



DAFTAR-E ASNĀD-E RASMĪ

DAFTAR-E ASNĀD-E RASMĪ (Registry of official documents), a government department where documents and records of transactions, **contracts**, marriages, divorces, and the like are kept and signatures verified. They are also known as *maḥẓar* because before the modern period the religious court *maḥẓar-e ḥākem-e šarʿ* was responsible for recording such transactions. Offices known as *daftar-e ṭabt-e asnād* (office for recording documents) were established in a number of Persian cities in accordance with the Qānūn-e ṭabt-e asnād wa amlāk (Law for recording documents and properties) of 21 Farvardīn 1302 Š./10 April 1923. They were administered by the Edāra-ye ṭabt-e asnād wa amlāk (Department for recording documents and properties) and staffed by government employees, who were, however, usually the same scribes that had formerly served the religious courts. As religious judges in the 1920s rarely accepted government employment and often barred their experienced scribes from accepting it, several problems arose. In each city there was only one official registry, and the number of employees recording transactions was too small, with resulting delays, especially as the growth of cities and the development of urban real estate tended to increase the number of transactions significantly. On the other hand, some people were suspicious of the new arrangement and were not inclined to register their transactions, especially as religious scholars perceived the officials as competitors for the registration fees. There was also a tendency in traditional circles to ensure the legality of transactions by holding religious formalities throughout the process.



In order to deal with problems of this kind, it was decided to entrust the registration of documents to qualified people in the private sector who were not government employees but worked under state supervision, on the model of the French and Belgian systems. As a result, on 26 Esfand 1310 S./17 March 1932 the Daftar-e asnād-e rasmī was established, and the requisite number of employees was transferred from the Ministry of justice (*Wezārat-e dādgostarī*); each office was to be staffed by a director (*ṣāḥeb-e daftar*, later *sar-daftar*) and at least one representative of the Edāra-ye ṭabt-e asnād (art. 82), except that, if the director was a religious scholar (*mojtahed*), it was not necessary to have the representative (art. 85). As a result, many *mojtaheds* were able to resume their former work.

In 1316 Š./1937 a new Law of official documents (*Qānūn-e dafāter-e asnād-e rasmī*) was ratified; it soon became known as *Qānūn-e Matīn Daftarī* after the name of the man who drafted it. According to its provisions, the office (*daftar-kāna*) and its director, the *sar-daftar*, were officially attached to the Ministry of justice. The representative was also renamed assistant director (*daftar-yār*; arts. 1, 2). The *sar-daftar* and *daftar-yār* each kept a separate register, and transactions had to be recorded in both. The local offices were divided into three categories. Offices in the highest category were responsible for drawing up and registering all kinds of documents. The other two categories could register ownership documents only by getting special permission from the Ministry of justice, which, however, was liberal in granting them, to the point that in practice there was little difference among the three categories. Under this law people holding college degrees in law or theology were for the first time ranked higher than the *mojtaheds*.

The Ministry of justice was authorized to form associations of registry directors (*kānūn-e sar-daftarān*) at its discretion (arts. 28-34), but Tehran was the only city where such an association was formed. Its board of directors consisted of five members and two or three alternates, each elected for a two-year period. The president of the board was the minister of justice. The association remained for the most part a ceremonial entity throughout this early phase of its history, having little to do with the everyday business of the *daftars*. It was, however, instrumental in promoting enactment of a new law, *Qānūn-e dafāter-e asnād-e rasmī wa kānūn-e sar-daftarān wa daftar-yārān* (Law for registries of official documents and the association of *sar-daftars* and *daftar-yārs*), in 1354 Š./1975, and for providing retirement- and insurance-



benefit plans for the *sar-daftars* and *daftar-yārs*. The new law incorporated several changes, including elimination of the three categories of offices. It was no longer necessary to maintain two separate registers; rather, documents were recorded in a single register signed by the *sar-daftar* and the *daftar-yār*. The registrars' association became a legally recognized and financially independent entity, and there were alterations in the composition and terms of the offices. The president of the association was to be elected from among members of the board, which had been enlarged to include seven *sar-daftars* and two *daftar-yārs*. The association was also granted powers to conduct investigations of individual registry offices. The first such association was formed in Tehran in 1354 Š./1975; Aḥmad Maḥdawī Dāmḡānī was the first elected president. After the Revolution of 1357 Š./1978-79 the provisional government extended the terms of the board of directors until December 1979, when the Revolutionary council (Šūrā-ye enḡelāb) dissolved the board and placed the association under the Sāzmān-e ṭabt-e asnād wa amlāk-e kešvar (Organization for recording documents and properties) until the next elections.

At present there are about 950 offices for registering documents, 1,200 marriage offices, and 550 divorce offices in Persia; of these offices 300 document registries, 400 marriage registries, and 150 divorce registries are located in Tehran.