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NOTIFICATION

No.H. 12018/247/2019-LJD, the 5th April, 2019. The following Act is hereby published for general information.

The Registration (Mizoram Amendment) Act, 2019

(Act. No. 5 of 2019)

(Received the assent of the Governor of Mizoram on 26.3.2019)

AN
ACT

to amend the Registration Act, 1908 in its application to the State of Mizoram

WHEREAS it is expedient to amend the Registration Act, 1908 (Central Act 16 of 1908), in its application to the State of Mizoram for the purposes hereinafter appearing;

BE it enacted by the Legislative Assembly of Mizoram in the Seventieth year of the Republic of India as follows:-

1. Short title, extent and commencement. -

- (1) This Act may be called the Registration (Mizoram Amendment) Act, 2019.
- (2) It extend to the whole of the State of Mizoram except the Autonomous District Council areas of Lai, Mara and Chakma.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint and different dates may be appointed for different sections and areas.

2. Amendment of Section 69:

In section 69 of the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the Principal Act), in sub-section (1),-

- (a) clause (i) shall be omitted;
- (b) after clause (j), the following clauses shall be inserted, namely:-

- “(k) regulating the procedure for presentation of various types of documents, appearance of executants for admission of execution, endorsements, and the manner of fixing signature and seal of registering officer, mode of payment of registration fees and other fees and such other processes when the document is presented for registration by electronic means;
- (1) regulating the process of registration referred to in sub-section (1) of section 70C by using electronic or other devices and printers including storage, retrieval and preservation and also the manner in which documents are indexed and certified copies, encumbrance certificates issued;
- (m) providing the manner in which and the safeguards subject to which the books may be kept in computer or in any other electronic form under sub-section (1) of section 16 A;
- (n) regulating the procedure for taking of photograph of identifying witnesses to a document presented before a registering officer;
- (o) providing for online registration of documents and enquiry before the registering officer when the document is presented before the registering officer by electronic means at any office of the registering officer;
- (p) providing for scanning the documents for their safety in electronic form;
- (q) providing for sending of memoranda of documents registered in electronic form;
- (r) regulating the manner of recopying of books, indexes or portions thereof;
- (s) the time within which and the manner of hearing and disposing of appeals under sub-section (3) of section 80-A;
- (t) the manner of cancellation and the procedure to be adopted under sub-section (2) of section 82; and
- (u) any other matter which is required to be, or may be, prescribed.”

3. Insertion of new Part XI-A:

After section 70 of the Principal Act, the following new Part and sections shall be inserted, namely:

**“PART XI-A
REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC OR
OTHER DEVICES.**

- 70-A. Application of this part.-** This part shall apply only to the areas in respect of which a notification is issued by the State Government under section 70-C.
- 70-B. Definition.-** In this part, “Process of Registration of documents by means of electronic or other devices” shall mean and include maintaining various Books in electronic forms, scanning and preservation of documents with the help of computers, scanners and any other device used for the purpose of storage and retrieval when required.
- 70-C. Process of registration of documents by means of electronic or other device in the areas notified by the State Government-**
- (1) The State Government may, by notification, direct any District or Sub-District specified in this behalf that process of registration by means of electronic or other device shall be applicable and the documents admitted for Registration under this Act may be scanned or micro- filmed and their images stored and preserved with the help of electronic or any other device.
 - (2) On the issue of such notification, it shall be pasted in a conspicuous place at each registration office affected by the notification.
- 70-D. Application of Act to areas notified under section 70-C-** In any District or Sub-District in respect of which notification has been issued under section 70-C, the following provisions of the Principal Act shall, for the purpose of this part be subject to the following modifications, namely:-

- (a) in clause (2) of section 2, the words "and the information, storage devices or any other media" shall be inserted at the end;
- (b) in section 16, for sub-section (1), the following shall be substituted, namely:-
 - (1) "The State Government shall provide for the office of Registering Officer the books and the information, or image processing and storage devices or computer and scanners along with the software prescribed by the Inspector General from time to time necessary for the purpose of this Act."
- (c) in section 51, in sub-section (1), for the words " The following books" the words, figures and brackets "The following books and the information or storage devices as specified in sub-section (1) of section 16" shall be substituted.
- (d) in clause (c) of sub-section (1) of section 52 after the words "book appropriate therefor" the word "or stored in the electronic or other storage device" shall be inserted.
- (e) in section 54, after the word "copied" the words "or stored in the electronic or other storage device" shall be inserted.
- (f) in sub-section (1) of section 60, after the word "copied" the words "or where the document is stored in an electronic or other device the certificate shall contain the word " Registered" with Document No, Year, Book No. and Date" shall be inserted.
- (g) in section 61,-
 - (i) in the heading after the word "copied" the word "or stored in the electronic or other storage device" shall be inserted.
 - (ii) after sub-section (1), the following shall be inserted, namely:-

"Provided that, where the process of registration is done by using electronic or other devices, such endorsements and certificate shall also be stored with it along with the copy of the map or plan:

Provided further that, the Registering Officer shall after the storage for preservation of the document shall also endorse thereon on the original, the reference to the serial No. of the file, pages and compact disk or any other storage device, as the case may be, where such document is preserved".

- (h) in section 89, in sub-sections (1), (2), (3) and (4) the following shall be inserted at the end, namely:- " or shall get the same scanned, stored and preserved on the electronic or other device, as the case may be."

70-E. Evidentiary value of copy of certain documents registered through the process of registration by means of electronic or other devices or by other methods.-

Notwithstanding anything contained in this Act or any other law for the time being in force, a copy of any document registered through the process of registration by means of electronic or other devices or by any other method 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.

70-F. Saving. -

Nothing in this part shall apply:

- (1) to any document which in the opinion of the Registering Officer is not in a condition fit to be processed by means of electronic or other devices;
- (2) in the case of unforeseen eventuality like break-down of the electronic or other devices of registration:

Provided that the Registering Officer shall record in writing the reasons 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 break-down of electronic or other device are duly incorporated into the system, after the same is re-stored in the manner specified in the rules by the Inspector General of Registration.

70-G. Powers of the State Government under this Part.- Where for any reason, the State Government is satisfied that, the process of Registration by means of electronic or other device is not possible in respect of all documents in any office to which this part applies, may direct by notification published in the official Gazette to copy such documents in the books kept in the office and in accordance with the rules made for this purpose”.

4. Insertion of new Section 78-A: After section 78 of the Principal Act, the following section shall be inserted, namely:

“78-A. Power to reduce or remit fees.- The State Government may by rule or order published in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territories under its administration, the fees chargeable in respect of any instrument or class of instruments, or in respect of any class of instruments when executed by or in favour of the State Government or any person or class of persons”.

5. Insertion of new Section 80-A: After section 80 of the Principal Act, the following new sections shall be inserted, namely:

“80-A. Recovery of deficit registration fee and refund of excess fee.-

(1) Notwithstanding anything contained in section 80, after the registration of a document, if 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 for the deficit, as the case may be, on a certificate of the Registering Officer, be recovered from the person who presented such document:

Provided that no such certificate shall be issued unless an inquiry is made and such person is given an opportunity of being heard:

Provided further that no such inquiry shall be commenced after the expiry of such period, after the date of the registration of the document, as may be specified by the State Government.

- (2) The certificate of the registering officer issued under sub-section (1) shall, subject to appeal under sub-section (3), be final.
- (3) Any person aggrieved, by certificate of the registering officer under sub-section (1), may prefer an 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, and all such appeals shall be preferred within such time and be heard and disposed of in such manner as may be prescribed.
- (4) Where the Registrar finds that the amount of fee charged and paid is in excess of that which is legally chargeable and payable under this Act, he may, upon an application in writing or otherwise, refund the excess amount of fee so charged and paid.
- (5) An application for the refund of registration fee, referred to in sub-section (1), shall be made within a period of six months from the date of registration:

Provided that after the expiry of the period of six months from the date of registration, the State Government may entertain the application up to a period of one year, and direct the Registrar to refund the excess amount of fee so charged and paid within the period of six months from such direction.”

6. **Insertion of new Part after Part XIII:**
After Part XIII of the Principal Act, the following new Part shall be inserted, namely:

**"PART XIII-A
OF DEED WRITERS**

- 80-B. **Deed Writers to hold licenses.**- No person other than an advocate or other registered legal practitioner, write deeds unless he holds a license granted in accordance with rules made under section 69".

7. **Amendment of section 82:** In section 82 of the Principal Act, the existing sub-heading shall be re-numbered as sub-section (1) having the existing clauses (a),(b), (c) and (d) and a new sub-section (2) shall be inserted, namely :-

"(2) In addition to the punishment specified under sub-section (1), documents referred to in clauses (b) and (c) of sub-section (1) shall be liable for cancellation in such manner and procedure as may be prescribed by the State Government."

8. **Insertion of new section 82-A:** After section 82 of the Principal Act, the following new section shall be inserted namely:

"82-A. Penalty in respect of deed writers.- Whoever contravenes the provisions of section 80-B or any term or condition of a license granted under rules made under section 69, shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both".

Secretary,
Law & Judicial Department,
Govt. of Mizoram.