

M.P. Document Writers Licensing Rules, 1966

MADHYA PRADESH

India

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Rule M-P-DOCUMENT-WRITERS-LICENSING-RULES-1966 of 1966

- Published on 26 July 1966
- Commenced on 26 July 1966
- [This is the version of this document from 26 July 1966.]
- [Note: The original publication document is not available and this content could not be verified.]

M.P. Document Writers Licensing Rules, 1966Published vide Notification No. 3176-Tech, dated 26-7-1966, M.P Rajpatra, Part 4 (Ga), dated 18-11-1966In exercise of the powers conferred by clause (k) of sub-section (1) of Section 69 read with Section 82-A of the Registration Act, 1908 (XVI of 1908), the Inspector General of Registration with the previous approval of the State Government hereby makes the following rules, namely :-

1. Short title.

- These rules may be called "The Madhya Pradesh Document Writers Licensing Rules, 1966".

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Registration Act, 1908 (XVI of 1908);(b)"Document" means a document written for presentation to a Registering Officer and includes an application for copy, inspection, search, extension of period and issue of summons or warrants and an application under Section 73 or a memorandum of appeal under Section 72 of the Act;(c)"Document Writer" means a person holding a licence for practicing as a writer of documents for hire;(d)"Form" means a form appended to these rules;(e)"Licence" means a licence granted under these rules;(f)"Licensing Authority" means the Registrar of the district in which applicant desires to practice as a document writer;(g)"Registering Officer" includes both a Registrar and a Sub-Registrar appointed under the Act;(h)"to practice as a document writer" means to write documents for hire and includes the writing of a single document for hire;(i)"Writing" includes type-writing;(j)"to write a document" means drafting and writing or typing of a document carefully and properly in a clear and fair hand in unambiguous terms so as to bring out the true intent of the parties in consonance with elements of conveyancing and the law in respect thereof.

3. Of fixing number of document writers.

- The Licensing Authority shall, from time to time, fix and vary the number of documents writers for each registration office in his district in consultation with the Sub-Registrar concerned. If, at any time the Licensing Authority finds that the number of documents writers in any office is in excess of the requirements it may reduce their number by cancelling the licences of those who, after such enquiry as it may deem fit, are found to be less efficient (and otherwise unfit for the profession). In no case the number of document writers at any place shall be less than two.

4. Of application for grant of licence.

- An application for grant of licence shall be made in Form I to the Licensing Authority which shall bear a Court Fee label of Re. 1.

5. Of grant of licence.

- The Licensing Authority may, in its discretion, on being satisfied-(a)that the applicant is over twenty years of age;(b)that he is of good character;(c)that he is otherwise eligible;(d)that the number of document writers in position at the registration office concerned is less than that fixed under Rule 3 within a period to be specified in the licence, grant the applicant a licence in Form II. Preference may be given to those persons who know typewriting and possess or undertake to possess a typewriter for this purpose; and(e)[he should have passed the Higher Secondary or High School Examination conducted by Board of Secondary' Education, Madhya Pradesh or equivalent examination from recognised institution.] [[Substituted by M.P. Notification No. (20)-1776-5198-2000-CTD-V, dated 28-4-2001 Prior to substitution it read as under:-'(e) that he has passed the Higher Secondary School Certificate Examination of Chhattisgarh Board of Secondary Education or an equivalent examination.']]The condition of knowing typewriting and possessing a typewriter shall apply only to the fresh applicants, but shall not be binding on those document writers who were granted licences under the old rules and whose licences are merely renewed under these rules.

6. Of persons not to practice as document writer.

- Save as provided in the proviso to sub-section (1) of Section 82-A of the Act, no person shall practice as a document writer while he is in the service of Government or of a legal practitioner.

7. Of duration and renewal of licence.

(1)Every licence shall be granted for a period of one year on payment of a fee of [Rs. 150] [Substituted by Notification No. 1616-1-Tec-96, dated 17-5-1996.] and shall continue up to the 31st December each year.(2)[On expiry of the licence, the Licensing Authority may renew the licence on payment of a renewal fee of Rs. 150. The application for renewal shall be made at least 30 days before the expiry of the licence and shall bear a Court-Ice label of Re. 5. The application for grant of

renewal of licence shall be made to the Licensing Authority and shall be accompanied by a treasury challan showing the payment of the prescribed fee in the treasury under the head- "0030-Stamp and Registration Miscellaneous". the licence can be renewed for a period of 3 years at a time if the applicant, holding the licence for continuous three years, deposits renewal fee of Rs. 450/- by Challan] [Substituted by Notification No. 1616-1-Tec-96, dated 17-5-1996.].(3)The Licensing Authority may grant refunds of the fees deposited under sub-rule 7 (1) or 7 (2) above, provided it decides not to grant or renew the licence and the claim for refund is lodged within three months from the date on which the refund becomes claimable and the applicant concerned comes to know that he is entitled to the refund. The procedure as to refund laid down in sub-rules (3) and (4) of Rule 120 of the Madhya Pradesh Registration Rules shall apply mutatis mutandis to refunds granted under this rule.

8. Of qualification for grant of licence.

- The licence referred to in Rule 7 shall be granted to a person who fulfils the following qualifications :- (a) if a person is able to draw up a clear and concise document in the official language of the place where he practices as a document writer; (b) if he has a working knowledge of law relating to stamps and registration of documents in so far as that is necessary for the efficient performance of the duties of a document writer.

9. Of renewal of licences granted under Licensing Rules, 1955.

- The licences so far granted under the Madhya Pradesh Document Writers Licensing Rules, 1955 shall also be deemed to expire on 31st December of the year in which these rules are brought in force and further the grant or renewal of licences will be governed by these rules.

10. Of issue of duplicate licence.

- If a licence is lost, destroyed, defaced, torn or becomes illegible, the document writer shall forthwith apply to the Licensing Authority for the grant of a duplicate licence. Every such duplicate licence shall be issued on payment of a fee [Rs. 5] [Substituted by Notification No. 1616-1-Tec-96, dated 17-5-1996.] into the treasury under the same head mentioned in Rule 7.

11. Of fees of writing documents.

- [(1)] [Substituted by Notification No. 1616-1-Tec-96, dated 17-5-1996.] A document writer shall charge fee for writing documents in accordance with the following Table, namely :- Scale of fee

Sr.No.	Nature of document	Amount of fee
(1)	(2)	(3)
Rs.P.		
1.	2.00	

For an affidavit or an application for a copy, inspection or such other simple application.

2.	For every application for the issue of process.	2.00
3.	For every application for extension of period under Section 25 or Section 34 of the Act or for an application under Section 73 of the Act.	2.00
4.	For every appeal under Section 72 of the Act.	3.00
5.	For a document in which value or consideration is specified-	
	(1) Re. 1 to Rs. 10,000	10.00
	(2) Rs. 10,001 to Rs. 50,000	25.00
	(3) Rs. 50,001 to Rs. 5,00,000	40.00
	(4) Rs. 5,00,001 to any amount	75.00

Note :- Value or consideration for writing charges shall be the same, as is mentioned in the document for the purpose of stamp duty.

6.	(1) A document modifying, amending etc.	
	(2) Special power of attorney	
	(3) Agreement	5.00
	(4) Counterpart or duplicate	
	(5) Consent deeds without consideration	
	(6) Any other document for which no fee has been prescribed in this table	
7.	Will, authority to adopt, adoption deed, general power of attorney and divorce deed.	15.00
8.	A document in which no value or consideration is	15.00

given although it is capable of being expressed.

9. For every spare copy of a document, subject to the minimum specified in Clauses 1 to 8 :-

(1)	When hand-written-for every hundred words or part thereof.	1.00
(2)	When typed- for every page or part thereof in double space.	1.00]

(2) A table showing the fees prescribed under sub-rule (1) shall be exhibited at a conspicuous place in every registration office and at the place where a document writer carries on his profession of writing documents. (3) No document writer shall charge fees in excess of the scale prescribed under sub-rule (1). If, at any time it comes to the notice of the Licensing Authority or any officer of the Department or the Registering Officer concerned, that any document writer has received fees in excess of that admissible under sub-rule (1) it or he may order that the excess amount received be refunded forthwith to the party concerned irrespective of any other action to be taken under the rule. The licence shall also be liable to be cancelled at the discretion of the Licensing Authority. (4) Every document writer shall give a receipt in Form V for the amount received by him. Such receipt shall invariably be produced before the Registering Officer by the registrant at the time of presentation of the document for verifying the amount paid by him to the document writer.

12. Of Register to be maintained by Document writer.

(1) Every document writer shall maintain a register in Form IV and shall enter therein the necessary particulars about every document written by him and shall whenever required by the Licensing Authority or any Inspecting Officer of the Registration Department or the Sub-Registrar, produce the register, and the receipt books. (2) Register of Licences. - Every District Registrar shall keep a register in Form III showing the names of all persons licensed as document writers in the District, dates of issue of licenses, fees paid and such other particulars as may be necessary.

13. Of Seal of Document writer.

- Every document writer shall, at his own expense, provide himself with a seal of the following pattern :-

1. Name of document writer
2. License No.
3. Place of practicing of the document writer district
4. Name of employer

5. S. No. in the Register with date
6. Fee charged Rs. P.
- Signature of document writer

14. Of Seal of document writer.

- Every document writer shall affix his seal on every document written or typed by him and fill in the particulars of the seal correctly as also on the spare copy.

15. Of not to employ any assistant by document writer.

- No document writer shall employ an assistant for any part of his work. No person unconnected with the document will, except for his own private work, be allowed access to the Sub-Registrar's Office in company with the parties for the purpose of getting registered a document or application, etc., disposed off for them.

16. Of change of place of practice by document writer.

- If, during the continuance of his license, a document writer wishes to practice as a document writer at some other Registration Office of the district other than that entered in his licence, the Licensing Authority may, at its discretion, allow the change and correct the licence accordingly.

17. Of surrender of licence after expiry, cancelling or suspension.

- Every document writer, who resigns or whose license is cancelled or suspended or has expired under these rules, shall forthwith surrender his license together with his Register and Receipt Books to the Licensing Authority.

18. Of suspension or cancellation of licence.

(1)The Licensing Authority may at any time suspend or cancel the licence of a document writer on any of the following grounds, namely :-(a)breach of any of these rules or of the conditions of the licence;(b)failure to attend the Registration Offices continuously for a period exceeding one month without the prior permission of the Licensing Authority;(c)for being guilty of participation in any illegal transaction or unfair dealings by public servant in the Registration Department;(d)if the document writer indulges in practices which tend to encourage corruption in the office of the Registering Officer;(e)if the document writer charges remuneration for writing deeds in excess of what is laid down in the scale of fees prescribed in Rule 11;(f)any other act of misconduct on the part of document writer.(2)No order under sub-rule (1) shall be passed unless the document writer has been given an opportunity to be heard in his defence.

19. Of examination of record etc. by Inspector General of Registration.

- The Inspector General of Registration, Madhya Pradesh may either himself or at the instance of any person interested, for the purpose of satisfying himself to the correctness legality or propriety of any action taken under these Rules in any case, call for and examine the record of any such case and after examining the record, pass such order as he thinks fit :Provided that no order under this rule shall be made to the prejudice of the document writer, unless he has been given an opportunity of being heard in his defence.

19A. Of application by aggrieved person to State Government.

- The State Government may, on the application of any person aggrieved by the order of the Inspector General of Registration passed under Rule 19, call for and examine the record of any such case and after giving an opportunity to be heard to the applicant, pass such order as it thinks fit. The order passed by the State Government shall be final.

20. Of general superintendence and control of Inspector General of Registration.

- The Licensing Authority shall exercise his powers under these rules under the general superintendence and control of the Inspector General of Registration, Madhya Pradesh.

21. Repeals.

- The Madhya Pradesh Document Writer Licensing Rules, 1955 are hereby repealed :Provided that anything done or any action taken under the rules so repealed shall unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules. Form I(See Rule 4)Form of application of or grant or renewal of a Licence(to be filled in by the applicant in his own hand)

- | | | |
|----|--|--|
| 1. | Applicant's name (in full) and address | |
| 2. | Date of birth (according to the English Calendar) | |
| | Name of registration office where the applicant | |
| 3. | desires to practice or continue to practice as a document writer | |
| | | Educational qualifications
(Slate the last examination
passed and the institution from which passed) |
| 4. | (i) | |

- | | | | |
|-----|--|----------------------------------|-------|
| | (ii) | Whether he knows
type-writing | |
| 5. | The language or languages with which the applicant
is conversant | | |
| 6. | Whether he possesses a type-writer or undertakes to
possess one or grant of licence, within a period
of.....months. | | |
| 7. | Present occupation, if any | | |
| 8. | If in Government service or in the employment of a
legal practitioner, whether the applicant is prepared
to resign on grant of licence | | |
| 9. | Whether convicted of any criminal offence or
removed from Government service (Give the
particulars of criminal offence and removal from
service). | | |
| 10. | Other information, if any | | |

Note : - In case of renewal of a licence the previous licence should be enclosed with the application. I declare that I have carefully read the Madhya Pradesh Document Writers Licensing Rules, 1966 and conditions of licence in Form II and I agree to abide by them.....Signature of applicant Date.....Form II (See Rule 5) Licence for Writing Document No. of licence.....

1. Name and
address of
Document
Writer
Place
where the
holder of
this licence
shall
practice
as, document
writer.
2. Office of.....at.....Tehsil.....District.....
3. This
Licence
entitles the
document
writer to
practice as
a document
writer,
subject to

the
provisions
of the
Madhya
Pradesh Document
Writers
Licensing
Rules,
1966 and
to the
terms
and conditions
of this
licence.

Licence

4. granted or From..... to
renewed 31st December..... Licensing Authority..... District.
for :-

Conditions (i) The licensee shall attend the office regularly during the office hours. (ii) The licensee shall not charge fees for writing document in excess of what is laid down in the scale of fees drawn up by the Licensing Authority, a copy of which shall be exposed to public view by him. (iii) The licensee shall not make any demand from parties in the name of any person or persons connected with the office or accept any sums on their behalf. (iv) The licensee shall write documents legibly and observe the instructions relating to the writing of documents. (v) The licensee shall instruct registrants to present document and pay fees themselves and the document writers should themselves also not pay fee to the Registering Officers not through friends or any other agency. He shall neither get an authorization from the registrant on the receipt issued by the Registering Officer for the return of the document either in his own name or in the name of any other Court or other agency. (vi) The licensee shall not accompany the registrants before the Registering Officer unless called for. (vii) The licensee shall comply with any directions that may be given to him by the Registering Authority in regard to writing of documents. (viii) The fresh licensee shall acquire a type writer within a period of, months. (ix) Violation of any of the above conditions will render this licence liable to be cancelled. Dated..... 19..... Licensing Authority..... District Date..... Form III [Rule 12(2)] Register of the licenses granted for writing documents in the year..... of the district

S.No. Date of grant or renewal of license Name of the licensee with description

(1) (2) (3)

Place for writing documents	Amount of Court Fee label affixed to the application	Amount of Fee deposited for grant or renewal of licence with its Receipt No. and date
(4)	(5)	(6)

Period of the Licence Signature of the Licensing Authority Remarks

(7)

(8)

(9)

Form IV[See Rule 12(1)]Register to be maintained by Document Writer

Serial No.ofdocument	Date on whichdocument iswritten	Name and addressof executant andclaimant	Nature and valueof documents
(1)	(2)	(3)	(4)
Brief abstract ofdocument	Value of non-judicial stampon which documentwaswritten	Fees charged for(a) writing thedocument(b) for sparecopy thereof	
(5)	(6)	(7)	

Signature of thedocument writer	Signature or thumbmark of the employer	Remark
(8)	(9)	(10)

Form V[See Rule 11 (4)]DuplicateReceipt No.....Place.....Date.....

1. Name of Document Writer, with his Licence No.
 2. Name of employer who paid fees
 3. Nature of document with value or consideration
 4. Fees received for writing
 - (a) Document Rs.....P.....
 - (b) extra copy/copies thereof Rs.....P.....
 5. No. of document writer's Register with date
-Signature of Document WriterOriginReceipt
- No.....Place.....
1. Name of Document Writer, with his Licence No.
 2. Name of employer who paid fees
 3. Nature of document with value or consideration
 4. Fees received for writing
 - (a) Document Rs.....P.....
 - (b) extra copy/copies thereof Rs.....P.....
 5. No. of document writer's Register with date
-Signature of Document Writer