

The Orissa (Licensing of) Deed Writers' Rules, 1979

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The Orissa (Licensing of) Deed Writers' Rules, 1979 Published vide Notification No. 992, dated the 13th February, 1979, Published vide Orissa Gazette Extraordinary No. 207 of 1979 Notification No. 992, dated the 13th February, 1979. - In exercise of the powers conferred by Section 69 of the Registration Act, 1908 (Act 16 of 1908) and as amended by the Registration (Orissa Amendment) Act, 1975 (Orissa Act II of 1976), the Inspector-General of Registration, Orissa hereby makes the following rules and the same have been approved by the State Government as required by Sub-section (2) of the said section. Chapter-I Preliminary

1. Short title, extent and commencement.

(1) These Rules may be called the Orissa Licensing of Deed Writers' Rules, 1979. (2) They shall extend to the whole State of Orissa. (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these Rules unless context otherwise requires- (a) "Deed Writer" means and includes one who is engaged in the profession of preparing and writing of any documents to be presented for registration; (b) "Existing Deed Writer" means a Deed Writer who has submitted even a single Deed for registration and it has been registered immediately preceding the date on which the Rules came into force; (c) "Form" means a form set out in Appendix under the Rules; (d) "Licence" means a licence granted to a Deed Writer under these rules; (e) "Licensing Authority" means the Licensing Authority specified in Rule 10. Chapter-II Licensing of Deed Writers

3. Grant of licence.

- Subject to the provisions of these rules, a licence may be granted to- (i) any person who has passed High School Certificate Examination or any other Examinations equivalent thereto; (ii) any person

who has passed "the Deed Writers' Licensing Test" conducted by the State Government under these rules [* * *] [Deleted vide Orissa Gazette Extraordinary No. 1350/22.10.1990-Notification No.4959/12.10.1990.];(iii)any person if he furnishes a certificate from the Sub-Registrar concerned to the effect that he is an Existing Deed Writer [or] [Added vide Orissa Gazette Extraordinary No. 1350/22.10.1990-Notification No.4959/12.10.1990.]Provided that the Inspector-General of Registration may in appropriate cases and on the recommendation of the District Registrars concerned exempt any person or class of persons from the provisions of this rule.(iv)[in case of retired Government servants who are drawing pension up to Rs. 500 per month may be taken into consideration for grant of Deed Writers' Licence.] [Added vide Orissa Gazette Extraordinary No. 1350/22.10.1990-Notification No.4959/12.10.1990.]

4. Fee for writing of non-testamentary documents by persons other than licensed Deed Writers.

- On and after a [date] [The date was notified as 1.3.1979.] to be notified by the Inspector-General of Registration, no non-testamentary document which is not written and attested to be a Deed Writer licensed under these rules, shall be accepted for registration except on payment of a fee of rupees fifty in addition to the fees chargeable for registration :Provided that no such fee is chargeable on the document written by the executants/claimants or their duly constituted and authorised attorney or which is written or attested by an Advocate :Provided further that this rule shall not apply to documents executed outside the State by or on behalf of or in favour of the Government of India or the Government of a State including the State of Orissa, and also to documents executed by or on behalf of any local authority or other corporate bodies or Institutions which may by notification in the Gazette be specified by Government in that behalf.

5. Qualifications for grant of licence.

- A licence shall not be granted to a person-(a)if he is minor;(b)if he has been declared by a competent Court to be of unsound mind;(c)if he is an undischarged insolvent, of being a discharged insolvent has not obtained from the Court, which adjusted him as insolvent, a certificate that his insolvency was caused by misfortune without any misconduct on his part;(d)if he is an Advocate or pleader who has been dismissed or is under suspension from practising as such by an order of any competent Court;(e)if he has been convicted by a Criminal Court for an offence involving moral turpitude;(f)if he is a person suffering from leprosy;(g)if his retirement (in the case of a retired officer) had been the result of misconduct ;(h)if his licence has at any time been cancelled and the order cancelling the licence has not been quashed by competent authority;(i)if his calligraphy is not good and legible;(j)if he has been convicted by a Criminal Court for any offence relating to documents under Chapter XVIII of the Indian Penal Code; or(k)if for any other reason (conduct and character) to be recorded in writing, the Licensing Authority considers it not desirable to issue licence.

6. Application for licence.

(1)An application for licence shall be in Form 'A' in Appendix I and shall be presented to the Licensing Authority either in person or by post with necessary fees.(2)An application for renewal of licence shall be in Form 'B' in Appendix I and shall be made two months prior to the date of expiry of the licence through the Sub-Registrar to whom a majority of the documents written by the applicant are presented for registration or through the Registrar of the District in which the applicant primarily works in respect of the licences applied for the entire State. The Sub-Registrar or the Registrar, as the case may be, shall forward the said application to the Licensing Authority with his recommendations.(3)Fees prescribed under these Rules, for grant of a licence or its renewal shall be remitted into the Treasury under the appropriate departmental head and the receipt challan therefor be enclosed to the application by the applicant :Provided that the fee remitted shall be refunded to the applicant if the licence or renewal applied for is refused.

Chapter-III Fees

7. Fees for licence and its renewal.

- [(1) Fees at the following rates shall be levied for grant of licence and for its renewal :

	Licence fees for the first or any part of a calendar	Renewal fees for five years
(1)	(2)	(3)
	Rs.	Rs.
For one Registration sub-district	50.00	100.00
For one Registration district	70.00	100.00
For entire State	100.00	100.00]

[Substituted vide Orissa Gazette Part III-No. 24/10.6.1988-S.R.O. No. 317/1988.](2)If licence is lost or destroyed a duplicate licence may, on application by the licensee with adequate proof of such loss or destruction, be issued to the licensee on payment of rupees ten through challan in the Treasury.Explanation - Documents to be registered by a "Registrar" under Section 30 of the Registration Act, 1908 may be prepared and written by licensees who is licensed for the sub-district in which the office of the Registrar is situate and who has licence for the Registration in the district concerned.

8. Conditions of licence.

- The following shall be conditions of a licence :(a)he shall abide by the "Orissa Licensing of Deed Writers' Rules, 1979;(b)he shall maintain all the registers and records prescribed under the rules or that may be required to be maintained by the Licensing Authority;(c)he shall, in no circumstances, charge more than the fee prescribed in Appendix III of the Rules ;(d)he shall not demand or accept any other amount from parties, other than the fees prescribed in these rules ;(e)he shall not abet or participate in any illegal transaction or dealing with the staff attached to the Registration Office

;(f)he shall keep true and correct account of the money received, by him from the parties and when called upon, produce those records maintained by him for inspection by such of officer as may be authorised to inspect them by the Licensing Authority or the Inspector-General of Registration ;(g)he shall prepare and write documents neatly and legibly in clear and unambiguous terms and in accordance with the instructions that may be issued from time to time by the Licensing Authority or the Inspector-General of Registration ;(h)he shall instruct the parties or their duly authorised agents to present documents or petitions and to pay the registration fees in person direct to the Registering Officer and not through any other agency;(i)he shall obey the directions that may from time to time be issued by the Licensing Authority or the Inspector-General of Registration relating to the preparation and writing of documents;(j)he shall set forth fully and truly the consideration or the value and all other facts and circumstances affecting the chargeability of any instrument with duty or the amount of duty with which it is chargeable;(k)he shall not act as tout;(l)he shall not appear as an identifying witness or any one in connection with the registration of any document;(m)he shall not present any application for a single or general search for a certified copy or extract of documents unless he is personally interested in the matter.

9. Attestation of documents.

- Every non-testamentary document written by a licensee shall be attested by him in the following manner, namely : "Prepared and written by me. Signature(Full signature of the licensee)Licence No.Date.....

10. Licensing Authority.

(1)The Licensing Authority shall be-(i)the District Registrar, in respect of the licences to be issued for his own Registration District and Sub-District; and(ii)the Inspector-General of Registration in respect of the licences to be issued for the entire State.(2)The Licensing Authority shall also be authority for renewal of the licences granted by him [at the interval of every five years.] [Substituted vide Orissa Gazette Extraordinary No. 1350/22.10.1990.]

11. Register and issue of licence.

(1)The Licensing Authority shall maintain registers in Form 'C' and shall issue licences in Form 'D' of Appendix I.(2)Licences granted or renewed by Licensing Authority shall be issued through the registering officer in whose jurisdiction the licensee concerned resides.

12. Period of licence, renewal and penalty.

- A licence issued under these rules shall remain in force up to and inclusive of the last day of calendar year for which it was granted. It cannot be renewed [at the interval of every five years] [Substituted vide Orissa Gazette Extraordinary No. 1350/22.10.1990.] on an application being made in Form 'B' prescribed in Appendix I within the time and in the manner prescribed in Sub-rule (2) of Rule 6 :Provided that the Licensing Authority may, if he is satisfied that the delay in applying for the

renewal was due to unavoidable reasons, condone the delay and renew the licence on payment of a penalty as prescribed below: (i) when the delay does not exceed two calendar months a penalty equal to the renewal fee shall be charged; (ii) when the delay exceeds two months, but does not exceed six months, a penalty equal to five times the renewal fee shall be charged.

13. Fresh licence.

- Notwithstanding anything contained in these Rules, a person whose licence is not renewed within a period of six calendar months after the expiry of the calendar year for which it was granted shall apply for a fresh licence in accordance with Rule 6.

14. Examination.

(1) An examination to be called "The Deed Writers' Licensing Test" shall be conducted by the Inspector-General of Registration. The time, place of the examination and the language in which the candidates shall be examined and the fees therefor, shall be notified by the Inspector-General of Registration from time to time in Orissa Gazette. (2) The test shall consist of an examination to- (i) knowledge of preparing and writing different kinds of documents; (ii) knowledge of difference, between different kinds of documents on the basis of definition of each kind of document laid down in the Stamp Act and Transfer of Property Act; (iii) knowledge of "kind" and "value" of stamp to be issued in different kinds of documents; (iv) the calligraphy; (v) the suitability of a person to work as deed writer.

15. Qualifications.

- Passed in High School Certificate Examination or any equivalent examination thereof shall be minimum qualification for admission to the Deed Writers' Licensing Test: Provided that this rule shall not apply to the existing Deed Writers.

16. Publication of names of licensees.

- The names of all the licensees whether for the entire State, or for more than one registration district or for sub-registration districts together with their licence numbers shall be published on the notice board of each Sub-Registrar's office.

17. Registering and records to be maintained by the licensees.

(1) A licensee shall maintain a register in Form 'E' of Appendix 1. (2) The licensee shall submit all the prescribed registers under these rules for verification to the concerned registering officers quarterly. (3) The registering officers concerned shall submit to the Licensing Authority a consolidated report of the verification half-yearly. (4) The completed registers maintained under this rule, shall be surrendered to the Licensing Authority at the end of each calendar year; Provided that if the licensee dies or his licence expires or cancelled or suspended, the registers shall be

surrendered within fifteen days from the date of such death, expiry, cancellation or suspension, as the case may be, by the representative in case of death of the licensee and by the licensee in other cases.

18. Suspension and cancellation of licence.

(1) A licence granted under these rules, may be suspended if the licensee-(i) fails to maintain the registers prescribed under these rules regularly and correctly ;(ii) collects more than the Scheduled fees specified in Appendix II ;(iii) contravenes any of the provisions of these rules or any of the conditions of his licence or is found guilty of disobedience to any lawful order passed under these rules ;(iv) is found guilty of any abetment of or participation in any illegal transaction or dealings with the staff attached to the registration offices ; or (v) has acted as tout. (2) A licence granted under these rules may be cancelled if the licensee-(i) has been suspended three times ;(ii) becomes disqualified on any of the grounds specified in Rule 5 ; or (iii) has furnished false or incorrect information or particulars in the application for licence. (3) The authority while suspending or cancelling a licence shall fully state the reasons for such suspension or cancellation, as the case may be.

19. Period of suspension and cancellation of licence.

- The Licensing Authority may suspend any licence granted under these rules for any definite period or may cancel such licence, as the case may be, after giving an opportunity to the person concerned of being heard.

20. Appeal.

(1) An appeal from an order of suspension or cancellation of a licence under these rules passed by an authority shall lie to the next higher authority. (2) Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant and shall contain no disrespectful or improper language and be complete in itself.

21. Disposal of appeals.

- An appeal may be summarily rejected by the appellate authority, if -(i) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case ;(ii) it is not preferred within two months from the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay ; and (iii) it does not comply with the provisions of Sub-rules (2) and (3) of Rule 20.

22. The appellate authority shall consider.

- (i) whether the facts on which -the order of suspension or cancellation based or established ;(ii)whether the facts established afford sufficient ground for taking action; and(iii)whether the penalty imposed is excessive, adequate or inadequate and after such consideration shall pass such order as he thinks just and equitable, having regard to all the circumstances of the case.

23. Repeal and savings.

- All rules or orders corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed :Provided that any order passed, licence issued, action taken or things done under the rules or orders so repealed shall be deemed to have been passed, issued, taken or done under these rules. Appendix I Form 'A'[See Rule 6 (1)]Application for Deed Writers' Licence

1. Full name with father's/husband's name.....

2. Permanent address, local address..... ..

3. Age and date of birth.....

4. Nationality.....

5. Educational qualifications, if any, whether he has passed the Deed Writers' Licensing Test

6. Service as Deed Writer with approximate number of documents presented for registration during the past one year.....

7. (a) If possessing a degree in Law or Pleadership Certificate -

(i)particulars with length of practice at the Bar, if any.....(ii)whether dismissed or suspended at any time from practising by any order of a competent Court.....(b)If retired from Government service in Registration Department-(i)the post held immediately before retirement(ii)whether passed the test prescribed for Sub-Registrar's post.....(iii)whether dismissed or compulsorily retired for misconduct.....

8. Nature of licence applied for whether it is for a single office (to be named) or for a district (to be named) or for whole State.....

9. State here the amount, number and date of challan receipt and the name of the treasury.....

10. Has an application for licence ever been refused. If so, when and for what reason, give particulars.....

Declaration I (here enter name in full) do hereby solemnly declare that I am not suffering from leprosy, that I have not been declared to be of unsound mind or convicted for any offence involving moral turpitude or relating to documents or adjudged as insolvent by any Court of competent jurisdiction and that the information and particulars furnished herein are true and correct to the best of my knowledge and belief and that the licence for which I hereby apply be used only by myself. Place..... Date..... Signature Enclosures - Chalan Receipt Notes. - (1) The licence issued on the strength of this application is liable to suspension or cancellation at any time if it is found that any information or particulars furnished in the application are false or not true or incorrect. (2) The application shall be accompanied with a true extract of his name with other particulars published in the Orissa Gazette in token of securing a pass in the Deed Writers' Licensing Test or a true copy of the degree in Law or Pleaders Certificate, as the case may be, duly attested by a Government Officer of not lower than the rank of a Sub-Registrar or a member of the State Legislature or Parliament or the Chairman of a Panchayat Samiti. (3) The duplicate of the chalan issued by the Treasury or Bank shall also be enclosed. Form 'B' [See Rule 6 (2)] Application for renewal of Deed Writers' Licence

1. Full name with father's/husband's name.....

2. Address, permanent home address, local address with full details.....

3. Changes in local address [to be specified with details as in Col. (2)].....

4. Details of previous licence number.....

5. Period for which renewal is sought.....

6. Date of last renewal.....

7. Amount, number, date and name of treasury chalan receipt.....

Declaration I (full name) do hereby solemnly declare that I have not been declared to be of unsound mind or convicted for any offence involving moral turpitude or relating to documents or adjudged as insolvent by any Court of competent jurisdiction during the past..... years. Place..... Date..... Signature Enclosures - Challan receipt and licence in Original. Notes. - (1) The renewal made on the strength of this application is liable to suspension or cancellation at any time if it is found that any information or particulars furnished in the application

are false or not true or incorrect.(2)The duplicate of the challan issued by the Treasury or Bank shall be enclosed to the application. Form 'C'[See Rule 11(1)]Register of Deed Writer's Licence

Sl. No.	Licence No.	Amount paid	Chalan No.	Treasury / Sub-Treasury at which remitted	Licence valid for	Date of issue of licence or renewal	Remarks
Date	Name of licensee	Addressee	Date of payment	Whole State	District with name	Sub-district with name	
1	2	3	4	5	6	7	8
							9 10 11 12 13

Form 'D'[See Rule 11 (1)]Deed Writers' LicenceNumber of Licence.....
of.....District/StateName of Deed Writer.....Address.....The aforesaid.....
having paid the necessary fees and having made the necessary declaration is hereby authorised to
practise as a Deed Writer attached to the District and Sub-Registry office in.....This
licence is valid up to..... and inclusive of 31st December..... dated the..... day
of.....20.....Office of the.....Licensing AuthoritySignature of the Licence-holder to
bemade as soon as the licence is receivedConditions(a)He shall abide by the Rules under the Orissa
Licensing of Deed Writers' Rules, 1979.(b)He shall maintain all the registers and records prescribed
under the rules or may be required to be maintained by the Licensing Authority.(c)He shall, in no
circumstances, charge more than the fee prescribed in Appendix III of the rules.(d)He shall not
demand or accept any other amount from the parties other than his dues prescribed in the
rules.(e)He shall not abet or participate in any illegal transaction or dealing with the staff attached
to the Registration Office.(f)He shall keep true and correct accounts of the moneys, he received from
the parties towards fees and produce these records for inspection at the end of each month before
the concerned Registering. Officer.(g)He shall prepare and write documents neatly and legibly in
clear and unambiguous terms and in accordance with the instructions that may be issued from time
to time by the Licensing Authority and the Inspector-General of Registration.(h)He shall instruct
the parties or their duly authorised agents to present documents and to pay the registration fees in
person direct to the Registering Officer and not through any other agency.(i)He shall obey the
directions that may, from time to time, be issued by the Licensing Authority or Inspector-General of
Registration relating to preparation and writing of documents and production of records and
registers.(j)He shall set forth fully and timely the consideration or the value, and all other facts and
circumstances affecting the chargeability of any instrument with duty or the amount of duty with
which it is chargeable.(k)He shall not act as a tout.(l)He shall not appear as an identifying witness of
any one in connection with the registration of documents.(m)He shall not present any application
for a single or general search of, for a certified copy or extract of documents unless he is personally
interested in the matter.Note. - The licence will be liable to suspension or cancellation for a breach
of any of the above conditions. Form 'E'[See Rule 17 (1)]Registration of documents and fees
collectedName of the Deed Writer.....Holder of licence under.....attached to the Office
of.....

Sl. No.	Date	Nam of party	Nature of document	Value of document or	Number of stamps	Name of the Sub-Registry	Amount of fees	Signature of the	Remarks
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	(executant or claimant) of the deed		consideration	produced together with value	Officer of Registration	received for preparation and writing of documents with the signature of the executant	party in token of document with date		
1	2	3	4	5	6	7	8	9	10

Note - Alterations, erasures and interlineations should be attested by the Deed Writer concerned with initials.[Appendix II] [Substituted Vide Orissa Gazette Extraordinary No. 1350/22.10.1990.][See Rule 18(1) (ii)]

of fees for preparation of drafts and writing of documents and other applications :

Sl. No.	Value of the documents or consideration	Fees for drafting and preparation of documents
(1)	(2)	(3)
1.	Up to Rs. 500	Rs. 10 (Ten)
2.	Exceeding Rs. 500 but not exceeding Rs. 1,000	Rs. 20 (Twenty)
3.	Exceeding Rs. 1,000 but not exceeding Rs. 5,000	Rs. 30 (Thirty)
4.	Exceeding Rs. 5,000 but not exceeding Rs. 10,000	Rs. 40 (Forty)
5.	Exceeding Rs. 10,000 but not exceeding Rs. 1 lakh	Rs. 60 (Sixty)
6.	Exceeding Rs. 1 lakh	Rs. 100 (One hundred)

Note.-The above rates will be applicable to documents containing five standard pages of 250 words each.

7.	For every extra page beyond five pages of 250 words	Rs. 3 (Three)
8.	For preparing the true copy for filing under the Orissa Registration (Filing of True Copies) Rules, 1989	50% of the rates chargeable for the original documents
9.	When the document is not susceptible of money valuation or when no value or consideration is expressed	Rs. 20 (Twenty)

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|---|--|-----------------|
| 10. | Special power of attorney/General power of attorney/Deed of divorce | Rs. 20 (Twenty) |
| Fees : (a) for preparation of application for search of a document/supply of copy or extract thereof, | | |
| 11. | (b) for preparation of application, notices, returns, etc. for filing under O.L.R. Act and Income Tax Act etc. | Rs. 5 (five) |