

Registration (Orissa Amendment) Act, 1989

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Registration (Orissa Amendment) Act, 1989

An Act to amend the Registration Act, 1908 in its application to the State of Orissa Be it enacted by the Legislature of the State of Orissa in the Fortieth Year of the Republic of India, as follows : *.
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1. Short Title And Commencement :-

- (1) This Act may be called the Registration (Orissa Amendment) Act, 1989.
- (2) It shall come into force at once.

2. Amendment Of Section 19 :-

In the Registration Act 16 of 1908 (hereinafter referred to as the principal Act, in Section 19, the words "and also by a true copy" shall be omitted.

3. Insertion Of New Section 19-A :-

In the principal Act, after Section 19, the following section shall be

inserted, namely :

"19-A. Documents presented for registration to accompany 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 legibly handwritten, printed, type-written, lithographed, cyclostyled or otherwise prepared only on one side of the paper and in accordance with such Rules as may be made in this behalf by the State Government, and shall contain a declaration in the prescribed manner that the same is a true copy of the document and its translation, if any."

4. Amendment Of Section 45 :-

In the principal Act, in Section 45-

(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; and

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

5. Amendment Of Section 46 :-

In the principal Act, in Sub-section (2) of Section 46-

(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; and

(b) for the words, letters and figure cause the Will to be copied in his Book No. 311", the words, letters and figure "cause a true copy of the Will to be made and filed in his Book No. 311" shall be substituted.

6. Amendment Of Section 51 :-

In the principal Act, in Section 51-

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

(2) In Book 1 shall be filed-

(i) true copies of all documents ; and

(ii) all memoranda registered under Sections 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;

(c) after Sub-section (4), the following sub-section shall be inserted, namely :

"(5) If in the opinion of the Registrar any of the books mentioned in Sub-section (1) is in danger of being destroyed or becoming illegible wholly or partly, the Registrar may, by written order, direct such book or such portion thereof as he thinks fit to be recopied and authenticated in such manner as may be prescribed under Section 69 and the copy so prepared and authenticated under such direction shall, for the purpose of this Act and of the Evidence Act, 1872 be deemed to have taken the place of, and to be, the original book or portion, as the case may be, 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.

(6) Notwithstanding anything contained in this Act, copies of any of the books mentioned in Sub-section (1) or any portion of such books prepared and authenticated before the commencement of the Registration (Orissa Amendment) Act, 1989 in pursuance of an order of the Registrar or the Inspector-General of Registration, shall, for the purposes of this Act, and of the Evidence Act, 1872 be deemed to have taken the place of and to be, the original book or portion, as the case may be, 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".

7. Amendment Of Section 52 :-

In the principal Act, in Section 52, for Clause (c) 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 its order of admission."

8. Amendment Of Section 54 :-

In the principal Act, in Section 54, for the words "copied or filed", the words "filed a true copy or" shall be substituted.

9. Amendment Of Section 55 :-

In this principal Act, In Section 55-

- (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; and
- (c) in Sub-section (5), for the words "document entered", the words "document of which a true copy is filed" shall be substituted.

10. Amendment Of Section 60 :-

In the principal Act, for Sub-section (1) of Section 60, for the words "the document has been copied", the words "the true copy at the document has been filed" shall be substituted.

11. Amendment Of Section 61 :-

In the principal Act, for Sub-section (1) of Section 61, the following sub-section shall be substituted, namely :

"(1) The endorsements and certificates referred to and mentioned on Sections 59 and 60 shall thereupon be copied into the true copy of the document presented alongwith the document, and the true copy of the map or plan, if any, mentioned in Section 21 shall also be filed alongwith the true copy of the document".

12. Amendment Of Section 62 :-

In the principal Act, for Sub-section (1) of Section 62, 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".

13. Amendment Of Section 81 :-

In the principal Act, in Section 81 -

- (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 "registers or files a true copy of such document" shall be substituted.

14. Amendment Of Section 82 :-

In the principal Act, in Clause (b) of Section 82, for the words and

figures "Section 19 or Section 21 the words "this Act or the Rules made thereunder" shall be substituted.

15. Insertion Of New Section :-

In the principal Act, after Section 89-A, the following section shall be inserted, namely :

"89-B. Power of State Government to make rules.--

(1) The State Government may, by notification in the Official Gazette, 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 furnishing of true copies of documents by the person presenting the documents for registration;

(b) the manner in which true copies of documents shall be prepared;

(c) the manner of filing such copies".