

Registration Act, 1908

Section 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

1Andhra Pradesh:

In its application to the State of Andhra Pradesh, after Part XI, insert the following Part XIA, 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 on 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."

2Gujarat:

Same as that of Maharashtra.

3Karnataka:

Following part and sections be inserted:--

"PART IXA

PHOTOCOPYING OF DOCUMENTS

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 70:

Provided that nothing in this Part shall apply to the registration of any document executed before its application to such area.

70B. Definition.--In this Part, "photocopy" means a copy prepared on such paper and by means of such photocopying process or machine as may be prescribed by rules and "photocopied" and "photocopying" shall be construed accordingly.

70C. Documents may be photocopied in the areas notified by the State Government.--(1) The State Government may, by notification, 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 photocopying.

(2) On the issue of such notification, it shall be passed 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 notification has been issued under section 70C, the provisions of this Act shall, for the purpose 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) The registering officer shall then cause, each side of each page of such document together with all stamped endorsements, seals, signatures, thumb-impressions and certificates appearing thereon to be photocopied without subtraction or alteration. He may for this purpose cut or untie without breaking any seal, the thread or ribbon where the pages of the document are sewn together in order to separate the pages of the documents, and as soon as the document has been photocopied 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;

(c) The registering officer shall then affix his signature and seal in token of the exact correspondence of such photocopy to the original document, as admitted for registration;

(d) The registering officer shall cause a copy so prepared to be filed, in accordance with the provisions of this Act and such rules as may be prescribed;

(e) The true copy of the map or plan if any, mentioned in section 21 may also be filed along with the photocopy of the document or filed separately, in such manner as the Inspector General may direct.

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

(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 true copy" shall be omitted;

(b) in section 20, sub-section (2) shall be omitted;

(c) in section 45,--

(i) in sub-section (1), for the words, letter and figure "cause the contents thereof to be copied into his book No. 3", the words, letter and figure "cause a photocopy of the contents thereof to be made and filed in his book No. 3" shall be substituted;

(ii) in sub-section (2), for the words "copy has been made", the words "photocopy has been filed" shall be substituted.

(d) in sub-section (2) of section 46,--

(i) for the words "unless the will has been already copied", the words "unless a photocopy of the will has already been filed" shall be substituted;

(ii) for the words, letter and figure "cause the will to be copied into his Book No. 3", the words, letter and figure "cause a photocopy of the will to be made and filed in his Book No. 3" shall be substituted;

(e) in section 51,--

(i) for sub-section (2), the following sub-section shall be substituted, namely:--

"(2) In Book No. 1 shall be filed--

(i) photocopies of all documents; and

(ii) all memoranda,

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

(ii) in sub-section (3), for the words "entered all documents" the words "filed photocopies of all documents" shall be substituted;

(f) in section 52, for clause (c) of sub-section (1), the following clause shall be substituted, namely:--

"(c) Subject to the provisions contained in section 62, every document admitted to registration shall, without unnecessary delay, be photocopied and filed in the appropriate book according to the order of its admission.";

(b) in the marginal heading and in section 53, for the word "entries" where it occur, the word "photocopies" respectively shall be substituted;

(h) in section 54, for the words "copied, or filed a memorandum of" the words "filed a photocopy or a memorandum of" shall be substituted,

(i) in section 55,--

(i) in sub-section (2), for the words "document entered or memorandum filed", the words "document of which a photocopy or memorandum is filed" shall be substituted;

(ii) in sub-section (4), the words "authority entered", the words "authority of which a photocopy is filed" shall be substituted;

(iii) in sub-section (5), for the words "document entered", the words "documents of which a photocopy is filed" shall be substituted;

(j) in section 60, in sub-section (1), for the words "document has been copied", the words "photocopy of the document has been filed" shall be substituted;

(k) in section 61, sub-section (1) shall be omitted;

(l) in section 62, for sub-section (1), the following shall be substituted, namely:--

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

(m) in section 81,--

(i) in the marginal heading, for the words "copying, translating, or registering documents", the words "copying, photocopying, translating, registering or filing photocopies of documents" shall be substituted;

(ii) for the words "copying, translating or registering of any document", the words "copying, photocopying, translating registers or files a copy of such document" shall be substituted;

(iii) for the words "copies, translates or registers such documents", the words "copies, photocopies, translates, registers or files a copy of such document" shall be substituted,

(n) after section 89 following section shall be inserted, namely:--

"89 A. Power to make rules for filing of photocopies of document.--(1) The State Government may make rules for all purposes connected with the preparation or filing of photocopies 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 photocopies 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 be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty 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 both Houses agree in making any modification in the rule or both 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."

(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."

4Maharashtra:

After Part XI of the main Act insert the following Part XIA, 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-impressions 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 where with 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 plants 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."

1. Vide Andhra Pradesh Act 16 of 1999, section 6 (w.e.f. 31-12-1998).

2. Vide Act 11 of 1960, section 87 and Gujarat A.L.O., 1960.

3. Vide Karnataka Act 41 of 1984, section 5 (w.e.f. 7-11-1986).

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