

Registration (Rajasthan Amendment) Act, 1976

16 of 1976

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Registration (Rajasthan Amendment) Act, 1976

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[Received the assent of the President on the 12th day of February, 1976.] An Act further to amend the Registration Act, 1908 (Central Act XVI of 1908) in its application to the State of Rajasthan. Be it enacted by the Rajasthan State Legislature in the Twenty-seventh Year of the Republic of India, as follows:--

1. Short title :-

This Act may be called the Registration (Rajasthan Amendment) Act, 1976.

2. Amendment of section 17, Central Act XVI of 1908 :-

In sub section (2) of section 17 of the Registration Act, 1908 (Central Act XVI of 1908), in its application to the State of Rajasthan, hereinafter referred to as the principal Act-- (a) for the full-stop at the end of clause (xii) a comma and the word "or" shall be substituted; and (b) after clause (xii) as so amended, the following clause shall be added, namely:-- "(xiii) any instrument referred to in sub-section (5) of section 89."

3. Insertion of section 22-A in Central Act XVI of 1908 :-

After section 22 of the principal Act, the following section shall be inserted, namely:-- "22-A. Documents registration of which is opposed to public policy. -- (1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is opposed to public policy. (2)

Notwithstanding anything contained in this Act, the registering officer shall refuse to register a document to which a notification issued under sub-section (1) is applicable."

4. Amendment of section 78, Central Act XVI of 1908 :-

Sec. 78 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1), as so re-numbered, the following sub-section shall be added namely:-- "(2) The State Government may, if in its opinion it is necessary in the public interest so to do, by order published in the official Gazette, remit or reduce 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."

5. Amendment of section 89 Central Act XVI of 1908 :-

In section 89 of the principal Act, after sub-section (4), the following sub-section shall be added, namely:-- "(5) Every Bank granting a loan to an agriculturist for agricultural purposes shall send within such time and in such manner as may be prescribed, a copy of any instrument whereby immovable property is mortgaged for the purpose of securing repayment of the loan, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate and such registering officer shall file the copy in his Book No. 1. Explanation.-
- For the purpose of sub-section (5),-- (a) the expression "every bank" shall mean-- (1) a banking company as defined in the Banking Regulation Act, 1949. (ii) the State Bank of India constituted under the State Bank of India Act, 1955; (iii) a subsidiary bank is defined in the State Bank of India (Subsidiary Bank) Act, 1959. (iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970; (v) a banking institution notified by the Central Government under section 5L of the Banking Regulation Act, 1949; (vi) the Agricultural Re-finance Corporation constituted under the Agricultural Re-finance Corporation Act, 1963; (vii) Agro-Industries Corporation; (viii) Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956; and (ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purpose of this Act. (b) the word "agriculturist" shall have the meaning assigned to it in sub-section (3) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act, 3 of 1955)".

6. Repeal and Savings :-

The Registration |(Rajasthan Amendment) Ordinance, 1975 is hereby repealed. (2) Notwithstanding such repeal all things done or actions 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.