

Registration Act, 1908

Amending Act 1 - Registration and Other Related Laws (Amendment) Act, 2001

THE REGISTRATION AND OTHER RELATED LAWS (AMENDMENT) ACT, 2001

[Act, No. 48 OF 2001]

[24th September, 2001]

PREAMBLE

An Act further to amend the Registration Act, 1908, the Transfer of Property Act, 1882 and the Indian Stamp Act, 1899.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows: --

CHAPTER I: PRELIMINARY

1. Short title -

This Act may be called the Registration and Other Related Laws (Amendment) Act, 2001.

CHAPTER II: AMENDMENT OF THE REGISTRATION ACT, 1908

2. Insertion of new section 16A -

In the Registration Act, 1908 (16 of 1908) (hereafter in this Chapter referred to as the Registration Act), after section 16, the following section shall be inserted, namely: --

"16A. Keeping of books in computer floppies, diskettes, etc. -- (1) Notwithstanding anything contained in section 16, the books provided under sub-section (1) of that section may also be kept in computer floppies or diskettes or in any other electronic form in the manner and subject to the safeguards as may be prescribed by the Inspector-General with the sanction of the State Government.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a copy or extracts from the books kept under sub-section (1) given by the registering officer under his hand and seal shall be deemed to be a copy given under section 57 for the purposes of sub-section (5) of that section."

3. Amendment of section 17 -

In section 17 of the Registration Act, --

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

"(1A) The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of Property Act, 1882 (4 of 1882) shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2001 and if such documents are not registered on or

after such commencement, then, they shall have no effect for the purposes of the said section 53A."

(b) in sub-section (2), in clause (v), for the opening words "any document", the words, brackets, figure and letter "any document other than the documents specified in sub-section (1A) shall be substituted.

4. Amendment of section 30 -

In section 30 of the Registration Act, sub-section (2) shall be omitted.

5. Insertion of new section 32A -

After section 32 of the Registration Act, the following section shall be inserted, namely: --

"32A. Compulsory affixing of photograph, etc. -- Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the document shall also be affixed to the document."

6. Amendment of section 49 -

In section 49 of the Registration Act, in the proviso, the words, figures and letter "or as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882, (4 of 1882)" shall be omitted.

7. Amendment of section 52 -

In section 52 of the Registration Act, in sub-section (1), in clause (a), after the words "and place of presentation", the words, figures and letter "the photographs and fingerprints affixed under section 32A" shall be inserted.

8. Omission of section 67 -

Section 67 of the Registration Act shall be omitted.

9. Amendment of section 69 -

In section 69 of the Registration Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely: --

"(aa) providing the manner in which and the safeguards subject to which the books may be kept in computer floppies or diskettes or in any other electronic form under sub-section (1) of section 16A;"

CHAPTER III : AMENDMENT OF THE TRANSFER OF PROPERTY ACT, 1882

10. Amendment of section 53A of Act 4 of 1882 -

In section 53A of the Transfer of Property Act, 1882, the words "the contract, though required to be registered, has not been registered, or," shall be omitted.

CHAPTER IV : AMENDMENT OF THE INDIAN STAMP ACT, 1899

11. Amendment of Schedule 1 of Act 2 of 1899 -

In Schedule I to the Indian Stamp Act, 1899, --

(a) under column heading "Description of Instrument", in article No. 23, in Exemption, the portion beginning with the words "Assignment of Copyright" and ending with the word and figure "section 5." shall be numbered as clause (a) thereof, and after clause (a) as so numbered, the following clause shall be inserted, namely:--

"(b) for the purpose of this article, the portion of duty paid in respect of a document falling under article No. 23A shall be excluded while computing the duty payable in respect of a corresponding document relating to the completion of the transaction in any Union territory under this article.";

(b) after article No. 23 and the entries relating thereto, the following article No. and the entries shall be inserted, namely:--

Description of Instrument	Proper Stamp-duty
"23A. CONVEYANCE IN THE NATURE OF PART PERFORMANCE-- Contracts for the transfer of immovable property in the nature of part performance in any Union territory under section 53A of the Transfer of Property Act, 1882 (4 of 1882).	Ninety per cent, of the duty as a Conveyance (No. 23)."

12. Saving -

Notwithstanding anything contained in sections 6 and 10, any--

(a) right of a transferor or any person claiming under him debarred under section 53A of the Transfer of Property Act, 1882 (4 of 1882) immediately before the commencement of this Act shall remain so debarred as if section 10 had not come into force in respect-of such right; and

(b) unregistered document relating to the right referred to in clause (a) may be received as evidence of part performance of a contract for the purposes of section 53A of the Transfer of Property Act, 1882 (4 of 1882) as if section 6 had not come into force in respect of such document.