



The Pondicherry Registration (Amendment) Act, 1970

Act 17 of 1970

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**THE REGISTRATION (PONDICHERRY
AMENDMENT) ACT, 1970**

(No. 17 of 1970)

ARRANGEMENT OF SECTIONS

SECTION

1. Short title, extent and commencement.
2. Amendment of section 17 of Central Act 16 of 1908.
3. Amendment to section 50 of Central Act 16 of 1908
4. Amendment of section 52 of Central Act 16 of 1908.
5. Amendment of section 81 of Central Act 16 of 1908.
6. Amendment of section 82 of Central Act 16 of 1908.
7. Insertion of new section 89-A in Central Act 16 of 1908.
8. Insertion of Schedule in Central Act 16 of 1908.

THE REGISTRATION (PONDICHERRY AMENDMENT)

ACT, 1970.

(Act No. 17 of 1970)

26th June, 1970.

AN ACT

to amend the Registration Act, 1908 in its application to the Union territory of Pondicherry.

BE it enacted by the Legislative Assembly of Pondicherry in the Twenty-first Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Registration (Pondicherry Amendment) Act, 1970.

(2) It extends to the whole of the Union territory of Pondicherry.

(3) It shall come into force on such date as the Administrator of the Union territory of Pondicherry may, by notification in the Official Gazette, appoint.

Amendment of section 17 of Central Act 16 of 1908.

2. In sub-section (3) of section 17 of the Registration Act, 1908, in its application to the Union territory of Pondicherry (hereinafter referred to as "the principal Act"), for the words and figures "the 1st day of January 1872", substitute the words and figures "the 9th day of January 1969".

Amendment to section 50 of Central Act 16 of 1908.

3. In section 50 of the principal Act, for the Explanation, the following Explanation shall be substituted, namely:—

This Act came into force with effect from 1-11-1970, vide Ordinary Gazette No. 42, dated 20-10-1970.

“Explanation: ‘Unregistered’ means not registered according to any law in force before the 9th day of January 1969 of this Act”.

Amendment of section 52 of Central Act 16 of 1908.

4. In section 52 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), the word “and” shall be added at the end;

(ii) in clause (b), the word “and” occurring at the end shall be omitted; and

(iii) clause (c) shall be omitted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1-A) Subject to the provisions contained in section 62, where any document, not being of the class specified in the rules made under sub-section (3), is admitted to registration; it shall, without unnecessary delay, be copied in the appropriate book according to the order of its admission.

(1-B) Subject to the provisions contained in section 62 and in the rules made under sub-sections (3) and (4) and under section 89-A, where any document of the class specified in the rules made under sub-section (3) 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.”;

(c) after sub-section (2), the following sub-sections shall be added, namely:—

“(3) The State Government may, from time to time, specify by rules the classes of documents in respect of which true copies shall be filed in the appropriate book under sub-section (1-B).

(4) The true copy referred to in sub-section (1-B), shall be neatly handwritten, printed, typewritten, lithographed, or otherwise prepared

in accordance with such rules as may be made in this behalf and where such copy is handwritten, it shall be prepared by a scribe who may be licensed for this purpose by the State Government on payment of such fees as may be prescribed.

(5) The provisions of this Act shall, in their application to the classes of documents specified in the rules made under sub-section (3), have effect, subject to the modifications set out in the Schedule.”

Amendment of section 81 of Central Act 16 of 1908.

5. In section 81 of the principal Act,—

(i) in the marginal heading, for the words “or registering” the words “registering or filing” shall be *substituted*;

(ii) for the words “or the registering of any document”, the words “registering, or filing a true copy, of any document” shall be *substituted*;

(iii) for the words “or registers such document”, the words “registers, or files a copy of, such document” shall be *substituted*.

Amendment of section 82 of Central Act 16 of 1908.

6. In clause (b) of section 82 of the principal Act, for the words and figures “under section 19 or section 21”, the words “under this Act or the rules made thereunder” shall be *substituted*.

Insertion of new section 89-A in Central Act 16 of 1908.

7. After section 89 of the principal Act, the following section shall be inserted, namely:—

Power to make rules for filing of copies of documents.

“89-A (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 all or any of the following matters, namely:—

(a) specifying the classes of documents in respect of which true copies shall be filed;

(b) the furnishing of true copies of documents by the person presenting the document for registration;

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

(d) the manner of filing of such copies, and

(e) the licensing of scribes for preparing the true copies of documents, and the fees to be paid for issue of licence to the scribes.

(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, as soon as possible after it is made, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of 14 days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid, 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."

Insertion of Schedule in Central Act 16 of 1908.

8. After section 91 of the principal Act, the following Schedule shall be inserted, namely:—

THE SCHEDULE

[See section 52 (5)]

MODIFICATION OF CERTAIN PROVISIONS OF THE ACT.

1. In section 45,—

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

(b) in sub-section (2), for the words “copy has been made”, substitute the words, “true copy has been filed”.

2. In sub-section (2) of section 46,—

(a) for the words “unless the will has been already copied”, substitute the words, “unless a true copy of the will has already been filed”; and

(b) for the words and figure “cause the will to be copied into his Book No. 3”, substitute the words and figure “cause a true copy of the will to be made and filed in his Book No. 3”.

3. In section 51,—

(a) for sub-section (2), substitute the following sub-section, namely:—

“(2) In Book No. 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 or not wills”; and

(b) in sub-section (3), for the words “entered all documents”, substitute the words “filed true copies of all documents.”.

4. In section 54, for the words "copied or filed", substitute the words "filed a true copy of, or".

5. In section 55,—

(a) in sub-section (2), for the words, "every document entered or memorandum filed", substitute the words "every document of which a true copy, or memorandum is filed";

(b) in sub-section (4), for the words and figure "every will and authority entered in Book No. 3", substitute the words and figure "every will and authority of which a true copy is filed in Book No. 3" and

(c) in sub-section (5), for the words "document entered", substitute the words "document of which a true copy is filed".

6. In sub-section (1) of section 60, for the words "the document has been copied", substitute the words "the true copy of the document has been filed".

7. In sub-section (1) of section 61, for the words "copied into the margin of the register book" substitute the words "copied in the true copy of the document filed under sub-section (1-B) of section 52".

8. In section 62, for sub-section (1), substitute the following sub-section, 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".