



The Registration (Andhra Pradesh Amendment) Act, 1999

Act 4 of 1999

Keyword(s):

Alter and Alteration, Bye-laws, Court, Financial Memorandum, Officer, Society

Amendment appended: 16 of 1999

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 19th May, 1998 for the consideration and assent of the President received the assent of the President on the 13th January, 1999 and the said assent is hereby first published on the 29th January, 1999 in the Andhra Pradesh Gazette for general information:-

ACT No. 4 OF 1999.

An Act further to amend the Registration Act, 1908 in its application to the State of Andhra Pradesh.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth Year of the Republic of India as follows.

Received the assent of the Governor on the 19-5-1998. For statement of object and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dt. 3-4-98 at pages 6, & 7.

Short title, 1. (1) This Act may be called the
 extent and Registration (Andhra Pradesh Amendme.t)
 commence- Act, 1999.
 ment

(2) It extends to the whole of the
 State of Andhra Pradesh.

(3) It shall come into force on such
 date as the State Government may, by
 notification, appoint.

Amendment of 2. In the Registration Act, 1908 (here-
 section 17. inafter referred to as the Principal
 Central Act Act), as in force in the State of Andhra
 16 of 1908. Pradesh, in section 17.-

(a) in sub-section (1),-

(i) for clause (d) the following
 shall be substituted, namely,-

"(d) leases of immovable property;"

(ii) after clause (e) but before the
 proviso, the following clauses shall be
 inserted, namely:-

Central Act 2 35 of the Indian Stamp Act, 1899, such as
 of 1899. registered title deed produced by the
 plaintiff, where such decree or order or
 award purports or operate to create,
 declare, assign, limit, extinguish
 whether in present or in future any
 right, title or interest whether vested

or contingent of the value of one hundred rupees and upwards to or in immovable property; and

(g) agreement of sale of immovable property of the value of one hundred rupee and upwards;"

(b) in sub-section (2),-

(i) in clause (v) for the words "any document not in itself creating", the words "any document except an agreement of sale as mentioned in clause (g) of sub-section (1) not in itself creating", shall be substituted;

-(ii) in clause (vi), for the words "any decree or order of a Court", the words "any decree or order of a Court, not being a decree or order or award falling under clause (f) of sub-section (1)", shall be substituted;

(iii) the explanation shall be omitted.

3. In section 18 of the principal Act, clause (c) shall be omitted. Amendment of section 18.

4. After section 22 of the principal Act, the following section shall be inserted, namely: Insertion of new section 22-A.

<p>"Documents registration of which is opposed to Public policy.</p>	<p>22-A(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.</p>
--	--

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

Amendment of 5. In section 28 of the principal Act, section 28. for the expression "clauses (a), (b), (c), (d) and (e) of section 17 sub-section (2)", the expression "clauses (a), (b), (c), (d), (e), (f), and (g) of section 17, sub-section (2)", and for the expression "clauses (a), (b), (c) and (cc)" the expression "clauses (a), (b) and (cc)" shall be substituted.

Amendment of 6. In section 50 of the principal Act, section 50. in sub-section (1), for the expression "clauses (a), (b), (c) and (d) of section 17", the expression "clauses (a), (b), (c), (d), (e), (f) and (g) of section 17", shall be substituted.

Insertion of 7. After section 80 of the principal new section Act, the following section shall be 80-A. inserted, namely:-

"Recovery of deficit registration fees.

80-A. (1) Notwithstanding anything contained in section 80, if after the registration of document, it is found that the fee payable under this Act in relation to that document has not been paid or has been insufficiently paid, such fee or the deficit in the fee paid, as the case may be, may, on a certificate of the registering officer be recovered from the person who presented such document for registration under section 32, as an arrear of a land revenue.

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard;

Provided further that no such enquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be prescribed.

(2) The certificate of the registering officer under sub-section (1) shall, subject to appeal under sub-section (3), be final and shall not be called in question in any court or before any authority.

(3) Any person aggrieved by a certificate of the registering officer under sub-section (1) may appeal to the Registrar if it is a certificate of the Sub-Registrar, or to the Inspector-General of Registration if it is a certificate of the Registrar. All such appeals shall be preferred within such time and shall be heard and disposed of in such manner, as may be prescribed.

(4) The Government or the Inspector-General of Registration and Stamps may write off the irrecoverable arrears of deficit registration fee subject to such conditions as may be prescribed."

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

Section 17 of the Registration Act, 1908 specifies the documents which are compulsorily registerable and section 18 of the said Act lays down certain documents for which registration is optional. Generally the public execute such optionally registerable documents either on white paper or on a stamp paper of nominal value and do not opt for registration of such documents, since they are not compulsorily registerable and thereby they tend to evade payment of proper stamp duty resulting in loss of stamp revenue to Government. Thus the provisions for optional registration in respect of certain documents is being taken advantage of to evade payment of stamp duty.

Further in some districts in the State most of the purchasers of immovable property are evading payment of stamp duty by avoiding registration and resorting to filing of declaratory suits. The vendors, in collusion with the vendees, never contest the suits but readily give their consent for passing decrees in favour of the purchasers. Accordingly, on the basis of the consent given by the vendors, decrees are passed by the courts declaring the title of the purchasers on the suit property. The parties are filing these decrees before the authorities concerned and getting the mutation of the property effected in their names. Thus ownership is changed without payment of stamp duty causing heavy loss of revenue.

To curb this evil, Government have decided to bring such consent decrees passed by a civil court, agreements of sale of immovable property of the value of one hundred rupees and above and leases of immovable property for periods less than one year also, within the purview of section 17 of the said Act by suitably amending the said Act.

It is also decided to insert a new section 22-A so as to empower the Government to notify the registration of such document or class of documents as opposed to public policy and to reject their registration.

Instruments which are not duly stamped, are dealt with in chapter IV of the Indian Stamp Act, 1899 (Central Act II of 1899). Section 48 of the said Act provides for the recovery of duties payable under that Act, as arrears of land revenue. Under the said Act, as and when the Collector or any person appointed as a collector comes to know that a document has not been duly stamped, proceedings will be initiated by him for the recovery of the deficit in stamp duty. But there is no similar provision in the Registration Act, 1908 (Central Act XVI of 1908), to collect the deficit in the registration fee in such cases. It has, therefore, been decided to empower the registering officer to recover the deficit registration fees and also empower the Government or the Inspector General of Registration and Stamps to write off the irrecoverable arrears of deficit registration fee as prescribed in the rules to provide for the recovery of the unpaid or deficit registration fee where the fee has not been paid or insufficiently paid in respect of any document by suitably amending the Registration Act, 1908 in its application to the State of Andhra Pradesh.

The Bill seeks to give effect to the above decisions.

T. REVENDER GOUD,
Minister for Revenue, Relief and
Rehabilitation.

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 15th April, 1999 for the consideration and assent of the President, on the 21st June, 1999 and the said assent is hereby first published on the 1st July, 1999 in the Andhra Pradesh Gazette for general information:-

ACT No. 16 OF 1999.

AN ACT FURTHER TO AMEND THE REGISTRATION ACT, 1908 IN ITS APPLICATION TO THE STATE OF ANDHRA PRADESH.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth Year of the Republic of India as follows:-

Received the assent of the Governor on 15-4-1999. For statement of objects and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dt. 27-11-1998 at page 5.

Short title, extent and commencement. 1. (1) This Act may be called the Registration (Andhra Pradesh Second Amendment) Act, 1999.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force with effect from the 31st December, 1998.

Amendment of section 2. Central Act 16 of 1908. 2. In the Registration Act, 1908, as in force in the State of Andhra Pradesh (hereinafter referred to as the principal Act), in sub-section (2) of section 2 after the words "includes a portion of book", the words "and the information storage devices like floppy disk, hard disk, compact disk" shall be added.

Amendment of section 16. 3. In section 16 of the principal Act, for sub-section (1), the following shall be substituted, namely:-

"The State Government shall provide for the office of every Registering Officer the books and also the information processing and storage devices like computer and scanners along with the software prescribed by the Inspector General, from time to time necessary for purpose of this Act."

Amendment of section 51. 4. In section 51 of the principal Act, in sub-section (1), in the opening portion, for the words "The following books" the words "The following books and the information storage devices as specified in sub-section (1) of the section 16" shall be substituted.

Amendment of section 61. 5. In section 61 of the principal Act, after sub-section (1), the following proviso shall be added, namely:-

"Provided that the copying of the items referred to above may be done using electronic devices like scanner."

6. After part-XI of the principal Act, the following Part-XI-A shall be inserted, namely:-

"PART - XI - A

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES

Application of this part. 70-A. This part shall apply to the areas only in respect of which a notification is issued by the Government of Andhra Pradesh under Section 70-B.

Documents scanned by electronic devices in areas notified by the Government. 70-B. (1) The Government of Andhra Pradesh may, by notification, in the official Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the Compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Act or any other Law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the Registering Officer in-charge of the office shall also be received in evidence of any transaction as is described in the said document.

Saving | 70-C. Nothing in this part shall apply,-

(i) to any document which in the opinion of Registering Officer is not in a condition fit to be processed by means of electronic devices;

(ii) in the case of unforeseen eventuality like break down of the computerized system of registration:

Provided that the Registering Officer shall record the reasons in writing therefor:

Provided further that the Registering Officer shall ensure that the data and images of the documents registered during the period of non-application of this part, due to a breakdown of the computerized system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector General of Registration."

Amendment of section 89. 7. In section 89 of the principal Act, after the words "shall file the copy in his Book No. 1" wherever they occur, the words "or get scanned" shall be added.

Repeal of Ordinance 10 of 1998. 8. The Registration (Andhra Pradesh Amendment) Ordinance, 1998 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

STATEMENT OF OBJECTS AND REASONS

In order to save delay in the process of registrations and supply of documents to the persons, who present the same for registration in the Sub-Registrar Offices, the Commissioner and Inspector General of Registration and Stamps proposed to introduce computerisation project in the Sub-Registrar Offices to be notified by the Government. As there are no adequate provisions in the Registration Act, the Government have after taking into consideration the proposals of Commissioner and Inspector General of Registration and Stamps decided to amend the Registration Act, 1908, suitably by incorporating a new chapter for this purpose.

This Bill seeks to give effect to the above decision.

T. DEVENDER GOUD,
Minister for Revenue,
Relief and Rehabilitation.