

(iii) in clause (h), after the figures 'I' and 'II,' insert the figures "IA" and "IIA" respectively.

[Vide Bombay Act 5 of 1929, sec. 11 (w.e.f. 25-5-1929) read with Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

VIDARBHA.—Note.—As all the above amendments extend to and are in force in the whole State of Maharashtra including its Vidarbha region, clause (k) inserted in sub-section (1) of section 69 by M.P. Act 8 of 1955 is, so far as it applied to be Vidarbha region, repealed by Bombay Act 35 of 1958, sec. 3 (w.e.f. 24-4-1958).

Manipur:

In section 69, in sub-section (1), after clause (b), insert the following clause, namely:—

“(bb) providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, and generally for all purposes connected with the writing of documents to be presented for registration including the rates of fees to be charged by the licensed deed writers for writing out deeds, petitions etc.”

[Vide Manipur Act 5 of 1975, sec. 2.]

Orissa:

In section 69, in sub-section (1), after clause (b), insert the following clause, namely:—

“(bb) providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, the exemption of any class of document writers from the licensing provisions and the conditions subject to which such exemption shall be granted and generally for all purposes connected with the writing of documents to be presented for registration.”

[Vide Orissa Act 11 of 1976, sec. 2 (w.e.f. 13-4-1976).]

Pondicherry:

In section 69, in sub-section (1), after clause (b), insert the following clause, namely:—

“(bb) providing for the grant and renewal of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by which such licences shall be granted or renewed or revoked, the penalties for breaches of the terms and conditions of such licence, the scale of fees to be charged by document writers, the exemption of any class of document writers from the licensing provisions, the conditions subject to which such exemption may be granted, and generally for all purposes connected with the writing of documents to be presented for registration.”

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

Punjab, Haryana and Chandigarh:

In section 69, in sub-section (1), after clause (b), insert the following clause, namely:—

“(bb) declaring what persons shall be permitted to act as document writers in the offices of registering officers, regulating the issue of licences to such persons, the conduct of business by them, the scale of fees to be charged by them and determining the authority by whom breaches of such rules shall be investigated and the penalties which may be imposed.”

[Vide Punjab Act 19 of 1961, sec. 6 (w.e.f. 4-5-1961); Act 31 of 1966, sec. 88 (w.e.f. 1-11-1966).]

Rajasthan:

Same as in Kerala.

[Vide Rajasthan Act 18 of 1953, sec. 2 (w.e.f. 10-10-1953) read with Act 27 of 1957, sec. 3.]

After clause (d), insert the following clauses, namely:—

“(dd) providing for recovery of deficit registration fee;

(ddd) providing for refund of registration fee paid in excess;”

[Vide Rajasthan Act 11 of 1982, sec. 7 (w.e.f. 16-6-1982).]

After sub-section (2), add the following sub-section, namely:—

“(3) The Inspector-General shall have power to issue any order consistent with this Act which he considers necessary in respect of any act or omission of any

person subordinate to him or in respect of rectification of any error regarding the book or the office in which any document has been registered.”

[Vide Rajasthan Act 18 of 1989, sec. 6 (w.e.f. 18-9-1989).]

Tripura:

In section 69, in sub-section (1), after clause (b), insert the following clause, namely:—

“(bb) providing for the grant and renewal of licences to document writers, the revocation of licences granted to such writers and generally for all purposes connected with the writing of the documents and with the writing of the true copies of the documents to be presented for registration.”

[Vide Tripura Act 7 of 1982, sec. 13 (w.e.f. 1-1-1983).]

Uttar Pradesh:

In section 69, in sub-section (1),

(i) after clause (h), insert the following clauses, namely:—

“(hh) regulating the manner in which translations to be delivered under section 19 shall be prepared and in which they shall be declared to be faithful translations;

(hhh) providing for the grant of licences to document writers, the suspension or revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted, suspended or revoked, and generally for all purposes connected with the drafting or writing by such document writers of documents to be presented for registration;

(hhhh) regulating the manner of recopying the books kept under section 51 and the Indexes;”

[Vide Uttar Pradesh Act 14 of 1971, sec. 5 (w.e.f. 25-5-1971), as amended by Act 19 of 1981 sec. 13 (w.e.f. 1-8-1981).]

(ii) after clause (d), insert the following clauses, namely:—

“(dd) providing for refund of registration fees paid in excess;

(ddd) providing for recovery of deficiency in registration fees.”

[Vide Uttar Pradesh Act 48 of 1975, sec. 3 (w.e.f. 1-11-1975).]

(iii) after clause (hh), insert the following new clauses, namely:—

“(hh-1) regulating the number and manner in which print outs or true copies of documents and of translation shall be prepared and the Books in which they shall be kept for record;

(hh-2) regulating the form of declaration and the manner of comparison and verification of the true copies;

(hh-3) regulating the manner in which and safeguards subject to the which the Books may be kept in electronic form.”

[Vide Uttar Pradesh Act 36 of 2001, sec. 22 (w.e.f. 20-5-2002).]

Section 69A

After 69, insert the following section, namely:—

“69A. Power of Inspector-General to prescribe standard formats.—Notwithstanding anything contained in any other provisions of this Act, the Inspector-General of Registration shall with the prior approval of the State Government, prepare and circulate standard formats of various kinds of documents for the guidance of the general public which may be used with or without modification.

Explanation.—Use of a standard format prepared and circulated under the section shall not be a prelude to omit the descriptions of the property required under section 21 and 23.”

[Vide Uttar Pradesh Act 36 of 2001, sec. 23 (w.e.f. 20-5-2002).]

70. Power of Inspector-General to remit fines.—The Inspector-General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration fee.

STATE AMENDMENTS

Andhra Pradesh:

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

"PART IXA

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 Government of Andhra Pradesh under section 70B.

70B. *Documents scanned by electronic devices in areas notified by the Government.*—(1) The Government of Andhra Pradesh may, by notification, in the Official 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 the compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything 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 break down of the computerised system of registration:

Provided that the registering officer shall record the reasons in writing therefore—

Provided further that the registering officer shall ensure that the data and images of the documents registered during the period of non-application of this Part, due to a break down of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector General of Registration."

[Vide Andhra Pradesh Act 16 of 1999, sec. 6 (w.e.f. 31-12-1998).]

Gujarat:

Same as in Maharashtra.

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

Karnataka:

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

"PART XIA

REGISTRATION OF DOCUMENTS BY MEANS OF
ELECTRONIC OR OTHER DEVICES

70A. *Application of this part.*—This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70C.

70B. *Definition.*—In this part, "Process of Registration of documents by means of electronic or other devices" shall mean and include scanning and preservation of documents with the help of computers, scanners, compact disks, printers, microfilming and any other device used for the purpose of storage and retrieval when required.

70C. *Process of registration of documents by means of electronic or other device in the areas notified by the State Government.*—(1) The State Government may by notification direct that to any District or Sub-District specified in this behalf process of registration by means of electronic or other device shall be applicable and the documents admitted for registration under this Act may be scanned or microfilmed and their images stored and preserved with the help of electronic or any other device.

(2) On the issue of such notification, it shall be pasted in a conspicuous place at each registration offices affected by the notification.

70D. *Application of Act to areas notified under section 70C.*—In any District or Sub-Districts in respect of which notification has been issued under section 70C, the following provisions of the principal Act shall, for the purpose of this part be subject to the following modification, namely:—

- (a) in clause (2) of section 2, the words "and the information, storage devices like floppy disk, hard disk or compact disk etc., microfilm or any other media" shall be inserted at the end;
- (b) in section 16, for sub-section (1), the following shall be substitute, namely:—

"(1) The State Government shall provide for the officer of Registering Officer the books and the information, or image processing and storage devices like microfilming unit or computer and scanners alongwith the software prescribed by the Inspector-General from time to time necessary for the purpose of this Act";

- (c) in section 51, in sub-section (1), for the words "the following books", the words, figures and brackets "the following books and the information or storage devices as specified in sub-section (1) of section 16" shall be substituted;
- (d) in clause (c) of sub-section (1) of section 52, after the words "book appropriate therefor", the words "or stored in the electronic or other storage device" shall be inserted;
- (e) in section 54, after the words "copied", the words "or stored in the electronic or other storage device" shall be inserted;
- (f) in sub-section (1) of section 60, after the words "copied", the words "or where the document is stored in an electronic or other device the certificate shall contain the word "Registered" with Document No., Year, Book No. and Date shall be inserted;
- (g) in section 61,—

- (i) in the heading, after the word "copied", the words "or stored in the electronic or other storage device" shall be inserted;

- (ii) after sub-section (1), the following shall be inserted, namely:—

"Provided that, where the process of registration is done by using electronic or other devices, such endorsements and certificate shall also be stored with it alongwith the copy of the map or plan:

Provided further that, the Registering Officer shall after the storage for preservation of the document shall also endorse thereon on the original, the reference to the serial No. of the file, pages and compact disk or any other storage device, as the case may be, where such document is preserved";

- (h) after clause (k) of sub-section (1) of section 69, the following shall be inserted, namely,—

"(1) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices like microfilming unit, computers, scanners, floppies, hard disks, compact disks and printers including storage, retrieval and preservation and also the manner in which documents are indexed and certified copies, encumbrance certificate issued";

- (i) in section 89, in sub-sections (1), (2), (3) and (4), the following shall be inserted at the end, namely:—

"or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be".

70E. *Evidentiary value of copy of certain documents registered through the process of registration by means of electronic or other devices or by other methods.*—Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered through the process of registration by means of electronic or other devices or by any other method and certified or attested by the Registering Officer incharge of the office shall also be received in evidence of any transaction as is described in the said document.

70F. *Saving.*—Nothing in this part shall apply,—

- (1) to any document which in the opinion of the Registering Officer is not in a condition fit to be processed by means of electronic or other devices;
- (2) in the case of unforeseen eventuality like breakdown of the electronic or other devices of registration:

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

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part due to a breakdown of electronic or other device are duly incorporated into the system, after the same is restored in the manner specified in the rules by the Inspector-General of Registration.

70G. Powers of the State Government under this Chapter.—Where for any reason, the State Government is satisfied that, the process of registration by means of electronic or other device is not possible in respect of all documents in any office to which this chapter applies, may direct by notification published in the Official Gazette to copy such documents in the books kept in the office and in accordance with the rules made for this purpose.

[Vide Karnataka Act 32 of 2001, sec. 4 (w.e.f. 3-10-2001).]

Maharashtra:

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

PART XIA

OF THE COPYING OF DOCUMENTS BY MEANS OF PHOTOGRAPHY

70A. Application of this Part.—This Part shall apply to the areas only in respect of which a notification is issued by the Provincial Government under section 70C.

70B. Definitions.—In this Part—

- (1) "Government Photo Registry" means the office where documents are photographed under the provisions of this Part.
- (2) "Manager, Government Photo Registry" means the person in charge of the Government Photo Registry.
- (3) "Photo Registrar" means any person appointed by the Provincial Government to perform the duties of Photo Registrar under this Part.

70C. Documents may be photographed in areas notified by State Government.—

(1) The State Government may, by notification in the Official Gazette, direct that in any district or sub-district specified in the notification copies of documents admitted to registration under this Act shall be made by means of photography.

(2) On the issue of such notification it shall be translated into the vernacular of the district and shall be posted in a conspicuous place at the registration offices affected by the notification.

70D. Application of Act to areas notified under section 70C.—In any district or sub-district in respect of which a notification has been issued under section 70C the provisions of this Act shall, for the purposes of this Part, be subject to the following modifications, namely:—

- (1) (a) Every document admitted to registration under section 35 or section 41 shall be carefully marked with an identification stamp and the serial number of the document on every page.
- (b) It shall then be transmitted by the registering officer to the Manager, Government Photo Registry who shall cause, each side of each page of such document together with all stamps, endorsements, seals, signatures, thumb-impresions and certificates appearing thereon to be photographed without subtraction or alteration. He may for this purpose cut or untie, without breaking any seals, the thread or ribbon wherewith the pages of the document are sewn together in order to separate the pages of the document and as soon as the document has been photographed he shall rebind the document as before and if he has cut the thread or ribbon shall seal it over the joint with his seal.

Provided that before transmission of the document to the Manager, Government Photo Registry the party presenting the document may require the registering officer to have it copied by hand under section 52 on payment of an additional copying fee.

- (c) There shall then be prepared and preserved the negative and at least one photographic print and to each such negative and print the Photo Registrar shall fix his signature and seal in token of the exact correspondence of the copy of the original document, as admitted for registration:

Provided that when more than one such negative is recorded on one length of film and the Photo Registrar has affixed his signature and seal at the end of such length of film certifying in the manner prescribed by rules made in this behalf, the exact correspondence of all copies on such length of film with the original documents, the Photo Registrar shall be deemed to have affixed his signature and seal to each such negative on such length of film:

Provided further that in case of documents containing plans or maps the negatives of such plans and maps may be prepared on paper instead of on films and where the negatives are so prepared, the Photo Registrar shall fix his signature and seal separately to each such negative and print of such plan or map in token of the exact correspondence of the copy to the original map or plan contained in the document as admitted for registration.

- (d) One set of such prints arranged in the order of their serial numbers shall be made up into books and sewn or bound together. To each such book the Registrar or Sub-Registrar shall prefix a certificate of the serial numbers it contains, and the books shall then be preserved in the records of the Sub-Registrar. The negatives shall be preserved in such suitable place as the Inspector-General may prescribe:

Provided that prints of plans or maps contained in documents may either be bound with the prints of such documents or filed separately in such manner as the Inspector-General may direct.

(2) All words and expressions used in the Act with reference to the making of copies of documents by hand or the entering or filing of documents or memorandum in book provided under section 16 shall, so far as may be necessary, be construed as referring to the making of such copies by means of photography or the entering or filing of documents or memoranda in books made up of copies prepared by means of photography.

(3) Where this Part applies the sections mentioned below shall be deemed to be modified as follows:—

- (a) in section 19 the words "and also by a true copy" shall be omitted;
- (aa) sub-section (2) of section 20 shall be omitted;
- (b) sub-section (4) of section 21 shall be omitted;
- (c) the words "according to the order of its admission" occurring in clause (c) of sub-section (1) of section 52 shall be omitted;
- (d) section 53 shall be omitted;
- (e) in sub-section (1) of section 60 the words "and page" shall be omitted;
- (f) sub-section (1) of section 61 shall be omitted;
- (g) in sub-section (1) of section 62,—
 - (i) for the words "transcribed" the word 'copied' shall be substituted; and
 - (ii) for the words and figures "copy referred to in section 19", the words "photograph of the original" shall be substituted.

70F. Savings.—(1) 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 photographed.

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

[Vide Bombay Acts 17 of 1930 sec. 3 (w.e.f. 4-9-1930), Act 18 of 1933, Act 24 of 1938 read with Act 35 of 1958, sec. 2 (w.e.f. 24-4-1958).]

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 deficient 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 XIII 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 XIII 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 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 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 XIII 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 XIIIIB 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 XIIIIB, insert the following Part, namely:—

"PART XIIIIC 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.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).]