

The Indian Registration (Kerala Amendment) Act, 1958

Act 2 of 1959

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ACT 2 OF 1959^[1]

THE INDIAN REGISTRATION (KERALA AMENDMENT) ACT, 1958

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to amend the Indian Registration Act, 1908, in its application to the State of Kerala.

Preamble.-WHEREAS it is expedient to amend the Indian Registration Act, 1908, in its application to the State of Kerala;

BE it enacted in the Ninth Year of the Republic of India as follows:-

1. *Short title, extent and commencement.*-(1) This Act may be called the Indian Registration (Kerala Amendment) Act, 1958.

(2) It extends to the whole of the State of Kerala

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Repeal.*-(1) The Indian Registration (Madras Amendment) Act, 1952 (Madras Act XVII of 1952), as in force in the Malabar district referred to in sub-section (2) of

section 5 of the State Re-organisation Act, 1956, is hereby repealed and section 23-B inserted by the said Act in the Indian Registration Act, 1908 (Central Act XVI of 1908) (hereinafter referred to as the principal Act), shall be omitted.

(2) The Indian Registration (Travancore-Cochin, Amendment) Act, 1952 (Act XXV of 1952), is hereby repealed and clause (bb) of sub-section (1) of section 69 of the principal Act inserted by the said Act, shall be omitted.

3. *Amendment of section 69.*-After clause (b) of sub-section (1) of section 69 of the principal Act, the following clause shall be inserted, namely:-

"(bb) providing for the grant of licences to document writers, the revocation of such licences the terms and conditions subject to which and the authority by whom such licences shall be granted and generally for all purposes connected with the writing of documents to be presented for registration."



THE INDIAN REGISTRATION (KERALA AMENDMENT) ACT, 1968^[1]

ACT 7 Of 1968

An Act further to amend the Indian Registration Act, 1908, in its application to the State of Kerala

Preamble.-WHEREAS it is expedient further to amend the Indian Registration Act, 1908, in its application to the State of Kerala, for the purposes hereinafter appearing;

BE it enacted in the Nineteenth year of the Republic of India as follows:-

1. *Short title and extent.*-(1) This Act may be called the Indian Registration (Kerala Amendment) Act, 1968.

(2) It extends to the whole of the State of Kerala.

2. *Amendment of section 17.*- In sub-section (2) of section 17 of the Indian Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act), clauses (ix) and (x) shall be omitted.

3. *Amendment of section 19.*-In section 19 of the principal Act, the words "and also by a true copy" shall be omitted.

4. *Insertion of new section 19A.*-After section 19 of the principal Act, the following section shall be inserted, namely:-

"19A. *Documents presented for registration to be accompanied by true copies thereof.*-(1) No document shall be accepted for registration unless it is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf."

5. *Amendment of section 45.*-In section 45 of the principal Act,--

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

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

6. *Amendment of section 46.*-In sub-section (2) of section 46 of the principal Act,-

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

(b) for the words, letters and figure "cause the will to be copied into his Book No.3", the words letters and figure "cause a true copy of the will to be made and filed in his Book No.3" shall be substituted.

7. *Amendment of section 51.*--In section 51 of the principal Act,-

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

"(2) In Book I shall be filed--

(i) true copies of all documents; and

(ii) all memoranda,

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

(b) in sub-section (3), for the words "entered all documents:", the words "filed true copies of all documents" shall be substituted.

8. *Amendment of section 52.*-In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:-

"(c) subject to the provisions contained in section 62, where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission."

9. *Amendment of section 54.*-In section 54 of the principal Act for the words "copied, or filed a memorandum of,", the words "filed a true copy of memorandum of" shall be substituted.

10. *Amendment of section 55.*-In section 55 of the principal Act,-

- (a) in sub-section (2), for the words "document entered or memorandum filed", the words "document of which a true copy, or a memorandum, is filed" shall be substituted;
- (b) in sub-section (4), for the words "authority entered", the words "authority of which a true copy is filed" shall be substituted;
- (c) in sub-section (5), for the words "document entered", the words "document of which a true copy is filed" shall be substituted.

11. *Amendment of section 60.*-In sub-section (1) of section 60 of the principal Act, for the words "the document has been copies", the words "the true copy of the document has been filed" shall be substituted.

12. *Amendment of section 61.*-For sub-section (1) of section 61 of the principal Act, the following sub-section shall be substituted, namely:-

"(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copies into the true copy of the document presented along with the document, and the true copy of the map or plan (if any) mentioned in section 21 shall also be filed along with the true copy of the document."

13. *Amendment of section 62.*-For sub-section (1) of section 62 of the principal Act, the following sub-section shall be substituted, namely:-

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

14. *Amendment of section 78.*-Section 78 of the principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) The State Government may, if in their opinion it is necessary in the public interest so to do, by order published in the Official Gazette, remit the fees payable in respect of any of the matters enumerated in clauses (a) to (i) of sub-section (1), either generally or for any particular class or classes of cases and in respect of persons generally or of any particular class or classes of persons."

15. *Amendment of section 81.*-In section 81 of the principal Act,-

(a) for the words " or registering of any document", the words "registering, or filing a true copy, of any document" shall be substituted;

(b) for the words "or registers such document", the words "registrets, or files a true copy of, such document" shall be substituted.

16. *amendment of section 82.*-In clause (b) of section 82 of the principal Act, for the words and gifures "section 19 or section 21", the words "this Act or the rules made thereunder" shall be substituted.

17. *Amendment of section 89.*-In section 89 of the principal Act,-

(a) sub-sections (1) and (3) shall be omitted;

(b) after sub-section (4), the following sub-sections shall be inserted, namely:-

"(5) Every court passing-

- (a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or in immovable property in favour of or of any person, or
- (b) an order for the attachment of immovable property or for the release of any immovable property from attachment,

shall send a copy of such decree or order together with a memorandum describing the property, as far as may be practicable in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order is situate, and such officer shall file the copy and memorandum in his Book No.1.

(6) Every officer issuing a written demand before the attachment of the immovable property of a defaulter under the Revenue Recovery Act for the time being in force shall-

- (a) send a copy of such written demand together with a memorandum describing the property, as far as may be practicable in the manner required by section 21 and
- (b) where such written demand is withdrawn or attachment of the property is lifted or the property is sold and the sale is confirmed, send a memorandum indicating that fact and describing the property, as far as may be practicable in the manner required by section 21,

to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand relates is situate and such registering officer shall file the copy of the written demand and the memoranda in his Book No.1."

18. *Insertion of new section 89A.*-After section 89 of the principal Act, the following section shall be inserted, namely:-

"89A. *Power to make rules for filing of true copies of documents.*-(1) The State Government may make rules for all purposes connected with the filing of true copies 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 true 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 the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides 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."

19. *Repeal and saving.*-(1) The Indian Registration (Kerala Amendment) Ordinance, 1967 (9 of 1967, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act as if this Act had come into force on the 1st day of January, 1968.

