



REAL ESTATE

The Registration (Karnataka Amendment) Act, 2025: A Legislative Shift in Property Documentation

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Introduction

The *Registration (Karnataka Amendment) Act, 2025* (Karnataka Act No. 42 of 2025), notified on **28 July 2025**, introduces significant reforms to the process of registering property-related instruments in the State of Karnataka. Amending key provisions of the *Registration Act, 1908*, as applicable in the State, this legislation aims to increase legal certainty, prevent misuse of powers of attorney, and simplify public record-keeping through digital measures.

Table of contents

- [Introduction](#)
- [Legal Background: The Registration Act, 1908](#)
- [Key Amendments Introduced by the Karnataka Act No. 42 of 2025](#)
- [Implementation Status](#)
- [Implications for Stakeholders](#)
- [Conclusion](#)

Legal Background: The Registration Act, 1908

The *Registration Act, 1908* is a central legislation that governs the registration of documents relating to property in India. The primary objective of the Act is to ensure that transactions affecting immovable property are recorded in public registers, thereby providing transparency, traceability, and legal validity to such transactions.

Sections 17, 33, and 89 of the Act deal respectively with:

- **Documents that are compulsorily registrable** (Section 17),
- **Presentation and authentication of powers of attorney** (Section 33), and
- **Filing of copies of documents executed by public officers** (Section 89).

While states are empowered to amend the Act as applicable within their jurisdictions, such amendments require presidential assent where they are repugnant to central legislation. The *Karnataka Amendment Act, 2025*, having received such assent, has now become law in the State.

Key Amendments Introduced by the Karnataka Act No. 42 of 2025

1. Mandatory Registration of Powers of Attorney Involving Immovable Property

- A new clause (f) has been inserted into Section 17(1), mandating the compulsory registration of any Power of Attorney that authorises the transfer of immovable property, whether with or without consideration.

2. Withdrawal of Exemption for Government Grants

- Clause (vii) of Section 17(2), which previously exempted grants of immovable property by the Government from compulsory registration, has been omitted.
- Henceforth, even instruments evidencing government allotments or transfers of land must be registered, ensuring uniformity and public accessibility of records.

3. Stricter Proof Requirements for Powers of Attorney

- Section 33(4) has been amended to replace “may be proved” with “shall be proved”, making it mandatory to produce the original power of attorney document at the time of its use in registration.
- A new proviso requires that the presenter of the PoA must also produce proof that the executant is alive, in a form and manner to be prescribed by the registration authorities. This seeks to prevent fraudulent use of expired or revoked PoAs.

4. Digital Filing of Instruments Executed by Public Officers

- A new sub-section (5) is inserted in Section 89, mandating that instruments executed by specified public officers or government functionaries must be transmitted and filed electronically.
- The registered copies will be digitally preserved, ensuring faster processing and long-term integrity of official records.

Implementation Status

- The Act was passed by the Karnataka Legislative Assembly on 18 March 2025, received presidential assent, and was notified on 28 July 2025.
- However, as per the notification, the Act shall come into force on such date as the State Government may appoint by notification in the Official Gazette. Until such date, the previous provisions of the Registration Act, 1908, as applicable in Karnataka, remain in effect.

Implications for Stakeholders

- **For Property Owners and Developers:** All PoAs relating to the transfer of immovable property must now be registered. This affects practices of executing informal PoAs for sale or possession, which were previously prevalent.
- **For Government Authorities:** The withdrawal of exemption for government grants will increase the volume of documents requiring registration, but it enhances transparency and auditability of government allotments.
- **For Legal Professionals and Document Writers:** The evidentiary threshold for PoAs has been raised, making it essential to verify the continued life of the executant and ensure valid registration of instruments.
- **For Sub-Registrars and the Registration Department:** The shift to digital transmission and record-keeping will require upgrades to infrastructure and processes.
- The Act is aligned with broader digitisation efforts under India's National Land Records Modernization Programme (NLRMP).

Conclusion

The *Registration (Karnataka Amendment) Act, 2025* represents a major stride toward increasing transparency, curbing property fraud, and modernising land registration practices in Karnataka. By mandating registration of all powers of attorney related to immovable property and digitising official submissions, the Act strengthens legal safeguards while enhancing administrative efficiency.

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