

# The Registration (West Bengal Amendment) Act, 1978

WEST BENGAL

India

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### Act 17 of 1978

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The Registration (West Bengal Amendment) Act, 1978 West Bengal Act 17 of 1978 [16th May, 1978] An Act to amend the Registration Act, 1908, in its application to West Bengal. Whereas it is expedient to amend the Registration Act, 1908, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows :-

#### 1. Short title, extent and commencement.

(1) This Act may be called the Registration (West Bengal Amendment) Act, 1978. (2) It extends to the whole of West Bengal. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

#### 2. Application of the Act.

- The Registration Act, 1908 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

#### 3. Amendment of section 52 of Act 16 of 1908.

- In section 63 of the said 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" shall be omitted, and (iii) clause (c) shall be omitted; (b) after sub-section (1), the following sub-sections shall be inserted, namely :- "(1A) 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. (1B) Subject to the provisions contained in section 63 and in the rules made under sub-sections (3) and (4) and under section 89A, 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 (1B).(4)The true copy referred to in sub-section (1B), shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.(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."

#### **4. Amendment of section 81.**

- In section 81 of the said Act, -(i)in the marginal note, for the words "or registering", the words ", registering or filing" shall be substituted;(ii)for the words "or 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 documents", the words ", registers, or files a copy of, such document" shall be substituted.

#### **5. Amendment of section 82.**

- In clause (b) of section 82 of the said 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.

#### **6. Insertion of new section 89A.**

- After section 89 of the said Act, the following section shall be inserted, namely :-"89A. Power to make rules for filing of copies of documents. - (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 -(a)the furnishing of true copies of documents by the person presenting the document for registration;(b)the manner in which true copies of documents shall be prepared;(c)the manner of filing of such copies".

#### **7. Addition of the Schedule.**

- After section 91 of the said Act, the following Schedule shall be added, namely :-The Schedule[See section 52(6).]Modifications of certain provisions of this Act.

##### **1. In section 19, omit the words "and also by a true copy".**

##### **2. In section 45 -**

(a)in sub-section (1), for the wordy 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".

**3. 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".

**4. In section 5. -**

(a)for sub-section (2), substitute the following sub-section, namely :-(2)in Book 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 are not wills; and(b)in sub-section (3), for the words "entered all documents", substitute the words "filed true copies of all documents".

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

**6. In section 5. -**

(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, 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".

**7. 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".**

**8. In sub-section (1) of section 61, omit the words "the margin of".**

**9. 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."