

No. 246/XXXVI(3)/2014/05(1)/2011

Dated Dehradun, October 09, 2014NOTIFICATIONMiscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the President is pleased to order the publication of the following English translation of 'The Indian Registration (Uttarakhand Amendment) Act, 2011' (Adhiniyam Sankhya 24 of 2014).

As Passed by the Uttarakhand Legislative Assembly and assented to by the President on 09 September, 2014.

The Indian Registration (Uttarakhand Amendment) Act, 2011
(Uttarakhand Act No. 24 of 2014)

An

Act

further to amend the Indian Registration Act, 1908 to the context in the State of Uttarakhand

Be it enacted by the Uttarakhand Legislative Assembly in the sixty-second year of the Republic of India as follows:-

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|---|--|
| Short title, extent and commencement | 1. (1) This Act may be called the Indian Registration (Uttarakhand Amendment) Act, 2011.
(2) It extends to the whole of Uttarakhand.
(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint in this behalf. |
| Amendment of section 2 | 2. In the Registration Act, 1908 (hereinafter referred to as the Principal Act),
(a) Clause (2) of section 2 shall be substituted as follows; namely:- |

“(2) ‘book’ includes a portion of a book and also any number of sheets connected together with a view to forming a book, or portion of a book and also includes a book in electronic form;”

(b) after clause (10), the following clauses shall be inserted, namely:-

“(10-A) ‘true copy’ includes a true Photostat copy;

(10-B) the words and expressions used herein and not defined but defined in the Information Technology Act, 2000 shall have the meaning respectively assigned to them in that Act.”

Amendment of section 3

3. Sub-section (3) of section 3 of the Principal Act, shall be substituted as follows; namely :-

“(3) The State Government may appoint one or more Additional Inspector General of Registration, Deputy Inspectors General of Registration and Assistant Inspector General of Registration for the territories subject to such Government and may prescribe the duties of such officers and authorize them to exercise and perform all or any of the powers and duties of the Inspector General of Registration.”

Repealed of Section 8

4. Section 8 of the Principal Act shall be repealed.

Amendment of Section 12

5. Section 12 of the Principal Act, shall be substituted as follows; namely:-

“12. When any Sub-Registrar is absent, or when his office is temporarily vacant, any person, whom the Inspector-General of Registration appoints in this behalf, shall be Sub-Registrar during such absence or until the vacancy is filled up.”

Amendment of section 21

6. In placed of sub-section (1) of section 21 of the Principal Act, shall be substituted as follows; namely:-

“(1) No non-testamentary document relating to immovable property shall be accepted for registration unless,-

(a) it contains a description of such property sufficient to identify the same; and

(b) It is accompanied also, where the property is agricultural land, by a map or plan, not necessarily on scale, showing all properties with full description in the radius of two hundred meters of that agricultural land."

Amendment of section 32-A,

7. In section 32-A of the Principal Act -

(1) in sub-section (1)-

(i) the words, "in such areas as may be notified by the State Government," shall be omitted;

(ii) the word "photostat" wherever occurring including heading, shall be omitted;

(2) in sub-section (2)-

(i) for the words "photostat copy" the words "true copy" shall be substituted;

(ii) for clauses (b) and (c), the following clause shall be inserted, namely:-

"(b) be compared and verified by such official as may be directed by the Registering Officer."

(3) Sub-section (3) shall be *omitted*.

Repealed at Section 32-B

8. Section 32-B of the Principal Act shall be repealed.

Amendment of section 51

9. In placed of sub-sections (2), (3) and (5) of section 51 of the Principal Act, the following sub-section shall be substituted as follows; namely:-

"(2) In Book 1, shall be filed true copies of all documents or memoranda registered under sections 17, 18 and 89 which relate to immovable property, and are not wills;

Provided that where Book is in electronic form, all documents, other than wills, registered under aforesaid sections or true copies thereof, as the case may be, or memoranda shall be scanned in it and a printout, thereof shall be kept permanently in Book 1,

(3) In Book 4, shall be filed true copies of all documents registered under clauses (d) and (f) of section 18 which do not relate to immovable property;

Provided that where Book is in electronic form, all documents registered under the aforesaid clauses or their true copies, as the case may be, shall be scanned in it and a printout thereof shall be kept permanently in Book 4.

- (5) Where due to fire, tempest, flood, excessive rainfall, violence of any army or mob, or other irresistible force and for any other reason or all of the books specified in sub-section (1) are destroyed, or become illegible either wholly or partially, and the State Government is of the opinion that it is necessary, or expedient so to do it may, by order, direct such book or such portion thereof, as it thinks fit, to be re-copied, authenticated, or reconstructed in such manner as may be prescribed, and the copy so prepared, authenticated or reconstructed, shall for the purposes of this Act, and of the Indian Evidence Act, 1872, be deemed to have taken the place of, and to be the original book or portion."

**Amendment of
Section 52**

10.

In sub-section (1) of section 52 of the Principal Act -

- (1) in sub-section (1) -

(i) in clause (a), for the words, "every such documents at the time of presenting it", the words, "every such documents and true copy thereof at the time of presenting it; and" shall be substituted;

(ii) for clauses (b) and (c), the following clause shall be substituted, namely:-

"(b) a receipt for such document shall be given by the registering officer to the person presenting the same."

- (2) sub-section (2) shall be *omitted*.

**Insertion of proviso
to section 53**

11.

In section 53 of the Principal Act, the following proviso shall be inserted, namely:-

"Provided that where Book is in electronic form, all entries and numbers in that Book and the Book maintained manually shall be identical."

- Amendment of Section 54** **12.** Section 54 of the Principal Act, shall be substituted as follows; namely :-
- “54. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has scanned or filed a true copy or a memorandum of, the document to which it relate.”
- Insertion in section 55** **13.** After sub-section (6) of section 55 of the Principal Act, the following sub-section shall be inserted, namely:-
- “(7) Where Book is in electronic form, the indexes made under this section shall also be stored in electronic form in the manner prescribed by rules under section 69.”
- Amendment of Section 57** **14.** In place of sub-section (1) of section 57 of the Principal Act, shall be substituted as follows; namely :-
- “(1) Subject to the previous payment of fees payable in that behalf, books 1 and 2 and indexes relating to Book I other than those in electronic Form shall be, at all times, open to inspection by any person applying to inspect the same and subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.”
- Amendment of Section 58** **15.** In place of sub-section (1) of section 58 of the Principal Act, shall be substituted as follows; namely :-
- “(1) On every document admitted to registration and true copy there of other than a copy of a decree or order or a copy sent to a registering officer under section 89, there shall be endorsed from time to time, the following particulars, namely :-
- (a) the signature and addition of every person admitting the execution of the document and if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

- (b) the signature and addition of every person examined in reference to such document, under any of the provisions of the Act; and
- (c) any payment of money or delivery of goods made in the presence of the registering officer, in reference to the execution of the document and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution."

Amendment of section 60

16. In place of sub-section (1) of section 60 of the Principal Act, shall be substituted as follows; namely :-

"(1) After such of the provision of sections 34, 35, 58 and 59, as apply to any document, presented for registration, have been complied with, the registering officer shall endorse thereon a certificate containing the word 'registered' together with the number and pages of the books in which the laminated true copy thereof has been bound and kept."

Amendment of Section 61

17. In place of section 61 of the Principal Act, shall be substituted as follows; namely :-

"61. (1) Subject to the provisions of section 62, after the provisions of sections 52, 58, 59 and 60 are complied with, every document admitted to registration along with the map or plan, if any, mentioned in section 21, shall without unnecessary delay be scanned and a printout thereof shall be kept permanently in the Book appropriate for the document admitted to registration, according to the order of its admission;

Provided that, where, Book is not in electronic form or scanning of the document is not possible on the same day, the true copy of the document admitted to registration along with the copy of the map or plan, if any, mentioned in section 21 shall be kept in the Book appropriate for the document in the manner aforesaid for being scanned at the earliest opportunity and replaced permanently by a printout thereof;

Provided further that a true copy filed before the commencement of the Registration (Uttarakhand Amendment) Act, 2010 and not copied in the Book appropriate therefor, shall be deemed to be a true copy presented under section 32-A and shall be dealt with in accordance with the provisions of this section;

Provided also that if the true copy filed before the commencement of the Registration (Uttarakhand Amendment) Act, 2010 is dim or has otherwise become illegible and has not been copied in the Book appropriate therefor, the registering officer shall, with the prior approval of the Registrar, require the party concerned to deliver the document to him for getting its true copy prepared for the purposes of this section and if the party concerned informs him that the document has been lost or destroyed, the true copy available in the registering office shall be dealt with in accordance with the provisions of this section.

- (2) The registration of the document shall, thereupon, be deemed complete and the document shall then be returned to the person who presented the same for registration, or to such other person, if any, as he has nominated in writing in that behalf on the receipt mentioned in section 52.
- (3) All such Books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector-General."

Substitution of section 62

18.

In place of section 62 of the Principal Act, shall be substituted, as follows; namely :-

- "62. When a document is presented for registration under section 19, the original document shall be dealt with in accordance with the provisions of sections 52, 58, 59, 60 and 61 and the translation shall also be scanned along with the original document and its printout kept along with the printout of the original document, and if Book is not in electronic form or the scanning is not possible on the same day, the true copy of the translation shall be kept along with the true copy of the

document in accordance with sub-section (1) of section 61, and for the purposes of making the copies and memoranda required by sections 57, 64, 65 and 66, it shall be treated as if it were the original."

Amendment of Section 64 19. In place of section 64 of the Principal Act, shall be substituted as follows; namely :-

"64. Every sub-registrar, on registering an non-testamentary document relating to immoveable property not wholly situate in his own sub-district, shall make a memorandum thereof and of the endorsements and certificate (if any) thereon and send the same to every other sub-registrar, subordinate to the same Registrar, as himself, in whose sub-district any part of such property is situate and Sub-Registrar shall take similar action on this memorandum, as known (sic taken) on a document admitted to registration under sub-section (1) of Section 61."

Amendment of Section 65 20. In place of sub-section (2) of section 65 of the Principal Act, shall be substituted as follows; namely :-

"(2) The Registrar, on receiving the same shall take a similar action on such copy of the document and the copy of the map or plan, if any, as taken on a document admitted to registration under sub-section (1) of section 61 and shall forward a memorandum of the document to each of the sub-registrars subordinate to him, within those sub-district any part of such property is situate and every sub-registrar, receiving such memorandum, shall take a similar action on it as taken by the Registrar under this section."

Amendment of Section 66 21. In place of sub-section (3) and sub-section (4) of section 66 of the Principal Act shall be substituted as follows; namely:-

"(3) Such Registrar, on receiving any such copy, shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61 and shall also send a memorandum of the copy to each of the sub-registrars subordinate to him, within whose sub-district any part of the property is situate."

“(4) Every sub-registrar receiving any memorandum under this section shall take a similar action on it as taken on a copy received under sub-section (3).”

Insertion of section 69

22. (1) In section 69 of the Principal Act, after clause (hh), the following clauses shall be inserted, namely:-

“(hh-1) regulating the number and manner in which printouts 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 which the Books may be kept in electronic form.”

(2) After section 69 of the Principal Act, the following section shall be inserted, namely:-

“69-A 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 modifications.

Explanation:- Use of a standard format prepared and circulated under this section shall not be a prelude to omit the descriptions of the property required under sections 21 and 22.”

Insertion of section 78-B

23. After section 78-A of the Principal Act, the following section shall be inserted; namely:-

“78-B (1) The fee 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 rules 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 labels purchased for the registration of a document in accordance with the rules made by the Inspector-General of Registration with the prior approval of the State Government.”

**Amendment of
Section 89**

24. Sub-section (1), (2), (3) and (4) of section 89 of the Principal Act shall be substituted as follows; namely :-

- “(1) Every officer granting a loan under the Land Improvement Loans Act, 1883 (XIX 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 the land to be granted as collateral security, is situate, and such registering officer shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61.
- (2) Every Court granting a certificate of sale of immoveable property under the Code of Civil Procedure, 1908 (V 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 immoveable property, comprised in such certificate, is situate and such officer shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61.
- (3) Every officer granting a loan under the Agriculturists Loans Act, 1884 (XII of 1884) shall send a copy of any instrument whereby immoveable 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 the order, to the registering officer within the local limits of whose jurisdiction, the whole or any part of the property mortgaged is situate and such registering officer shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61.

(4) Every Revenue Officer granting a certificate of sale to the purchase of immoveable 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 property comprised in the certificate is situate and such officer shall take a similar action on it as taken on a document admitted to registration under sub-section (1) of section 61."

By Order,

JAI DEO SINGH,
Principal Secretary.