

Registration of documents with inadequate details of witnesses

Complaining that a bogus Settlement Deed had been registered in 2010 by impersonation of the Settlor, a petitioner sought details of the witnesses who identified the settler. He also sought copies of identity cards of the Settlor and the two identifying witnesses. The Registrar gave sketchy details of the witnesses. The petitioner appealed to the Commission. During enquiry, he complained that in the copy of the Voter Identity Card of the Settlor which was sent to him, the face was blackened and the identity could not be made out while identity cards of the witnesses were not furnished. A scrutiny of the copy of the Settlement Deed showed that the father's name of the first witness was found written illegibly while the name, and other details of the second witness were all written illegibly. The copy of the Settlor's Voter ID available in the file also carried a photo from which the identity of the person could not be deciphered, although the photo on the document itself is clear. Further, the Registrar stated that identity cards of witnesses are not collected. The Commission decided that information available in the office had been furnished. However, this case brought to light the anomalies in the process: 1. A copy of Voter ID in which the photo was not legible was accepted at the time of registration. 2. The details of the witnesses were not recorded clearly. 3. No identity card was collected to prove the identity of the witnesses, as it is stated that there is no such requirement. 4. When the identities of the witnesses are not themselves established, they were used to identify the person executing the deed. The practice that used to be adopted by Banks was that for an account to be opened, the applicant must be identified by an account holder in the Bank. A reasonable system will be that either the Registrar must know the witness and certify the fact or identity proof must be collected for the witness. 5. According to the PIO, the Rules provide for a witness himself to write the name and address. This, coupled with the fact that no identity proof is collected, might pave the way for impersonation as the witness might record the details in an illegible manner. 6. The petitioner claims to have got proof from the election office that the Voter ID number of the executor given was bogus. These issues have been flagged to the IG Registration for appropriate action including remedial measures to ensure water-tight procedures to ensure identification of persons executing deeds as well as the witnesses. It was also pointed out that the stand that the identities of the witnesses is not known cannot be accepted at face value and that the Registrar who registered must be asked to account for this. **This appeal under RTI brought to light the loopholes exploited by miscreants to indulge in cheating.** ([SA 4011/16](#) dated 7.9.16)