

THE REGISTRATION (KARNATAKA AMENDMENT) ACT, 2001

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement.
2. Amendment of section 6.
3. Amendment of section 12.
4. Substitution of Part XIA.
5. Repeal

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STATEMENT OF OBJECTS AND REASONS

Act 32 of 2001.- It is proposed to introduce the process of registration of documents by means of electronic or other devices that is with the help of computers, scanners, compact disk etc. in such areas as may be notified by the Government by making amendments to the Registration Act, 1908 (Central Act XVI of 1908) in its application to the State of Karnataka. Certain other consequential amendments are also made.

Hence the Bill.

(Obtained from L.A. Bill No. 25 of 2000)

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KARNATAKA ACT NO. 32 OF 2001

(First published in the Karnataka Gazette Extraordinary on the third day of October, 2001)

THE REGISTRATION (KARNATAKA AMENDMENT) ACT, 2001

(Received the assent of the President on the twenty fifth day of July, 2001)

An Act further to amend the Registration Act, 1908 in its application to the State of Karnataka.

WHEREAS it is expedient further to amend the Registration Act, 1908 (Central Act XVI of 1908) in its application to the State of Karnataka for the purposes hereinafter appearing;

BE it enacted by the Karnataka State Legislature in the Fifty first year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Registration (Karnataka Amendment) Act, 2000.

(2) It shall come into force on such '[date]' as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 6.- In section 6 of the Registration Act, 1908 (Central Act XVI of 1908) (hereinafter referred to as the principal Act), the following shall be inserted, namely:-

“ Provided that the State Government may also appoint one or more Sub-Registrars for the same sub-district:

Provided further that, the State Government may delegate to the Inspector General of Registration, the power of appointing Sub-Registrars.”.

3. Amendment of section 12.- In section 12 of the principal Act, after the word “whom” the words “the Inspector General of Registration or” shall be inserted.

4. Substitution of Part XIA.- For Part XIA of the principal Act, the following Part and sections shall be substituted, 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, micro-filming 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 Micro-filmed 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 modifications, namely:-

(a) in clause (2) of section 2, the words “and the information, storage devices like floppy disk, hard disk or compact disk etc., Micro-film or any other media” shall be inserted at the end;

(b) in section 16, for sub-section (1), the following shall be substituted, namely:-

“(1) The State Government shall provide for the office of Registering Officer the books and the information, or image processing and storage devices like Micro-filming unit or Computer and scanners along with 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 word “or stored in the electronic or other storage device” shall be inserted.

(e) in section 54, after the word “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 word “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 word “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 along with 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:-

“(l) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices like Micro-filming 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 certificates 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 in charge 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 break-down 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 break-down of electronic or other device are duly incorporated into the system, after the same is re-stored 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.”.

5. Repeal.- Section 5 of the Registration (Karnataka Amendment) Act, 1984 (Karnataka Act 41 of 1984) is hereby repealed.

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Notification

**No. RD 304 MUNOMU 2001, Bangalore,
Dated 2nd January 2002**

In exercise of the powers conferred by sub-section (2) of Section 1 of the Registration (Karnataka Amendment) Act, 2000 (Karnataka Act, 32 of 2001) the Government of Karnataka hereby appoints the 3rd October 2001 to be the date on which the said Act shall be deemed to have come into force.

By order and in the name of the Governor of Karnataka,

H. Puttaswamy
Under Secretary to Government,
Revenue Department
(Stamps & Registration).