

L. A. Bill No. 28 of 1958

THE INDIAN REGISTRATION (KERALA AMENDMENT)

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to amend the Indian Registration Act, 1908, in its application to the State of Kerala.

Preamble.—WHEREAS it is expedient to amend the Indian Registration Act, 1908, in its application to the State of Kerala;

Be it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Indian Registration (Kerala Amendment) Act, 1958.

(2) It extends to the whole of the State of Kerala.

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

2. *Repeal.*—(1) The Indian Registration (Madras Amendment) Act, 1952 (Madras Act XVII of 1952), as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Re-organisation Act, 1956, is hereby repealed and section 23 B inserted by the said Act in the Indian Registration Act, 1908 (Central Act XVI of 1908) (hereinafter referred to as the principal Act) shall be omitted.

(2) The Indian Registration (Travancore-Cochin Amendment) Act, 1952 (Act XXV of 1952) is hereby repealed and clause (bb) of sub-section (1) of section 69 of the principal Act inserted by the said Act, shall be omitted.

3. *Amendment of section 69.*—After clause (b) of sub-section (1) of section 69 of the principal Act, the following clause shall be inserted, namely:—

“(bb) Providing for the grant of licences to document writers, the revocation of such licences, the terms and conditions subject to which and the authority by whom such licences shall be granted and generally for all purposes connected with the writing of documents to be presented for registration”.

STATEMENT OF OBJECTS AND REASONS

By the Indian Registration (Madras Amendment) Act, 1952, a new section, namely section 23-B was inserted in the Indian Registration Act, 1908, allowing the free registration of documents relating to properties situated in the logs at Kozhikode and Musulipatnam and registered by officials appointed by the French Indian Authorities, within the time specified in the notification under sub-section (1) thereof. The time so fixed was

only four months from 9-9-1953 and so the time for the free registration of the documents has lapsed. It is not therefore necessary to retain the Act in the Statute book.

2. By the Indian Registration (Travancore-Cochin Amendment) Act, 1952, a new clause providing for the licensing of document writers was added as clause (bb) of sub-section (1) of section 69 of the Indian Registration Act, 1908. There is no corresponding provision in force in the Malabar area of the State. It is considered necessary to extend the provision to the Malabar area also.

3. The Bill is intended to achieve the above objects.

K. R. GOURI.

Extract from the Indian Registration Act, 1908.

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69. *Power of Inspector-General to superintend registration offices and make rules.*—(1) The Inspector-General shall exercise a general superintendence over all the registration offices in the territories under the State Government, and shall have power from time to time to make rules consistent with this Act—

(a) providing for the safe custody of books, papers and documents;

(b) declaring what languages shall be deemed to be commonly used in each district;

(c) declaring what territorial divisions shall be recognised under section 21.

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Extracts from the Indian Registration (Madras Amendment) Act, 1952

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“23-B. *Power of State Government to permit the registration of documents registered in the loges at Kozhikode and Masulipatnam and in certain other areas in French India.*—

(1) The State Government may, by notification in the Fort St. George Gazette, direct that all documents, or any class of documents, which—

(a) relate to properties situated within the loges at Kozhikode (formerly known as Calicut) and Masulipatnam (formerly known as Masulipatam), the areas whereof have been set out in the Schedule to the Madras (Enlargement of Area and Alteration of Boundaries) Order, 1948,

(b) have been registered in a registration office by an official appointed or controlled by any French Indian authority, and

(c) are required to be registered under this Act, may be registered under this Act free of all charges, within such time, and subject to such restrictions and conditions, as may be specified in the notification, and if any document is so registered, the registration shall have effect for all purposes from the date on which the document was originally registered by the official referred to in clause (b):

Provided that nothing in this sub-section shall be deemed to invalidate any decree or order touching any such document which may have been passed by any Court of Law and become final before the enactment of this section.

(2) Sub-section (1) shall apply in relation to documents relating to properties situated within the limits of any French territory now adjoining the territory of the State of Madras, as

