

Bihar Deed Writers Licensing Rules, 1996

[13 March 1997]

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Qualifications
4. Mode Of Application
5. Examinations
6. Number Of Document Writers
7. Issue Of Licence
8. Renewal
9. Conditions Of Licence
10. Remuneration Of Apprentice
11. Transfer Of License
12. Surrender Of Licence
13. Cancellation And Suspension Of Licence
14. Appeal
15. Power Of Inspector General Of Registration
16. Inspection Of Records
17. Fees
18. Credit Of Fees
19. Section 19
20. Writing Charges
21. Suspension And Control
22. Saving

SCHEDULE 1 :- Form "A"

SCHEDULE 2 :- Form "B"

SCHEDULE 3 :- Form "C"

SCHEDULE 4 :- Form "D"

SCHEDULE 5 :- Form "E"

SCHEDULE 6 :- Form "F"

SCHEDULE 7 :- Form "G"

SCHEDULE 8 :- Form "H"

SCHEDULE 9 :- SCHEDULE I

Bihar Deed Writers Licensing Rules, 1996

[13 March 1997]

In exercise of the powers conferred by clauses (bb) of sub – section (1) of section 69 of the Registration Act, 1908 (Act XVI of 1908); the Inspector General of Registration hereby makes the following rules with the prior approval of the Government of Bihar under sub – section (2) of the said section namely:-

1. Short Title, Extent And Commencement :-

(1) These Rules may be called the Bihar Deed Writers Licensing Rules, 1996 (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force at once.

2. Definitions :-

In these Rules, unless there is anything repugnant to the subject or context: (a) "Act" means the Registration Act 1908 (XVI of 1908) (b) "District Registrar" means the Registrar of a Registration district appointed under the Act. (c) "District Sub- Registrar" means a Sub Registrar at the district headquarter whose office is amalgamated with the office of the District Registrar. (d) "Sub Registrar" means a Sub Registrar appointed under the Act and includes a joint Registrar. (e) "Registration" means Registration of document under the Act. (f) "Registering Officer" means the District Registrar or the Sub Registrar appointed under the Act. (g) "Licensing Authority" means the Registrar of a district and includes any other officer authorised in this behalf. (h) "Form" means a form appended to these rules.

3. Qualifications :-

The following shall be qualifications for a deed writer: (a) he is a citizen of India and has attained at the least the age of 18 years. (b) he has passed the matriculation examination or any other equivalent recognised examination. (c) he has passed Deed Writers Licensing examination conducted under Rule provided that a licence may be granted to any person who has been in the profession of the documents writer for at least ten years prior to the date of the Registration (Bihar Amendment) Act 1991 came into force, without requiring him to appear in the written test referred to in sub – section (1) if the Registrar of a District or any other officer authorised by him in this behalf is satisfied that he is otherwise to take the profession of a document writer. (d) he should be of good moral character. (e) he has the knowledge of regional language of the locality in addition to the knowledge of Hindi or English. b. Disqualification: No licence shall be granted to a person if: (a) he is minor below the age of 18 years or, (b) he has been declared to be of unsound mind by a competent Court. (c) he has been convicted by a criminal Court for an offence involving moral turpitude. (d) he has been adjudged as insolvent by any Court of competent jurisdiction, or (e) his licence has at any time been cancelled under the orders of the District Registrar for misconduct.

4. Mode Of Application :-

An application for deed writers licence shall be in Form "A" that for an apprentice licence in Form "B" and that for a renewal of licence in Form "C" shall be presented. The application shall be prescribed in person or by agent or shall be sent by registered post to the Sub Registrar under whose jurisdiction the applicant desires to practice as a deed writer. The Sub Registrar shall forward such applications to the District Registrar with his recommendations.

5. Examinations :-

(1) The examination for the "Deed Writers License" shall be conducted by the licensing authority. The time and place of the examination and other details shall be notified by the Licensing authority. The setting of question papers and its printing shall be done by the District Registrar. (2) The examinations subject shall be with respect to sufficiency of stamp and Registration fee and law, relative conveyancing and drafting of documents in Hindi/ English or recognised regional language. (3) The licensing authority shall conduct an apprentice licensing test, at such time and in such manner, as he may determine from time to time, which shall be duly notified and the test shall relate to the transcription of documents. (4) An examination fee of Rs. 50.00 shall be paid before applicant for appearing at the documents writer licence written examination and Rs. 20.00 for appearing at apprenticeship licence examination.

6. Number Of Document Writers :-

The licensing authority shall fix the number of licensed document writers for each subordinate registration office, keeping in view the requirements of the general public.

7. Issue Of Licence :-

(1) The licensing authority, on being satisfied that the applicant: (a) has passed the prescribed examination; (b) is not disqualified under rule for the grant of a licence; (c) is of good moral character, or (d) is otherwise to be given a licence may grant a document writers licence in Form "C" or apprentice licence in Form "D" as the case may be. (2) The licensing authority may grant a licence to any person who is in the profession for the last 10 years on the date of coming into force of these rules without requiring him to appear in the text examination. (3) If the licence issuing authority has reason to believe that licence can not be issued to the applicant under any sub rule of rule 7 the authority shall after recording reasons inform the refusal of application. Applicant shall have right to appeal against the order of licence issuing authority before Inspector General of Registration within 30 days of the order of refusal of application.

8. Renewal :-

(1) A licence granted under these rules shall remain in force up to 31st day of December of the year of issue, subject to a renewal on or before the date of expiry. (2) Non observance of any of the conditions of the licence or any mis conduct on the part of the licence during the continuance of the licence shall be deemed to be a disqualification to obtain a renewal of the licence. (3) In case of non renewal within stipulated period under rule 8 (i) renewal can be done up to 31st March with late fee of Rs. 10.

9. Conditions Of Licence :-

(1) The following shall be the conditions of the document writers licence: a) that the licence shall abide by the rules relating to the licensing of document writers; b) that he shall maintain the registers, receipt books and other records prescribed by these rules to be maintained or required to be maintained by the licensing authority from time to time or by the Inspector General of Registration. c) that he shall not demand or receive any sum from parties in the name of any person connected with the registration price; d) that he shall render true and correct account of the money that he receives from his employer; e) that he shall write or cause to be written documents legibly and in accordance with the instruction that may be issued from time to time by the licensing authority or the Inspector General of Registration. f) that he shall instruct the parties or then duly authorised agents or persons having powers of attorney to pay the fees in person direct to the Registering officers and not through any other agency; g) that he shall write or cause to be written document carefully, properly and in clean and unambiguous terms; h) that he shall obey any direction that may from time to time be issued by the licensing authority or the Inspector General of Registration regarding the preparation and the transcription of documents or copies for Registration; i) that he shall sign on every document written by him or caused to be written by the apprentice attached to him and shall enter there in his name, licence number and serial number of document given in the register to be maintained by him under these rules and the fees charged by him. (2) The following shall be the conditions of an apprentice licence: (a) An apprentice shall write documents legibly, correctly and neatly; (b) he shall not act as a tout, (c) he shall not receive any money or fees direct from the parties; (d) he shall be attached to only one of the licensed document writers; (e) he shall attend the office of the document writer to which he is attached and shall carry out such duties in respect of transcribing deed as may be given to him; (f) he shall be remunerated by the document writer in respect of the documents which he transcribes at the direction or direction of the licensed documents writer; (g) he shall attest the document in the following manner after the attestation of the document by the document writer to whom he is attached: Signed by(full name and signature), apprentice licence no. of the district ofSub registration office. Note: In case the deed transcribed by the document writer himself no attestation by the apprentice shall be necessary.

10. Remuneration Of Apprentice :-

An apprentice shall be remunerated for transcribing the deed to the extent of 174th of

the fees charged by the licensed document writer for drawing up the deed and doing miscellaneous works in connection there to by him. This fee shall be in addition to the fee charged by deed writers.

11. Transfer Of License :-

(1) During the continuance of his licence, a document writer wished to practice as a document writer in a registration office other than that entered in his licence the licensing authority may at his discretion allow the change and enter the fact in his licence. (2) If a licence is lost or destroyed a duplicate may on adequate of a fee of Rs. 10.00

12. Surrender Of Licence :-

Every document writer or apprentice who resigns or whose licence is cancelled under these rules forth with surrender his licence to the registering officer of the concerned sub district.

13. Cancellation And Suspension Of Licence :-

(1) The licensing authority may at any time suspend or cancel the licence of a document writer or apprentice on any of the following grounds: (a) Violation of any of the rules of the conditions of the licences. (b) Failure to attend the registration office for a period exceeding six months without a reasonable cause or without the leave permission of the licensing authority or the registering officer within whose jurisdiction he has been practising. (2) No order under sub rule (i) shall be passed, unless the document writer or the apprentice, as the case may be, he has been asked to show cause against the proposed suspension or cancellation of the licence and the cause shown by him has been duly considered by the licensing authority.

14. Appeal :-

An appeal shall lie to the Inspector General of Registration against any orders of suspension or cancellation of licence passed under these rules.

15. Power Of Inspector General Of Registration :-

Inspector General of Registration shall have all the powers of a licensing authority given under these rule.

16. Inspection Of Records :-

The registers and receipt books to be maintained by the document writers under these rules shall at all time be open to inspection by the officers of the department who shall initial them after inspection. The licence shall also be produced for inspection on demand by the officer of the Registration Department.

17. Fees :-

Fees on the following rates shall be levied for the grant of document writers licence and apprentices licence and for their annual renewal: (a) Document writer licence Fees Fees for one sub district Rs. 50.00 Fees for whole district Fees for renewal licence Rs. 25.00 (b) Apprentice licence fee Fees Fees for one sub district Fees for one whole district Rs. 25.00 Fees for renewal of licence Rs. 10.00

18. Credit Of Fees :-

All fees payable under the rules shall be credited to the Treasury by challan and one copy there of shall be filed in the office of the licensing authority before licence is granted. The budget head to which the fees is to be credited shall be "Registration-miscellaneous fees" under the appropriate major and minor heads.

19. Section 19 :-

20. Writing Charges :-

(1) The Inspector General of Registration shall fix the rate of charges ascribing documents for every Registration office within the state and the rate of charges shall be renewed at

the interval of every three years. The Schedule I of the rate of charges appended to the rule shall be effective immediately. If the rate of charges cannot be revised after 3 years for any reason, the rate of charges fixed earlier shall continue to be effective till the rate of charges are not revised. (2) A table of the prescribed rates of charges shall be exhibited in Hindi, English and other languages as commonly spoken in the district in conspicuous place outside the registration office. (3) Similar table shall also be exhibited by the licensed document writer in a conspicuous place of his office. Every document writer shall also exhibit his licence in his office or the place where he engages himself in the writing of documents.

21. Suspension And Control :-

It will be the duty of the Sub Registrar to see that the documents writers attached to his officers maintain the prescribed registers and receipt books in the proper manner and that no malpractices are adopted by any licensed document writer and licenced apprentices in any way so as to harass the public. If he finds any such case of malpractices he will immediately report the matter to his district Registrar for necessary action.

22. Saving :-

These Rules shall not apply to documents written before the commencement of these Rules, but such documents must be presented for registration within one month from the date of commencement of these Rules.

SCHEDULE 1

Form "A"

(Rule 4)

1. Full name with fathers name
2. Address Permanent home address Local address
3. Age and date of Birth.
4. Nationality.
5. Educational qualifications, if any whether he has passes the Document Writers Licensing test.
6. Service as document writer with appropriate number of documents prepared and presented for registration during the past one year.
7. Nature of licence applied for whether it is for a single office (to be named) or for a district (to be named)
8. State here amount, number and date of challan receipt and the name of Treasury.
9. Has an application for licence ever been refused? If so when and for what reason, give particulars.

DECLARATION:

I,do hereby solemnly declare that I have not been declared to be of unsound mind or convicted of any offence involving moral turpitude or adjudged as insolvent by any Court of competent jurisdiction and that the information and particulars furnished herein are true and correct to the best of my knowledge and belief and that the licence for which I hereby apply will be used only by myself.

Place

Date

Encl: Challan receipt.

Signature:

Note: The licence issued on the strength of this application is liable to be cancelled at any time if it is found that any information or particulars furnished in the application are false or untrue or incorrect.

Sub Registry Office

Date.

RECOMMENDATION:

To,

The District Registrar.....

Sub Registrar,

Date

Order:

Licence No..... District Registrar.

SCHEDULE 2

Form "B"

(Rule 4)

Application for apprentice licence

1. Full name with Fathers name.

2. Address – Permanent home address and local address.
3. Age and date of birth.
4. Nationality.
5. Educational Qualifications.
6. Service as apprentice to a document writer to whom he is attached with approximate number of documents transcribed by him during the past one year.
7. Has the applicant passed the Apprenticeship (Giver details of the certificate)
8. Amount, number, date and name of Treasury of the Challan receipt enclosed.
9. Nature of licence applied for (District or sub – district Licence)

DECLARATION:

I,do hereby solemnly declare that I have not been declared to be of unsound mind or convicted of any offence involving moral turpitude or adjudged as insolvent by any Court of competent jurisdiction and that the information and particulars furnished herein are true and correct to the best of my knowledge and belief and that the licence for which I hereby apply will be used only by myself.

Place.....

Date.....

Encl: Challan receipt

Signature

Note: The licence issued on the strength of this application is liable to be cancelled at any time if it is found that any information or particulars furnished in the application are false or untrue or incorrect.

Sub Registry Office

Date

RECOMMENDATION:

To,

The District Registrar.....

Sub Registrar,

Date

Order:

District Registrar

Issued on.....

Licence No..... District Registrar.

SCHEDULE 3

Form "C"

(Rule 4)

Application for renewal of document writers apprentices licence.

1. Full name with fathers name.
2. Address, permanent home address with local address.
3. Changes in local address (to be specified with details as col. 2)
4. Details of licence number
5. Period for which renewal is sought.
6. Date of last, renewal
7. Amount, number, date and name of Treasury of Challan receipt.

DECLARATION:

I,do hereby solemnly declare that I have not been declared to be of unsound mind or convicted of any offence involving moral turpitude or adjudged as insolvent by any Court of competent jurisdiction and that the information and particulars furnished herein are true and correct to the best of my knowledge and belief and that the licence for which I hereby apply will be used only by myself.

Place.....

Date.....

Encl: Challan receipt

Signature

Note: The renewal made on the strength of this application is liable to cancellation at any time if it is found that any information or particulars furnished in the application are false or untrue or incorrect.

District Registrar,

Sub Registrar Office

SCHEDULE 4

Form "D"

(Rule 7)

Document writers licence.

Number of Licence.

Name of document writer.

Address.

The aforesaid having paid the necessary fee and having made the necessary declaration is hereby

Date the day of 19.....

District Registrar,

(To be made as soon as the licence is received)

(a) The licensee shall abide by the rules relating to the Licensing of Document writers.

(c) He shall not demand or accept any sum from parties in the name of any person or persons connected with the registration office.

(e) He shall write or cause to be written documents legibly and in accordance with the instructions that may be issued from time to time by the Inspector General of Registration.

(g) He shall write or cause to be written documents carefully, properly and in clear and unambiguous terms.

(h) He shall obey any directions that may from time to time be issued by the Inspector General of Registration regarding the preparation or transcription of documents for registration.

SCHEDULE 5

(Rule 7)

Number of Licence

Address

Date the day of 19

District Registrar,

(To be made as soon as the licence is received)

(a) The licensee shall abide by the rules relating to the Licensing of Apprentice.

(c) He shall transcribe documents, legibly, mentally and correctly and in accordance with the directions that may from time to time be issued by the Inspector General of Registration.

Note: The licence shall be liable to suspension or cancellation for a breach of any of the above conditions as well as for any other good cause to be recorded.

(Rule 19)

Holder of Licence No.....

(Name of document writer) attached to the office of

Serial No.	Date	Name of party (executants or claimant of the document)	Nature of document	Value of consideration	Fee of document writer	Name of the Sub Registrars Office of Registration	Date of return of document by the sub Registrar if endorsed in document writers name	Signature of party in the party token of receipt of document with date	Remarks.
------------	------	--	--------------------	------------------------	------------------------	---	--	--	----------

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

SCHEDULE 6

Form "F"

(Rule 19)

Counterfoil

Station.....

Date.....

Received for the sum of Rs.(in words) in has been dealt with as shown here under (a)

Value of (1) Stamp paper, if purchased Rs.

(2) other paper through him paid to the Department

(b) Search Fee Document writers remuneration

(c) Fee for conveyancing

Total:

Excess amount returned to party:

Document No..... If known with the office of Registration

DOCUMENT WRITER

SCHEDULE 7

Form "G"

(Rule 19)

REGISTER OF DOCUMENT WRITERS LICENCE

Serial No.	Licence Number	Date	Name of Licensees	Address	Licence valid for		Remarks (posting with renewal date)
					District	Sub Districts	
1	2	3	4	5	6	7	8

SCHEDULE 8

Form "H"

(Rule 18)

REGISTER OF APPRENTICE LICENCE

Serial No.	Licence Number	Date	Name of Licensees	Address	Licence valid for		Remarks (posting with renewal date)
					District	Sub Districts	
1	2	3	4	5	6	7	8

RECOMMENDATION:

To,

The District Registrar.....

Renewal to be in force till

Sub Registrar for District Registrar.

SCHEDULE 9

SCHEDULE I

(See Rule 20)

FIXED RATE OF CHARGES FOR SCRIBING DEED AND PREPARATION OF DRAFT

Kinds of Deeds	Rate of Charges (Rs.)
1. For every application for search, copy and inspection	1.00
2. For every application for process	1.00
3. For application under or section 24 or 34 for grant of time and for application under section 73 of Registration Act	2.00
4. For appeal petition under section 72 of Registration Act	2.00

5. Documents where volume or consideration money is determined :-	
(a) Where the value does not exceed Rs. 100	5.00
(b) Where the value exceeds Rs. 100 but does not exceed Rs. 500	10.00
(c) When the value exceeds Rs. 500 but does not exceed Rs. 1000	15.00
(d) When the value exceeds Rs. 1000 but does not exceed Rs. 5,000	20.00
(e) When the value exceeds Rs. 5,000 but does not exceed Rs. 20,000	50.00
(f) When the value exceeds Rs. 20,000	In addition to the fees chargeable on Rs. 20,000; for every Rs. 1000 or part thereof.
6. Special power of attorney, agreement, deed without value or consideration money	8.00
7. Other documents for which no scale is provided in the table	8.00
8. Will authority to adopt, adoption deed, general power of attorney and deed of dissolution of marriage	20.00
9. Deed where value of consideration money has not been provided but which can be ascertained	20.00

Note: Scribing charges shall be calculated on the basis of stamp duty paid or payable on the instrument.

File No..... Issue No.....

By order of the Governor of Bihar,

Vijay Kumar Verma,

Secretary cum I.G Registration, Bihar,

Patna.