Tamil Nadu:

After PART XI, insert the following PART, namely:—

"PART XIA

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES

70A. Application of this Part.—This Part shall apply to the areas only in respect of which a notification is issued by the State Government under sub-section (1) of section 70B.

70B. Documents scanned by electronic devices in areas notified by the State Government.—(1) The State Government may, by notification, in the Tamil Nadu Government Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Act, or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the Registering Officer in-charge of the office shall also be received in evidence of any transaction as is described in the said document.

70C. Saving.—Nothing in this Part shall apply,—

(i) to any document which in the opinion of Registering Officer is not in a condition fit to be processed by means of electronic devices;

(ii) in the case of unforeseen eventuality like breakdown of the computerised system of registration:

Provided that the Registering Officer shall record the reasons in writing therefor:

Provided further that the Registering Officer shall ensure that the data and images of the documents registered due to a breakdown of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector-General."

[*Vide* Tamil Nadu Act 50 of 2000, sec. 6 (w.e.f. 25-7-2000).]

PART XII

OF REFUSAL TO REGISTER

71. Reasons for refusal to register to be recorded.—(1) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

(2) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.—(1) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order.

(2) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60;

and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.—(1) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

(2) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

74. Procedure of Registrar on such application.— In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, the Registrar shall, as soon as conveniently may be, enquire—

(a) whether the document has been executed;

(b) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

75. Order by Registrar to register and procedure thereon.—(1) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witness, and compel them to give evidence, as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (5 of 1908).

76. Order of refusal by Registrar.—(1) Every Registrar refusing—

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

77. Suit in case of order of refusal by Registrar.—(1) Where the Registrar refuses to order the document to be registered, under section 72 or a decree section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the documents shall be receivable in evidence in such suit.

PART XIII

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES

78. Fees to be fixed by State Government.—[1][***] The [2][State Government] shall prepare a table of fees payable—

(a) for the registration of documents;
(b) for searching the registers;
(c) for making or granting copies of reasons, entries or documents, before on or after registration;

and of extra or additional fees payable—

(d) for every registration under section 30;
(e) for the issue of commissions;
(f) for filing translations;
(g) for attending at private residences;
(h) for the safe custody and return of document; and
(i) for such other matters as appear to the Government necessary to effect the purposes of this Act.

STATE AMENDMENTS

Kerala:

Renumber section 78 as sub-section (1) thereof and after sub-section (1) as so renumbered, insert the following sub-section, namely:—

"(2) The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Official Gazette, remit the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of sub-section (1) either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[*Vide* Kerala Act 7 of 1968, sec. 14 (w.e.f. 22-2-1968).]

Pondicherry:

Renumber section 78 as sub-section (1) thereof and after sub-section (1) as so renumbered, insert the following sub-section, namely:—

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of the Union territory of Pondicherry, any fee or fees payable in respect of any matter or matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[*Vide* Regulation 2 of 1977, sec. 3 (w.e.f. 1-4-1977).]

Rajasthan:

Renumber section 78 as sub-section (1) thereof and after sub-section (1) as so renumbered, insert the following sub-section, namely:—

1. The words "Subject to the control of the "Governor-General in Council" omitted by Act 38 of 1920, sec.2. and Sch. I.
2. Subs. by the A.O. 1950, for "Provincial Government".

"(2) The State Government may, if in its opinion it is necessary in the public interest so to do, by order published in the Official Gazette, remit or reduce the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[*Vide* Rajasthan Act 16 of 1976, sec. 4 (w.e.f. 13-2-1976).]

West Bengal:

Renumber section 78 as sub-section (1) thereof and after sub-section (1) as so renumbered insert the following sub-section, namely:—

"(2) The State Government, if it is of opinion that there are reasonable grounds for doing so, may, by order published in the Official Gazette, remit in the whole or any part of West Bengal any fee or fees in respect of any matter or matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

[*Vide* West Bengal Act 8 of 1956, sec. 3 (27-1-1956).]

Section 78A

Goa:

After section 78, insert the following section, namely:—

"78A. *Power to reduce or remit fees.*—If the Government of Goa, Daman and Diu is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territory, any fee or fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class or classes of cases and in respect of persons generally or any particular class or classes of persons."

[*Vide* Goa Act 14 of 1985, sec. 2 (27-6-1985).]

Tamil Nadu:

After section 78, add the following section, namely:—

"78A. *Power to reduce or remit fees.*—The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Tamil Nadu Government Gazette, reduce or remit, whether prospectively or retrospectively, the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class of cases and in respect of any person or class of persons."

[*Vide* Tamil Nadu Act 1 of 1998, sec. 2 (w.e.f. 2-3-1998).]

Uttar Pradesh:

After section 78, insert the following section, namely:—

"78A. *Power to reduce or, remit fees.*—The State Government may by rule or order published in the official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territories under its administration, the fees chargeable in respect of any instrument or class of instruments, or in respect of any class of instruments when executed by or in favour of the State Government or any person or class of persons."

[*Vide* Uttar Pradesh Act 48 of 1975, sec. 4 (w.e.f. 1-11-1975).]

Section 78B

Uttar Pradesh:

After section 78A, insert the following section, namely:—

"78B. Payment of registration fees in the form of adhesive labels and allowance thereof.—(1) This fees for the registration of a document may be charged in the form of adhesive labels for which the Inspector-General of Registration may, with the prior approval of the State Government, make rule to regulate supply and sale thereof the persons by whom alone such sale is to be conducted and the duties and remuneration of and the fees chargeable from such persons.

(2) The District Registrar may, on an application of a person, make allowance for the spoiled, misused or unused adhesive tables purchased for the registration of a document in accordance with the rules made by Inspector-General of Registration with the prior approval of the State Government."

[*Vide* Uttar Pradesh Act 36 of 2001, sec. 24 (w.e.f. 20-5-2002).]

79. Publication of fees.—A table of the fees so payable shall be published in the Official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office.

80. Fees payable on presentation.—All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

Section 80A

STATE AMENDMENTS

Andhra Pradesh:

After section 80, insert the following section, namely:—

"80A. *Recovery of deficit registration fees.*—(1) Notwithstanding anything contained in section 80, if after the registration of document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit in the fee paid, as the case may be, may, on a certificate of the registering officer be recovered from the person who represented such document for registration under section 32, as an arrear of a land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such enquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject to appeal under sub-section (3), be final and shall not be called in question in any court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1) may appeal to the Registrar if it is a certificate of the Sub-Registrar, or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time and shall be heard and disposed of in such manner, as may be prescribed.

(4) The Government or the Inspector-General of Registration and Stamps may write off the irrecoverable arrears of deficit registration fee subject to such conditions as may be prescribed."

[*Vide* Andhra Pradesh Act 4 of 1999, sec. 7 (w.e.f. 1-4-1999).]

Gujarat:

After section 80, insert the following section, namely:—

"80A. *Recovery of deficit amount or registration fee as arrear of land revenue and provision for refund.*—(1) If, on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector General of Registration, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue. The certificate of the Inspector General of Registration shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector General of Registration finds that the amount of fee in excess of that which is legally chargeable, has been charged and paid under the provisions of this Act, he may upon an application in writing or otherwise refund the excess."

[*Vide* Gujarat Act 18 of 1990, sec. 4 (w.e.f. 19-11-1990).]

Haryana:

After section 80, insert the following section, namely:—

"80A. *Deficit amounts of fees payable and their recovery.*—(1) If the value of the property or the considerations, as the case may be, has been increased under section 47A of the Indian Stamp Act, 1899, the consequential increase in the fee for the registration of document under this Act, shall be paid by the person liable to pay the same within a period of thirty days from the date of the order of determination of the value of the property or the consideration, as the case may be, is communicated to him.

(2) The fee payable under sub-section (1) may be recovered as an arrear of land revenue."

[*Vide* Haryana Act 36 of 1973, sec. 2 (w.r.e.f. 1-11-1966).]

Himachal Pradesh:

After section 80, insert the following section, namely:—

"80A. *Recovery of registration fees as arrears of land revenue and provision for refund.*—(1) If on inspection, or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, after failure to pay the same on demand within a specified period, on a certificate of the registering authority concerned, be recovered from the person who presented such document for registration under section 32 as an arrear of land revenue.

(2) Where the Registrar finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess."

[*Vide* Himachal Pradesh Act 1 of 1982, sec. 2 (w.e.f. 15-1-1982).]

Karnataka:

After section 80, insert the following section, namely:—

"80A. *Recovery of registration fee not levied or short levied, etc.*—(1) If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may, on a certificate of the Inspector-General of Registration, be recovered from the person who presented such document for registration, as an arrear of land revenue. The certificate of the Inspector-General shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted without giving such person,—

(i) an opportunity of being heard; and

(ii) an opportunity to pay the amount of fee found due from him.

(2) If on inspection or otherwise the Inspector-General of Registration finds that the amount of fees charged and paid under the provisions of this Act is in excess of that which is legally chargeable, he may, upon an application in writing or otherwise, refund the excess fee so charged and paid.

(3) Nothing in sub-sections (1) and (2) shall apply to instruments executed prior to first day of April, 1972."

[*Vide* Karnataka Act 19 of 1980, sec. 2 (w.r.e.f. 1-4-1972).]

Madhya Pradesh:

After section 80, insert the following section, namely:—

"80A. *Recovery of deficient registration fees as arrears of land revenue.*—If on inspection or otherwise, it is found that the fees payable under this Act in relation to any document which is registered has been insufficiently paid, the deficient amount of fee shall after failure to pay the same on demand within the prescribed period, be recoverable from the person who presented such document, as arrears of land revenue."

[*Vide* Madhya Pradesh Act 4 of 1999, sec. 3 (w.e.f. 15-10-1999).]

Maharashtra:

After section 80, insert the following section, namely:—

"80A. *Recovery of fees and provision for refund.*—(1) If on inspection or otherwise, it is found that any fee payable under this Act has not been paid or has been paid insufficiently, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector-General of Registration, be

recovered as an arrear of land revenue from the person from whom such demand is made. The certificate of the Inspector-General shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector-General of Registration finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, he may, upon an application in writing or otherwise, refund the excess."

[*Vide* Maharashtra Act 35 of 1966, sec. 2 (w.e.f. 9-11-1966) and Maharashtra Act 49 of 1975, sec. 2 (w.e.f. 2-10-1975).]

Orissa:

After section 80, insert the following section, namely:—

"80A. *Recovery of dificient registration fees as arrears of land revenue.*—If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has been insufficiently paid, the deficient fee shall, after failure to pay the same on demand within the prescribed period, be recoverable from the person who presented such document as arrears of land revenue."

[*Vide* Orissa Act 19 of 1991, sec. 3 (w.e.f. 17-9-1991).]

Section 80A, 80B and 80C

Punjab:

After section 80, insert the following sections, namely:—

"80A. *Duty of Collector in proceedings under section 47A of the Indian Stamp Act, 1899.*—(1) If during any proceedings under section 47A of the Indian Stamp Act, 1899, the Collector finds that the fee paid for registration of document under this Act is in deficit, he shall while determining the duty, by an order, also determine the deficient amount of fee and shall send a copy of the order so made to the concerned registering officer for the recovery of the amount of fee found so deficient from the person liable to pay the deficient amount of duty under the said section 47A in respect of such a document:

Provided that no order determining the deficient amount of fee shall be made after the expiry of a period of three years from the date of registration of the document.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by him under section 47A of the Indian Stamp Act, 1899.

(3) Any amount recoverable under this section, may be recovered as arrears of land revenue.

80B. *Recovery of deficient amount of fee as arrears of land revenue.*—(1) Where on inspection or otherwise, it is found that the fee payable under this Act in relation to any registered document has not been paid or has been insufficiently paid such fee or the deficient fee, as the case may be, if not paid to the concerned registering officer on demand within the prescribed period, may, on a certificate of the Inspector-General of Registration or of the Registrar of a district, be recovered as arrear of land revenue from the person who presented such a document for registration in terms of the provisions of section 32:

Provided that,—

(i) no demand of fee as aforesaid shall be made after the expiry of a period of three years from the date of registration of the document, and

(ii) the certificate shall be issued after due enquiry and the person concerned having been given an opportunity of being heard.

(2) The certificate issued under sub-section (1), shall be final and shall not be called into question in any court or before any authority.

80C. *Refund of excess fee.*—Where the Inspector General of Registration finds that the amount of fee charged and paid is in excess to that which is legally chargeable and payable under this Act, he may, upon an application in writing or otherwise, refund the excess amount of fee so charged and paid."

[*Vide* Punjab Act 18 of 1994, sec. 3 (w.e.f. 18-7-1994).]

Section 80A and 80B

Rajasthan:

After section 80, insert the following section, namely:—

"80A. *Duty of Collector in proceedings under sections 47A and 47C of the Indian Stamp Act, 1899.*—(1) Where during the course of proceedings, if any, under section 47A or section 47C of the Indian Stamp Act, 1899, the Collector is satisfied that the fee for registration paid under this Act in respect of a document or instrument is in deficit, he shall determine, in the course of such proceedings, the deficient amount of fee and recover the same from the person liable to pay the deficient amount of stamp duty under the said section.

(2) The amount recoverable under this section shall be recovered as arrears of land revenue.

80B. *Recovery of deficient registration fee as arrears of land revenue.*—If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the prescribed period) on a certificate of Inspector-General of Registration or any other officer appointed under section 8, be recovered from the person liable to pay the stamp duty as arrears of land revenue. Such certificate shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted unless due enquiry is made and such person has been given an opportunity of being heard."

[*Vide* Rajasthan Act 11 of 1982, sec. 8 (w.e.f. 16-7-1982).]

Tamil Nadu:

After section 80, insert the following section, namely:—

"80A. *Recovery of deficit registration fee.*—(1) Notwithstanding anything contained in section 80, if, after the registration of a document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit, as the case may be, may, on the certificate of the registering officer, be recovered from the person who presented such document for registration under section 32, as an arrear of land revenue:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard:

Provided further that no such inquiry shall be commenced after the expiry of such period, after the date of registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject only to appeal under sub-section (3), be final and shall not be called in question in any court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1), may appeal to the Registrar if it is a certificate of the sub-Registrar or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time, and shall be heard and disposed of in such manner, as may be prescribed."

[*Vide* Tamil Nadu Act 31 of 1982, sec. 2 (w.e.f. 5-9-1983).]

Uttar Pradesh:

After section 80, insert the following section, namely:—

"80A. *Duty of Collector in proceedings under section 47A of the Indian Stamp Act, 1899.*—(1) It shall be the duty of the Collector, if he is satisfied, during the proceedings, if any, under section 47A of the Indian Stamp Act, 1899, that the fee for registration paid under this Act in respect of a document is in deficit, to determine in the course of such proceedings the deficient amount of fee and to send a copy of the order made in the proceedings to the registering officer for the recovery of the said amount from the person liable to pay the deficient amount of stamp duty under the said section.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by the Collector under section 47A of the Indian Stamp Act, 1899 and shall be final.

(3) Any amount recoverable under this section may be recovered as arrears of land revenue.

80B. *Recovery of deficient registration fee as arrears of land revenue and provision for refund for excess.*—(1) If on inspection or otherwise, it is found that the fee payable under this Act in relation to any document which is registered has not been paid or has been insufficiently paid, such fee may (after failure to pay the same on demand within the prescribed period), on a certificate of Inspector-General of Registration, Additional Inspector-General of Registration or Deputy Inspector-General of Registration, be recovered from the person who presented such document for registration under section 32 as arrears of land revenue. Such certificate shall be final and shall not be called in question in any court or before any authority:

Provided that no such certificate shall be granted unless due enquiry is made and such person has been given an opportunity of being heard.

(2) Where the Inspector-General of Registration finds that the amount of fee charged and paid exceeds that which is legally chargeable under the provisions of this Act he may, upon an application in writing or otherwise, refund the excess."

[*Vide* Uttar Pradesh Act 48 of 1975, sec. 5 (w.e.f. 1-11-1975).]

Karnataka:

After Part XIII, insert the following Part, namely:—

"PART XIIIA

OF DEED WRITERS

"80B. *Deed writers to hold licences.*—No person other than an advocate or other legal practitioner, shall for payment, write deeds unless he holds a licence granted in accordance with rules made under section 69."

[*Vide* Karnataka Act 55 of 1976, sec. 14 (w.e.f. 23-10-1976).]

Tamil Nadu:

After Part XIII, insert the following Part, namely:—

"PART XIIIA

OF TOUTS

"80B. *Powers to frame and publish lists of touts.*—(1) Every Registrar of a district as regards his own office and the offices subordinate thereto and every Sub-Divisional Magistrate as regards the registration offices within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80C, by evidence of general repute or otherwise, habitually to act as torts, and may from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published by a Sub-Divisional Magistrate under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the Registrar the district for the removal of his name from such list and the orders of the Registrar, passed after such inquiry (if any) as he considers necessary on such application shall be final.

80C. *Inquiry by a Sub-Registrar regarding suspected touts.*—Any Registrar of a district or Sub-Divisional Magistrate may send to any Sub-Registrar within the jurisdiction of such authority the name of any person alleged or suspected to be a tout and request the Sub-Registrar to hold an inquiry in regard of such person and the Sub-Registrar shall thereupon hold an inquiry into the conduct of that person, and, after giving him an opportunity of showing cause as provided in sub-section (2) of section 80B, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout; and

that authority may include the name of any person who has been so proved to be a tout in the list of touts framed and published by him under sub-section (1) of section 80B:

Provided that such authority shall hear such person who before his name has been so included, appears before him and desires to be heard.

80D. *Display of lists of touts in registration offices.*—A copy of every such list shall be conspicuously displayed in every registration office to which the same relates.

80E. *Exclusion of touts from precincts of registration offices.*—A registering officer may, by general or special order, exclude from the precincts of his registration office any person whose name is included in any such list.

80F. *Presumption as to touts found within precincts of registration offices.*—Every person who having been excluded from the precincts of a registration office under section 80E is found within the precincts of any registration office, without written permission from the registering officer shall be deemed to be acting as a tout for the purposes of section 82A:

Provided that this section shall not apply where such person is a party to a document intended for registration at such office or has been directed to appear by any process of the registering officer.

80G. *Arrest and trial of touts.*—(1) Any registering officer may, by an order in writing, direct any person named in the order to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be forthwith produced before the registering officer.

(2) If the tout admits his offence the provisions of section 345 of the Code of Criminal Procedure, 1973 (2 of 1974) shall be applicable, so far as may be, to his detention, trial and punishment.

(3) If the tout does not admit his offence the provisions of section 346 of the Code shall be similarly applicable to his detention, trial and punishment.

(4) A registering officer shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the said Code."

[*Vide* Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 1-1-1988).]

West Bengal:

After Part XIII, insert the following Parts, namely:—

"PART XIIIA

OF TOUTS

80A. *Powers to frame and publish lists of touts.*—(1) Every Registrar of district as regards his own office and the offices subordinate thereto and every Sub-Divisional Magistrate as regards the registration offices within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80B, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time. alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published by a Sub-Divisional Magistrate under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the Registrar of the district for the removal of his name from such list and the orders of the Registrar, passed after such inquiry (if any) as he considers necessary, on such application shall be final.

80B. *Inquiry by Sub-Registrar regarding suspected touts.*—Any Registrar of a district or Sub-Divisional Magistrate may send to any Sub-Registrar within the jurisdiction of such authority the name of any person alleged or suspected to be a tout and request the Sub-Registrar to hold an inquiry in regard to such person; and the Sub-Registrar shall thereupon hold an inquiry into the conduct of that person, and, after giving him an opportunity of showing cause as provided in sub-section (2) of section 80A, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout; and that authority may include the name of any person who has been so proved to be a tout

in the list of touts framed and published by him under sub-section (1) of section 80A:

Provided that such authority shall hear any such person who, before his name has been so included, appears before him and desires to be heard.

80C. *Hanging up of lists of touts in registration offices.*—A copy of every such list shall be kept hung up in every registration office to which the same relates.

80D. *Exclusion of touts from precincts of registration offices.*—A registering officer may, by general or special order, exclude from the precincts of his registration office any person whose name is included in any such list.

80E. *Presumption as to touts found within precincts of registration offices.*—Every person who having been excluded from the precincts of a registration office under section 80D is found within the precincts of any registration office without written permission from the registering officer, shall be deemed to be acting as a tout for the purposes of section 82A:

Provided that this section shall not apply where such person is a party to a document intended for registration at such office or has been directed to appear by any process of the registering officer.

80F. *Arrest and trial of touts.*—(1) Any registering officer may, by an order in writing, direct any person named in the order to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be forthwith produced before the registering officer.

(2) If the tout admits his offence the provisions of sections 480 and 481 of the Code of Criminal Procedure, 1898, shall be applicable, so far as may be, to his detention, trial and punishment.

If the tout does not admit his offence the provisions of section 482 of the said Code shall be similarly applicable to his detention, trial and punishment.

(3) A registering officer shall be deemed to be a Civil Court for the purposes of sections 480, 481 and 482 of the said Code.

PART XIIIB

OF DEED-WRITERS

80G. *Power of Inspector-General to make rules relating to deed-writers.*—(1) The Inspector-General shall have power, from time to time, to make rules consistent with this Act—

(a) prescribing the manner in which and terms subject to which persons who write documents outside the precincts of a registration office, or who frequent the precincts of registration offices, for the purpose of writing documents, may be granted licences;

(b) prescribing the fees (if any) to be paid for such licences; and

(c) declaring the conditions under which persons who write documents outside the precincts of registration offices without licences shall be deemed to be touts for the purposes of this Act.

(2) The rules so made shall be submitted to the State Government for approval, and, after they have been approved, they shall be published in the Official Gazette and on publication shall have effect as if enacted in this Act."

[*Vide* Bengal Act 5 of 1942, sec. 9 (w.e.f. 1-11-1943).]

After Part XIIIB, insert the following Part, namely:—

"PART XIIIC

OF ACQUISITION OF IMMOVABLE PROPERTY IN CERTAIN CASES OF TRANSFER

80H. *Immovable property in respect of which proceedings for acquisition may be taken.*—(1) Where the State Government, on receipt of any report from the registering officer or otherwise, has reason to believe that any immovable property has been transferred by a person to another person for an apparent consideration which is less than the fair market value of the property and that the consideration for such as agreed to between the parties has been truly stated in the instrument of transfer, the State Government may acquire the property after initiating

proceedings in accordance with the provisions of the land Acquisition Act, 1894 (1 of 1894).

(2) Every registering officer shall report to the State government in the Judicial Department any case of transfer as aforesaid as soon as it comes to his notice.

Explanation.—Words and expressions used herein and not defined but defined in Chapter XXA of the Income-tax Act, 1961 (43 of 1961), shall have the meanings respectively assigned to them in that Act."

[*Vide* West Bengal Act 23 of 1984, sec. 3 (w.e.f. 15-9-1984).]

PART XIV

OF PENALTIES

81. Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.—Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code (45 of 1860), to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

STATE AMENDMENTS

Goa:

In section 81,—

(a) for the words "or registering of any document", substitute the words "registering, or filing a true copy of, any document";

(b) for the words "or registers such document", substitute the words "registers or files a true copy of, such document".

[*Vide* Goa Act 24 of 1985, sec. 12 (w.e.f. 5-12-1985).]

Karnataka:

In section 81,—

(i) in the marginal heading for the words "or registering", substitute the words "registering or filing",

(ii) for the words "or registering of any document", substitute the words "registering or filing a true copy of any document".

(iii) for the words "or registers such document", substitute the words "registers or files a copy of such document."

[*Vide* Karnataka Act 55 of 1976, sec. 15 (w.e.f. 24-10-1976).]

Kerala:

In section 81,—

(a) for the words "or registering of any document", substitute the words "registering, or filing a true copy of, such document";

(b) for the words "or registers such document", substitute the words "registers, or files a true copy of, such document".

[*Vide* Kerala Act 7 of 1968, sec. 15 (w.e.f. 22-2-1968).]

Orissa:

Same as in Kerala.

[*Vide* Orissa Act 14 of 1989, sec. 13 (w.e.f. 19-9-1989).]

Pondicherry:

In section 81,—

(i) in the marginal heading for the words "or registering", substitute the words "or registering or filing";

(ii) for the words "or registering of any document", substitute the words "registering or filing a true copy, of any document"; and

(iii) for the words "or registers such document", substitute the words "registers, or files a copy of such document".

[*Vide* Pondicherry Act 17 of 1970, sec. 5 (w.e.f. 18-7-1970)].

Tamil Nadu:

Same as in Pondicherry.

[*Vide* Tamil Nadu Act 21 of 1966, sec. 3 (w.e.f. 1-4-1967)].

Tripura:

For section 81, substitute the following section, namely:—

"81. Every registering officer appointed under this Act, and every person employed in his office for the purpose of this Act, who, being charged with the checking, endorsing, reading, examining, copying, translating, comparing, pasting a true copy, pasting a copy of the translation or registering of any document presented or deposited under its provisions checks, endorses, reads, examines, copies, translates, compares, pastes a true copy, pastes a copy of the translation or registers such document in a manner which he knows or believes to be incorrect intending thereby to cause or knowing it to be likely that he may thereby cause injury as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both."

[*Vide* Tripura Act 7 of 1982, sec. 14 (w.e.f. 1-1-1983).]

West Bengal:

In section 81,—

(i) in the marginal note, for the words "or registering", substitute the words "registering or filing",

(ii) for the words "or registering of any document", substitute the words "registering or filing a true copy, of any document", and

(iii) for the words "or registers such documents", substitute the words "registers or files a copy of such document".

[*Vide* West Bengal Act 17 of 1978, sec. 4 (w.e.f. 1-1-1983).]

82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment.—Whoever—

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act,

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

STATE AMENDMENTS

Goa:

In section 82, in clause (b) for the words and figures "section 19 or section 21", substitute the words "this Act or the rules made thereunder".

[*Vide* Goa Act 24 of 1985, sec. 13 (w.e.f. 5-12-1985).]

Karnataka:

Same as in Kerala.

[*Vide* Karnataka Act 55 of 1976, sec. 16 (w.e.f. 23-10-1976).]

Kerala:

In section 82, in clause (b), for the words "section 19 or section 21", substitute the words "this Act or the rules made thereunder".

[*Vide* Kerala Act 7 of 1968, sec. 16 (w.e.f. 22-2-1968).]

Orissa:

Same as in Kerala.

[*Vide* Orissa Act 14 of 1989, sec. 13 (w.e.f. 19-9-1989).]

Pondicherry:

Same as in Kerala.

[*Vide* Pondicherry Act 17 of 1970, sec. 6 (w.e.f. 1-11-1970).]

Tamil Nadu:

Same as in Kerala.

[*Vide* Tamil Nadu Act 21 of 1966, sec. 4 (w.e.f. 1-4-1967).]

Tripura:

In section 82, for clause (b), substitute the following clause, namely:—

"(b) intentionally delivers to a registering officer, in any proceeding under this Act or the rules made thereunder, a false copy or translation of a document, or a false copy of a map or plan; or".

[*Vide* Tripura Act 7 of 1982, sec. 15 (w.e.f. 1-1-1983)].

Uttar Pradesh:

In section 82, for clause (b), substitute the following clause, namely:—

"(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or".

[*Vide* Uttar Pradesh Act 14 of 1971, sec. 6 (w.e.f. 25-5-1971). This clause has now been substituted by Uttar Pradesh Act 19 of 1981, sec. 14 (w.r.e.f. 1-8-1981) and the substituted clause is the same as original clause (b).

West Bengal:

Same as in Kerala.

[*Vide* West Bengal Act 17 of 1978, sec. 5 (w.e.f. 1-1-1983).]

Section 82A

Karnataka:

After section 82, insert the following section, namely:—

"82A. *Penalty in respect of deed-writers.*—Whoever contravenes the provisions of section 80B or any term or condition of a licence granted under rules made under section 69, shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both."

[*Vide* Karnataka Act 55 of 1976, sec. 17 (w.e.f. 23-10-1976).]

Madhya Pradesh:

Mahakoshal.—In its application to Mahakoshal region of the State of Madhya Pradesh, after section 82, insert the following section, namely:—

"82A. *Penalty for writing documents without licence.*—(1) On and from such date as the State Government may, by notification, appoint in this behalf, no person shall write a document for another person for presentation to a registering officer except under a licence granted in accordance with the rules made under this Act:

Provided that nothing in this sub-section shall apply where the writer of such document is an authorised agent of the executant or a pleader engaged by the executant for drawing up the document or the registered clerk of such pleader.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred rupees."

[*Vide* Madhya Pradesh Act 8 of 1955, sec. 2 (w.e.f. 18-4-1955).]

(ii) for the words "or registering of any document", substitute the words "registering or filing a true copy, of any document"; and

(iii) for the words "or registers such document", substitute the words "registers, or files a copy of such document".

[*Vide* Pondicherry Act 17 of 1970, sec. 5 (w.e.f. 18-7-1970)].

Tamil Nadu:

Same as in Pondicherry.

[*Vide* Tamil Nadu Act 21 of 1966, sec. 3 (w.e.f. 1-4-1967)].

Tripura:

For section 81, substitute the following section, namely:—

"81. Every registering officer appointed under this Act, and every person employed in his office for the purpose of this Act, who, being charged with the checking, endorsing, reading, examining, copying, translating, comparing, pasting a true copy, pasting a copy of the translation or registering of any document presented or deposited under its provisions checks, endorses, reads, examines, copies, translates, compares, pastes a true copy, pastes a copy of the translation or registers such document in a manner which he knows or believes to be incorrect intending thereby to cause or knowing it to be likely that he may thereby cause injury as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both."

[*Vide* Tripura Act 7 of 1982, sec. 14 (w.e.f. 1-1-1983).]

West Bengal:

In section 81,—

(i) in the marginal note, for the words "or registering", substitute the words "registering or filing",

(ii) for the words "or registering of any document", substitute the words "registering or filing a true copy, of any document", and

(iii) for the words "or registers such documents", substitute the words "registers or files a copy of such document".

[*Vide* West Bengal Act 17 of 1978, sec. 4 (w.e.f. 1-1-1983).]

82. Penalty for making false statements, delivering false copies or translations, false personation, and abetment.—Whoever—

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act,

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

STATE AMENDMENTS

Goa:

In section 82, in clause (b) for the words and figures "section 19 or section 21", substitute the words "this Act or the rules made thereunder".

[*Vide* Goa Act 24 of 1985, sec. 13 (w.e.f. 5-12-1985).]

Karnataka:

Same as in Kerala.

[*Vide* Karnataka Act 55 of 1976, sec. 16 (w.e.f. 23-10-1976).]

Kerala:

In section 82, in clause (b), for the words "section 19 or section 21", substitute the words "this Act or the rules made thereunder".

[*Vide* Kerala Act 7 of 1968, sec. 16 (w.e.f. 22-2-1968).]

Orissa:

Same as in Kerala.

[*Vide* Orissa Act 14 of 1989, sec. 13 (w.e.f. 19-9-1989).]

Pondicherry:

Same as in Kerala.

[*Vide* Pondicherry Act 17 of 1970, sec. 6 (w.e.f. 1-11-1970).]

Tamil Nadu:

Same as in Kerala.

[*Vide* Tamil Nadu Act 21 of 1966, sec. 4 (w.e.f. 1-4-1967).]

Tripura:

In section 82, for clause (b), substitute the following clause, namely:—

"(b) intentionally delivers to a registering officer, in any proceeding under this Act or the rules made thereunder, a false copy or translation of a document, or a false copy of a map or plan; or".

[*Vide* Tripura Act 7 of 1982, sec. 15 (w.e.f. 1-1-1983)].

Uttar Pradesh:

In section 82, for clause (b), substitute the following clause, namely:—

"(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or".

[*Vide* Uttar Pradesh Act 14 of 1971, sec. 6 (w.e.f. 25-5-1971). This clause has now been substituted by Uttar Pradesh Act 19 of 1981, sec. 14 (w.r.e.f. 1-8-1981) and the substituted clause is the same as original clause (b).

West Bengal:

Same as in Kerala.

[*Vide* West Bengal Act 17 of 1978, sec. 5 (w.e.f. 1-1-1983).]

Section 82A

Karnataka:

After section 82, insert the following section, namely:—

"82A. *Penalty in respect of deed-writers.*—Whoever contravenes the provisions of section 80B or any term or condition of a licence granted under rules made under section 69, shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both."

[*Vide* Karnataka Act 55 of 1976, sec. 17 (w.e.f. 23-10-1976).]

Madhya Pradesh:

Mahakoshal.—In its application to Mahakoshal region of the State of Madhya Pradesh, after section 82, insert the following section, namely:—

"82A. *Penalty for writing documents without licence.*—(1) On and from such date as the State Government may, by notification, appoint in this behalf, no person shall write a document for another person for presentation to a registering officer except under a licence granted in accordance with the rules made under this Act:

Provided that nothing in this sub-section shall apply where the writer of such document is an authorised agent of the executant or a pleader engaged by the executant for drawing up the document or the registered clerk of such pleader.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred rupees."

[*Vide* Madhya Pradesh Act 8 of 1955, sec. 2 (w.e.f. 18-4-1955).]

Maharashtra:

Vidarbha.—Section 82A inserted by the Madhya Pradesh Act 8 of 1955 is repealed in its application to the Vidarbha region of the State of Maharashtra by Bombay Act 35 of 1958, sec. 3 (w.e.f. 24-4-1958).

Tamil Nadu:

After section 82, insert the following section, namely:—

"82A. *Penalty.*—Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both."

[*Vide* Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 1-1-1988).]

West Bengal:

After section 82, insert the following section, namely:—

"82A. *Penalty.*—Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both."

[*Vide* Bengal Act 5 of 1942, sec. 10 (w.e.f. 1-11-1943).]

83. Registering officers may commence prosecutions.—(1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector-General, [1][***] the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

(2) Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a Magistrate of the second class.

STATE AMENDMENTS

Goa, Daman and Diu:

In section 83, for sub-section (1), substitute the following sub-section namely:—

"(1) No prosecution for any offence under this Act shall be commenced save by or with the permission of the Inspector-General or any officer empowered in this behalf by the Government."

[*Vide* Goa Act 2 of 1968, sec. 3.]

Tamil Nadu:

In section 83, in sub-section (2), for the word "Offences", substitute the words, figures and letter "Save as provided in section 80G, offences".

[*Vide* Tamil Nadu Act 38 of 1987, sec. 3 (w.e.f. 1-1-1988).]

West Bengal:

In sub-section (2), for the word "Offences", substitute the words, figure and letter "Save as provided in section 80F, offences".

[*Vide* Bengal Act 5 of 1942, sec. 11 (w.e.f. 1-11-1943).]

84. Registering officers to be deemed public servants.—(1) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).

(2) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

(3) In section 228 of the Indian Penal Code (45 of 1860), the words "judicial proceeding" shall be deemed to include any proceeding under this Act.

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1. The words "the Branch Inspector-General of Sindh", omitted by A.O. 1937.

PART XV

MISCELLANEOUS

85. Destruction of unclaimed documents.—Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

86. Registering officer not liable for thing *bona fide* done or refused in his official capacity.—No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

87. Nothing so done invalidated by defect in appointment or procedure.—Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

STATE AMENDMENT

Section 87A

Orissa:

After section 87, insert the following section, namely:—

"87A. *Delegation of powers.*—The State Government may, by order, delegate all or any of the powers conferred on them under this Act to the Inspector-General of Registration, who shall exercise the same subject to such restrictions and conditions as the State Government may impose and they may in like manner withdraw any power so delegated."

[*Vide* Orissa Act 7 of 1964, sec. 2 (w.e.f. 4-5-1964).]

[1][88. Registration of documents executed by Government officers or certain public functionaries.—(1) Notwithstanding anything contained in this Act, it shall not be necessary for,—

(a) any officer of Government, or

(b) any Administrator-General, Official Trustee or Official Assignee, or

(c) the Sheriff, Receiver or Registrar of a High Court, or

(d) the holder for the time being of such other public office as may be specified in a notification in the Official Gazette issued in that behalf by the State Government,

to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him or in his favour, in his official capacity, or to sign as provided in section 58.

(2) Any instrument executed by or in favour of an officer of Government or any other person referred to in sub-section (1) may be presented for registration in such manner as may be prescribed by rules made under section 69.

(3) The registering officer to whom any instrument is presented for registration under this section may, if he thinks fit, refer to any Secretary to Government or to such officer of Government or other person referred to in sub-section (1) for information respecting the same and, on being satisfied of the execution thereof, shall register the instrument.]

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1. Subs. by Act 39 of 1948, sec. 5, for section 88.

89. Copies of certain orders, certificates and instruments to be sent to registering officers and filed.—(1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (19 of 1883), shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1.

(2) Every Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908 (5 of 1908), shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1.

(3) Every officer granting a loan under the Agriculturists' Loans Act, 1884 (12 of 1884), shall send a copy of any instrument whereby immovable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies as the case may be, in his Book No. 1.

(4) Every Revenue Officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

STATE AMENDMENTS

Andhra Pradesh:

In section 89, after the words "shall file the copy in his Book No. 1" wherever they occur, add the words "or get scanned".

[*Vide* Andhra Pradesh Act 16 of 1999, sec. 7 (w.e.f. 31-12-1998).]

In section 85, for sub-section (5), substitute the following section, namely:—

"(5) An officer empowered to grant a certificate of sale of immovable property under the Andhra Pradesh Co-operative Societies Act, 1964 or the rules made thereunder shall send a copy of such certificate to the registering oficer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate; and such registering officer shall file the copy in his Book No. 1.

(6) Every Tribunal issuing a certificate under sub-section (6) of section 38 or sub-section (2) of section 38E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950, declaring the protected tenant to be the purchaser or owner, as the case may be, of the land, and every Tahsildar issuing certificate sanctioning the exchange under sub-section (2) of section 39 or under section 50B of the Act aforesaid declaring the validity of any alienation or other transfer of agricultural land shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the agricultural land comprised in such certificate is situate; and such registering officer shall file the copy in his Book No. 1."

[*Vide* Andhra Pradesh Act 38 of 1974, sec. 2 (w.e.f. 1-11-1974).]

Gujarat:

Same as in Maharashtra.

[*Vide* Act 11 of 1960, sec. 87, Gujarat A.L.O. 1960.]

Kerala:

In section 89,—

(a) omit sub-sections (1) and (3);

(b) after sub-section (4), add the following sub-sections, namely:—

"(5) Every court passing—

(a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of or of any person, or

(b) an order for attachment of immovable property or for the release of any immovable property from attachment,

shall send a copy of such decree or other together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy of memorandum in his Book No. 1.

(6) Every officer issuing a written demand before the attachment of the immovable property of a defaulter under the Revenue Recovery Act for the time being in force shall—

(a) send a copy of such written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21; and

(b) where such written demand is withdrawn or attachment of property is lifted or the property is sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in the manner required by section 21,

to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand relates is situate and such registering officer shall file copy of the written demand and the memorandum in his Book No. 1."

[*Vide* Kerala Act 7 of 1968, sec. 17 (w.e.f. 22-2-1968).]

Madhya Pradesh:

Mahakoshal.—In its application to the Mahakoshal region of the State of Madhya Pradesh, in section 89,—

(i) after sub-section (4), insert the following sub-section, namely:—

"(5) Every sale officer granting a certificate of sale under section 20 of the Madhya Pradesh Co-operative Land Mortgage Banks Act, 1937 (1 of 1937), or under clause (c) of section 85 of Madhya Pradesh Co-operative Societies Act, 1960, or the rules made thereunder shall send a copy of such certificate to the registering office within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."

[*Vide* Madhya Pradesh Act 42 of 1965, sec. 2 (w.e.f. 9-12-1965).]

(ii) after sub-section (5), insert the following sub-section, namely:—

"(6) Every Consolidation Officer passing an order under sub-section (1) of section 22 of the Central Provinces Consolidation of Holdings Act, 1928, shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate and such registering officer shall file the copy in his Book No. 1."

[*Vide* C.P. and Berar Act 59 of 1949, sec. 2 (w.e.f. 23-12-1949).]

Maharashtra:

In section 89,—

(i) in sub-sections (1) and (3), for the words and figure "Book No. 1", substitute the word "office".

[*Vide* Bombay Act 5 of 1929, sec. 12 (w.e.f. 22-5-1929) read with Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

(ii) after sub-section (4), insert the following sub-sections, namely:—

"(5) Every Consolidation Officer passing an order,—

(i) under sub-section (1) of section 29 or sub-section (2) of section 29A of the Bombay Prevention Fragmentation and Consolidation of Holdings Act, 1947, or

(ii) under sub-section (1) of section 203 of the Madhya Pradesh Land Revenue Code, 1954, or

(iii) under sub-section (1) of section 31 of the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956,

shall send a copy of such order to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property referred to in such order is situate, and such registering officer shall file the copy in his Book No. 1.

(6) Every Sale Officer granting a certificate of sale under section 20 of the Central Provinces and Berar Co-operative Land Mortgage Banks Act, 1937, shall send a copy of such certificate to the registering officer within the local limit of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. 1."

[*Vide* Bombay Act 35 of 1958, sec. 7 (w.e.f. 24-4-1958).]

Vidarbha.—As the above amendments have now been extended to and shall remain in force in the Vidarbha region of the State of Maharashtra, sub-sections (5) and (6), inserted in section 89 by C.P. and Berar Acts 1 of 1937 and 59 of 1949 and in force immediately before 24-4-1958, have been repealed from that date by Bombay Act 35 of 1958, section 7(1).

(iii) (a) after sub-section (6), add the following sub-section, namely:—

"(7) The registering officer to whom a memorandum under sub-section (7) of section 18, sub-sections (1A) and (4) of section 22, section 22C and section 28A of the Bombay Public Trusts Act, 1950, or a copy of entry under section 23 of that Act is sent shall file the same in his Book No. 1.";

(b) in the marginal note, after the word "instruments" insert the words "and of certain memoranda".

[*Vide* Maharashtra Act 20 of 1971, sec. 58 (w.e.f. 15-6-1972).]

Orissa:

In section 89, after sub-section (4), insert the following sub-section, namely:—

"(5) A copy of every certificate of sale granted under section 20 of the Orissa Co-operative Land Mortgage Banks Act, 1938, shall be sent to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate and such registering officer shall file the copy in his Book No. 1."

[*Vide* Orissa Act 3 of 1938, sec. 40 (w.e.f. 18-3-1940).]

Rajasthan:

In section 89, after sub-section (4), insert the following sub-section, namely:—

"(5) Every bank granting a loan to an agriculturist for agricultural purposes shall send within such time and in such manner as may be prescribed, a copy of any instrument whereby immovable property is mortgaged for the purpose of securing repayment of loan, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate and such registering officer shall file the copy in his Book No. 1.

Explanations.—For the purposes of sub-section (5),—

(a) the expression "every bank" shall mean—

(i) a banking company as defined in the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955;

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959;

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(v) a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;

(vi) the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963;

(vii) Agro-Industries Corporation;

(viii) Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956; and

(ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purpose of this Act.

(b) the word "agriculturist" shall have the meaning assigned to it in sub-section (3) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

[*Vide* Rajasthan Act 16 of 1976, sec. 5 (w.e.f. 13-2-1976).]

Tamil Nadu:

In section 89,—

(1) after sub-section (4), insert the following sub-section, namely:—

"(5) Every officer granting a certificate of sale of immovable property under the Madras Co-operative Land Mortgage Banks Act, 1934, or the rules made under the Madras Co-operative Societies Act, 1932, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is situate, and such registering officer shall file the copy in his Book No. 1."

[*Vide* Tamil Nadu Act 3 of 1936, sec. 2 (w.e.f. 21-1-1936).]

(2) after sub-section (5), insert the following sub-section, namely:—

"(6) Every officer in charge of collection of the loans mentioned in sub-section (1), or sub-section (3) shall send to the registering officer to whom a copy of the order under sub-section (1), or a copy of instrument or order under sub-section (3) has been sent, an intimation of the discharge of such loans. Such intimation shall be in such form as may be prescribed and the registering officer shall file the intimation in his Book No. 1."

[*Vide* Tamil Nadu Act 31 of 1974, sec. 2 (w.e.f. 1-10-1974).]

(3) after sub-section (6), insert the following sub-section, namely:—

"(7) Every officer granting any deed or other document purporting to be or to evidence, the grant or assignment by the Government of land or of any interest in land, shall send a copy of such deed or other document to the registering officer within the local limits of whose jurisdiction the whole or any part of the land comprised in such deed or document is situate, and such registering officer shall file the copy in his Book No. 1."

[*Vide* Tamil Nadu Act 31 of 1982, sec. 3 (w.e.f. 5-9-1983).]

In section 89,—

(i) in the marginal heading, after the expression "and filed", insert the expression "or scanned";

(ii) after the expression "in his Book No. 1" wherever it occurs, insert the expression "or get it scanned".

[*Vide* Tamil Nadu Act 50 of 2000, sec. 7 (w.e.f. 25-7-2000).]

Uttar Pradesh:

In section 89,—

(a) in sub-sections (1), (2) and (4), for the words "file the copy in his Book No. 1" wherever occuring, substitute the words "take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61";

(b) in sub-section (3), for the words "file the copy or copies, as the case may be, in his Book No. 1", substitute the words "take a similar action a document admitted to registration under sub-section (1) of section 61".

[*Vide* Uttar Pradesh Act 36 of 2001, sec. 25 (w.e.f. 20-5-2002).]

Section 89A

Goa:

After section 89, insert the following section, namely:—

"89A. *Power to make rules for filing of true copies of documents.*—(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing and pasting of such copies.

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

[*Vide* Goa Act 24 of 1985, sec. 14 (w.e.f. 5-12-1985).]

Karnataka:

After section 89, insert the following section, namely:—

"89A. *Power to make rules for filing of copies of documents.*—(1) The State Government may make rules for all purposes connected with the preparation or filing of true copies of documents in the appropriate books under this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assambly while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(5) Nothing in this part shall apply to any document which is prepared on a printed or lithographed form or which in the opinion of the registering officer, is not in a fit condition to be photocopied.

(6) Notwithstanding anything contained in this part in the case of document containing a map, plan or trade mark label, if the party presenting the document so desires, the registering officer may accept three copies of such map, plan or trade mark lable and where such true copies are accepted the map plan or trade mark lable shall not be photocopied and such copies thereof shall be filed in the appropriate file book."

[*Vide* Karnataka Act 41 of 1984, sec. 5 (w.e.f. 7-11-1986).]

Kerala:

After section 89, insert the following section, namely:—

"89A. *Power to make rules for filing of true copies of documents.*—(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing such copies.

(3) All rules made under this section shall be published in the Official Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that rule should not be made, the rule thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

[*Vide* Kerala Act 7 of 1968, sec. 18 (w.e.f. 22-2-1968).]

Note.—For Indian Registration (Filing of True Copies) Rules, 1967, *see* Kerala Gazette, dated 30th December, 1967 Extra. (w.e.f. 8-1-1968).

Orissa:

After section 89, insert the following section, namely:—

"89A. *Duty of Collector in proceedings under section 47A of the Indian Stamp Act, 1899.*—(1) It shall be the duty of the Collector, if he is satisfied during the proceedings, if any, under section 47A of the Indian Stamp Act, 1899, that the fees for registration paid under this Act in respect of a document is in deficit to determine in the course of such proceedings the deficient amount of fees to send a copy of the order made in the proceedings to the registering officer for the recovery of the said amount from the person liable to pay the deficient amount of stamp duty under the said section; and all amounts recoverable as aforesaid may be recovered as arrears of land revenue.

(2) An order of the Collector under sub-section (1) shall be deemed to be an order made by the Collector under section 47A of the Indian Stamp Act, 1899, and shall be final subject to the decision in appeal, if any, under sub-section (3) of the said section."

[*Vide* Orissa Act 17 of 1966, sec. 2 (w.e.f. 11-7-1966).]

In section 89A, in sub-section (1), for the words "and to send a copy of the order made in the proceedings to the registering officer for the recovery of the said amount", substitute the words "and to recover the said amount of fees along with the deficient amount of stamp duty".

[*Vide* Orissa Act 8 of 2002, sec. 8 (w.e.f. 24-5-2002).]

Pondicherry:

After section 89, insert the following section, namely:—

"*89A. Power to make rules for filing copies of documents.*—(1) The Sate Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing of such copies.

(3) All rules made under this section shall be published in the Official Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) (Every rule made under this section shall, as soon as possible after it is made, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of 14 days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative Assembly makes any modification in the rule

or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

[*Vide* Pondicherry Act 17 of 1970, sec. 7 (w.e.f. 1-11-1970).]

Tamil Nadu:

After section 89, insert the following section, namely:—

"89A. *Power to make rules for filing copies of documents.*—(1) Same as in Kerala.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the furnishing of true copies of documents by the person presenting the document for registration;

(b) Same as (a) in Kerala;

(c) Same as (b) in Kerala.

*(2A) Every Court passing an order for effecting or raising an attachment of immovable property under the Code of Civil Procedure, 1908 (5 of 1908), shall send a copy of such order together with the memorandum giving the details of the property to the registering officer within the local limits of whose jurisdiction the whole or any part of the said immovable property is situate, and such registering officer shall file the copy of such order in his Book No. 1.

(3) Same as in Kerala.

(4) Every rule made under this section shall, as soon as possible, after it is made, be placed on the table of both the Houses of the State Legislature, and if, before the expiry of the session in which it is so placed or the next session, both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

[*Vide* Tamil Nadu Act 21 of 1986, sec. 5 (w.e.f. 1-4-1967).]

* Inserted by Tamil Nadu Act 3 of 1987, sec. 2 (w.e.f. 1-4-1987).

Note.—For Indian Registration (Filing of True Copies) Rules, 1967, see Fort St. Geo Gazette, 11-2-1967, Pt. V, Extra., p. 1.

West Bengal:

After section 89, insert the following section, namely:—

"*89A. Power to make rules for filing copies of documents.*—(1) The State Government may make rules for all purposes connected with the preparation or filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing of such copies."

[*Vide* West Bengal Act 17 of 1978, sec. 6 (w.e.f. 1-1-1983).]

Section 89B

Orissa:

After section 89A, insert the following section, namely:—

"89B. *Power of State government to make Rules.*—(1) The State Government may, by notification in the Official Gazette, make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for,—

(a) the furnishing of true copies of documents by the person presenting the documents for registration;

(b) the manner in which true copies of documents shall be prepared; and

(c) the manner of filing such copies."

[*Vide* Orissa Act 14 of 1989, sec. 15 (w.e.f. 19-9-1989).]

Tamil Nadu:

After section 89A, insert the following section, namely:—

"89B. *Power to make rules regulating the writing of documents.*—The State Government may make rules providing for the grant of licences to document writers, the terms and conditions subject to which and the authority by whom such licences shall be granted, the circumstances under which such licences may be revoked, and generally for all purposes connected with the writing of documents to be presented for registration."

[*Vide* Tamil Nadu Act 26 of 1981, sec. 2.]

Exemptions from Act

90. Exemption of certain documents executed by or in favour of Government.—(1) Nothing contained in this Act or in the Indian Registration Act, 1877 (3 of 1877), or in the Indian Registration Act, 1871 (8 of 1871), or in any Act thereby repealed, shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:—

(a) documents issued, received or attested by any officer engaged in making a settlement or revision or settlement of land-revenue, and which form part of the records of such settlement; or

(b) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or

(c) documents which, under any law for the time being in force, are filed periodically in any revenue office by *patwaris* or other officers charged with the preparation of village records; or

(d) *sanads, inam,* title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land; or

(e) notices given under section 74 or section 76 of the Bombay Land-Revenue Code, 1879, or relinquishment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

STATE AMENDMENT

Goa, Daman and Diu:

In section 90, sub-section (1), in clause (d), for the words "grants or assignments by Government of land or of any interest in land", substitute the words "grants, assignments or leases by Government of immovable property or of any interest in immovable property".

[*Vide* Goa, Daman and Diu Act 2 of 1968, sec. 4.]

91. Inspection and copies of such documents.—[1][(1)] Subject to such rules and the previous payment of such fees as the [2][3][State Government], by notification in the Official Gazette, prescribes in this behalf], all documents and maps mentioned in section 90, clauses (a), (b), (c), and (e), and all registers of the documents mentioned in clause (d), shall be open to the inspection of any

1. Section 91 renumbered as sub-section (1) thereof by Act 20 of 1983, sec. 2 and Sch. (w.e.f. 15-3-1984).
2. Subs. by the A.O. 1950, for "Provincial Government".
3. Subs. by Act 20 of 1983, sec. 2 and Sch., for "State Government prescribes in this behalf" (w.e.f. 15-3-1984).

person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

[1][(2) Every rule prescribed under this sub-section or made under section 69 shall be laid, as soon as it is made, before the State Legislature.]

STATE AMENDMENTS

Section 91A

Tripura:

After section 91, insert the following section, namely:—

"91A. (1) The State Government may, by notification in the Official Gazette, make rules for all purposes connected with the pasting of true copies of documents in the appropriate Books under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the furnishing of true copies of documents by the person presenting the document for registration;

(b) the manner in which true copies of documents shall be prepared;

(c) the manner in which the true copies of documents shall be compared with the original documents after the same are admitted to registration; and

(d) the manner of pasting such copies.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Tripura, while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the successive sessions as aforesaid the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

[*Vide* Tripura Act 7 of 1982, sec. 16 (w.e.f. 1-1-1983).]

92. Burmese registration-rules confirmed.—[*Rep. by the Government of India (Adaptation of Indian Laws) Order, 1937.*]

Repeals

93. Repeals.—[*Rep. by the Repealing Act, 1938 (1 of 1938), sec. 2 and Sch.*]

THE SCHEDULE.—Repeal of enactments.—[*Rep. by the Repealing Act, 1938 (1 of 1938), sec. 2 and Sch.*]

STATE AMENDMENTS

Pondicherry:

After section 91, insert the following Schedule, namely:—

"*THE SCHEDULE*

[*See* section 52(5)]

MODIFICATION OF CERTAIN PROVISIONS OF THE ACT

Same as in Tamil Nadu, items 2 to 9 (*i.e.* items 1 to 8 in Pondicherry) except item 8, which is item 7 in Pondicherry and runs as under:—

"(7) In sub-section (1) of section 61, for the words "copied into the margin of the register book", substitute the words "copied into the true copy of the document filed under sub-section (1B) of section 52."

[*Vide* Pondicherry Act 17 of 1970, sec. 8 (w.e.f. 1-11-1970).]

1. Ins. by Act 20 of 1983, sec. 2 and Sch. (w.e.f. 15-3-1984).

Tamil Nadu:

After section 91, insert the following Schedule, namely:—

"*THE SCHEDULE*

[*See* section 52(5)]

1. In section 19, omit the words "and also by a true copy".

2. In section 45,—

(a) in sub-section (1), for the words "cause the contents thereof to be copied into his Book No. 3", substitute the words "cause a true copy of the contents thereof to be made and filed in his Book No. 3"; and

(b) in sub-section (2), for the words "copy has been made", substitute the words "true copy has been filed".

3. In sub-section (2) of section 46,—

(a) for the words "unless the Will has been already copied", substitute the words "unless a true copy of the Will has already been filed"; and

(b) for the words "cause the Will to be copied into his Book No. 3", substitute the words "cause a true copy to be made and filed in his Book No. 3".

4. In section 51,—

(a) for sub-section (2), substitute the following sub-section, namely:—

"(2) In book I shall be filed—

(i) true copies of all documents; and

(ii) all memoranda,

registered under sections 17, 18 and 89, which relate to immovable property, and are not Wills."; and

(b) in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents".

5. In section 54, for the words "copied or filed", substitute the words "filed a true copy of, or".

6. In section 55,—

(a) in sub-section (2), for the words "every document entered or memorandum filed", substitute the words "every document of which a true copy or memorandum is filed";

(b) in sub-section (4), for the words "every Will and authority entered in Book No. 3", substitute the words, etc. "every Will and authority of which a true copy is filed in Book No. 3"; and

(c) in sub-section (5), for the words "document entered", substitute the words "document of which a true copy is filed".

7. In sub-section (1) of section 60, for the words "the document has been copied", substitute the words the "true copy of the document has been filed".

8. In sub-section (1) of section 61, omit the words "margin of".

9. In section 62, for sub-section (1), substitute the following:—

"(1) When a document is presented for registration under section 19, the translation together with the true copy of the document be filed in the appropriate book."

[*Vide* Tamil Nadu Act 21 of 1966, sec. 6 (w.e.f. 1-4-1967).]

West Bengal:

Same as in Tamil Nadu.

[*Vide* West Bengal Act 17 of 1978, sec. 7 (w.e.f. 1-1-1983).]

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