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## PART-I

LAW DEPARTMENT

### NOTIFICATION

Karachi, dated the 3<sup>rd</sup> May, 2024.

No.S.Legis:1(2)/2024:- The following Ordinance made by the Governor of Sindh is hereby published for general information:-

### THE REGISTRATION (SINDH AMENDMENT) ORDINANCE, 2024

Sindh Ordinance No. II of 2024

(Here print as in the accompaniment)

## AN ORDINANCE

to amend the Registration Act, 1908, in its application to the Province of Sindh.

WHEREAS it is expedient to amend the Registration Act, 1908, in its application to the Province of Sindh, in the manner hereinafter appearing; Preamble.

AND WHEREAS the Provincial Assembly of Sindh is not in session and the Governor is satisfied that the circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, 1973, the Governor is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Registration (Sindh Amendment) Ordinance, 2024. Short title and commencement.
- (2) It shall come into force at once and shall be deemed to have taken effect on and from 3<sup>rd</sup> May, 2024.
2. Throughout the Registration Act, 1908 – Amendment of Act No. XVI of 1908.
  - (i) for the word "Pakistan", wherever appearing, the word "Sindh" shall be substituted excepting section 33;
  - (ii) for the words "Provincial Government" wherever appearing, the word "Government" shall be substituted.
3. In the Registration Act, 1908, for its application to the Province of Sindh, hereinafter referred to as the said Act, in section 1, in sub-section (1), before the words "Registration Act", the word "Sindh" shall be inserted. Amendment of section 1 of Act No. XVI of 1908.
4. In the said Act, in section 2 - Amendment of section 2 of Act No. XVI of 1908.
  - (i) after clause (1), the following new clauses shall be inserted: -
    - "(1a) "ban list" means the list of immovable properties, as per the format notified by the Board of Revenue, displayed on the e-registration web portal, indicating a legal ban, bar or restriction on sale, mortgage, or creating a charge on the property by any competent Government agency or Court, including the Revenue Courts;
    - (1b) "biometric verification" means the process of capturing and matching thumb impression, facial recognition, or fingerprints for identity and authentication of the person from the NADRA database to confirm a claimed identity in order to prevent impersonation:

Provided that if NADRA based verification is not performed despite all exhausting attempts allowed by NADRA in a day in the e-registration system, the party or parties shall be referred to the NADRA for re-validation of their thumb impression, and after such validation, if the NADRA confirms that the thumb impression of particular person cannot be performed, the Registering Officer with the approval of District Registrar shall carry out the thumb impression on plain paper certifying himself its authentication with Addition and CNIC or Passport of the concerned party and upload the same in the e-registration system to be made part of the relevant registered deed:

Provided further that the Board of Revenue shall maintain the database of such bio-metric verifications and may issue Standard Operating Procedure(s) therefor to carry out the purposes of this Act not inconsistent with the provisions of this Act;

(1c) "Board of Revenue" means the Board of Revenue, Sindh, established under the Sindh Board of Revenue Act, 1957 (West Pakistan Act No. XI of 1957);

(ii) after clause (2a), the following new clauses shall be inserted: -

"(2b) "checklist" means a list of mandatory documents, including taxes and fees required for the registration of immovable property, as notified by the Inspector General of Registration with the approval of the Board of Revenue;

(2c) "database" means the database of LARMIS, PRC, Digital Scanning Units, e-mutation and e-registration or any other database notified by the Inspector General of Registration with the approval of the Board of Revenue;

(2d) "Digital Scanning Officer" means the Digital Scanning Officer appointed under this Act;

(2e) "Digital Scanning Unit" means the Digital Scanning Unit established for scanning, indexing of registered deeds and online storage in the database;

(iii) after clause (5), the following new clauses shall be inserted: -

"(5a) "electronic" includes electrical, digital, magnetic, optical, biometric, electro-chemical, wireless or electromagnetic technology;

(5b) "electronic signature" means any letters, numbers, symbols, images, characters, or any combination thereof in electronic form, made by an authorized person, applied to, incorporated in, or associated with an electronic document with the intention of authenticating or approving the same for the purpose of authenticity or integrity, or both;

(5c) "electronic submission" means the filing or submission of an application or documents electronically using the online portal of the e-registration system established by the Board of Revenue, Sindh;

(5d) "e-registration" means the registration of documents electronically by using the online portal;

(5e) "Government" means the Government of Sindh;

(iv) after clause (6), the following new clauses shall be inserted: -

(6a) "LARMIS" means the Land Administration and Revenue Management Information System established for the purposes of scanning, indexing, digitizing, and storing the entries of records of rights, mutations, maps and such other incidental assignments, and storing them in the database;

(6b) "Lis pendens list" means the list of lis pendens notices, as per the format notified by the Board of Revenue, maintained by the Sub-Registrar and displayed on the e-registration web portal in the public domain;

(v) after clause (9), the following new clauses shall be inserted: -

"(9a) "Peoples Service Centre" shall have the same meaning as assigned to it under sub-section (23-A) of section 4 of the Sindh Land Revenue Act, 1967 (West Pakistan Act No. XVII of 1967); provided that the Board of Revenue may, with the approval of Government, notify any office as Peoples Service Center in a district or taluka for e-registration;"

"(9b) "Photography" includes photos taken, captured, scanned, stored, or transmitted through electronic means;

(9c) "PRC" means the Provincial Record Cell established for the purpose of scanning, indexing, and storing entries of records of rights, mutation registers, and such other incidental assignments in the database;

(9d) "Registrar" means the Registrar appointed under section 6 and includes District Registrar;

(9e) "Registration" means the registration of documents relating to the immovable property with the sub-registrar which may include e-registration;

(9f) "Repository" means an information system for storing and retrieving certificates or other information related thereto;"

5. In the said Act, in section 5, in sub-section (1), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added: -

Amendment of section 5 of Act No. XVI of 1908.

"Provided that the Board of Revenue may, with the approval of Government, notify the Peoples Service Center as a district or sub-district or otherwise define its limits for carrying out the functions of e-registration."

6. In the said Act, in section 6, after sub-section (1), the following new sub-section shall be added: -

Amendment of section 6 of Act No. XVI of 1908.

"(2) The Sub-Registrar appointed under sub-section (1), shall perform e-registration of the documents through the e-registration system in the districts or sub-districts where e-registration is notified."

7. In the said Act, in section 7 - Amendment of section 7 of Act No. XVI of 1908.
- (i) in sub-section (1), the words "or the office of the Joint Sub-Registrar" shall be omitted;
- (ii) in sub-section (2), the proviso thereunder shall be omitted.
8. In the said Act, sections 10, 11, and 30 shall be omitted. Omission of sections 10, 11 and 30 of Act No. XVI of 1908.
9. In the said Act, after section 14, the following new section shall be inserted: - Amendment of section 14 of Act No. SXVI of 1908.
- "14-A. Superintendence and control of Registering Officers.** (1) Notwithstanding anything contained in this Act, the general superintendence and control over all Registration Officers and Offices shall vest in, and all such Officers and Offices shall be subordinate to, the Board of Revenue.
- (2) Subject to the provision of sub-section (1), the Inspector General of Registration shall have control over all other Registration Officers, and to this extent, the Registrar shall have control of all other Registration Officers in his District."
10. In the said Act, in section 17 - Amendment of section 17 of Act No. XVI of 1908.
- (i) in sub-section (1), after clause (b), the following new clause (bb) shall be inserted:-
- “(bb) 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 upwards, to or in immovable property;”;
- (ii) in sub-section (2), in clause (v), after the word "interest", the words "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" shall be inserted;
- (iii) in subsection (2), the Explanation given after clause (xiii) shall be deleted;
- (iv) after sub-section (2), the following sub-section shall be added:
- “(3) (a) In case of filing or disposal of any suit, petition, appeal, or other claim affecting any right, title, or interest in immovable property, the court shall issue notice to the sub-registrar within whose local limits the property is situated.
- (b) Upon receipt of such notice from the court or being otherwise informed in writing of the pendency or disposal of such case (and having duly verified the

same from the concerned court), the Sub-Registrar shall make or remove the entry of *lis pendens* in the record relating to the said property.

(c) At the time of registering any document relating to the right, title, or interest in immovable property, the Sub-Registrar shall record any notice of *lis pendens* in the record but may nonetheless register the same if there is no restraining order from any court or other legal bar to registration."

11. In the said Act, section 19-A shall be omitted. **Omission of section 19-A of Act No. XVI of 1908.**
12. In the said Act, in section 21, in sub-section (5), in the proviso, the full stop at the end shall be replaced by a colon and thereafter the following second proviso shall be added: - **Amendment of section 21 of Act No. XVI of 1908.**  
 "Provided that for the purpose of e-registration, sub-section (5) shall not be applicable."
13. In the said Act, in section 28, in sub-section (1), after the words 'clause (b)', the words, brackets and alphabets " and (bb)" shall be inserted, and the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:- **Amendment of section 28 of Act No. XVI of 1908.**  
 "Provided that for the purpose of e-registration, all documents referred to in this section may be registered at the Peoples Service Centers falling within its defined limits."
14. In the said Act, in section 29, after the words "sub-district" wherever appearing, the words and comma "or in the Peoples Service Centre," shall be inserted. **Amendment of section 29 of Act No. XVI of 1908.**
15. In the said Act, in section 31, in the proviso, the full stop at the end shall be replaced by a colon and thereafter the following second proviso shall be added: - **Amendment of section 31 of Act No. XVI of 1908.**  
 "Provided further that for the purpose of e-registration, such cause shall be shown in the application, and the Sub-Registrar shall proceed under this section with the approval of the District Registrar through the online process."
16. In the said Act, in section 32, in clause (c), the full stop at the end shall be replaced by a colon and thereafter the following and provisos shall be added:- **Amendment of section 32 of Act No. XVI of 1908.**  
 "Provided that for the purpose of e-registration, the person purported to execute the document or his duly constituted attorney shall submit an application and an affidavit, including the uploading of the map, if required under sub-section (4) of section 21, online through E-service for registration of the document as per the format and procedure notified by the Inspector General of Registration with the approval of the Board of Revenue:

Provided further that for the purpose of acknowledgment of his application, the applicant shall instantly be sent the auto-generated SMS and email (if provided) indicating the date, time, type of instrument, or other details as may be prescribed by the Inspector General of Registration.”.

17. In the said Act, after section 32, the following new section shall be inserted: -

Insertion of new section 32-A of Act No.XVI of 1908.

“32-A. Verification of title, etc. (1) For the purpose of e-registration, the title document pertaining to the land shall be online verified from the database and the ban list posted on the web portal in the public domain and integrated with the system.

(2) Uploading a scanned copy of the document. When the applicant has information that the relevant title document is not available in the database, the applicant shall upload the scanned copy of the title document, or if the title is not verifiable due to the non-availability of records in database, the Sub-Registrar shall inform the applicant through SMS and email (if provided), requiring him to upload the scanned copy of the title documents for verification.

(3) Payment of taxes and fees and appearance at the Peoples Service Center. On verification of title documents from the database or uploading a scanned copy of the document, directions for payment of taxes and/or fees through e-pay along with an auto-fixed date for appearance and execution of the document at the Service Centre, shall be communicated through SMS and email. The date can, however, be changed at the request of the applicant online.”.

18. In the said Act, in section 34 -

Amendment of section 34 of Act No.XVI of 1908.

- (i) in sub-section (1), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

“Provided that in case of e-registration, the person required to execute the document or his duly constituted attorney shall appear before the Sub-Registrar within the time limit communicated under section 32, which may be extended by the Sub-Registrar on the request of the applicant. The provisions of sections 23, 24, 25, and 26 shall not be applicable for e-registration.”;

- (ii) after sub-section (3), the following shall be added: -

“(4) Nothing in sub-section (3) shall apply for the purposes of e-registration:

Provided that for the purpose of e-registration, the Sub-Registrar shall verify the identity of the person executing the document through NADRA

biometrics such as thumb impression, facial recognition, or fingerprints, and the parties shall execute the document through e-signature and thumb impression in addition to any other mode of biometrics as may be notified and a digital photograph taken through the e-registration system, which shall be embedded in the document.

19. In the said Act, in section 35, after sub-section (3), the following new sub-section shall be added:-

Amendment of section 35 of Act No. XVI of 1908.

“(4) Nothing in sub-section (2) shall apply for e-registration:

Provided that for the purpose of e-registration, if identification of the executant is established and the document is executed as per the proviso to sub-section (4) of section 34, the Sub-Registrar shall admit the registration of the document:

Provided further that if the person required to execute the document fails to appear for execution of the document within the time limit as extended from time to time on his request or withdraws his application through the online process, his application shall not be processed, and if the required executant appears to be a minor, or of unsound mind, or if the title of the document is not verifiable, the Sub-Registrar shall refuse to register the document. Such an order shall be passed and communicated to the applicant. Nevertheless, there shall be no bar on the submission of an application afresh for e-registration as per the procedure prescribed hereinbefore if the application has not been processed due to a time bar or has been withdrawn.”.

20. In the said Act, in section 51, in sub-section (5), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

Amendment of section 51 of Act No. XVI of 1908.

“Provided that for e-registration, only digital copies of documents, memorandums, and orders, as the case may be, shall be maintained in the database”.

21. In the said Act, in section 52 -

Amendment of section 52 of Act No. XVI of 1908.

- (i) in sub-section (1) and (2), clause (c) shall respectively be omitted; and  
(ii) in sub-section (2), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added: -

“Provided that the day, hour, and place presentation shall be digitally recorded in the document and the system-generated receipt shall be emailed to the person who has submitted the document and such receipt shall be deemed as an endorsement of submission of the document.”.



22. In the said Act, in section 53, the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-  
 Amendment of section 53 of Act No. XVI of 1908.  
 "Save as provided under section 51, no book shall be maintained for e-registration. Each document shall, however, be numbered as per the manner defined in this section."
23. In the said Act, in section 54, the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added: -  
 Amendment of section 54 of Act No. XVI of 1908.  
 "Provided that the Indexes shall be maintained digitally in the database."
24. In the said Act, in section 55, in sub-section (7), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-  
 Amendment of section 55 of Act No. XVI of 1908.  
 "Provided that for the purpose of e-registration, the Indices referred to in this section shall be maintained in digital form for each Peoples Service Centre and stored in the database."
25. In the said Act, in section 58, in sub-section (2), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-  
 Amendment of section 58 of Act No. XVI of 1908.  
 "Provided that the provisions of this section shall be performed electronically immediately after execution of the documents."
26. In the said Act, in section 60, in sub-section (2), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-  
 Amendment of section 60 of Act No. XVI of 1908.  
 "Provided that for the purpose of e-registration, the certificate of registration shall be electronically signed by the Sub-Registrar, and he will also affix his thumb impression electronically."
27. In the said Act, in section 61, in sub-section (2), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-  
 Amendment of section 61 of Act No. XVI of 1908.  
 "Provided that for the purpose of e-registration, copy of the document, properly indexed, shall be saved in the database, and a copy thereof shall be given to the applicant or his nominee, duly printed on the e-stamp paper issued for the purpose, and continuation sheets or plain papers, or as may be directed by the Government."
28. In the said Act, in section 69 –  
 Amendment of section 69 of Act No. XVI of 1908.  
 (i) for sub-section (1), except its clauses, the following shall be substituted:  
 "(1) Government may make rules to be published in the Official Gazette, consistent with this Act to regulate the following matters -";

(ii) in sub-section (1), as amended above, after clause (h), the following new clause shall be inserted:

“(hh) processing the documents for e-registration;”;

(iii) sub-section (2) shall be omitted.

29. In the said Act, the existing heading of Part XI-A shall be replaced as follows:-

“OF THE PROCESSING AND PRESERVATION OF REGISTERED DOCUMENTS BY ELECTRONIC MEANS”.

Amendment of Heading of Part XI-A of Act No. XVI of 1908.

30. In the said Act, for sections 70-A, 70-B, 70-C, 70-D and 70-E, the following shall be substituted:-

“70-A. Application of this part: This Part shall apply to such districts and sub-districts as are notified by the Government in the official Gazette. Such notification shall also be translated into major vernacular languages and given wide publicity, especially by affixing it at the registration offices affected by such notification.

Substitution of section 70-A, 70-B, 70-C, 70-D and 70-E of Act No. XVI of 1908.

70-B. Appointment of a Digital Scanning Officer: There shall be a Digital Scanning Officer in BS-17 of suitable qualification and experience to exercise powers and perform duties under this Part, who may also be tasked with managing the affairs of the defunct microfilming units.

70-C. Online repository of registered instruments and electronic verification of registered property: The government may establish a secure online repository or database of registered documents utilizing modern computer technologies and may also make provision for electronic verification of registered property documents in the prescribed manner.

70-D. Digitalized version of instruments and documents: The government may make a provision for the processing of documents, instruments, books, decrees, assignments, endorsements, orders, counterparts of leases, copies, certificates, verifications, and signatures mentioned in this Act as and when required through digitalized or electronic means in a manner prescribed.”.

31. In the said Act, in section 71, in sub-section (2), the full stop at the end shall be replaced by a colon and thereafter the following shall be added:-

“Provided that for the purpose of e-registration, the Sub-Registrar shall record the reason for the refusal order in digital form, which shall be posted on web portal and communicated to the applicant and the parties shown in the document.”.

Amendment of section 71 of Act No. XVI of 1908.

32. In the said Act, for section 72, the following shall be substituted:-

Amendment of section 72 of Act No.XVI of 1908.

"72. Appeal to the District Registrar from the orders of the Sub-Registrar- (1) An appeal shall lie against the order of Sub-Registrar for adjournment of the document, or entry made in the ban list, or refusal to admit a document to registration, or refusal to register a document, or any other order or refusal (whether the registration of such a document is compulsory or optional) to the District Registrar within thirty days from the date of the order.

(2) The District Registrar may call for the record of case and pass such orders as he thinks fit for disposal of appeal filed under sub-section (1) within fifteen days:

Provided that no order shall be passed under this section reversing or modifying any proceeding or order of the Sub-Registrar affecting any person without giving such person an opportunity of being heard:

Provided further that no appeal shall lie against the order of the Sub-Registrar when a document has been registered and a certificate of registration has been signed by the Sub-Registrar under section 60.

(3) Every order passed under this section shall be posted on the web portal maintained for e-registration."

33. In the said Act, after section 72, the following new section shall be inserted: -

Insertion of new section 72-A of Act No.XVI of 1908.

"72-A. Revision by the Board of Revenue. (1) The Board of Revenue may, on its own motion or on an application made to it within thirty days of the passing of any order by the District Registrar in any appeal or otherwise, call for the record of such order and pass such orders as it thinks fit within fifteen days after the revision has been instituted:

Provided that no order shall be passed under this section reversing or modifying any proceedings or order affecting any person without giving such person an opportunity to be heard.

(2) The Board of Revenue may stay the operation of any order regarding which revision is pending before it.

(3) Every order passed under this section shall be posted on the web portal of the e-registration."

34. In the said Act, in section 73, the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

Amendment of section 73 of Act No.XVI of 1908.

"Provided that the provisions of this section shall not be applicable when registration of documents is processed through e-registration."

35. In the said Act, in section 74 -

(i) except the clauses thereunder, the following shall be substituted:-

"The Registrar shall, as soon as conveniently may be, enquire -";

(ii) as amended above, in clause (b), the following proviso shall be added:-

"Provided that nothing in this section shall apply to e-registration."

Amendment of section 74 of Act No.XVI of 1908.

36. In the said Act, in section 89, in sub-section (4), the full stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:-

"Provided that for the purpose of e-registration, the scanned copies of documents referred to in this section shall be stored in the database and entered in the Indices maintained on the web portal."

Amendment of section 89 of Act No.XVI of 1908.

(KAMRAN KHAN TESSORI)  
GOVERNOR OF SINDH

3<sup>rd</sup> May, 2024