

THE REGISTRATION (KARNATAKA AMENDMENT) ACT, 1984.

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of section 51.
3. Amendment of section 61.
4. Amendment of section 69.
5. Insertion of new Part XIA.
6. Repeal.

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STATEMENT OF OBJECTS AND REASONS

Act 41 of 1984.- The scheme of registration envisaged in the Registration Act, 1908 involves the cumbersome process of copying documents and endorsements thereof by hand in the concerned registers. The procedure for return of the document to the person concerned after the registration is completed is also dilatory in as much as he is required to appear in person to receive the document. With a view to simplify the procedure of registration and to eliminate delay, it is intended to introduce the system of taking photo-copies of the documents brought for registration. It is also intended to assume powers to prescribe the mode of return of the registered documents with a view to avoid the inconvenience caused in the implementation of the existing scheme. It is further considered necessary to make a provisions for reconstruction of the registers which are destroyed or are in danger of being destroyed etc. Some provision of the Registration (Karnataka Amendment) Act, 1976 which have not been implemented till now are found to be unnecessary and redundant and are intended to be repealed. Certain other necessary and consequential amendments are also proposed to be made.

Hence this Bill.

(Obtained from L.A. Bill. No. 36 of 1984.)

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KARNATAKA ACT No. 41 OF 1984.

(First published in the Karnataka Gazette Extraordinary dated the Fifth day of November, 1984)

THE REGISTRATION (KARNATAKA AMENDMENT) ACT, 1984.

(Received the assent of the President on the Twentieth day of October, 1984)

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

WHEREAS it is expedient further to amend the Registration Act, 1908 (Central Act 16 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 Thirty-fifth year of the Republic of India as follows :-

1. Short title and commencement.- (1) This Act may be called the Registration (Karnataka Amendment) Act, 1984.

(2) It shall come into force on such ¹[date] as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 51.- After sub-section (4) of the section 51 of the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act), the following sub-section shall be inserted, namely:-

"(5) If, any of the books mentioned in sub-section (1) is destroyed or in the opinion of the Registrar is in danger of being destroyed, or becoming illegible wholly or partially, the Registrar may by a written order, direct such book or such portion thereof as he thinks fit, to be reconstructed or recopied, as the case may be, and authenticated in such manner as may be prescribed under section 69, and the copy prepared and authenticated under such direction shall for the purpose of this Act, be deemed to have taken the place of and to be the original book or portion and all references in this Act, to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."

3. Amendment of section 61.- In section 61 of the principal Act in sub-section (2), after the word "returned", the words "in the manner prescribed by rules" shall be inserted.

4. Amendment of section 69.- In sub-section (1) of section 69 of the principal Act, after clause (j), the following shall be inserted, namely:-

"(k) providing for the manner of return of documents under sub-section (2) of section 61".

***5. Insertion of new part XIA.-** After Part XI of the principal Act, the following Part and section shall be inserted, namely:-

** Section 5 has been repealed by Registration (Karnataka Amendment) Act, 2000 (Karnataka Act 32 of 2001)*

"PART XIA

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 70C:

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 pasted 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 stamps, 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 with 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 figures "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".;

(g) in the marginal heading and in section 53, for the words "entries" where it occurs, the words "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 documents " 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:-

"89A. 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 power, such rules may provide for,-

(a) the manner in which photo 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 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 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".

(4) 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.

(5) 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.

6. Repeal.- Sections 2, 4, to 12 (both inclusive), section 15, section 18 of the Registration (Karnataka Amendment) Act, 1976 (Karnataka Act 55 of 1976) are hereby repealed.

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NOTIFICATION

Bangalore, dated 5th November 1986 [RD 315 ESR 84]

In exercise of the powers conferred by sub-section (2) of Section 1 of the Registration (Karnataka Amendment) Act, 1984 (Karnataka Act No. 41 of 1984) the Government of Karnataka hereby appoint the 7th day of November 1986 as the date on which the said Act shall come into force in the State of Karnataka.

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

S.S. BANAVALKAR,
Deputy Secretary to Government,
Revenue Department.

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1. Act came into force on 07.11.1986 by notification. Text of the notification is at page.207.