

Bihar Documents Writers' Licensing Rules, 1968

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Rule BIHAR-DOCUMENTS-WRITERS-LICENSING-RULES-1968 of 1968

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1. Short title, and commencement.

- These Rules may be called the Bihar Document Writers Licensing Rules, 1968 and shall extend to the whole of State of Bihar.

2. Definitions.

- In these Rules, unless the context, otherwise requires:-(a)"Act" means the Indian Registration Act, 1908 (XVI of 1908);(b)"District Registrar" means the Registrar of a registration district appointed under the Act;(c)"District Sub-Registrar" includes a Sub-Registrar at the district headquarter whose office is amalgamated with the office of the District Registrar under sub-section (2) of Section 7 of the Indian Registration Act, 1908 (Act, XVI of 1908);(d)"Sub-Registrar" means a Sub-Registrar appointed under the Act and includes a joint Sub-Registrar;(e)"Registering" means registration of a document under the Act;(f)"Registration Officer" included both the District Registrar and the sub-Registrar appointed under the Act;(g)"Licensing Authority" means the Registrar of a district in which the applicant for a licence desires to practise as a document writer;(h)"Licence" means a form appended to these Rules;(i)"Form" means a form appended to these Rules;(j)"Document writer" means and includes one who if engaged in the profession of preparing documents, namely, doing the work of conveyancing, including investigation of titles, preparation of draft deeds and engrossing and transcribing the deed, including copies, if any, for registration, or making searches and inspections under the Act;(k)"Apprentice" means one who assists a document writer in the preparation of documents and transcribed them (including copies, if any) to be presented for registration.

3. Prohibition of unlicensed persons.

- (i) No person who is not licensed under these Rules shall engage himself in the profession of a document writer or apprentice to a document writer and documents drawn up and signed by a person who does not hold a licence under these Rules shall not be accepted for registration by the registering Officers: Provided that no Advocate, Pleader or Mukhtear shall be required to take out a licence under these Rules. (ii) Nothing in these Rules prohibit an executant of a document to draw up a document to be presented for registration or to do any other act for himself for which a licensed document writer could have other wise been engaged. (iii) Provision of these Rules shall not apply to a document executed by or on behalf of the Government or local authorities and other corporate bodies.

4. Disqualifications.

- No licence shall be granted to a person if:-(a) he is minor below the age of 18 years; or (b) he has been declared by a competent court to be of unsound mind; or (c) he has been convicted by a Criminal Court for an offence involving moral turpitude; or (d) he has been adjudged as insolvent by any court of competent jurisdiction, or (e) he is leper; or (f) this licence has at any time been cancelled under the orders of the District Registrar for misconduct.

5. Mode of application.

- An application for document writers' licence shall be in Form No. A, that for an apprentice licence, in Form No. B and that for a renewal thereof, in Form No. 1. It shall be presented in person or by an agent, or sent by registered post to the Sub-Registrar under whose jurisdiction the applicant desired to be attached as a document writer.

6. Document Writers licensing Test.

(1) An examination to be called "The Document Writers Licensing Test" shall be conducted by the Licensing Authority. The time and place of the examination and other details shall be notified by the licensing authority in the matter decided by him. (2) The test shall consist of an examination in the stamp and registration laws so far as they bear on the subject of conveyancing and in the drafting of document. (3) The Licensing Authority will also conduct an apprentice licensing test, at such time and in such manner, as he may determine from time to time, which shall be duly notified by him. The test shall relate to the transcription of documents. (4) An examination fees of [Rs. 5.00] [Now, see the new rate of fee.] shall be levied on each applicant for admission to the document writers written test and [Rs. 2.00] [Now, see the new rate of fee.] for admission to apprenticeship examination.

7. Number of Document Writers.

- The licensing authority may, in his discretion, fix the number of document writers to be licensed for each registration office under him, keeping in view the requirements of the general public. The number shall be so fixed as to ensure a living wage to the licensed document writers.

8. Issue of Licence.

(1)The licensing authority, on being satisfied that the applicant:-(a)has passed the test prescribed under Rule 6;(b)is not disqualified under Rule 4 for the grant of a licence;(c)is of good moral character; or(d)is otherwise fit to be given a licence; may grant a document writer licence in Form "C" or apprentice licence in Form "D" as the case may be.(2)The Licensing Authority may grant a licence under these Rules to any person who is in the profession for the last 10 years, on the date of coming into force of these Rules, without requiring him to sit in the test examination, provided his character and conduct have been satisfactory throughout the period he has been in the profession. Exemption from the written test shall be available only for six months from the date of coming into force of these Rules.

9. Renewal.

(1)A licence granted under these Rules shall remain in force up to 31st day of December of the year of issue, subject to a renewal on or before the date of expiry;(2)Non-observance of any of the conditions of the licence or any main conduct on the part of the licensee during the continuance of the licence shall be treated as a disqualification to obtain a renewal of the licence.

10. Conditions of licence.

- (1)The following conditions shall be deemed to be attached to the document writers' licence:-(a)that the licensee shall abide by the rules relating to the licensing document writers;(b)that he shall maintain the registers, receipt books and other records prescribed by these Rules to be maintained or required to be maintained by the licensing authority from time to time or by the Inspector-General of Registration;(c)that he shall not demand or receive any sum from parties in the name of any person connected with the registration office;(d)that he shall render true and correct account of the money that he receives from his employer;(e)that he shall write or cause to be written documents legibly and in accordance with the instructions that may be issued from time to time by the licensing authority or the inspector-General of Registration.(f)that he shall instruct the parties or their duly authorised agents or petition writers to pay the fees in person direct to the Registering Officers and not through any other agency;(g)that he shall write or cause to be written documents carefully, properly and in clean and unambiguous terms;(h)that he shall obey any direction that may from time to time be issued by the Licensing Authority or the Inspector-General of Registration regarding the preparation and transcription of documents or copies for registration;(i)that he shall sign his name on every document written by him or caused to be written by the apprentice attached to him and shall enter therein his name, licence number and

serial number of document given in the register to be maintained by him under these Rules and the fees charged by him.(2)The following conditions shall be deemed to be attached to an apprentice's licence:-(a)an apprentice shall write documents legibly, correctly and neatly;(b)he shall not act as a tout;(c)he shall not receive any money or fees direct from the parties;(d)he shall be attached to only one of the licensed document writers.(e)he shall attend the office of the document writer to which he is attached and shall carry out such duties in respect of transcribing deeds as may be given to him;(f)he shall be remunerated by the document writer in respect of the documents which he transcribes at the dictation or direction of the licensed document writer;(g)he shall attest the document in the following manner after the attestation of the document writer to whom he is attached-"scribed by..... (full name and signature, apprentice licence no. of the district, of..... sub-registration office".....Note. - In case the deed is scribed by the document writer himself, no attestation by the apprentice shall be necessary.

11. Remuneration of Apprentice.

- An apprentice shall be remunerated for transcribing the deed to the extent of $\frac{1}{4}$ th of the fees charged by the licensed document writer for drawing up the deed doing miscellaneous works in connection thereby him.

12. Transfer of licence.

(1)During the continuance of his licence, a document writer wishes to practice as a document writer in a registration office other than that entered in his licence, the Licensing Authority may, at his discretion allow the change and enter the fact in his licence;(2)If a licence is lost or destroyed, a duplicate may on adequate proof of such loss or destruction, be issued to the licensee on payment of a fee of Re. 1.00 for each such case.

13. Surrender of Licence.

- Every document writer or apprentice who resigns or whose licence is cancelled under these Rules shall forthwith surrender his licence to the Registering Officer of the sub-district for which his licence holds good.

14. Cancellation and suspension of licence.

(1)The Licensing Authority may at any time suspend or cancel the licence of a document writer or apprentice on any of the following grounds:-(a)breach of any of these Rules or of the condition of the licence;(b)failure to attend the registration office for a period exceeding three months without the leave of the Licensing Authority or the registering officer within whose jurisdiction he has been practising;(c)for being guilty of participation in any illegal transaction or unfair dealing by a servant in the registration office to which he is attached;(d)any other sufficient cause to be recorded in writing by the Licensing Authority.(2)No order under sub-rule (i) shall be passed unless the document writer or the apprentice as the case may be has been asked to show cause against

proposed suspension or cancellation of the licence and the cause shown by him has been duly considered by the Licensing Authority.

15. Appeal.

- An appeal shall lie to the Inspector-General of Registration against any order passed under these Rules.

16. Power and duties of Licensing Authorities.

- The Licensing Authority shall have powers :-(a)to grant licence to document-writer and an apprentice;(b)to renew licence;(c)to issue to the document writer or apprentice such direction as may be necessary for carrying out effectively the purposes of these Rules.

17. Power of Inspector-General of Registration.

- Inspector-General of Registration shall have all the powers of a Licensing Authority given under these Rules.

18. Inspection of Records.

- The registers and receipt books to be maintained by the document writers under these Rules shall at all times be opened to inspection by the officers of the department who shall initial them after inspection. The licence shall also be produced for inspection on demand by the officers of the Registration Department.

19. Fees.

- Fees on the following rates shall be levied for the grant of document writer's licence and apprentice's licence and for their annual renewal.

(a) Document writer's Licence FeesRs.

Fees for one sub-district	25
Fees for one renewal	5

(b) Apprentice Licence

Fees for one sub-district	10
Fees for one whole district	20
Fees for one renewal	2

20. Credit of fee.

- All fees payable under these Rules shall be credited to the Treasury by challan and one copy to be filed in the office of the Licensing Authority before licence is granted. The budget head to which the fees is to be credited shall be "Registration-Miscellaneous Fees" under the appropriate major and minor heads.

21. Register.

- Every document-writer shall maintain a register in Form "E" and grant receipt to the party in Form "F". The Licensing Authority shall maintain a register in Form "G" for licensed document-writers and Form "H" for licensed apprentices. Similar registers shall also be maintained in the office of the Sub-Registrar for licensed document-writers and licensed apprentices attached to his office.

22. Writing charges.

(1)The District Registrar shall, for the registration offices under him, fix the rates of charges for writing documents for registration, application for search and copy, petition or other papers required by law or rules to be filed before the Registering Officers. No licensed document-writer shall ask for, or accept fee in excess of the sanctioned rate;(2)Notwithstanding anything contained in sub-rule (1) the Inspector-General of Registration may fix rates of charges for writing documents for the registration offices of the State and after this has been done, the rates fixed by the District Registrar will cease to apply;(3)A table of the prescribed rates of charges shall be exhibited in Hindi, English, and other Languages commonly spoken in the district in conspicuous place outside the registration office;(4)Similar table shall also be exhibited by the licensed document-writer in a conspicuous place of his office. Every document-writer shall also exhibit his licence in his office or the place where he engages himself in the writing of documents.

23. Delegation of powers.

- The District Registrar may delegate in writing any of his power under these Rules to the District sub-Registrar under him.

24. Supervision and control.

- Every licensed document-writer performs his duties under the superintendence and control of the Sub-Registrar of the office in which he is attached. It will be the duty of the Sub-Registrar to see that the document-writers attached to his office maintain the prescribed registers and receipt books in the proper manner and that no malpractices are adopted by any licensed document writer and licensed apprentices in any way so as to harass the registrant public.

Form "A"(Rule 5)Application for Document Writer's Licence

1. Full Name with Father's name.

2. Address-Permanent home address and local address.
3. Age and date of birth.
4. Nationality.
5. Educational qualifications, if any, whether he has passed the Document Writer's Licensing Test.
6. Service as document writer with approximate number of documents prepared and presented for registration during the past one year.
7. Nature of licence applied for whether it is for a single office (to be named) or for a district (to be named).
8. State here amount, number and date of challan receipt and the name of Treasury.
9. Has an application for licence ever been refused? If so, when and for what reason give particulars.

Declaration I..... do hereby solemnly declare that I have not been declared to be of unsound mind or convicted of any offence involving moral turpitude 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 will be used only by myself. Place..... Date..... Encl. Challan receipt. Signature Note. -

The licence issued on the strength of this application is liable to be cancelled at any time, if it is found that any information or particulars furnished in the application are false or untrue or incorrect. Sub-Registry Office Date Recommendation To

The District Registrar.....	Sub-Registrar Dated Licence No. Order District Registrar Dated Issued on District Registrar
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Form "B" (Rule 5)

1. Full Name with Father's name.
2. Address-Permanent home address and local address.
3. Age and date of birth.
4. Nationality.
5. Educational qualifications.
6. Service as apprentice to a document-writer to whom he is attached with approximate number of documents transcribed by him during the past one year.
7. Has the applicant passed the Apprenticeship (give details of certificate).
8. Amount, number, date and name of Treasury of the challan receipt enclosed.
9. Nature of licence applied for (District or Sub-District Licence).

Declaration I..... do hereby solemnly declare that I have not been declared to be of unsound mind or convicted of any offence involving moral turpitude 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 that the licence for which I hereby apply will be used only by myself. Place..... Date Encl. Challan receipt Signature Note. - The licence on the basis of this application is liable to be cancelled at any time if it is found that any information or particulars furnished in the application are false or incorrect. Sub-Registry Office Dated Recommendation To

The District Registrar..... Licence No. Sub-Registrar Dated District Registrar Dated Issued on District Registrar

Form "C" (Rule 8) Document Writer's Licence Number of Licence Name of

Document-Writer Address The aforesaid..... having paid the necessary fee and having made the necessary declaration is hereby authorised to practise as a document writer attached to the Sub-Registry Office, Registration District..... Dated the day of 20..... Office of the District Registrar of District Registrar of..... Signature of Licence-holder (To be made as soon as the licence is received) Conditions (a) The licensee shall abide by the Rules relating to the Licensing of document writers. (b) He shall maintain the registers, receipt books and other record prescribed by the rules to be maintained or that may be required to be maintained by the Licensing Authority. (c) He shall not demand or accept any sum from parties in the name of any person or persons connected with the registration office. (d) He shall render true and correct accounts of the moneys he receives from the parties. (e) He shall write or cause to be written documents legibly and in accordance with the instructions that may be issued from time to time by the Inspector-General of Registration. (f) He shall instruct the parties or their duly authorised agents or holders of powers-of-attorney to present documents or petitions and to pay the fees themselves direct to the Registering Officer and not through any other agency. (g) He shall write or cause to be written documents, carefully, properly and in clear and unambiguous terms. (h) He shall obey any directions that may from time to time be issued by the Inspector-General of Registration regarding the preparation or transcription of documents for registration. Note. - The Licence shall be liable to suspension or cancellation for a breach of any above conditions. Form "D" (Rule 8) Apprentice

Licence Number of Licence Name of Apprentice Address The aforesaid..... having paid the necessary fee and having made the necessary declaration is hereby authorised to practice as an apprentice attached to the Sub-Registry Office/Registration District. Dated the day of..... 20..... Office of the District Registrar of District Registrar of..... Signature of the Licence-holder. (To be made as soon as the licence is received) Conditions (a) The licensee shall abide by the Rules relating to the Licensing of Apprentice. (b) He shall not demand or accept any sum from parties in the name of any person or persons connected with the registration office. (c) He shall transcribe documents legibly, neatly and correctly and in accordance with the directions that may from time to time be issued by the Inspector-General of Registration. (d) He shall instruct the parties or their duly authorised agents or holders of powers-of-attorney to present documents or petitions and pay the fees themselves direct to the Registering Officer and not through any other agency. Note. - The licence will be liable to suspension or cancellation for a breach of any of the above conditions as well as for any other cause to be recorded. Form "E" (Rule 21) Register of Document

Prepared in the office of (Name of Document Writer) attached to the Holder of Licence No. office, of.....

Serial No.	Name of the party (executant) or claimant of the document	Nature of document	Value of consideration	Fee of document writer	Name of the Sub-Registrar's office of registration	Date of return of document by the Sub-Registrar if endorsed in document writer's name	Signature of the party in receipt of document with date

Rs. P.

- Total-

Serial no.	Licence number	Date	Name of Licensee	Address	District	Sub-district	Remarks (posting of renewals with date)
1	2	3	4	5	6	7	8

Serial no.	Licence number	Date	Name of Licensee	Address	District	Sub-district	Remarks (posting of renewals with date)
1	2	3	4	5	6	7	8

7. Amount, number, date and name of Treasury of Challan receipt.

Declaration I, (full name)..... do hereby solemnly declare that I have not been declared to be of unsound mind or convicted of any offence involving moral turpitude or adjudged as insolvent by any court of competent jurisdiction during the past year and that the information and particulars furnished herein are true and correct to the best of my knowledge and belief. Place: Date: Encl. 1. Challan receipt. Signature. Note. - The renewal made on the strength of this application is liable to cancellation at any time if it is found that any information or particulars furnished in the application are false or untrue or incorrect. District Registrar. Sub-Registrar Office No. Recommendation To

The District Registrar

Renewal to be in force till Sub-Registrar

Renewal to be in force till Order

District Registrar.