

# SENATE OF PAKISTAN



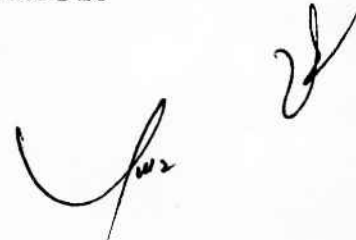
## REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

**THE REGISTRATION (AMENDMENT) BILL, 2021.**  
**(Amendment of Section 17 of the Registration Act, 1908)**  
**[Introduced by Senator Shahadat Awan on 27th December, 2021]**

PRESENTED BY

**SENATOR MOHSIN AZIZ**  
**CHAIRMAN SSC ON INTERIOR**



## SENATE SECRETARIAT

**Subject: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE REGISTRATION (AMENDMENT) BILL, 2021. (Amendment of Section 17 of the Registration Act, 1908)**

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on the Registration (Amendment) Bill, 2021. (Amendment of Section 17 of the Registration Act, 1908), introduced by Senator Shahadat Awan in the Senate on 27<sup>th</sup> December, 2021. Upon introduction, the Bill was referred to the SSC on Interior for consideration and report.

2. The composition of the Committee is as under: -

<b>Senator Mohsin Aziz</b>	<b>Chairman</b>
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Moula Bux Chandio	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Muhammad Talha Mehmood	Member
Senator Fawzia Arshad	Member
Senator Syed Faisal Ali Subzwari	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee considered the Bill in its meeting held on 4<sup>th</sup> February, 2022. The meeting was attended by the following:-

<b>Senator Mohsin Aziz</b>	<b>Chairman</b>
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Shahadat Awan	Member/Mover
Senator Muhammad Talha Mehmood	Member
Senator Fawzia Arshad	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
Minister for Interior	



4. The senior officers of the Ministry of Interior, Ministry of Law and Justice, District Attorney's office ICT and office of the Chief Commissioner ICT were also present in the meeting.

5. The Mover submitted his statement of objects and reasons of introduction of the Bill according to which the agreement to sell is not a complete transaction and does not create any right on property till fulfillment of other terms and conditions of the agreement. The Mover was of the view that there is tendency in our society that parties try to make forged documents like agreement to sell in order to pressurize or induce the other party and subsequently use such forged documents before the civil courts to establish their unlawful right in a particular property which ultimately leads to prolonged litigations and also increase burden on courts. The Member was of the view that in order to discourage this tendency, Section 17 of the Registration Act, 1908 needs to be amended so that the agreement to sell should also be made a compulsory registerable document to operate as an effective check to prevent the abuse of agreement to sell. The amendment also provides any instrument constituting power to attorney as registerable under section 17 of the Act which shall effect as a bar to the frivolous litigation.

6. The District Attorney, Islamabad supported the Bill with certain amendments but the amendments were not agreed by the Committee. The representatives of the Ministry of Interior, Ministry of Law & Justice and the Deputy Commissioner, Islamabad also supported the Bill as introduced in the Senate.

7. After detailed deliberations and discussion, the Committee unanimously voted in favor of the Bill and **unanimously recommended that the Bill as introduced in the Senate may be passed.**

8. In view of the above recommendation, the Committee also gave approval for presentation of report to the House. Hence, this report is presented to the House.



(MUHAMMAD AZAM)  
Secretary Committee



(SENATOR MOHSIN AZIZ)  
Chairman Committee

**[TO BE INTRODUCED IN 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, 2021.

(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**