

The U.P. Document Writers Licensing Rules, 1977

UTTAR PRADESH

India

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Rule THE-U-P-DOCUMENT-WRITERS-LICENSING-RULES-1977 of 1977

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The U.P. Document Writers Licensing Rules, 1977Published vide U.P. Gazette, Part 1-Ka, dated 2nd April, 1977, Notification No. 2964-A/8-A-260, dated March 31, 1977In exercise of the powers under clause (hhh) of sub-section (1) of Section 69 of the Registration Act, 1908 (Act No. XVI of 1908), the Inspector-General of Registration Uttar Pradesh, with the approval of State Government makes the above rules regarding licence of document writers in U.P.

1. Short title and commencement.

- (i) These rules may be called the Uttar Pradesh Document Writers Licensing Rules, 1977.(ii)They shall come into force with effect from April 1, 1977 provided that Rules 6 and 7 shall come into force with effect from May 1, 1977.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Registration Act, 1908 (Act 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 of warrants and an application under Section 73 or a memorandum of appeal under Section 72 of the Registration Act, 1908 or a draft of the said documents ;(c)"document writers" means a person practising as a writer of documents for remuneration or otherwise;(d)"licence" means a licence granted under these rules ;(e)"Licensing Authority" means the Registrar of the district in which the applicant desires to practise as a document writer;(f)"registering officer" includes both a Registrar and a Sub-Registrar appointed under the Act.

3. [Number of document writers. [Substituted by Notification issued by Inspector of Registration, U.P., published in U.P. Gazette (Extraordinary), dated 16th August, 1978.]

- The Licensing Authority shall from time to time, fix the number of document writers for each Registration Office in the district, in consultation with the Sub-Registrar concerned but the number of such document writers shall not exceed 3 for every 1,000 documents presented for registration in the previous year in the office concerned. If at any time, the Licensing Authority finds that the number of document writers in any office is in excess of the number so fixed, it shall reduce their number by cancelling the licences of those who have come last :Provided that no fresh licence shall be issued under these rules to persons other than those specified in sub-rule (1) of Rule 18 till the number of such licensees falls below the limit prescribed above.]

4. Form of application.

- An application for a licence shall be made to the licensing authority in Form 1 appended to these rules.

5. [Qualifications for grant of licence. [Substituted by Notification issued by Inspector-General of Registration of U P., published in U.P. Gazette, Extraordinary, dated 16th August, 1978.]

(1)The Licensing Authority may, in its discretion, on being satisfied that-(a)the applicant is over twenty years of age ;(b)that he has passed the High School or any other examination recognised by the Government as equivalent thereto ;(c)he is of good character;(d)he is not a petition writer licensed under the U.P. Petition Writers (Revenue Courts) Rules, 1968 or a Stamp Vendor licensed under Rule 151 of the U.P. Stamp Rules, 1942 or a clerk of a legal practitioner ;(e)he can draw up documents in a neat and legible manner ;(f)he is not in the service of Government;(g)he has not been convicted by any court for an offence involving moral turpitude ;(h)he is otherwise eligible ; grant the applicant a licence in Form II.(2)The Licensing Authority may withhold grant of a licence for any other sufficient reason to be recorded in writing.(3)An appeal against an order of the Licensing Authority withholding the grant or renewal of a licence shall lie to the Collector of the district and the decision of the Collector thereon shall be final.]

6. [Ban against practising as document writer without licence. [Substituted by Notification issued by Inspector-General of Registration of U P., published in U.P. Gazette, Extraordinary, dated 16th August, 1978.]

(1)No person shall practise as a document writer except under valid licence granted in accordance with these rules.(2)Nothing in sub-rule (1) shall apply where the writer of such document is one of the parties thereto or is a legal practitioner engaged by the parties for drawing up the document.]

7. Non-acceptance of document at registration office.

- Documents written by a person other than a person holding a valid licence or a person mentioned in sub-rule (2) of Rule 6 shall not be accepted in any registration office.

8. [Period of licence and fee. [Substituted by Notification No. 1821/IV-344, dated 6th March, 1990, published in U.P. Gazette, Part I, Section (Kha), dated 31st March, 1990.]

(1)A licence shall be granted for a period of three years and on the written application of the Licence may be renewed for further period of one year, two years or three years at a time.(2)An application for renewal of licence shall be made at least one month before the expiry of the licence and where the application is so made but not disposed off till the expiry of the licence, the licensee may continue to work till the licence is renewed or the application is rejected.(3)A licence fee of Rs. 50 per year for which the licence is granted, or renewed, shall be paid to the Government through the sub-Registrar concerned.]

9. 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. The licensing Authority, may, on being satisfied that the issue of a duplicate licence is justified, issue a duplicate licence. Every such duplicate licence shall be stamped "Duplicate".

10. [Charges for writing document. [Substituted by Noti No. 1821/IV-344, dated 6th March, 1990, published in U.P. Gazette, Part I, Section (Kha), dated 31st March, 1990.]

(1)No document writer shall charge fees for writing of drafting of documents in excess of the following rates :

Nature of document	Rate of fee
1	2
	Rs.
1. For every application for copy inspection or search or othersimple application.	1.00
2. For every application for the issue of process.	1.00
For every application for extension of period under	
3. Section25 or Section 34 of the Act or for an application under Section73 of the Act.	2.00
4. For every appeal under Section 72 of the Act.	2.00

5. A document in which value or consideration is specified-
- | | |
|--|--|
| When the value does not exceed Rs. 100. | 4.00 |
| When the value exceeds Rs. 100 but does not exceed Rs. 500. | 8.00 |
| When the value exceeds Rs. 500 but does not exceed Rs. 1,000. | 12.00 |
| When the value exceeds Rs. 1,000 but does not exceed Rs. 5,000. | 16.00 |
| When the value exceeds Rs. 5,000 but does not exceed Rs. 20,000. | 40.00 |
| When the value exceeds Rs. 20,000 | Rs. 2.00 for every additional of Rs. 1,000 or part thereof in addition to fee payable on Rs. 20,000. |
6. (i) A document modifying amending a previously executed document.
- (ii) Special power of attorney.
- (iii) Agreement.
- (iv) Counterpart of duplicate.
- (v) Consent deeds without consideration. 8.00
- (vi) Any other document for which no scale has been prescribed in this table.
7. Will, authority to adopt, adoption deed, general power of attorney and divorce deed. 20.00
8. A document in which no value or consideration is given although it is capable of being expressed. 20.00]

Note. - Writing charge shall be calculated on the amount on which stamp duty is payable or paid on the document.

11. Document writer to keep seal.

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

Name of the document writerLicence No. Valid up toDistrict and placeFees charged Rs.Signature of document writer

12. Affixation of seal on document written by document writer.

- Every document writer shall affix his seal referred to in Rules 10 and 11 at the end of every document or application, etc. written by him, and shall enter therein the required particulars.

13.

No document writer shall employ an assistant for any part of his work without the permission of the Licensing Authority.

14. Change of place of business.

- If during the continuance of his licence, a document writer wishes to practise as a document writer at a registration office other than that entered in his licence the Licensing Authority, may at its discretion, allow the change and make an entry in the licence accordingly.

15.

Every document writer who ceases to work, as a document writer or whose licence is cancelled or suspended under these rules, shall forthwith surrender his licence to the Licensing Authority.

16. [Cancellation of licence. [Substituted by Notification No. 2414/III-A-260, dated 24th February, 1981 published in U.P. Gazette (Extraordinary), dated 24th February, 1981.]

(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 conditions of licence ; (b)failure to attend the registration office for a continuous period exceeding one month without the permission of the Licensing Authority or the Registering Officer; (c)for being guilty of participation in any illegal transaction or unfair dealings with public servants in the Registration Department; (d)for being found negligent or inefficient in his work or dishonest in his dealings with the public ; (e)for being convicted by a Court for an offence involving moral turpitude; and (f)for any other sufficient cause to be recorded in writing. (2)No order under sub-rule (1) shall be passed, unless the document writer has been given an opportunity of being heard in his defence.]

17. Power of Inspector-General of Registration, U.P. to revise orders passed under Rule 15.

(1)The Inspector-General of Registration, Uttar Pradesh, may, for the purposes of satisfying himself as to the correctness, legality or propriety of any action taken under Rule 15, in any case, call for and examine the record of any such case and may pass such orders as he thinks fit. (2)No order under this rule shall be passed to the prejudice of the document writer, unless he has been given an opportunity of being heard in his defence.

18. [Transitory provision and saving. [Inserted by Notification issued by Inspector-General of Registration, U.P., published in U.P. Gazette, Extraordinary, dated 16th August, 1978.]

(1)Notwithstanding anything to the contrary in these rules, grant of a licence or renewal of a licence to practise as a document writer to any person, who was holding such a licence on March 31, 1977, shall not be refused on the following grounds-(a)that he does not fulfil the qualifications prescribed in clauses (a), (b) and (d) of sub-rule (1) of Rule 5; or(b)that the number of document writers would thereby exceed the limits prescribed in Rule 3; or(c)that his licence has already been cancelled or suspended on the grounds mentioned in clause (a) or clause (b) above.(2)The State Government, on being satisfied that the operation of any rule causes hardship in any particular case or class of cases, may notwithstanding anything contained in the rule applicable to that case or class of cases, by order, dispense with or relax the requirements of the rules to such extent and subject to such conditions as it may consider necessary for removing the hardship.].Form I(Form of Application for Licence)(To be filled in by the applicant in his own hand)(See Rule 4)

1. Applicant's name and his father's name (in full) and address
2. Date of birth (according to English calendar)
3. Name of registration office where the applicant desires to practise as a document writer
4. Educational qualifications (state the last examination passed and the institution from which passed)
5. The language or languages with which the applicant is conversant
6. Present occupation, if any
- Whether convicted of any criminal offence or removed from Government
7. service (Give the particulars of criminal offences and removal from service.)
8. Other information, if any

I declare that I have carefully read the Uttar Pradesh Document Writers Licensing Rules, 1977, and condition of Licence in Form II and I hereby agree to abide by them. Signature of applicant. Form II (Licence for writing documents) (See Rule 5)

1. Number of licence
2. Name and address of document writer
3. Place where the holder of this licence shall practise as document writer.
- This license entitles the document writer to practise as a document writer,
4. subject to the provisions of the U.P. Document Writers Licensing Rules, 1975 and terms and conditions of this licence.
5. Licence is valid for.

Conditions (i) The licensees shall attend the office regularly during the office hours. (ii) The licensees shall not charge fees for writing and/or drafting of documents, application, etc. in excess of what is laid down in Rule 10 of the U.P. Document Writers Licensing Rules, 1977, a copy of which shall be kept by him and shown to the parties if demanded. (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 documents and pay fees themselves to the registering officers and not through touts or any other agency. He will also not pay

the registration fees in the registration office on behalf of the registrants.(vi)The licensee shall comply with any direction that may be given to him by the registering authority in regard to writing of documents.(vii)Violation of any of the above conditions will render this licence liable to be cancelled.DatedLicensing Authority.....District.