

Registration (Madhya Pradesh Amendment) Act, 2014

12 of 2015

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Registration (Madhya Pradesh Amendment) Act, 2014

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A Bill further to amend the Registration Act, 1908 in its application to the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the sixty-fifth year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Act may be called the Registration (Madhya Pradesh Amendment) Act, 2014.

(2) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

2. Amendment of Central Act No. 16 of 1908 in its application to the State of Madhya Pradesh :-

The Registration Act, 1908 (No. 16 of 1908) (hereinafter referred to

as the principal Act) shall in its application to the State of Madhya Pradesh be amended in the manner hereinafter provided.

3. Amendment of Section 2 :-

In Section 2 of the principal Act, after clause (4-A), the following clause shall be inserted, namely :-

"(4-B)" electronic signature shall have the same meaning as assigned to it in clause (ta) of sub-section (1) of Section 2 of the Information Technology Act, 2000 (No. 21 of 2000);".

4. Amendment of Section 17 :-

In Section 17 of the principal Act,-

(i) in sub-section (1), in clause (g), for full stop, the semi colon shall be substituted and thereafter the following clause shall be inserted, namely :-

"(h) any other instrument required by any law for the time being in force, to be registered.";

(ii) in sub-section (3), for the word "son", the word "child" shall be substituted.

5. Amendment of Section 20 :-

In Section 20 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) The registering officer may in his discretion refuse to accept for registration any document in which any interlineations, blanks, erasures or alterations appear, unless the persons executing and claiming under the document attest with their signatures or initials such interlineations, blanks, erasures or alterations.".

6. Amendment of Section 21 :-

In Section 21 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :-

"(1) No non-testamentary document relating to immovable property shall be accepted for registration, unless it contains a description of such property along with a map and photographs showing its location and nature, sufficient to identify the same.".

7. Amendment of section 22 :-

In Section 22 of the principal Act, for sub-section (1), the following

sub-section shall be substituted, namely :-

"(1) Where it is, in the opinion of the State Government, practicable to describe houses and lands by reference to a Government map or survey, the State Government, may, by rule made under this Act, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described."

8. Substitution of Section 24 :-

For Section 24 of the principal Act, the following section shall be substituted, namely :-

Documents executed by several persons at different times.

"24. Where there are several persons executing a document at different times, such documents may be presented for registration and re-registration within four months from the date of last execution."

9. Substitution of Section 25 :-

For Section 25 of the principal Act, the following section shall be substituted, namely :-

Provision where delay in presentation is unavoidable.

"25. If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registering Officer, in cases where the delay in presentation does not exceed four months, may register the document, on payment of a fine not exceeding ten times the amount of the proper registration fee on such document."

10. Substitution of Section 32-A :-

For Section 32-A of the principal Act, the following section shall be substituted, namely :-

"32-A. Compulsory affixing of photograph, etc.

Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph, thumb impression and signature to the document:

Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph, thumb impression and signature of each executant and claimant of such property mentioned in the document shall also be affixed to

the document."

11. Amendment of Section 34 :-

In Section 34 of the principal Act,-

(i) in sub-section (1), for the existing provisos, the following proviso shall be substituted, namely :-

"Provided that when any document as notified by the State Government is presented in electronic form, personal appearance shall not be required.";

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

"(2) Appearances under sub-section (1) shall be simultaneous.";

(iii) in sub-section (3), after clause (a), the following clause shall be inserted, namely :-

"(ab) enquire whether or not the document is duly stamped as per provisions of the Indian Stamp Act, 1899;"

(iv) sub-section (4) shall be deleted-

12. Amendment of Section 49 :-

In Section 49 of the principal Act, after the words, figures and bracket "Transfer of Property Act, 1882 (4 of 1882)" occurring twice, the words "or any other law for the time being in force" shall be inserted.

13. Amendment of Section 57 :-

In Section 57 of the principal Act, in sub-section (5), for full stop, the colon shall be substituted and thereafter the following proviso shall be added, namely :-

"Provided that when a registered document is electronically signed and stored in a database authorized by the Government under the concerning rules, then subject to the provision of section 67A of the Indian Evidence Act, 1872 (No. 1 of 1872), copies thereof may be downloaded/issued from the said authorized database and the same shall also be admissible for the purpose of proving the contents of the original document."

14. Insertion of Section 63-A :-

After Section 63 of the principal Act, the following section shall be inserted in Part XI (B), namely :-

"63-A. Presentation etc may be done in electronic form.

(1) All presentations, endorsements, filing, certifications, signatures and maintenance of books and indexes required under the Act, may be done in electronic form, as per procedure, if any, laid down under the rules.

(2) All books and indexes that are open to public inspection, may be made available for inspection through a Government website or the Electronic Registration System as notified by the Government for the purpose."

15. Substitution of section 82 :-

For Section 82 of the principal Act, the following section shall be substituted, namely :-

"82. Whoever-

Penalty for making false statements, false recitals, delivering false documents, or copies or translations, false personation, and abatement.

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act; or

(b) intentionally makes any false recital in a document presented for registration; or

(c) intentionally delivers to a registering officer, in any proceeding, a false document, or copy or translation of a document, or a false copy of a map or plan; or

(d) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summon or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(e) abets anything made punishable by this Act, shall be punishable with imprisonment for a term which may extend to seven years or with fine, or with both."

16. Amendment of Section 82-A :-

In Section 82-A of the principal Act, in sub-section (2), for the words "two hundred rupees", the words "ten thousand rupees" shall be substituted.