

(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 Assembly 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 label and where such true copies are accepted the map plan or trade mark label 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 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 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[³State 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.

[(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).]