstruction, merger, and demerger activities (recognising the increasing complexity of corporate real estate transactions and therefore including the specific provisions for business-related property transfers).

Additionally, Section 14(3) of the Bill mandates all banks, financial institutions and other creditors to file a copy of title deeds deposited with them for creation of security for securing a loan extended by them, with the registering officer under whose jurisdiction the mortgaged property is situated.

Optionally registrable documents

The Bill aims to simplify provisions for optionally registrable documents. Unlike the Present Act, which provided a list of documents which are optionally registrable, the Bill specifies that all documents which are not compulsorily registrable may be registered under Section 12 of the Bill.

Online registration and electronic documentation

Section 32 of the Bill introduces comprehensive provisions to facilitate online registration, including electronic submission and admission of documents, fundamentally transforming how property transactions are conducted in India. The appropriate government is empowered to notify specific documents that must be registered exclusively through electronic means, demonstrating the Bill's commitment to digital-first approaches.

The Bill incorporates end-to-end digital record-keeping systems, electronic issuance of registration certificates, and digital signature integration. These provisions eliminate the traditional requirement for physical presence at registration offices, particularly benefiting individuals in rural or remote areas who previously faced significant challenges in accessing registration services. The Bill also enables electronic integration with other record-keeping systems to enhance the efficiency and integrity of information flows.

Furthermore, Section 33 of the Bill introduces standardised templates for compulsorily registrable documents, which the appropriate government may notify. Importantly, the Bill ensures that registration will not be refused if documents are not presented in the prescribed template format, maintaining flexibility while encouraging standardisation.

Authentication and identity verification systems

Section 29 of the Bill provides an option for Aadhaar-based authentication (both online as well as offline). However, recognising that not all persons possess Aadhaar cards or may choose not to use them, the Bill provides alternative verification mechanisms to ensure inclusive access to registration services. This dual verification system ensures that individuals without Aadhaar are not excluded, thus complying with Supreme Court rulings on Aadhaar privacy and consent.

Transparency and accountability mechanisms

Section 58 of the Bill further represents specific grounds on which a registering officer may refuse to register a document. Unlike Section 71 of the Present Act, the new provision provides clear, objective criteria including lack of proper translation in commonly understood local language, unattested interlineations or alterations, insufficient property descriptions, and late presentation.

Moreover, the Bill establishes robust appeal mechanisms as being introduced under Sections 60 and 61 of the Bill and further provides judicial recourse under Section 63 of the Bill for aggrieved persons, who believe that their registration has been unfairly refused.

Accessibility and citizen-centric provisions

The Bill advances the use of plain language, digital facilitation, and transparent procedures to enhance the accessibility of the registration process, particularly for individuals and small enterprises.

Section 32 of the Bill provides that in public interest and to prevent fraud, the appropriate government may require persons executing such documents notified through electronic means to physically appear before the registering officer, before issuing the registration certificate.

Section 42 of the Bill introduces progressive provisions for exempting certain individuals from personal appearance requirements at registration offices. Persons with physical disabilities who cannot appear without risk or serious inconvenience, individuals in custody, and those legally exempt from court appearances can execute registrations through agents or electronic means. This provision ensures that physical limitations or legal circumstances do not prevent citizens from accessing registration services.

The registering officer is empowered to examine such exempt persons through electronic means *“in such form and manner as may be prescribed”*, providing flexibility in accommodating diverse needs. These accessibility provisions

align with principles of inclusive governance and ensure that the registration system serves all citizens regardless of their physical capabilities or circumstances.

Sections 47 to 49 of the Bill streamline the process for the presentation or withdrawal of sealed wills by testators or their authorised representatives, minimising bureaucratic obstacles.

Administrative reforms and governance structure

The Bill introduces significant administrative reforms designed to modernise the registration establishment's organizational structure by providing for the creation of additional and assistant inspectors general of registration positions, expanding the supervisory hierarchy to ensure better oversight and administrative efficiency.

Provision for cancellation of registration

Section 64 of the Bill seeks to categorically authorise the adjudicating authority appointed by the appropriate government to cancel the registration of a document on the grounds enlisted in the said provision or on such other grounds as may be prescribed.

Sub-section (3) of Section 64 provides that the adjudicating authority must adhere to certain principles while exercising its power to cancel registration of a document.

Moreover, sub-section (4) of Section 64 provides that a person who is aggrieved by an order of cancellation of registration of a document by the adjudicating authority may file an appeal against the said order before the appellate authority designated by the appropriate government within a period of 30 (thirty) days from the date of such order.

Principles for fixing fees for registration, searches, copies and other services

Sub-section (2) of Section 70 of the Bill lays down certain principles which must be considered by the appropriate government while fixing fees for registration, searches, provision of copies and other services enlisted in the said Section. It seeks to ensure that the fees which is fixed by the appropriate government has a reasonable relationship with the cost of providing such services. It further provides that there must be a periodic review and rationalisation of the fee to account for changes in the process of registration.

Moreover, sub-section (3) of Section 70 provides that where several documents are employed for completing a transaction, fees for any purpose mentioned in sub-section (1) of Section 70 will be payable only in relation to the principal document and each of the other documents employed for completing such transaction will require payment of only nominal fees (if any) prescribed.

Amendment of Sections 54 and 59 of Transfer of Property Act, 1882

Section 86 of the Bill seeks to amend the definition of 'Sale' as provided in Section 54 of the Transfer of Property Act, 1882. The amended provision provides that a sale, in the case of a reversion or other tangible thing, can be made only by a registered document. It seeks to do away with the part of the provision which provides that the transfer of tangible immoveable property of a value less than INR 100 (Indian Rupees one hundred), could be made either by a registered instrument or by delivery of the property. This part of Section 54 of the Transfer of Property Act, 1882, seems to have become redundant in the modern times as the value of immovable properties has increased significantly from the time when the Transfer of Property Act, 1882 was enacted.

Section 86 of the Bill also seeks to amend Section 59 of the Transfer of Property Act, 1882. As per the amended provision, a mortgage, other than a mortgage by deposit of title-deeds, can be effected only by a registered instrument signed by the mortgagor and attested by at least 2 (two) witnesses. The amended provision seeks to remove the

requirement of the principal amount being INR 100 (Indian Rupees one hundred) or more for the purposes of the instrument of mortgage being compulsorily registrable (as provided in the existing provision).

Conclusion

The Bill is a significant step towards modernising the legal framework for registration of documents in India, while maintaining procedural integrity and citizen protection. By aiming to enable online registration of property documents, thereby minimising the need for physical visits to registrar offices, the Bill intends to offer much-needed relief to property buyers. Additionally, the expansion of compulsory registrable documents strengthens the legal sanctity of transactions, while clearly defined grounds for refusal or cancellation of registration aim to curb arbitrariness and promote transparency.

Real Estate Practice

JSA is widely recognised as having one of the premier Real Estate Practices in India, and it is one of the most sophisticated & highly diversified commercial Real Estate practices, led by knowledgeable and experienced Real Estate experts at each of our offices in Gurugram, New Delhi, Mumbai, Bangalore and Hyderabad and Chennai. Our clients use our services for some very challenging and complex Real Estate transactions, which require thoughtful and practical advice.

Our clients comprise a broad cross-section of Indian and International, Institutional & private entities, including Developers, Real Estate advisers, Banks, Real Estate Funds, high net worth Investors, Governments, Major Retailers, Hotel owners & operators and others.

We are primarily involved in legal and regulatory issues for various types of Real Estate projects, including in relation to construction and development of hotels, malls, residential & commercial complexes, warehouses, IT & Industrial Parks and Special Economic Zones.

We have been involved in conducting legal due diligence in relation to such projects and have drafted/ reviewed various types of documents including transaction documents such as (a) Shareholders/ Subscription/ Share Purchase Agreements; (b) Development Agreements; (c) Joint Venture Agreements and other related documents/ agreements.

During the course of our practice, we have also been involved in the drafting/ reviewing of (a) Agreements for Sale; (b) Conveyance Deeds; and (c) Lease Deeds.

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21 Ranked Lawyers



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