

APPENDIX – II

**Levy of fees under Sections 62 and 63 of the Chit Funds Act, 1982
(Central Act. No. 40 of 1982)**

(See Rule 42 of the Andhra Pradesh Chit Funds Rules, 2008)

TABLE OF FEES

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| <p>1. For the application for previous sanction to commence or conduct a chit under sub-section(2) of Section 4</p> | <p>Upto Rs. 50,000/- (Chit Value)
Rs. 10/- per ticket, subject to maximum of Rs. 400/-Rs.
50,0001 to Rs. 2,00,000 Rs.
20/- per ticket, subject to a maximum of Rs. 1,000/-Rs.
2,00,001 to Rs. 5,00,000/-Rs.
30/- per ticket subject to a maximum of Rs. 1,500/-Above Rs.
5,00,000/- Rs. 35/- per ticket subject to a maximum of Rs. 2,000/-Rs. 10/- per ticket</p> |
| <p>2. (a) For filing the chit agreement with the Registrar and Registration of chit under Section 7.</p> | <p>Rs. 10/- per ticket Rs.</p> |
| <p>(b) For every application for registration of alteration, addition to or cancellation of chit agreement under Section 15 and Rule 14.</p> | <p>10/-Rs. 10/-Rs. 2/-</p> |
| <p>3. For filing the declaration with the Registrar and the grant of a certificate of commencement under sub-section (1) of Section 9.</p> | |
| <p>4. For filing the certificate under sub-section (2) of Section 10.</p> | |
| <p>5. For filing a copy of minutes of the proceedings under Section 18.</p> | |

6. For the audit of balance sheet 24 by the under Section Chit Auditor
- (a) When the aggregate chit Rs. 100/-amount of chits covered by the balance sheet does not exceed Rs. 1,00,000/-
 - (b) When such amount exceeds Rs. 250/-Rs. 1,00,000
7. For filing the audited balance sheet under Section 24
- Rs. 100/- for Proprietary concerns
 - Rs. 200/- for Partnership Firms
 - Rs. 300/- for Companies
8. For the audit of accounts under sub-section (4) of Section 61 by the Chit Auditor
- (a) When the chit amount does not exceed Rs. 1,00,000.
 - (b) When amount such Rs. 1,00,000
9. If the balance sheet or accounts are audited under Section 24 or sub-section (4) of Section 61 at the premises of foreman or outside the office of the Registrar for each such audit, in addition to fee payable under Articles 6 and 8.
- Rs. 50/-Rs. 300/-Rs. 20/- plus an amount equal to the traveling allowance and daily allowance admissible to the Chit Auditor under the Andhra Pradesh Traveling Allowances Rules.
10. (a) For the application for extension of time for filing the declaration under sub-section (3) of Section 7
- Rs. 20/-
- (b) For the application for approval to appropriate sums from reserve fund under subsection (4) of Section 8.
- Rs. 200/-

(c) For the application to offer as security the immovable property under sub-rule (5) of Rule 18		
(i) Situated the jurisdiction of the within the State	but	Rs. 50/-Rs.
	outside Registrar	100/-Rs. 250/-
(ii) Situated outside the State		plus @
(iii) For inspecting the immovable property offered as security under Section 20 to fix value of the property by the Deputy Registrar of Chits or Assistant Registrar of chits		Rs. 50/-
(d) For the application for permission to substitute the security during the currency of the chit under sub-section (3) of Section 20.		Rs. 50/-
(e) For the application from the Foreman to conduct any draw in the presence of the Registrar or the person deputed by him under sub-section (3) of Section 16.		Rs. 150/-
(f) For the application for the prior approval of the Registrar to open a new place of business under sub-section (1) of Section 19.		
(g) For the application for extension file copies of documents under Section 75.		Rs. 30/-
(h) For the application to award compensation against frivolous or vexatious petition for winding up of chit under sub-section (1) of Section 58.		Rs. 15/-
(i) For the application injunction for order under 52. Section		Rs. 15/-

	(j) For the application for leave to continue legal proceedings against foreman under Section 55.	Rs. 15/-
	(k) Application for attachment of property under sub-section (1) of Section 68.	Rs. 25/-
11.	For filing the following papers with the Registrar	
	(a) A copy of each entry relating to the removal of defaulting subscriber under sub-section (3) of Section 28.	Rs. 5/-
	(b) A copy of each entry relating to the substitution of a subscriber under sub-section (2) of Section 29.	Rs. 5/-
	(c) A copy of entry relating to transfer of the rights of foreman under Section 37.	Rs. 5/-
	(d) A copy of entry, relating to transfer of non-prized subscriber's right under Section 37.	Rs. 5/-
	(e) A copy of assent of all non-prized and unpaid subscribers for withdrawal of a foreman under Section 41.	Rs. 5/-
	(f) A copy of consent of all non-prized and unpaid prized subscribers to the termination of chit under Section 41.	Rs. 5/-
12.	Fee for petition for decision of dispute	Rs. 20/- for every thousand or part thereof of the amount of claim in dispute.

13.	Fee for application for up of chit	
	(a) When the chit amount does not exceed Rs. 5,000	Rs.
	(b) When such chit amount exceeds Rs. 5,000	100/-Rs.
14. 15.	Fee for adjournment of any proceedings under the Act.	200/-Rs.
	Fee for application for interim stay or relief other than appeals to the Government or any other authority	25/-
	(a) When it relates to a chit with a chit amount not exceeding Rs. 5,000	
	(b) When such chit amount exceeds Rs. 5,000 but does not exceed Rs. 10,000	Rs. 100/-Rs.
	(c) When such chit amount exceeds Rs. 10,000 but does not exceed Rs. 1,00,000	200/-Rs.
	(d) When such chit amount exceeds Rs. 1,00,000	300/-Rs.
17.	For inspection of one or more records relating to a chit under Section 62 for each inspection	500/-Rs. 5/-Rs.
18.	For every 100 words or fraction thereof of a copy or extract of the records relating to a chit	2/- per page Rs.
19.	For a certified copy of any order or judgement or award made by the Registrar or his nominee under Section 69.	50/-

In exercise of the powers conferred by Section 89 of the Chit Funds Act, 1982 (Central Act, 40 of 1982), the Government of Andhra Pradesh, in consultation with the Reserve Bank of India, hereby makes the following rules:

CHAPTER - I

PRELIMINARY

1. Short title: —

- (i) These rules may be called the Andhra Pradesh Chit Funds Rules, 2008.
- (ii) They shall come into force from the 15.09.2008 ..

2. Definitions: —

In these rules, unless the context otherwise requires, —

- (a) “**Act**” means the Chit Funds Act, 1982 (Central Act 40 of 1982);
- (b) “**Appendix**” means Appendix I or as the case may be, Appendix II to these rules;
- (c) “**Authorized agent**” means a person duly authorized by a power-of-attorney executed and registered under the provisions of Registration Act, 1908 (Central Act XVI of 1908) or a person authorized by a letter of authorization specified in Form XX by the person concerned;
- (d) “**Form**” means a Form in Appendix I to these Rules;
- (e) “**Section**” means a Section of the Act;

Words and expressions used in these Rules but not defined therein shall have the same meanings respectively assigned to them in the Act.

CHAPTER - II

REGISTRATION

3. Application for obtaining previous sanction for commencement or conduct of Chit: —

Every application for obtaining previous sanction of the State Government or the officer empowered by it in this behalf, for commencement or conduct of a chit shall be made, by the foreman in Form-I. The State Government or the Officer empowered may issue the order of previous sanction in Form - IB.

4. Communication of the refusal to sanction commencement or conduct of a chit: —

- (1) Where sanction for the commencement or conduct of a chit is refused, the reasons for such refusal shall be recorded in writing and a copy thereof shall be communicated to the applicant.
- (2) Before refusing such sanction, the State Government shall issue a notice to the foreman calling upon him to show cause within a reasonable period to be stipulated in such notice why sanction be not refused.
- (3) Where the ground for the proposed refusal of such sanction is default in payment of fees or filing of any statement or record required to be paid or filed under the Act, the State Government may condone the said default, if it is satisfied on hearing the foreman that the default has occurred due to reasons beyond his control or due to other bonafide reasons, provided the foreman has paid the fees or filed the necessary documents on or before the date of such hearing.

5. Application for registration of Chit: —

Every application for the registration of a chit to be made by the foreman to the Registrar shall be in Form-II.

6. Endorsement of registration of a Chit: —

The endorsement of registration of a chit agreement to be issued by the Registrar shall be in Form-III.

7. Registration Number of Chit: —

Every chit registered under the Act shall be numbered serially by the Registrar in separate series for each calendar year.

8. Communication of the refusal to register a Chit: —

(1) If the Registrar refuses to register a Chit, he shall record the reasons for such refusal in writing and communicate a copy of the order to the applicant.

(2) Before refusing the registration, the Registrar shall issue a notice to the foreman calling upon him to show cause within a reasonable period to be stipulated in such notice why registration be not refused.

(3) Where the ground for the proposed refusal of registration is default in payment of fees or filing of any statement or record required to be paid or filed under the Act, the Registrar may condone the said default, if the Registrar is satisfied, on hearing the foreman that the default has occurred due to reasons beyond the control of the foreman or due to other bonafide reasons, provided the foreman has paid the fees or filed the necessary documents on or before the date of such hearing.

9. Application for appropriation of any sum from Reserve Fund: —

Every application for obtaining prior approval of the Registrar for appropriation by a company of any sum from the reserve fund shall be in Form IV.

10. Declaration to be filed about subscriptions to all tickets of a Chit: —

Every declaration to be filed by a foreman after all tickets in a chit specified in the chit agreement have been fully subscribed shall be in Form V.

11. Form of Certificate of commencement of Chit: —

The certificate of commencement of a chit to be granted to the foreman shall be in Form VI.

12. Form of certificate about furnishing a copy of the chit agreement to the subscribers of a chit: —

The certificate by the foreman about having furnished a copy of the chit agreement to every subscriber of a chit to be filed with the Registrar shall be in Form VII.

12 A. Copies of chit agreement and Byelaws to be given to the subscribers and acknowledgements to be filed with Registrar: —

After the chit agreement is signed by the subscriber or by any person authorized in writing by the subscriber in his behalf, the foreman shall supply a true copy of the chit agreement along with a copy of its bye-law, certified as such by him to such subscriber or person authorized by the subscriber who shall acknowledge the receipt of the same and the foreman shall file the acknowledgements with the Registrar concerned within fourteen days of the first drawing of the chit.

12 B. Issue of pass book to the subscriber by the foreman: —

The foreman shall issue a pass book to each subscriber duly attested by the Registrar concerned with official seal. Provision for entries shall be made and it shall contain the full details of the dividend, the amount that is available with the foreman for distribution of dividend in the last draw, and the share of the subscriber. The foreman shall obtain the signature of the subscriber concerned against each entry made in the pass book.

13. Form of Chit agreement: —

The Chit agreement of every chit started under the Act shall, as far as may be, conform to the proforma setforth in Form VIII.

14. Registration of alteration, addition or omission of Chit agreement: —

(1) No alteration, addition or omission of any provision in the chit agreement shall have effect unless such alteration or addition or omission, as the case may be, is registered. If the foreman makes any alteration or addition or omission of any provision in the Chit agreement, he shall submit such alteration or addition or omission in duplicate to the Registrar duly signed and attested by atleast two witnesses along with the application for registration of such alteration or addition or omission, as the case may be, of the Chit agreement.

(2) An application to register an alteration of or addition to or omission of any provision in the chit agreement shall be dealt with in the same manner as an application for registration of the chit agreement.

15. Date of effect of alteration or addition or omission of any provision in the chit agreement: —

An alteration of or addition to or omission of any provision in the chit agreement shall not take effect from a date earlier than the date of such registration of the alteration or addition or omission as the case may be, unless otherwise ordered by the Registrar;

Provided that the Registrar shall not give effect to the alteration or addition or omission from a date earlier than the date of application for registration of the alteration or addition or omission of any provision in the chit agreement, as the case may be.

16. Form of Notice to chit subscriber: —

Every notice to be given by a foreman to the subscribers in a chit under Section 16 shall be in Form IX. It shall be sent to each subscriber under certificate of posting and shall also be exhibited on the notice board of the office of the foreman.

16 A. Communication of a list of Non-Prized Subscribers after the auction: —

A list showing the names of all the non-prized subscribers of a chit shall be sent to each subscriber by the foreman by a letter within ten days after the auction or draw and it should contain the following particulars:

- (a) How the dividend is utilized and how much dividend is available for distribution;
- (b) who are the prized and non-prized subscribers;
- (c) the date, time, and place of next draw.

The acknowledgement obtained from each subscriber should be filed in a separate file.

17. (1) Form of minutes of proceedings: —

The minutes of proceedings of every draw shall, in addition to the particulars specified in sub-section (2) of Section 17 contain full particulars of the following points namely :

- (a) Particulars of deposit, if any, of the prize amount under sub-section (2) of Section 22 since the date of previous draw;
- (b) Particulars of deposit, if any, of money under sub-section(1) of Section 22, sub-section(1) of Section 30 and sub-section(4) of Section 33 since the date of the previous draw;
- (c) Amount withdrawn from the approved bank (the name of the Bank to be specified) and the purpose for which the amount was withdrawn since the date of the previous draw;
- (d) How the prized subscriber was ascertained according to the terms of the Chit agreement and particulars of tickets and prize amount. If the ascertainment of the prized subscriber related to a fraction of a ticket, particulars in respect of each such fraction shall be entered;
- (e) Full particulars of the commission, or remuneration for meeting the expenses of the Chit paid to the foreman and the amount of dividend assigned to each subscriber;

(f) Names of subscribers or their authorized agents who bid the draw, their ticket numbers and signatures.

(2) Rate of interest payable by the defaulted subscriber and the duty of foreman on receipt of subscription: —

Every subscriber who defaulted in payment of instalments in time as per the chit agreement, shall pay the interest @ 12% per annum on the amount so payable to the foreman and the foreman shall pay the amount of dividend of each draw even to the defaulted subscriber as and when the subscriber pays the defaulted subscription.

(3) No agent or representative of the foreman or the family members of his family shall act as agents: —

No agent or representative of the foreman or the members of his family shall act as agent of subscriber for the purpose of participation in a chit auction. However, a subscriber can appoint an agent in writing who can represent only one subscriber in each auction.

CHAPTER - III

18. Procedure in the case of security given by the foreman: —

(1) In case of cash deposited in an approved bank in the name of the Registrar under clause (a) of sub-section(1) of Section 20, the receipt or the book issued by the approved Bank mentioned in the chit agreement shall be delivered to the Registrar.

(2) In case of Government securities transferred in favour of the Registrar under clause (b) of sub-section (1) of the Section 20, the Registrar shall keep them in safe custody under his control in any Government Treasury.

- (3) If the security offered is accepted as sufficient by the Registrar, he shall record in writing on the application, a certificate of sufficiency in Form XI and attach a statement of valuation made.
- (4) If the security offered is not accepted by the Registrar, he shall give the applicant an endorsement to that effect.

19. Valuation of chit amount in grain chits: —

In a grain chit, for the purpose of security under Section 20, the grain shall be valued by the Registrar as follows:

- (a) The total quantity of grain due from all subscribers at one instalment of the chit shall be ascertained;
- (b) The market value for the time being of the total quantity referred to in clause(a) shall then be calculated;
- (c) In assessing the market value, the Registrar shall adopt the current market prices at the nearest Mandal town as ascertained from the Mandal Revenue Officer having jurisdiction;
- (d) One and a quarter times the market value mentioned in clause (b) shall be taken to be the chit amount for the purpose of furnishing security by the foreman under sub-section (1) of Section 20.

20. Substitution of security: —

- (1) During the currency of a chit, the foreman may apply to the Registrar in Form XII for permission to substitute the security given by him for the proper conduct of the chit by fresh security.
- (2) The Registrar may grant permission after satisfying himself;
 - (i) that the request of the foreman for substitution of security given under Section 20 is for the reasons stated in the application; and (ii) that the fresh security offered is adequate.
- (3) The procedure prescribed in Rule 18 shall apply ***mutatis mutandis*** to the substituted security given by the foreman under this rule.

21. Release of original security in the case of substitutions: —

- (1) The Registrar shall, if so required by the foreman, execute and register a deed of release in respect of the original security at the cost of the foreman.
- (2) If the original security to be returned is Government securities deposited in a Government Treasury, the Registrar shall arrange in return the securities offered by the foreman after taking endorsements of re-transfer in the pass book (receipt) or Government security (or other record), as the case may be.
- (3) If the original security to be returned is movable property other than Government security, the Registrar shall arrange to return such security by executing such deed or making such endorsement as may be necessary for an effective retransfer in favour of the foreman.

22. Application for release of security: —

On termination of chit the foreman may apply to the Registrar for the release of the security given by him.

23. Declaration by foreman: —

The application for release of security under sub-section (5) of Section 20 shall contain a declaration separately signed by the foreman stating that the claims of all the subscribers have been fully satisfied and that all dues payable by the foreman under the Act to the Registrar or any other Officer have been fully paid.

24. Procedure for release of security: —

- (1) (a) The Registrar may for the purpose of releasing the security under sub section (5) of Section 20 call upon the foreman to produce a copy duly certified to be a true copy of any register and books of account maintained by the foreman and shall exhibit a notice on his office notice board stating that the security is proposed to be released and that any person objecting to such release may file with the Registrar his statement of objections, if any, within fifteen days from the date of exhibition of the notice.

- (b) If no objections are received within the period specified in the notice, the Registrar shall release the security, together with interest, if any, accrued therein and remaining unpaid.
- (2) If any objections are received, the Registrar shall enquire into the objections summarily within fourteen days after the date of expiry of the period specified in the notice referred to in sub-rule(1)(a) and record his decision in writing and forward a copy thereof to the foreman and to the objector.
- (3) The procedure prescribed in Rule 21 for re-transfer of property by the Registrar shall apply ***mutatis mutandis*** to the release of security made under this Rule.

25. Books of Accounts to be maintained by the foreman: —

In addition to the book of minutes of draws mentioned in Section 17, every foreman shall keep the following registers and books of accounts in the Forms mentioned, against each or in the Forms as near thereto as possible.

- (1) Register of subscribers in Form XIII;
- (2) A ledger in Form XIV;
- (3) A Day book in Form XV;
- (4) A Receipt Book in Form XVI, duly certified by the foreman as to the number of pages in duplicate;
- (5) A book containing copies of all notices issued by the foreman to the subscribers;
- (6) A file containing the letters of authorization of the subscribers, for subscribing his name in the chit agreement and for participating in the auction of the chit;
- (7) A file containing the vouchers for payment made by the foreman;
- (8) A file containing documents relating to securities offered by the prized subscribers.

26. Accounts to be written up promptly: —

- (1) Every entry in the Register of subscribers, the Ledger or the Day book mentioned in Rule 25 shall be made as and when the particular event occurs.
- (2) On receipt of any money, a receipt shall immediately be prepared or cause to be prepared by the foreman in Form XVI and delivered to the payer.
- (3) The foreman shall at the time of issuing every notice, prepare a copy thereof in the book mentioned under clause (5) of Rule 25, certify it to be a true copy and enter therein under his signature, the date of dispatch of the notice.
- (4) Every document relating to the security given by the prized subscribers shall, as soon as it is received, be filed in the file mentioned in clause (8) of Rule 25. The file shall contain as index for facilitating the scrutiny of the documents.

27. Filing of vouchers: —

As soon as each payment is made, the foreman shall obtain a voucher from the payee. He shall verify whether the voucher specifies the purpose for which the payment was received and whether it is properly signed by the recipient and preserve it in the file mentioned in clause (7) of Rule 25 after assigning a serial number thereto for each calendar month.

28. Date for submission of Balance sheet: —

- (1) The balance sheet prepared in accordance with the provisions of Section 24 shall be filed with the Registrar within a period of three months from the expiry of the period with reference to which it is prepared.
- (2) Receipts and Expenditure Account and statement showing the assets and liabilities of the individual chit group shall be filed in the form XXI with Registrar within a period of two months from the termination of the chit when the duration of the chit does not exceed one year and when the duration of

the chit exceeds one year on expiry of every period of twelve months and also on the termination of the chit.

29. Audit by a Chit Auditor: —

- (1) If a foreman desires to have the Balance sheet and Profit and Loss Account audited by the Chit Auditor appointed under sub-section (2) of Section 61, the foreman shall immediately after the preparation of the balance sheet make an application for such audit to the Registrar within whose jurisdiction the chit is conducted specifying whether the audit shall be at the premises of the foreman or not. The application shall be accompanied by the amount of fee set out in Appendix II.
- (2) The Registrar shall forward the application to the concerned Chit Auditor to have the balance sheet and profit and loss account and receipt and expenditure account of individual chit audited by him as early as possible. On receipt of the application, the chit auditor on such date, time and place as he may fix, the foreman shall produce all registers, books of accounts and other records relating to the chit accordingly and furnish such information and give such facilities as may be necessary or required for the proper audit of the balance sheet and profit and loss account and receipt and expenditure account of the individual chit at the time and place fixed by the chit auditor.
- (3) In case the chit auditor feels doubt, as to the running of chits by the foreman he may audit all the records, including profit and loss accounts and receipts and expenditure accounts of each individual chit, at any time by giving a prior notice to the foreman if practicable.
- (4) Notice of not less than seven days shall be given to the foreman as to the date of audit in the premises of the foreman or for the production of registers, books of account and other records relating to the chit business, as the case may be.

30. Audit certificate and report of the chit auditor to be in quadruplicate: —

The chit auditor shall prepare his report and audit certificate in quadruplicate and shall send two copies to the foreman so that he can keep one copy with him and file the other copy under Rule 31. He shall furnish the third copy to the Registrar and keep the remaining copy for his own file.

31. Time for filing balance sheets audited by a chit auditor or other auditors: —

(1) Where the audit is done by the chit auditor, the foreman shall file with the Registrar a copy of the balance sheet and profit and loss account together with the audit certificate and auditor's report within one month from the date of the receipt of the audit certificate and audit report from the chit auditor or within three months from the last day of the period covered by the balance sheet, whichever is earlier.

(2) In the case of audit by an auditor qualified to act as auditor of companies under the Companies Act, 1956 (Central Act 1 of 1956) the foreman shall file with the Registrar the documents referred to in sub-rule (1) within three months from the expiry of the period with reference to which the balance sheet is prepared under Section 24 and in the case of individual chit as referred to sub-rule (2) of Rule 28 within a period of two months.

CHAPTER - IV
WINDING UP OF CHITS

32. Form of petition for winding up and presentation: —

A petition for winding up of a chit shall contain the following particulars, namely:

- (1) Full name, description, occupation and address of the petitioner;
- (2) Address of his advocate, if any for the services of all notices, process, etc.,
- (3) Address of the foreman;
- (4) Particulars of the chit;
 - (i) number and date of registration of the chit agreement;

(ii) office where the chit agreement was registered;
 (iii) the chit amount;
 (iv) the total number of tickets;
 (v) the number of subscribers and the number of tickets subscribed by each subscriber; (vi) the number of non-prized subscribers on the date of the petition; and (vii) the number of unpaid prized subscribers, if any.

- (5) Facts on which the petitioner relies in support of the petition.
- (6) Particulars relating to the award and execution of other process which has been returned unsatisfied in whole or in part, if the ground of the petition is that execution of other process issued on an award or order of the Registrar in favour of any subscriber in respect of the amounts due to him from the foreman was returned unsatisfied in whole or in part.
- (7) Full details to show that the condition prescribed in clause (a) of the proviso to Section 49 is satisfied, if the winding up of the chit is applied for under clause (d) of Section 48.
- (8) Whether the previous sanction of the State Government has been obtained, if clause (b) of the proviso to Section 49 applies (a copy of the relevant order of the State Government shall be attached).

33. Proposals for collection and distribution of chit assets: —

- (1) The Receiver shall, as soon as possible, settle and submit to the Registrar a statement (hereinafter referred to as the 'Provisional Statement') showing —
 - (a) the names of subscribers and other persons from whom moneys are due to the chit;
 - (b) the names of the subscribers and other persons to whom moneys are due from chit;
 - (c) proposals as to how the chit assets are to be collected and applied in the discharge of its liabilities; and
 - (d) the amount proposed to be paid to each of the persons specified in clause(b).

(2) Notice of the preparation of the provisional statement accompanied by a copy thereof shall be published and be served on the petitioner, the subscribers and other persons mentioned by the receiver in such manner as the Registrar may direct. If the number of persons on whom notice is to be served is large, the notice may, in the discretion of the Registrar, be served on the petitioner only and advertised in one or more daily newspapers. The notice shall specify the date on which objections to the provisional statement will be heard and shall call upon any person having such objections. (i) to submit his statement of objections and the grounds therefor supported by an affidavit before the date appointed by the Registrar in this behalf; and (ii) to appear in person or by an advocate on the date of hearing with all the evidence in support of his objections.

34. Set-off to be allowed : —

When money is due from the foreman to a subscriber and also from the subscriber to the foreman, the subscriber be allowed the benefit of set-off.

35. Hearing of objections to the provisional statement: —

On the date fixed for the hearing of the objections under sub-rule (2) of Rule 33, the Registrar shall enquire into the objections and after considering the evidence, if any adduced in support thereof pass, orders on the objections and call upon the receiver to revise, if necessary, the provisional statement in accordance with his orders. The Registrar shall fix a date by which revision is to be made and intimate orally or in writing such date to the persons who have appeared in person or through their advocates on the date of the hearing.

36. Final orders of settlement by Registrar: —

(1) As soon as possible thereafter and at least ten days before the date fixed under Rule 35, the Receiver shall submit to the Registrar a fresh list of subscribers or other persons to whom or from whom moneys are due and fresh proposals for the distribution of the available chit assets after making such further enquiry as may be necessary. The Registrar shall thereupon consider the said list and proposals and approve or modify them in such

manner as he considers necessary. The Registrar shall pass final orders accordingly on the date fixed under Rule 35 for the collection and distribution of the Chit assets. The Registrar may also pass such orders as may be necessary for the distribution of the available chit assets in case such assets happen to be insufficient to meet the sums which have to be paid to the subscribers.

(2) The final orders passed by the Registrar under this rule shall be conclusive evidence of the several claims to be met out of the chit assets.

37. Provision for expenses of winding up: —

In making proposals for the distribution of the chit assets, the Receiver shall specify the estimated amount of the cost of winding up including remuneration for the Receiver and such other items of expenditure as are incidental to the winding up and such estimated amount shall first be provided for and deducted from the value of the chit assets and the balance amount shall also be proposed for distribution in the provisional statement and the fresh list mentioned in Rule 36.

38. Filing of Final accounts by Receiver: —

(1) Upon the termination of the proceedings relating to the winding up, the Receiver shall file his final accounts with the Registrar within fifteen days of such final accounts being passed by the Registrar and the balance of money in the hands of the Receiver shall be paid to the Registrar. The Receiver shall also state how the balance amount may be disposed of together with the reasons for his proposals. He shall also deposit with the Registrar all books, accounts and all other records relating to the chit which has been wound up.

(2) The Receiver may, thereafter apply to the Registrar for a certificate of discharge from the duties as Receiver and for the vacating of his recognizance bonds entered into by him and the sureties, if any. On receipt of such application, the Registrar may pass orders of such discharge and

vacating of the bonds and for disposal of the final balance of the chit assets, if any.

39. Final order of winding up by the Registrar : —

- (1) After the affairs of a chit have been completely wound up, the Registrar shall make an order recording the fact of such winding up.
- (2) A copy of such order shall be exhibited on the notice board of the Registrar.

40. Disposal of Records : —

The Books and papers of a chit which has been completely wound up and of the Receiver shall be retained and disposed of in such manner as the Registrar may direct.

41. Meetings: —

When the number of subscribers is large and the Registrar, whether on an application of the Receiver or not, at any stage considers that a meeting of all such parties is necessary in order to ascertain their wishes in any matter, the Registrar may pass an order for holding such a meeting. The Registrar may direct the manner in which and the time and place at which the meeting shall be held and the Receiver shall convene and hold the meeting accordingly.

CHAPTER - V

FEES

42. Table of Fees: —

The fees payable to the Registrar for matters specified in Section 62 and Section 63 shall be as set out in Appendix-II and shall be paid in cash.

43. Receipt for fees: —

The Registrar shall grant receipts for all fees received by him.

44. Refund of fees: ----

The Registrar may refund any fee paid to him in excess of the amount prescribed or any fee that is unearned.

Explanation: The expression “fee that is unearned” in this rule means fees paid in connection with the registration of the chit agreement, the filing of a document or other service to be performed by the Registrar where such registration or filing is not actually effected or the service is not actually rendered.

CHAPTER - VI DISPUTES AND ARBITRATION

45. Reference of dispute: —

A reference of a dispute under Section 64 shall be made in writing to the Registrar in Form XVII. Wherever necessary, the Registrar may require the party referring the dispute to him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records as may be required by him before proceeding with the consideration of such reference.

46. Registrars satisfaction regarding existence of a dispute: —

Where any reference of a dispute is made to the Registrar or any matter is brought to his notice, the Registrar shall, on the basis of the reference (if any) made to him in Form XVII and the relevant records and statements submitted to him, record his decision together with the reasons therefor, whether he is or is not satisfied about the existence of a dispute within the meaning of Section 64. Such recording of decision shall be sufficient proof of the Registrar's satisfaction whether the matter is or is not a dispute, as the case may be.

47. Disposal of a dispute or reference to a nominee: —

- (1) Where the Registrar is satisfied that there is a dispute, the Registrar may decide himself or refer it to his nominee, for disposal.
- (2) Neither the Registrar nor his nominee shall take up for consideration any dispute, unless the parties concerned comply with the condition of affixing the court fees specified in Rule 57 of these rules for determining the dispute.

48. Qualifications for appointment as Registrars nominees: —

- (1) The State Government or the Registrar of Chits may appoint a person to be a Registrar's nominee provided that, —
 - (a) he has practiced as an Advocate, Pleader or Vakil for not less than five years; or
 - (b) he is enrolled as an advocate or holds a degree or other qualification in law of any university established by law or of any other authority which entitles him to be enrolled as an Advocate; or
 - (c) he has held office not lower in rank than that of Sub-Registrar of Chits / Assistant Registrar of Chits for not less than five years; or
 - (d) he possesses good knowledge and experience of chit fund legislation and practice.
- (2) The State Government or Registrar of Chits may by a notification in the Official Gazette, appoint as many persons as may be necessary to act as Registrar's nominees for settlement of disputes arising under the Act.

49. Procedure for hearing and decision of disputes: —

- (1) The Registrar or his nominee shall record either in english or in the official language of the State i.e., Telugu, the evidence of the parties to the dispute and the witnesses who attend. Upon the evidence so recorded, and upon consideration of any documentary evidence produced by the parties, a decision shall be given by him in writing. Such decision shall be pronounced in the open court, either at once or as soon as may be practicable on some future day, of which due notice shall be given to the parties.

(2) Where neither party appears when the dispute is called out for hearing, the Registrar or his nominee may make an order that it be dismissed for default.

(3) Where the opponent appears and the disputant does not appear when the dispute is called out for hearing, the Registrar or his nominee may make an order that the dispute be dismissed, unless the opponent admits the claims or a part thereof, in which case the Registrar or his nominee, as the case may be, may make an order against the opponent upon such admission, and where, only part of the claim is admitted, may dismiss the dispute in so far as it relates to the remainder.

(4) Where the disputant appears and the opponent does not appear when the dispute is called out for hearing, then if the Registrar or his nominee is satisfied from the record and proceedings that the summons was duly served, the Registrar or his nominee may proceed with the dispute ex parte. Where the summon is served by any officer of the Registrar or his nominee, he shall make his report of service on oath.

(5) The Registrar or his nominee may not ordinarily grant more than two adjournments to each party to the dispute at his request. The Registrar or his nominee may, however, at his discretion grant such further adjournments on payment of such costs to the other side and such fees to the Registrar or his nominee, as the Registrar or his nominee, as the case may be, may direct.

(6) Any party to a dispute may apply for and obtain a certified copy of any order, judgement or award made by the Registrar or his nominee on payment of fees, at the rate prescribed in Appendix-II.

50. Summons, notices, and fixing of dates, place etc., in connection with the disputes: —

- (1) The Registrar or his nominee, as the case may be, may issue summons or notices at least fifteen days before the date fixed for the hearing of the dispute requiring:
 - (i) the attendance of the parties to the dispute, and of witness if any; and
 - (ii) the production of all books and documents relating to the matter in dispute.
- (2) Summons or notices issued by the Registrar or his nominee may be served through the Mandal Revenue Officer / Tahsildar or any employee of the Chit Department or by registered post with acknowledgement due.
- (3) The Officer serving summons or notice, shall in all cases in which summons or notice has been served, endorse or annex or cause to be endorsed on or annexed to, the original summons or notice, a return stating the time when, and the manner in which the summons or, as the case may be, notice was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons or the notices.
- (4) The official issuing the summons or notice may examine the serving officer on oath or cause him to be so examined by the officer through whom it is served and may make such further enquiry in the matter as he thinks fit, and shall either declare that the summons or notice, as the case may be, has been duly served or order it to be served in such manner as he thinks fit.
- (5) The mode of serving summons and notices as laid down in sub-rule (1) to (4) shall ***mutatis mutandis*** apply to the service of summons or notices issued by the Registrar or the person authorize by him, when acting under Section 46.

51. Investigation of claims and objections against any attachment: —

Where any claim or objection has been preferred against the attachment of any property under Section 68 on the ground that such property is not liable to such attachment, the Registrar, or his nominee, as the case may be, shall investigate into the claim or objection and dispose it of on merits.

Provided that, no such investigation shall be made if the Registrar or his nominee considers that the claim or objection is frivolous.

52. Procedure for the custody of property attached under Section 68: —

(1) Where the property to be attached is movable property other than agricultural produce in the possession of the debtor, the attachment shall be made by actual seizure and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, or of a Receiver, if one is appointed under sub-rule (2) and shall be responsible for the due custody thereof;

Provided that when the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody are likely to exceed its value, the attaching officer may sell it at once.

(2) Where it appears to the officer ordering conditional attachment under Section 68 to be just and convenient, he may appoint a Receiver for the custody of the movable property attached under that Section and his duties and liabilities shall be identical with those of a Receiver appointed under Order XL in the First Schedule to the Code of Civil Procedure, 1908.

(3) (i) Where the property to be attached is immovable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge.

(ii) The order shall be proclaimed at some place on, or adjacent to, such property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the village chavadi, and where the property is land, which is being assessed for paying revenue to the State Government, also in the office of the Collector of the District and in offices of the Revenue Divisional Officer and the Mandal Revenue Officer / Tahsildar within whose Jurisdiction the property is situated.

53. Procedure for attachment and sale of property for realization of any security given by person in course of execution proceedings: —

The procedure laid down in Rules 51 and 52 shall *mutatis mutandis* apply for attachment and sale of property for the realization of any security given by a person in the course of execution proceedings.

54. Issue of proclamation prohibiting private transfer of property: —

The Registrar when acting under clause (a) of Section 71 shall, at the time of signing a certificate affecting any property, issue a proclamation in Form XVIII and in the case of immovable property shall also forward a copy of the proclamation to the Mandal Revenue Officer / Tahsildar or any other revenue officer within whose jurisdiction the property is situated, who shall cause an entry about such certificate to be made in the Record of Rights.

55. Procedure for execution of awards: —

(1) Every order or award passed by the Registrar, or his nominee under Section 68 or 69 shall be forwarded by the Registrar to the foreman or to the party concerned with instructions that the foreman or, as the case may be, the party concerned should initiate execution proceedings forthwith according to the provisions of Section 71.

(2) If the amount due under the award is not forthwith recovered, or the order thereunder is not carried out, it shall be forwarded to the Registrar with an application for execution along with all information required by the Registrar,

for the issue of certificate under Section 71. The applicant shall state whether he desires to get it execute the award through a civil court or through the revenue authorities as provided under Section 71.

(3) On receipt of such application for execution, the Registrar shall forward the same to the proper authority for execution along with a certificate issued by him under Section 71 and a proclamation issued under Rule 54 in the manner prescribed therein.

(4) Every order passed in appeal under Section 70 shall also be executed in the manner laid down in sub-rules (2) and (3).

56. Transfer of property which cannot be sold : —

(1) When, in execution of an order sought to be executed under Section 71, any property cannot be sold for want of buyers, if such property is in the possession of the defaulter or of some person on his behalf, or of some person claiming it under a title created by the defaulter subsequent to the issue of the certificate by the Registrar under clause (a) or (b) of the said Section, the officer conducting the execution shall as soon as practicable report the fact to the Court or the Collector or the Registrar as the case may be, and the judgement creditor applying for the execution of the said order.

(2) On receipt of a report under sub-rule (1) the judgement creditor may within six months from the date of the receipt of the report or within such further period as may for sufficient reasons be allowed in any particular case by the Court or the Collector or the Registrar, submit an application in writing to the Court, the Collector or the Registrar, as the case may be, stating whether or not he agrees to take over such property.

(3) On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the Record of Rights as persons holding any interest in the property, about the intended transfer.

(4) On receipt of such notice, the defaulter, or any person owning such property, or holding an interest therein by virtue of a title acquired before the date of the issue of a certificate under Section 71 may within one month from the date of the receipt of such notice, deposit with the Court or the Collector or the Registrar, for payment to the foreman a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the Collector or the Registrar, as the case may be.

(5) On failure of the defaulter, or any person interested, or any person holding any interest in the property, to deposit the amount under sub-rule(4), the Court or the Collector or the Registrar, as the case may be, shall direct the property to be transferred to the judgement creditor on the conditions stated in the certificate in Form XIX.

(6) The Certificate granted under sub-rule (5) shall state whether the property is transferred to the judgement creditor in full or partial satisfaction of the amount due to him from the defaulter.

(7) If the property is transferred to the judgement creditor in partial satisfaction of the amount due to him from the defaulter, the court or the Collector or the Registrar, as the case may be, shall on the production by the judgement creditor of a certificate signed by the Registrar, recover the balance due in the manner laid down in Section 71.

(8) The transfer of the property under sub-rule (5) shall be effected as follows: —

(i) In the case of movable property: —

(a) Where the property is in the possession of the defaulter himself or has been taken possession of on behalf of the Court

or the Collector or the Registrar, it shall be delivered to the judgement creditor.

(b) Where the property is in the possession of some person on behalf of a defaulter, the delivery thereof shall be made by giving notice to the person in possession directing him to give actual peaceful possession to the judgement creditor and prohibiting him from delivering possession of the property to any other persons.

(c) The property shall be delivered to a person authorized by the judgement creditor to take possession on behalf of him.

(ii) In the case of immovable property: —

(a) Where the property is growing or standing crop, it may be delivered to the judgement creditor before it is cut and gathered and the judgement creditor shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting and gathering it;

(b) Where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by the defaulter subsequent to the issue of a certificate under Section 71, the Court or the Collector or the Registrar, as the case may be, shall order the delivery to be made by putting the judgement creditor or any person whom he may appoint to receive delivery on his behalf in actual possession of the property and if need be, by removing any person who illegally refuses to vacate the same.

(c) Where the property is in the possession of a tenant or other persons entitled to hold the same by a title acquired before the date of issue of a certificate under Section 71, the Court or the Collector or the Registrar as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the judgement creditor in some conspicuous place on the property and proclaiming to such

person by beat of drum or other customary mode at some convenient place that the interest of the defaulter has been transferred to the judgement creditor.

(9) The judgement creditor shall be required to pay expenses incidental to sale including the cost of maintenance of livestock, if any, according to such scale as may be fixed by the Registrar from time to time.

(10) Where land is transferred to the judgement creditor under sub-clause (a) of clause (ii) of sub-rule (8) before the growing or standing crop is cut and gathered, the judgement creditor shall be liable to pay the current year's land revenue on the land.

(11) The judgement creditor shall forthwith report any transfer of property under sub-clause (b) or (c) of clause (ii) of sub-rule (8) to the Village Assistant for information and entry in the Record of Rights.

(12) The judgement creditor to whom property is transferred under sub-rule(5) shall maintain for each such defaulter a separate account showing all the expenses incurred including payment to outside encumbrances, land revenue and other dues on the property and all the income derived from it.

(13) The judgement creditor to whom property is transferred under sub-rule (5) shall use his best endeavor to sell the property as soon as practicable to the best advantage of the foreman as well as that of the defaulter, the first option being always given to the defaulter who originally owned the property. The sale shall be subject to confirmation by the Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the judgement creditor and referred to in sub-rules (9) and (12) and to the payment of the arrears due by the defaulter under the order in execution, and the surplus (if any), shall then be paid to the defaulter.

(14) Until the property is sold, the judgement creditor to whom the property is transferred under sub-rule (5) shall use his best endeavors to lease it or to

make any other use that can be made of it so as to derive the largest possible income from the property.

(15) When the judgement creditor to whom property is transferred under sub-rule (5) has realized all his dues, under the order in execution of which the property was transferred, from proceeds of management of the property, the property, if unsold, shall be restored to the defaulter.

57. Payment of fees for decisions of disputes: —

- (1) The Registrar or his nominee, as the case may be, on an application in Form XVII and on payment of fees by way of Court fee stamps prescribed therefor in Appendix II may take a dispute on file.
- (2) No documents of any kind specified below shall be filed before the Registrar or his nominee unless it is affixed with proper Court fee stamps as specified below.

		Proper Court Fee (Rs.)
(i)	Vakalatnama	2.00
(ii)	Application for adjournment	10.00
(iii)	Application for interim stay or relief	25.00

Provided that, in case of non-availability of Court fee stamps or as directed by the Registrar, in writing, the proper Court fee shall be paid in cash for the purposes of this rule.

- (3)
 - (a) The Registrar or his nominee deciding any dispute may require the party or parties to the dispute to deposit such sum as may in his opinion be necessary to meet the expenses including payment of fees to the Registrar or his nominee, as the case may be.
 - (b) The Registrar or his nominee shall have power to order the fees and expenses of determining the dispute to be paid by the foreman out of his funds or by such party, or parties to the dispute, as he may think

fit, according to the scale laid down by the Registrar, after taking into account the amount deposited as above.

(c) The Registrar may, by general or special order, has to specify the scale of fees and expenses to be paid to him or his nominee.

CHAPTER - VII

MISCELLANEOUS

58. Appeal to be in writing: —

- (1) An appeal under Section 70 or under sub-sections (1) and (2) of Section 74 shall be in writing and shall be either presented in person or sent by registered post to the State Government or to such officer or authority (hereinafter referred to as the appellate authority) as may be empowered by notification in the official Gazette by the State Government in that behalf.

- (2) The appeal shall be in the form of a memorandum accompanied by fee by way of Court Fee Stamps prescribed in Appendix II. In case of non-availability of Court fee stamps or as directed, in writing, by the Government, or the Officer or Authority, as the case may be, the person preferring an appeal shall pay the Court fee in cash.

- (3) Every appeal shall:
 - (a) specify the names and addresses of the appellant as well as the respondent;
 - (b) state by whom the order appealed against was made;
 - (c) set forth concisely and under distinct heads the grounds of objections to the order appealed against with a memorandum of evidence;
 - (d) state precisely the relief which the appellant claims; and
 - (e) give the date of the order appealed against.

59. Hearing and disposal of appeal: —

- (1) On receipt of the appeal, the appellate authority shall as soon as possible examine it and ensure that —
 - (a) the appeal memorandum is affixed with Court fee stamps of the value specified in rule 58(2);
 - (b) the person presenting the appeal has the *locus standi* to do so;
 - (c) it is made within the specified time limit; and
 - (d) it conforms to all the provisions of the Act and the Rules.
- (2) In the proceedings before the appellate authority, the appellant and the respondent may be represented by an agent holding a power of attorney or by a legal practitioner.
- (3) The appellate authority, on the basis of the enquiry conducted and with reference to the records examined, pass such order on appeal as may deem just and reasonable.
- (4) Every order of the appellate authority under sub-rule (3) shall be in writing and it shall be communicated to the parties concerned and the Registrar.

60. Period of retention of records by the Registrar: —

- The records of a chit including registers and books of account shall be preserved in the Office of the Registrar for eight years, —
- (a) from the date of release of the security in the case of chits which are terminated; and
 - (b) from the date when the affairs of the chit are completely wound up in cases dealt within Chapter X of the Act and if orders passed under that Chapter are appealable from the date of disposal of the appeal.

61. Register of Records kept: —

Every Registrar shall keep a separate register in which shall be entered particulars of all records relating to chits registered in his office.

62. Compounding of offences arising under the Act: —

(1) Any officer empowered by the State Government shall issue a show cause notice before taking any action under Section 76 or Section 77 of the Act against any person who has committed or is reasonably suspected to have committed any offence under the Act or Rules made thereunder, asking him to show cause within a period of fifteen days, why action under the said Section 76 or under Section 77 of the Act, as the case may be, should not be taken against him.

(2) Notwithstanding anything contained in the said provisions, —

(i) any officer empowered by the State Government to compound any offence committed under the Act or reasonably suspected to have committed any offence under the Act may and rules made thereunder compound the said offence committed by any person, either before or after the institution of the criminal proceedings under the Act.

Provided that a proposal by such officer to compound the offence is approved by an officer authorized by the State Government in this behalf.

(ii) On approval of the said proposal by the authorized officer referred to above, the officer empowered to compound the offence shall send an intimation in writing in that behalf to that person specifying therein —

- (a) a sum determined by way of composition not exceeding the amount of fine prescribed for the relative offence;
- (b) the date on or before which the sum shall be paid.

63. The rate of interest payable by a defaulting subscriber in pursuance of the proviso to sub-section (1) of Section 28 of the Act shall not exceed twelve percent per annum.

64. Delegation of duties of the Registrar of Chits: —

The Registrar of Chits may delegate all or any of the duties vested in him under the Act to Officers notified under sub-section (1) of Section 61 of the Act.

65. Registers, records, books and periodicals to be maintained by the authorities under Chit Funds Act, 1982: —

The Registrar, to achieve uniformity all over the State, may prescribe from time to time the proformas for various registers, records, books and periodicals and the authorities under the Act shall scrupulously maintain these as prescribed.

Principal Secretary to Government

**Commissioner & Inspector General of
Registration and Stamps, A.P., Hyderabad**

THE CHIT FUNDS ACT, 1982

No.40 OF 1982 [19th August, 1982.]

An Act to provide for the regulation of chit funds and for matters connected therewith. Be it enacted by Parliament in the Thirty-third Year of the Republic of

India as follows:-

THE CHIT FUNDS ACT, 1982

CHAPTER I - PRELIMINARY

1. Short title, extent and commencement.-

- (1) This Act may be called the Chit Funds Act, 1982.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States.

2. Definition.- In this Act, unless the context otherwise require, -

(a) "approved bank" means the State Bank of India constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955), or a subsidiary bank constituted under section 3 of the State Bank of India (Subsidiary Banks) Act, 1959 (33 of 1959), or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (5 of 1997), or a Regional Rural Bank established under section 3 of the Regional Rules Banks Act, 1976 (21 of 1976), or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), or a banking company as defined under clause (e) of section 5 of the Banking Regulation Act, 1949 (10 of 1949), or a banking institution notified by the Central Government under section 51 of that Act or such other banking institution as the State Government may, in consultation with the Reserve Bank, approve for the purposes of this Act;

(b) "chit" means a transaction whether called chit, chit fund, chitty, kuri or by any other name by or under which a person enters into an agreement with a specified number of persons that every one of them shall subscribe a certain sum of money (or a certain quantity of grain instead) by way of periodical installments over a definite period and that each such subscriber shall, in his turn, as determined by lot or by auction or by tender or in such other manner as may be specified in the chit agreement, be entitled to the prize amount.

Explanation.- A transaction is not a chit within the meaning of this clause, if in such transaction, -

- (i) some alone, but not all, of the subscribers get the prize amount without any

- liability to pay future subscriptions; or
 - (ii) (ii) all the subscribers get the chit amount by turns with a liability to pay future subscriptions;
- (c)"chit agreement" means the document containing the articles of agreement between the foreman and the subscribers relating to the chit;
- (d)"chit amount" means the sum-total of the subscriptions payable by all the subscribers for any installment of a chit without any deduction of discount or otherwise;
- (e)"chit business" means the business of conducting a chit;
- (f)"defaulting subscriber" means a subscriber who has defaulted in the payment of subscriptions due in accordance with the terms of the chit agreement.
- (g)"discount" means the sum of money or the quantity of grain which a prized subscriber is, under the terms of the chit agreement, required to forego and which is set apart under the saidagreement to meet the expenses of running the chit or for distribution among the subscribers or for both;
- (h) "dividend" means the share of the subscriber in the amount of discount available under the chit agreement for rate-able distribution among the subscribers at each installment of the chit;
- (i) "draw" means the manner specified in the chit agreement for the purpose of ascertaining the prized subscriber of any installment of the chit;
- (j) "foreman" means the person who under the chit agreement is responsible for the conduct of the chit and includes any person discharging the functions of the chit and includes any person discharging the functions of the foreman under section 39;
- (k) "non-prized subscriber" does not include a defaulting sub-scriber;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "prize amount" means the difference between the chit amount and the document, and in the case of a fraction of a ticket means the difference between the chit amount and the discount proportionate to the fraction of the ticket, and when the prize amount is payable otherwise then in cash, and value of the prize amount shall be the value at the time when it becomes payable;
- (n) "prize subscriber" means a subscriber who has either received or it entitled to receive the prize amount;
- (o) "Registrar" means the Registrar of Chits appointed under section 61, and includes an Additional, a Joint, Deputy or an Assistant Registrar appointed under that section;
- (p) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934);
- (q) "State Government", in relation to a Union territory, means the administrator of that Union territory appointed by the President under article 239 of the Constitution;

- (r) "subscriber" includes a person who hold a fraction of a ticket and also a transferee of a ticket or fraction thereof by assignment in writing or by operation of law;
- (s) "ticket" means the share of a subscriber in a chit.

3. Act to override other laws, memorandum ,articles ,etc.- Save as otherwise expressly provided in this Act,-(a) the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in the memorandum or articles of association or bye-laws or in any agreement or resolution whether the same be registered, executed or passed, as the case may be, before or after the commencement of this Act; and (b) any provision contained in the memorandum, articles, bye-laws, agreement or resolution aforesaid, shall, to the extent to which it is repugnant to the provisions of this Act, become or be void, as the case may be.

CHAPTER II

REGISTRATION OF CHITS, COMMENCEMENT AND CONDUCT OF CHITBUSINESS

4. Prohibition of chits not sanctioned or registered under the Act.-

(1) Not chit shall becommenced or conducted without obtaining the previous sanction of the State Government withinwhose jurisdiction the chit is to be commenced or conducted or of such officer as may beempowered by that Government in this behalf, and unless the chit is registered in that state inaccordance with the provisions of this Act:

Provided that a sanction obtained under this sub-section shall laps if the chit is not registered within twelve months from the date of such sanction or within such further period or periods not exceeding six months in the aggregate as the State Government may, on application made to it in this behalf, allow.

(2)An application for the purpose of obtaining a sanction under subsection (1) shall be made by the foreman in such form and in such manner as may be prescribed.

(3)The previous sanction referred to in sub-section (1) may be refused, if foreman, -

(a)had been convicted of any offence under this Act or under any other Act regulating chit business and sentenced to imprisonment for any such offence; or
(b)had defaulted in the payment of fees or the filing of any statement or record required to be paid or filed under this Act or had violated any of the provisions of this Act or the rules made thereunder; or

(c)had been convicted of any offence involving moral turpitude and sentenced to imprisonment for any such offence unless a period of five years has elapsed since his release :

Provided that before refusing any such sanction, the foreman shall be given a reasonable opportunity of being heard.

(4)The order of the State Government, and, subject to the provisions of sub-section (5), the order of the officer empowered under sub-section (1), issuing or refusing previous sanction

under this section shall be final.

(5) Any person aggrieved by the refusal to issue previous sanction by a officer empowered under sub-section (1) may appeal to the State Government within thirty days of the date of communication to him of such refusal and the decision of that Government on such appeal shall be final.

5. Prohibition of invitation for subscriptions except under certain conditions.- No person shall issue or cause to be issued any notice, circular, prospectus, proposal or other document inviting the public to subscribe for tickets in any chit unless such notice, circular, prospectus, proposal or document contains a statement that the previous sanction required under section 4 has been obtained and the particulars of such sanction.

6. Form of chit agreement.- (1) Every chit agreement shall be is duplicate and shall be signed by each of the subscribers or by any person authorised by him in writing and the foreman and attested by at least two witnesses and it shall contain the following particulars, namely:-

- (a) full name and residential address of every subscriber;
- (b)the number of tickets including the fraction of a ticket held by each subscriber;
- (c)the number of installments, the amount payable for each ticket at every installment and the interest or penalty, if any, payable on any default in the payment of such installments;
- (d)the probable date of commencement and the duration of the chit;
- (e)the manner of ascertaining the prizing subscriber at each installment;
- (f)the maximum amount of discount which the prized subscriber has to forego at any installment;
- (g)the mode and proportion in which the discount is distributable by way of dividend, foreman's commission or remuneration or expenses for running the chit, as the case may be;
- (h) the date, time and place at which the chit is to be drawn;
- (i) the installment at which the foreman is to get the chit amount;
- (j) the name of the approved bank in which chit moneys shall be deposited by the foreman underthe provisions of this Act;
- (k) where the foreman is an individual, the manner in which a chit shall be continued when suchindividual dies or becomes unsound mind or is otherwise incapacitated;
- (l) the consequences to which a non-prized or prized subscriber or the foreman shall be liable incase of violation of any of the provisions of the chit agreement;

- (m) the conditions under which a subscriber shall be treated as a defaulting subscriber;
- (n) the nature and particulars of the security of to be offered by the foreman;
- (o) the dates on which and time during which the foreman shall, subject to the provisions contained in section 44, allow inspection of chit records to non-prized and unpaid prized subscribers;
- (p) the names of the nominees of each subscriber, that is to say, the names of the persons to whom the benefits accruing to the subscriber under the chit may be paid in the case of the death of the subscriber or when he is otherwise incapable of making an agreement;
- (q) any other particulars that may, from time to time, be prescribed.

Explanation: - For the purposes of this sub-section, it shall be sufficient if the signature of each subscriber is obtained in separate copies of the agreement.

(2) The duration of a chit shall not extend beyond a period of five years from the date of its commencement;

Provided that the State Government may permit the duration of a chit up to a period of ten years if it is satisfied that it is necessary so to do, having regard to,-

- (a) the financial condition of the foreman;
- (b) his methods of operation;
- (c) the interests of prospective subscribers;
- (d) the requirements as to security; and
- (e) such other factors as the circumstances of the easy may require.

(3) The amount of discount referred to in clause (f) of sub-section (1) shall not exceed their per cent, of the chit amount.

(4) Where the prized subscriber at any installment at any installment of the chit is required to be determined by auction and more than one person offer the maximum discount, the prized subscriber shall be determined by lot.

7. Filing of chit agreement

(1) Every chit agreement shall be filed in duplicate by the foreman with the Registrar.

(2) The Registrar shall retain one copy of the chit agreement and return the duplicate to the foreman with an endorsement that the chit agreement has been registered:

Provided that the Registrar may refuse to register the chit agreement on any one or more of the following grounds, namely:-

- (a) that the security offered by the foreman under section 20 is insufficient;
- (b) that the foreman had been convicted of any offence under this Act or under any other Act regulating chit business and sentenced to imprisonment for any such offence;
- (c) that the foreman had defaulted in the payment of fees or the filing of any statement or

record required to be paid or filed under this Act or had violated any of the provisions of this Act or the rules made thereunder;

(d)that the foreman had been convicted of any offence involving moral turpitude and sentenced to imprisonment for any such offence unless a period of five years has elapsed since his release: Provided further that before refusing to register a chit under the first proviso, the foreman shall be given a reasonable opportunity of being heard.

(3)Every endorsement made under sub-section (2) shall be conclusive evidence that the chit is duly registered under this Act and the registration of a chit shall lapse if the declaration by the foreman under sub-section (1) of section 9 is not filed within three months from the date of such endorsement or within such further period or periods not exceeding three months in the aggregate as the Registrar may, on application made to him in this behalf, allow.

8. Minimum capital requirements for the commencement, etc., of a chit, and chit, and creation of a reserve fund by a company.-

(1) Notwithstanding anything contained in the Companies Act, 1956, but subject to the provisions of this Act, a company shall not commence or carry on chit business unless it has a paid-up capital of not less than rupees one lakh.

(2) Every company having a paid-up capital of less than rupees one lakh and carrying on chit business on chit business on the commencement of this Act, shall, before the expiry of a period of three years from such commencement, increase its paid-up capital to not less than rupees one lakh.

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of three years in respect of any company by such further period at periods not exceeding two years in the aggregate:

Provided further that no such company shall commence any new chit the duration of which would extend beyond the said period of three years or such extended period or periods under the first proviso unless it increases its paid-up capital to not less than rupees one lakh.

(3) Every company carrying on chit business shall create and maintain a reserve fund and shall, out of the balance of profit of each year as disclosed in its profit and loss account and before any dividend on its shares is declared, transfer to such reserve fund, a sum equal to not less than ten per cent, of such profit.

(4) No company shall appropriate any sum or sums from the reserve fund except with the prior approval of the Registrar and for the purpose of obtaining such approval, it shall make an application in the prescribed form to the Registrar explaining the circumstances relating to such appropriation.

9. Commencement of chit.-

- (1) Every foreman shall, after all the tickets specified in the chit agreement are fully subscribed, file a declaration to that effect with the Registrar
- (2) As soon as may be after a declaration is filed under sub-section (1), the Registrar shall, after satisfying himself that all the requirements relating to sanction, registration of chit and other matters have been duly complied with, grant a certificate of commencement to the foreman.
- (3) No foreman shall commence any auction or the draw of any chit or appropriate any chit or appropriate any chit amount unless a certificate of commencement referred to in sub-section (2) is obtained by him.

10. Copies of chit agreement to be given to subscribers.-

- (1) A foreman shall, as soon as may be after he has obtained the certificate of commencement under sub-section (2) of section 9, but not later than the date of the first draw of the chit, furnish to every subscriber, a copy of the chit agreement certified to be a true copy.
- (2) A foreman shall, within fifteen days after the close of the month in which the draw for the first installment of the chit is held, file with the Registrar, a certificate to the effect that the provisions of sub-section (1) have been complied with.

11. Use of the words chit, chit fund, chitty or kuri.-

- (1) No person shall carry on chit business unless he uses as part of his name any of the words "chit fund", "chitty" or "Kuri" and no person other than a person carrying on chit business shall use as part of his name any such word.
- (2) Where at the commencement of this Act,-
 - (a) any person is carrying on chit business without using as part of his name any of the words specified in sub-section (1); or
 - (b) any person not carrying on chit business is using any such word as part of his name, he shall, within a period of one year from such commencement, add as part of his name any such word or, as the case may be, delete such word from his name:
Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of one year by such further period or periods not exceeding one year in the aggregate.

12. Prohibition of transacting business other than chit business by a company.-

- (1) Except with the general or special permission of the State Government, no company carrying on chit business shall conduct any other business.
- (2) Where at the commencement of this Act, any company is carrying on any business in addition to chit business, it shall wind up such other business before the expiry of a period of three years from such commencement: Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said

period of three years by such further period or periods not exceeding two years in the aggregate.

13. Aggregate amount of chits.-

(1) No foreman, other than a firm or other association of individuals of a company or co-operative society, shall commence or conduct chits, the aggregate chit amount of which at any time exceeds twenty-five thousand rupees.

(2) Where the foreman is a firm or other association of individuals, the aggregate chit amount of the chit conducted by the firm or other association shall not at any time exceed,-

(a) where the number of partners of the firm or the individuals constituting the association is not less than four, a sum of rupees one lakh;

(b) in any other case, a sum calculated on the basis of twenty-five thousand rupees with respect to each partner or individual.

(3) Where the foreman is a company or co-operative society, the aggregate chit amount of the chits conducted by it shall not at any time exceed ten times the net owned funds of the company or the co-operative society, as the case may be.

Explanation.- For the purposes of this sub-section, "net owned funds" shall mean the aggregate of the paid-up capital and free reserves as disclosed in the last audited balance sheet of the company or co-operative society, as reduced by the amount of accumulated balance of loss, deferred revenue, expenditure and other intangible assets, if any, as disclosed in the said balance sheet.

14. Utilisation of funds.-

(1) No person carrying on chit business shall utilise the money collected in respect of such business (other than commission or remuneration payable to such person or interest or penalty, if any, received from a defaulting subscriber), except for-

(a) carrying on chit business; or

(b) giving loans and advances to non-prized subscribers on the security of subscriptions paid by them; or

(c) investing in trustee securities within the meaning of section 20 of the Indian Trusts Act, 1882; or

(d) making deposits with approved banks mentioned in the chit agreement.

(2) Where any person carrying on chit business has utilised the moneys collected in respect of such business before the commencement of this Act, otherwise than for the purposes specified in sub-section (1), he shall secure that so much of such moneys as have not been realised before such commencement are realised before the expiry of a period of three years from such commencement:

Provided that the State Government may, if it considers it necessary in the public interest or for avoiding any hardship, extend the said period of three years by such further period or

periods not exceeding one year in the aggregate.

15. Alteration of chit agreement.- A chit agreement shall not be altered, added to or cancelled except with the consent in writing of the foreman and all the subscribers to the chit.

16. Date, time and place of conducting chits.-

(1) Every draw in a chit shall be held on the date, at the time and place mentioned in the chit agreement and a notice therefore in such form and in such manner as may be prescribed shall be issued by the foreman to all the subscribers.

(2) Every such draw shall be conducted in accordance with the provisions of the chit agreement and in the presence of not less than two subscribers.

(3) Where any draw was not conducted on the ground that two subscribers required to be present at a draw under sub-section (2) were not present or on any other ground, the Registrar may, on his own motion or on an application made by the foreman or any of the subscribers, direct that the draw shall be conducted in his presence or in the presence of any person deputed by him.

17. Minutes of proceedings.-

(1) The minutes of the proceedings of every draw shall be prepared and entered in a book to be kept for that purpose immediately after the closure of the draw and shall be signed by the foreman, the prized subscribers, if present, or their authorized agents, and at least two other subscribers who are present, and where a direction has been made under sub-section (3) of section 16, also by the Registrar or the person deputed by him under that sub-section.

(2) The minutes referred to in sub-section (1) shall state clearly-

(a) the date and hour when proceedings began and ended and the place where the draw was held;

(b) the number of the installment of the chit to which the proceedings relate;

(c) the names of the subscribers present;

(d) the person or persons who become entitled to the prize amount in the installment;

(e) the amount of discount;

(f) full particulars regarding the disposal of the unpaid prize amount, if any, in respect of any previous installment; and

(g) any other particulars that may be prescribed.

18. Copies of minutes to be filed with Registrar.- A true copy of the minutes of the proceedings of every draw certified as such by the foreman shall be filed by the foreman with the Registrar within twenty-one days from the date of the draw to which it relates.

19. Restriction on opening of new place and business.-

(1) No person carrying on chit business shall open a new place of business without

obtaining the prior approval of the Registrar within whose territorial jurisdiction his registered office of, as the case may be, the place or the principal place of business is situated.

(2) Before granting approval under sub-section (1), the Registrar shall consult the Registrar of the State within whose territorial jurisdiction the new place of business is proposed to be opened and shall also keep in view the financial condition and methods of operation of the foreman, the extent to which public interest will be served by the opening of the new place of business and such other matters as may be prescribed.

(3) Where a person carrying on chit business opens a new place of business in a State other than the State (hereinafter referred to as the State of origin) in which his registered office or the place or the principal place of his business is situated, the Registrar of the State in which such new place of business is opened may also exercise and perform any of the powers and functions which the Registrar of the State of origin may exercise and perform in respect of the chit business carried on at such new place of business.

(4) For the purposes of this section, "place of business" shall include any branch office, sub-office, or any place of business where the chit business may be conducted by such person.

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CHAPTER III - RIGHTS AND DUTIES OF FOREMAN

20. Security to be given by foreman.- (1) For the proper conduct of the chit, every foreman shall, before applying for a previous sanction under section 4,-

(a) deposit in an approved bank an amount equal to the chit amount in the name of the Registrar; or

(b) transfer Government securities of the face value or market value (whichever is less) of not less than one and a half times the chit amount in favour of the Registrar; or

(c) transfer in favour of the Registrar such other securities, being securities in which a trustee may invest money under section 20 of the Indian Trusts Act, 1882 (2 of 1882)., of such value, as may be prescribed by the State Government from time to time.

Provided that the value of the securities referred to in clause (c) shall not, in any case, be less than one and a half times the value of the chit amount.

(2) Where a foreman conducts more than one chit, he shall furnish security in accordance with the provisions of sub-section (1) in respect of each chit.

(3) The Registrar may, at any time during the currency of the chit, permit the substitution of these securities:

Provided that the face value or market value (whichever is less) of the substituted security shall not be less than the value of the security given by the foreman under sub-section (1).

(4) The security given by the foreman under sub-section (1), or any security substituted

under sub-section (3), shall not be liable to be attached in execution of a decree or otherwise until the chit is terminated and the claims of all the subscribers are fully satisfied.

(5) Where the chit is terminated and the Registrar has satisfied himself that the claims of all the subscribers have been fully satisfied, he shall order the release of the security furnished by the foreman under sub-section (1), or the security substituted under sub-section (3), as the case may be, and in doing so, he shall follow such procedure as may be prescribed.

(6) Notwithstanding anything to the contrary contained in any other law for the time being in force, the security furnished under this section shall not be dealt with by the foreman during the currency of the chit to which it relates and any dealing by the foreman with respect thereto by way of transfer or other encumbrances shall be null and void.

21. Rights of foreman.-

(1) The foreman shall be entitled,-

(a) in the absence of any provision in the chit agreement to the contrary to obtain the chit amount at the first installment without deduction of the discount specified in the chit agreement, subject to the condition that he shall subscribe to a ticket in the chit:

Provided that in a case where the foreman has subscribed to more than one ticket, he shall not be eligible to obtain more than one chit amount in a chit without discount;

(b) to such amount not exceeding five per cent of the chit amount as may be fixed in the chit agreement, by way of commission, remuneration or for meeting the expenses of running the chit;

(c) to interest and penalty, if any, payable on any default in the payment of installments and to such other amounts as may be payable to him under the provisions of the chit agreement;

(d) to receive and realise all subscriptions from the subscribers and to distribute the prize amounts to the prized subscribers;

(e) to demand sufficient security from and prized subscriber for the due payment of future subscriptions payable by him.

Explanation.- A security shall be deemed to be sufficient for the purposes of this clause if its value exceeds by one-third, or if it consists of immovable properties, the value of exceeds by one-half, of the amount due from the prized subscriber;

(f) to substitute subscribers in place of defaulting subscribers; and

(g) to do all other acts that may be necessary for the due and proper conduct of the chit.

(2) Where any dispute arises with regard to the value of the property offered as security under clause (e) of sub-section (1), it shall be referred to the Registrar for arbitration under section 64.

22. Duties of foreman..-

(1) The foreman shall, on the prized subscriber furnish sufficient security for the due payment of future subscriptions, be bound to pay him the prize amount: Provided that the prize subscriber shall be entitled to the payment of the prize amount without any security whatsoever if he agrees to the deduction therefrom of the amount of all future subscriptions and in such a case, the foreman shall pay the prize amount to the prized subscriber within seven days after the date of the draw or before the date of the next succeeding installment, whichever is earlier:

Provided further that where the prize amount has been paid to the prized subscriber under the first proviso, the amount deducted shall be deposited by the foreman in an approved bank mentioned in the chit agreement and he shall not withdraw the amount so deposited except for the payment of future subscriptions.

(2) If, owing to the default of the prized subscriber, the prize amount due in respect of any draw remains unpaid until the date of the next succeeding installment, the foreman shall deposit the prize amount forthwith in a separate account in an approved bank mentioned in the chit agreement and intimate in writing the fact of such deposit and the reasons therefore to the prized subscriber and the Registrar:

Provided that where any prized subscriber does not collect the prize amount in respect of any installment of a chit within a period of two months from the date of the draw, it shall be open to the foreman to hold another draw in respect of such installment.

(3) Every payment of the prize amount or the amount of future subscriptions under sub-section (1), and the deposit of the prize amount under sub-section (2), shall be intimated to the subscribers at the next succeeding draw and the particulars of such payment or deposit shall be entered in the minutes of the proceedings of that draw.

(4) The foreman shall not appropriate to himself any amount in excess of what he is entitled to under clause (b) or clause (c) of sub-section (1) of section 21:

Provided that where the foreman is himself a prized subscriber, he shall be entitled to appropriate to himself the prize amount subject to his complying with the provisions of section 31: Provided further that the foreman may appropriate to himself the interest accruing on the amount deposited under the second proviso to sub-section (1)

(5) The foreman shall not admit any person as a subscriber to a chit, if by such admission, the total number of tickets mentioned in the chit agreement is increased.

(6) The foreman shall distribute among the subscribers, in accordance with the chit agreement, the dividend either in cash, grain or by way of adjustment towards the subscriptions payable for the next installment, if any.

23. Books, records, etc., to be kept by foreman. - The foreman shall maintain in his registered office, or as the case may be in the place or the principal place of his business, or, where the foreman has any branch office, sub-office or any place of business for the

conduct of chitbusiness in a State other than the State in which his registered office or the principal place of his business is situated, in such branch office, sub-office or place of business in respect of the business conducted in that State-

(a) a register containing-

(i) the names and full particulars of the subscribers in each chit together with the number of tickets held by each subscriber;

(ii) the dates on which the subscribers signed the chit agreement; and

(iii) in the case of an assignment of a ticket by a subscriber, the name and full address of the assignee with the date of assignment and the date on which the assignment had been recognised by the foreman;

(b) a book containing the minutes of the proceedings of each draw;

(c) a ledger containing-

(i) the amounts paid by the subscribers in each chit and the dates of such payments;

(ii) the amounts paid to the prized subscribers and the dates of such payments; and

(iii) in the case of any deposit in an approved bank mentioned in the chit agreement the date and the amount of such deposit;

(d) a register in the prescribed form showing the amounts deposited in approved banks as required under the provisions of this act in respect of all chits conducted by the foreman at his office; and

(e) such other registers and books in such form as may be prescribed by the State Government within whose jurisdiction the chit is conducted.

24. Balance sheet.- Without prejudice to the provisions of the Companies act, 1956 (1 of 1956.), every foreman shall prepare and file with the Registrar within such item as may be prescribed, a balance sheet as on the last date of each calendar year, or as the case may be the financial year of the foreman, and a profit and loss account relating to the year of account, in the forms set out in Parts I and II of the Schedule or as near thereto as circumstances admit, in respect of the chitbusiness and audited by auditors qualified to act as auditors under the Companies act, 1956, or by chit under appointed under section 61: Provided that where a balance sheet is audited by an auditor qualified to act as auditor under the Companies Act, 1956 (1 of 1956.), a chit auditor appointed under section 61 shall have the right to audit the balance sheet at any time if so authorised by the Registrar in this behalf.

25. Liability of foreman to subscribers.-

(1) Every foreman shall be liable to account to the subscribers for the amounts due to them.

(2) Where there are more than one foreman in a chit, each one of them jointly and severally and if the foreman is a firm or other association of individuals each one of the partners or individuals thereof jointly and severally and if the foreman is a company, the company as such ,shall be liable to the subscribers in respect of the obligations arising out of the chit.

26. Withdrawal of foreman.-

(1) No foreman, or where there are more than one foreman in a chit, none of them shall withdraw form the chit until its termination unless such withdrawal is assented to in writing by all the non-prized and unpaid prized subscribers and a copy of such assent has been filed with the Registrar under section 41.

(2) The withdrawal from a chit of any one of the foreman shall not affect the security given by him under section 20 or section 31.

CHAPTER IV

RIGHTS AND DUTIES AND NON-PRIZED SUBSCRIBERS

27. Non-prized subscribers to pay subscriptions and obtain receipts.- Every non-prized subscriber shall pay his subscription due in respect of every installment on the dates and times and at the places mentioned in the chit agreement and shall, on such payment be entitled to obtain a receipt from the foreman.

28. Removal of defaulting subscribers.-

(1) A non-prized subscriber who defaults in paying his subscription in accordance with the terms of the chit agreement shall be liable to have his name removed from the list of subscribers and a written notice of such removal shall be given by the foreman to the defaulting subscriber within fourteen days of the date of such removal; Provided that if the defaulter pays the defaulted installment with interest at such rate as may be prescribed within seven days of the date of receipt of such notice, his name shall be re-entered in the list of such subscribers.

(2)Every such removal under sub-section (1) shall with the date thereof be entered in the relevant book maintained by the foreman.

(3)A true copy of the entry referred to in sub-section (2) shall be filed by he foreman with the Registrar within fourteen days from the date of removal.

(4)Any defaulting subscriber aggrieved by the removal of his name from the list of subscribers may within seven days of the date of receipt of the notice of removal refer the matter to the Registrar for arbitration under section 64.

29. Substitution of subscribers.-

(1) A foreman may substitute in the list of subscribers anyperson (hereafter in this Chapter referred to as the substituted subscriber) in place of the defaulting subscriber whose name has been removed under sub-section (1) of section 28.

(2) Every substitution referred to in sub-section (1) shall with the date thereof, be entered in the relevant book maintained by the foreman and a true copy of every such entry shall be filed by the foreman with the Registrar within fourteen days from the date of substitution.

30.Amounts due to defaulting subscribers.-

(1) A foreman shall our of the amounts payableby and realized from the substituted subscriber towards the installments relatable to the periodbefore the date of the substitution (including the arrears due from the defaulting subscriber),deposit, before the date of the next succeeding installment, in a separate identifiable, account inan approved bank mentioned in the chit agreement, an amount equal to the contributions madeby the defaulting subscriber, less such deductions as may be provided for in the chit agreement and shall inform the defaulting subscriber as well as the Registrar of the fact of such deposit andshall not withdraw the amount so deposited except for payment to the defaulting subscriber.

(2)The amount so deposited under sub-section (1) shall be paid to the defaulting subscriber as and when he claims the amount and the amount so deposited shall not be withdrawn by the foreman for any purpose other than for such payment.

(3)The contributions of any defaulting subscriber who has not been substituted till the termination of the chit shall be paid to him within fifteen days from the date of termination of the chit subject tosuch deductions as may be provided for in the chit agreement.

CHAPTER V

RIGHTS AND DUTIES OF PRIZED SUBSCRIBERS

31. Prized subscriber to furnish security.- Every prized subscriber shall, if he has not offered to deduct the amount of all future subscription from the prize amount due to him, furnish and a foreman shall take, sufficient security for the due payment of all future subscriptions and if the foreman is a prized subscriber, he shall give security for the due payment of all the future subscription to the satisfaction of the Registrar.

32. Prized subscriber to pay subscriptions regularly.- Every prized subscriber shall pay his subscription regularly on the dates and times and at the place mentioned in the chit agreement and on his failure to do so, he shall be liable to make a consolidated payment of all the future subscriptions forthwith.

33. Foreman to demand future subscriptions by written notice.-

(1) A foreman shall not be entitled to claim a consolidated payment from a defaulting prized subscriber under section 32 unless he makes a demand to that effect in writing.

(2)Where a dispute is raised under this Act by a foreman for a consolidated payment of futuresubscriptions from a defaulting prized subscriber and if the subscriber pays to the foreman on orbefore the date to which the dispute is posted for hearing the arrears of subscription till that datetogether with the interest thereon at the rate provided for in the

chit agreement and the cost of adjudication of the dispute, the Registrar or his nominee, hearing the dispute, shall notwithstanding any contract to the contrary, make an order directing the subscriber to pay to the foreman the future subscription on or before the dates on which they fall due, and that, in case of any default of such payments by the subscriber, the foreman, shall be at liberty to realise, in execution of that order, all future subscriptions and interest together with the costs, if any less the amount, if any already paid by the subscriber in respect thereof:

Provided that if any such dispute is on a promissory note, no order shall be passed under this sub-section unless such promissory note expressly states that the amount due under the promissory note is towards the payment of subscriptions to the chit.

(3) Any person who holds any interest in the property furnished as security or part thereof, shall be entitled to make the payment under sub-section (2).

(4) All consolidated payments of future subscriptions realised by a foreman shall be deposited by him in an approved bank mentioned in the chit agreement before the date of the succeeding installment and the amount so deposited shall not be withdrawn except for payment of future subscriptions.

(5) Where any property is obtained as security in lieu of the consolidated payment of future subscriptions it shall remain as security for the due payment of future subscriptions.

CHAPTER VI

TRANSFERS

34. Restrictions on transfer of rights of foreman.-

(1) No transfer of the rights of a foreman to receive subscriptions from the prized subscribers shall be made without the previous sanction in writing of the Registrar.

(2) Any transfer of the rights of a foreman to receive subscriptions from the prized subscribers shall, if it is likely to defeat or delay the interests of a non-prized or unpaid prized subscriber, be avoidable at the instance of such subscriber.

(3) When under sub-section (2) a transfer is disputed by a subscriber, the burden of proving that the foreman was in solvent circumstances at the time of the transfer and that the transfer does not defeat or delay the interests of such subscriber is on the transferee.

35. Transfer of non-prized subscribers rights to be in writing.- Every transfer by a non-prized subscriber of his rights in the chit shall be in writing duly attested by at least two witnesses and shall be filed with the foreman.

36. Recognition of transfer by foreman.- Every transfer under section 35 shall within a period of fourteen days from the date of receipt of the proposal for transfer by the foreman, be recognised by him unless the transferee is not solvent or the transfer was effected with a view to defeating the provisions of any law including this Act and the decision of the

foreman to recognize the transfer or not shall forthwith be communicated to the parties concerned.

37. Entry of transferees name in the books.- Every transfer under section 34 or section 35 shall be entered by the foreman in the books of the chit forthwith and a true copy of such entry shall be filed by the foreman with the Registrar within fourteen days from the date of making such entry.

CHAPTER VII

MEETINGS OF GENERAL BODY OF SUBSCRIBERS

38.Meetings of general body of subscribers.-

(1) The foreman, may, on his own motion, convene a special meeting of the general body of subscribers for considering any proposal to pass a special resolution.

(2) The foreman shall convene such a meeting on the requisition in writing of not less than twenty-five per cent of the number of non-prized and unpaid prized subscribers, and the meeting so convened shall be held within thirty days of the date of receipt of the requisition and if the foreman refuses or fails to call such a meeting within fourteen days of the date of receipt of such requisition, not less than twenty-five per cent of the number of non-prized and unpaid prized subscribers may give notice of the fact to the Registrar.

(3) The Registrar shall, within twenty-one days of the receipt of the notice under sub-section 92) convene or direct the convening of a special meeting of the general body of the subscribers and on receipt of such a direction it shall be the duty of the foreman to comply with such direction.

(4) Notice of not less than fourteen days shall be given to all the subscribers of a meeting under this section specifying the object date, hour and place of meeting and a copy of the special resolution shall also be sent along with the notice of the meeting.

Explanation- For the purposes of this section and section 39, "special resolution" means a resolution which is passed at a meeting of the general body of the subscribers specially convened for the purpose, by a majority of not less than two-thirds of the subscribers to the chit present at the meeting in person or by proxy and representing not less than three-fourths of the amount, or as the case, may be the value of the grain subscribed by all the non-prized and unpaid prized subscribers if any.

CHAPTER VIII

TERMINATION OF CHITS

39. Provision for continuation of chits in certain cases.-

(1) Where a foreman dies or becomes of unsound mind or is otherwise incapacitated, the chit may continue in accordance with the provisions of the chit agreement.

(2) Where a foreman is adjudicated as insolvent, or withdraws from the chit under section 26, or fails to conduct the chit at any installment or on any other date before the next

succeeding installment as may have been agreed upon by a special resolution, any one or more of such subscribers authorised by such resolution may, in the absence of any provision in the chit agreement for the future conduct of the chit, take the place of the foreman and continue the chit or make other arrangements for the further conduct of the chit.

40. Termination of chits.- A chit shall be deemed to have terminated,-

- (a) when the period specified therefor in the chit agreement has expired provided the payment of dues to all the subscribers has been completed; or
- (b) when all the non-prized and unpaid prized subscribers and the foreman consent in writing to the termination of the chit and a copy of such consent is filed with the Registrar as required under section 41; or
- (c) where a foreman dies or becomes of unsound mind or is otherwise incapacitated and the chit is not continued in accordance with the provisions of the chit agreement.

Provided that, in a case where the foreman is a firm, if a partner thereof dies or becomes of unsound mind or is otherwise incapacitated, the chit shall not be deemed to have terminated and the surviving partner or partners shall conduct the chit in the absence of any provision to the contrary in the chit agreement.

41. Copy of assent of consent to be filed with Registrar.- A true copy of every assent referred to in section 26 and of every consent referred to in clause (b) of section 40 with their dates shall be filed by the foreman or by the surviving partner or partners, as the case may be with Registrar within fourteen days from the date of such assent or consent.

42. Refund of non-prized subscribers subscriptions.- Except in the cases referred to in clauses (a) and (b) of section 40,-

- (a) every non-prized subscriber, shall, unless otherwise provided for in this Act or in the chit agreement, be entitled to get back his subscriptions at the termination of the chit without any deduction for dividend if any earned by him:

Provided that, any person to whom the rights of a non-prized subscriber are transferred in accordance with the provisions of section 35, shall, in addition to his subscriptions, be entitled to get back the subscriptions paid by such non-prized subscriber, subject, to the conditions specified in this section;

- (b) if a chit terminates on a date earlier than the date originally fixed in the hit agreement the non-prized subscriber's claim shall be deemed to have arisen on the date on which he has notice thereof.

43. Subscribers dues to be first charge on chit assets.- Any amount due to the subscriber from a foreman in relation to the chit business shall be a first charge on the chit assets.

INSPECTION OF DOCUMENTS

44. Foreman to allow certain subscribers to inspect chit records.- Every foreman shall, on payment of such fee not exceeding five rupees as may be specified in the chit agreement, allow the non-prized subscribers and unpaid prized subscribers reasonable facilities on all the dates of draw or on such other dates and within such hours as may be provided for in the chit agreement for the inspection of security bonds and documents, receipts and other records taken from the prized subscribers or furnished by the foreman as a subscriber and al chit records including books of account pass book balance sheet and profit and loss accounts and such other records as may show the actual financial position of the chit.

45. Preservation of chit records by foreman.- All the records pertaining to a chit shall be kept by the foreman for a period of eight years from the date of termination of the chit.

46. Inspection of chit books and records by Registrar.-

(1) Without prejudice to the provisions of sections 209 and 209A of the Companies Act, 1956 (1 of 1956), the Registrar or an officer authorised by the State Government in this behalf may inspect chit books and all the records of a chit during working hours on any working day at the premises of the foreman with or without giving notice and it shall be the duty of every foreman to produce to the Registrar or the officer so authorised, all such books and records as are in his custody or power and to furnish him with any statement or information relating to the chits as he may require from the foreman within such timeas he may specify.

(2) The Registrar or an officer authorised by the State Government in this behalf may, after giving seven days' notice in writing to the foreman, direct him to produce before him for inspection such chit books and records as he may require at the time and place mentioned in the notice.

(3) If on an inspection made under sub-section (1) or sub-section (2) any defects are found, the Registrar may bring such defects to the notice of the foreman and may also make an order directing the foreman to take such action as may be specified in the order to remedy the defects within the time specified therein.

(4) Every foreman shall be bound to comply with the directions contained in an order made under sub-section (3).

47. Power Reserve Bank to inspect chit books and records.-

(1) Nothing in section 46 shallbe deemed to affect the power of the Reserve Bank to inspect the books and records of anyforeman under the provisions of section 45N of the Reserve Bank of India Act, 1934 (2 of 1934).

(2) The Reserve Bank may, if it considers necessary forward a copy of its report or of any part of its report on the inspection of the books and records of a foreman to the foreman for

taking necessary action.

(3) Every foreman shall, on report or part thereof under sub-section (2), be bound to comply with the directions, if any given by the Reserve Bank in this behalf and shall if so required submit periodical reports in regard to the action taken by him.

(4) The Reserve Bank may also forward a copy of the report on the inspection of the books and records of a foreman to the State Government within whose jurisdiction the registered office of the company, if the foreman, is a company or the place or the principal place of business of the foreman in any other case, is situated for such action as may be considered necessary.

CHAPTER X

WINDING UP OF CHITS

48. Circumstances under which chits may be wound up.- A chit may be wound up

by the Registrar within whose territorial jurisdiction the chit has been registered either on his own motion or on an application made by any non-prized or unpaid prized subscriber,-

(a) if the chit has terminated under clause (c) of section 40; or

(b) if the foreman commits any such act in respect of the security specified in section 20 as is calculated to impair materially the nature of the security or the value thereof; or

(c) if he fails to deposit any amount required to be deposited under any of the provisions of this act; or

(d) if it is proved to the satisfaction of the Registrar that the foreman is unable to pay the amounts due to the subscribers; or

(e) if the execution or other process issued on an order passed by the Registrar in favour of any subscriber in respect of amounts due to him from the foreman in relation to the chit business is returned unsatisfied in whole or in part; or

(f) if it is proved that there has been a fraud or collusion on the part of the foreman in the matter of taking securities from any prized subscriber; or

(g) if the foreman has appropriated the prize amount in his capacity as a subscriber without furnishing sufficient security for future subscriptions; or

(h) if the Registrar is satisfied that the affairs of the chit are being conducted in a manner prejudicial to the interests of the subscribers; or

(i) if it is just and equitable that the chit should be wound up.

Explanation- For the purposes of clause(d) in determining whether the foreman is unable to pay the amounts due to the subscribers, the Registrar shall take into account his contingent and future liabilities in respect of the chit.

49. Application for winding up.- An application for the winding up of a chit shall be made by a petition presented by any non-prized or unpaid prized subscriber to the Registrar signed and verified in the manner laid down by the Code of Civil Procedure, 1908 (5 of

1998), and shall contain such particulars as may be prescribed.

Provided that no application for the winding up of a chit under clause (d) or clause (i) of section 48 shall lie unless such application is presented,-

(a) by non-prized and unpaid prized subscribers representing not less than twenty-five per cent of the amount or, as the case may be the value of the grain subscribed by all the non-prized and unpaid prized subscribers, if any; or

(b) with the previous sanction of the State Government within whose jurisdiction the chit is commenced or conducted.

Explanation- For the purposes of clause (a) of the proviso, a subscriber of a fraction of a ticket shall be deemed to be a subscriber only to the extent of such fraction.

50. Bar to winding up proceedings.- Notwithstanding anything contained in sections 48 and 49, no petition for the winding up of a chit shall be entertained by the Registrar,-

(a) if proceedings relating to insolvency are pending against the foreman or

(b) where the foreman is a firm, if proceedings relating to insolvency are pending against all the partners or all the partners except one thereof, or proceedings for the dissolution of the firm are pending; or

(c) where the foreman is a company or co-operative society, of proceedings for the winding up of such company or co-operative society are pending.

51. Commencement and effect of winding up order.- An order for the winding up of a chit shall operate in favour of all the subscribers to whom amounts are due from the foreman and it shall be deemed to have commenced from the date of the presentation of the application for the winding up.

52. Injunction order.- The Registrar may, on the application of the foreman or of any subscriber to whom amounts are due in respect of a chit, at any time after the presentation of the application for the winding up of the chit under this Act and before the making of an order for the appointment of an interim receiver or for the winding up of the chit, restrain any other proceedings, instituted, against the foreman for the realisation of amounts due from him on such terms as the Registrar thinks fit.

53. Powers of Registrar.- The Registrar may, after hearing an application under this Chapter dismiss, it with or without costs, or adjourn the hearing conditionally or unconditionally or make an interim or any other order that he deems fit.

54. Vesting of chit assets in Registrar or other persons.- On the making of an order for the winding up of a chit all the chit asset pertaining to such chit shall vest in the Registrar or in any person appointed by him for distribution amongst the subscribers to whom amounts are due in respect of the chit.

55. Suits, etc., to be stayed on winding up order.- When a winding up order has been made or a receiver has been appointed no suit or other legal proceedings shall be

continued or commenced against the foreman by a subscriber for the realisation of amounts due to him in respect of the chit except with the leave of the Registrar winding up the chit and on such terms as he may impose.

56. Notification of winding up order.- On the making of a winding up order, the Registrar shall make an entry in his book relating to the chit and shall notify in the Official Gazette, that the order has been made.

57. Cessation of winding up proceedings on insolvency of foreman, etc., or the winding up of the company and transfer of such proceedings.- Where during the pendency of the proceedings for the winding up of a chit the foreman is adjudicated an insolvent or where the foreman is a firm, all the partners or all the partners except one thereof are adjudicated insolvent or where the foreman is a company the company has been ordered to be wound up by the Court, the winding up proceedings under this Chapter shall cease and the distribution of the chit assets shall subjects, to the provisions of sections 43 and 52, be made by the insolvency court or the court winding up the company, as the case may be.

58. Award of compensation to foreman.-

(1) Where an application for the winding up of a chit is dismissed and the Registrar is satisfied that the petition is frivolous or vexatious, he may, on the application of the foreman award, against the petitioner such amount, not exceeding one thousand rupees, as he deems reasonable as compensation to the foreman for the expenses or injury caused to him by the presentation of the application and the proceedings thereon, and such amount may be realised as if the award were a decree of a Civil Court.

(2) On the making of an award under sub-section (1) no suit for compensation in respect of an application for any winding up of the chit shall be entertained.

59. Right to appeal.- The foreman or any subscriber or any other person aggrieved by a decision or order of the Registrar in any proceedings for the winding up of a chit may, within sixty days from the date of such decision or order, appeal to the State Government.

60. Limitation.-

(1) Where an order refusing to wind up a chit has been made under this Act, the chit shall be deemed to have been under suspension from the date of presentation of the application to the date of such order in respect of non-prized subscribers, and notwithstanding anything contained in the chit agreement no non-prized subscriber who was not a defaulter on the date of the presentation of the petition for winding up shall be deemed to be a defaulter on the date of such order.

(2) Where an order refusing to wind up a chit has been made under this Act in computing the period of limitation prescribed for any suit or other legal proceedings (other than a suit or application in respect of which the leave of the court has been obtained) which might

have been brought or instituted, but for the presentation of the application for the winding up of the chit, the period, from the date of the presentation of the application to the date of the order refusing to wind up a chit shall be excluded.

(3) Nothing contained in this Chapter shall affect the rights of a subscriber to proceed against the foreman personally for the balance, if of the amount due to him after the declaration of the final dividend in the proceedings for the winding up of the chit and in computing the period of limitation prescribed for any such proceedings, the period from the date of the presentation of the application for the winding up of the chit to the date of the declaration of the final dividend shall be excluded.

CHAPTER XI

APPOINTMENT OF OFFICERS AND LEVY OF FEES

61.Appointment of Registrar and other officers.-

(1) The State Government may by notification in the Official Gazette, appoint a Registrar of Chits and as many Additional, Joint, Deputy and Assistant Registrars as may be necessary for the purpose of discharging the duties imposed upon the Registrar by or under this Act.

(2) The Registrar may appoint as many inspectors of chits and chit auditors as may be necessary for the purpose of discharging the duties imposed on the inspectors of chits or chit auditors by or under this Act.

(3) All inspectors of chits and chit auditors shall discharge the duties imposed upon them by or under this Act under the general superintendence and control of the Registrar.

(4) If the Registrar is of the opinion that the accounts of any chit are not properly maintained and that such accounts should be audited it shall be lawful, for him to have such accounts audited by a chit auditor.

(5) It shall be the duty of the foreman of the chit whose accounts are to be audited by a chit auditor under sub-section (4) to produce before the chit auditor all accounts, books and other records relating to the chit, to furnish him with such information as may be required and afford him all such assistance and facilities as may be necessary and reasonable in regard to the audit of the accounts of the chit.

(6) The foreman shall pay to the chit auditor such fees as may be prescribed for the audit of the accounts of the chit under sub-section (4);

Provided that different scales of fees may be prescribed for different chits depending on other quantum of the chit amount.

62.Inspection of documents is Registrars office.- The foreman of a chit or any subscriber in a chit or the heirs or legal representatives of any foreman or subscriber may, on payment of such fees as may be prescribed,-

- (a) inspect the documents of the concerned chit kept by the Registrar; or
- (b) obtain a certified copy or an extract of any such document or record.

63. Levy of fees.-

- (1) There shall be paid to the Registrar such fees as the State Government may, from time to time prescribe, for,-
- (a) the issue of previous sanction under section 4;
 - (b) the filing of the chit agreement with the Registrar and the registration of the chit under section 7.
 - (c) the filing of a declaration with the Registrar and the grant of a certificate of commencement under section 9;
 - (d) the filing of copies of documents under any of the provisions of this Act;
 - (e) the audit of the accounts of the foreman under section 61;
 - (f) the inspection of documents under section 62;
 - (g) the obtaining of certified copies or extracts of documents and records under section 62; and
 - (h) such other matters as may appear necessary to the State Government.
- (2) A table of fees prescribed under sub-section (1) shall be exhibited on a notice board in the office of the Registrar.

THE INDIAN CHRISTIAN MARRIAGE ACT,

1872

An Act to consolidate and amend the law relating to the solemnization in India of the marriages of Christians.

Preamble. - Whereas it is expedient to consolidate and amend the law relating to the solemnization in India of the marriages of persons professing the Christian religion; It is hereby enacted as follows:

PRELIMINARY

1. **Short title:** - This Act may be called the Indian Christian Marriage Act, 1872.

Extent:- It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in the States of Travancore-Cochin, Manipur and Jammu and Kashmir.

2. **Enactments repealed:-** [Rep. by the Repealing Act, 1938 (1 of 1938), Section 2 and Sch., Pt. I].

3. **Interpretation-clause:-** In this Act, unless there is something repugnant in the subject or context, —

"**Church of England**" and "**Anglican**" means and apply to the Church of England as by law established;

"**Church of Scotland**" means the Church of Scotland as by law established;

"**Church of Rome**" and "**Roman Catholic**" means and apply to the Church which regards to Pope of Rome as its spiritual head;

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"**Church**" includes any chapel or other building generally used for public Christian worship;

"**India**" means the territories to which this Act extends;

"**Minor**" means a person who has not completed the age of twenty-one years and who is not a widower or a widow;

the expression "**Christians**" means persons professing the Christian religion;

and the expression "Indian Christians" includes the Christian descendants of natives of India converted to Christianity, as well as such converts;

"Registrar General of Births, Deaths and Marriages"

means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886 (6 of 1886).

Comments

Any person professing the christian religion although he has not been baptised is a Christian for the purposes of the Act. (K.J.B. David v. Nilamani Devi, AIR 1953 Orissa 10).

4. MARRIAGES TO BE SOLEMNIZED ACCORDING TO ACT: -

Every marriage between persons, one or both of whom is or are a Christian, or Christians, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void.

5. PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED:-

MARRIAGES MAY BE SOLEMNIZED IN INDIA —

(1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister;

(2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland;

(3) by any Minister of Religion licensed under this Act to solemnize marriages;

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- (4) by, or in the presence of, a Marriage Registrar appointed under this Act;
- (5) by any person licensed under this Act to grant certificates of marriage between Indian Christians.

6. GRANT AND REVOCATION OF LICENSES TO SOLEMNIZE

MARRIAGES: - The State Government, so far as regards territories under its administration, may, by notification in the Official Gazette, grant licences to Ministers of Religion to solemnize marriages within such territories and may, by a like notification, revoke such licences.

7. MARRIAGE REGISTRARS:- The State Government may appoint one or more Christians, either by name or as holding any office for the time being, to be the Marriage Registrar of Marriage Registrars for any district subject to its administration.

SENIOR MARRIAGE REGISTRAR:- Where there are more Marriage Registrars than one in any district, the State Government shall appoint one of them to be the Senior Marriage Registrar.

MAGISTRATE WHEN TO BE MARRIAGE REGISTRAR:- When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or when his office is temporarily vacant, the Magistrate of the district shall act as, and be, Marriage Registrar thereof during such absence, illness, or temporary vacancy.

8. MARRIAGE REGISTRARS IN INDIAN STATES. — [Rep. by A.O. 1950].

9. LICENSING OF PERSONS TO GRANT CERTIFICATES OF MARRIAGE BETWEEN INDIAN CHRISTIANS:- The State Government may grant a license to any Christian either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Indian Christians.

Any such licence may be revoked by the authority by which it was granted and every such grant or revocation shall be notified in the Official Gazette.

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PART II

TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED

10. TIME FOR SOLEMNIZING MARRIAGE:- Every marriage under this Act shall be solemnized between the hours of six in the morning and seven in the evening:

Exceptions. — Provided that nothing in this section shall apply to ;-

- (1) a Clergyman of the Church of England solemnizing a marriage under a special licence permitting him to do so at any hour than between six in the morning and seven in the evening, under the hand and seal of the Anglican Bishop of the Diocese or his Commissary, or
- (2) a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special licence in that behalf from the Roman Catholic Bishop of the Diocese of Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorised to grant such licence, or
- (3) a Clergyman of the Church of Scotland solemnizing a marriage according to the rule, rites, ceremonies and customs of the Church of Scotland.

11. PLACE FOR SOLEMNIZING MARRIAGE:- No Clergyman of the Church of England shall solemnize a marriage in any place other than a church where worship is generally held according to the forms of the Church of England,

Unless there is no such church within five miles distance by the shortest road from such place, or

Unless he has received a special license authorizing him to do so under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

FEE FOR SPECIAL LICENCE. — For such special licence, the Registrar of the Diocese may charge such additional fee as he said Bishop from time to time authorizes.

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PART III

MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THIS ACT

12. NOTICE OF INTENDED MARRIAGE:- Whenever a marriage is intended to be solemnized by a Minister of Religion licensed to solemnize marriages under this Act:—

One of the persons intending marriage shall give notice in writing according to the form contained in the First Schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage, and shall state therein —

- (a) the name and surname, and the profession or condition, of each of the persons intending marriage,
- (b) the dwelling-place of each of them.
- (c) the time during which each has dwelt there, and
- (d) the church or private dwelling in which the marriage is to be solemnized:

Provided that, if either of such persons has dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

13. PUBLICATION OF SUCH NOTICE:- If the persons intending marriage desire it to be solemnized in a particular church, and if the Minister of Religion to whom such notice has been delivered be entitled to officiate therein, he shall cause the notice to be affixed in some conspicuous part of such church.

RETURN OR TRANSFER OF NOTICE:- But if he is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the persons who delivered it to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be affixed as aforesaid.

14. NOTICE OF INTENDED MARRIAGE IN PRIVATE DWELLING:- If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in Section 12, shall forward it to the Marriage Registrar of the district, who shall affix the same to some conspicuous place in his own office.

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15. SENDING COPY OF NOTICE TO MARRIAGE REGISTRAR

WHEN ONE PARTY IS A MINOR: - When one of the persons intending marriage is a minor, every Minister receiving such notice shall, unless within twenty-four hours after its receipt he returns the same under the provisions of section 13, send by the post or otherwise a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

16. PROCEDURE ON RECEIPT OF NOTICE:- The Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such notice, shall affix it to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district who shall likewise publish the same in the manner above directed.

17. ISSUE OF CERTIFICATE OF NOTICE GIVEN AND DECLARATION MADE:- Any Minister of Religion consenting or intending to solemnize any such marriage as aforesaid, shall on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making the declaration hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made:

Proviso. — Provided —

- (1) that no such certificates shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister;
- (2) that no lawful impediment be shown to his satisfaction why such certificate should not issue; and
- (3) that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized in that behalf.

18. DECLARATION BEFORE ISSUE OF CERTIFICATE:- The certificate mentioned in Section 17 shall not be issued until one of the

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persons intending marriage has appeared personally before the Minister and made a solemn declaration ;—

- (a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and, when either or both of the parties is or are a minor or minors
- (b) that the consent or consents required by law has or have been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

19. CONSENT OF FATHER OR GUARDIAN OR MOTHER:- The father, if living, of any minor, or if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage , and such consent is hereby required for the same marriage, unless no person authorised to give such consent be resident in India.

Comments

Where the marriage of a girl above 18 years but below 21 and belonging to Roman Catholic Church is solemnised by a Minister belonging to the Church, the marriage does not become null and void on the ground that the consent of the girl's parents is not taken. (Lakshmi Sanyal v. S.K. Dhar, AIR 1972 S.C. 2667).

20. POWER TO PROHIBIT BY NOTICE ISSUE OF CERTIFICATE:- Every person whose consent to a marriage is required under Section 19, is hereby authorized to prohibit the issue of the certificate by any Minister, at any time before the issue of the same, by notice in writing to such Minister, subscribed by the person so authorized with his or her name and place of abode and position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

21. PROCEDURE ON RECEIPT OF NOTICE:- If any such notice be received by such Minister, he shall not issue his certificate and shall not solemnize the said marriage until he was examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, or until the said notice is withdrawn by the person who gave it.

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22. ISSUE OF CERTIFICATE IN CASE OF MINORITY:- When either of the person intending marriage is a minor, and the Minister is not satisfied that the consent of the person whose consent to such marriage is required by Section 19 has been obtained, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of the notice of marriage.

23. ISSUE OF CERTIFICATES OF INDIAN CHRISTIANS:- When any Indian Christian about to be married makes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister under Section 17, such Minister shall, before issuing the certificate, ascertain whether such Indian Christian is cognizant of the purport and effect of the said notice or certificate, the case may be, and if not, shall translate or cause to be translated the notice or certificate to such Indian Christian into some language which he understands.

24. FORM OF CERTIFICATE:- The certificate to be issued by the Minister shall be in the form contained in the Second Schedule hereto annexed, or to the like effect.

25. SOLEMNIZATION OF MARRIAGE:- After the issue of the certificate by the Minister, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt:

Provided that the marriage be solemnized in the presence of at least two witnesses besides the Minister.

26. CERTIFICATE VOID IF MARRIAGE NOT SOLEMNIZED WITHIN TWO MONTHS:- Whenever a marriage is not solemnized within two months after the date of the certificate issued by such Minister as aforesaid, such certificate and all proceedings (if any) thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice has been given, and a certificate thereof issued in manner aforesaid.

PART IV

REGISTRATION OF MARRIAGES SOLEMNIZED BY MINISTER OR RELIGION

27. MARRIAGES WHEN TO BE REGISTERED:- All marriages thereafter solemnized in India between persons one or both of whom professes or profess the Christian religion, except marriages

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solemnized under Part V or Part VI of this Act, shall be registered in manner hereinafter prescribed.

28. REGISTRATION OF MARRIAGES SOLEMNIZED BY CLERGYMEN OF CHURCH OF ENGLAND:- Every Clergyman of the Church of England shall keep a register of marriages and shall register therein, according to the tabular form set forth in the Third Schedule hereto annexed, every marriage which he solemnizes under this Act.

29. QUARTERLY RETURNS TO ARCHDEACONY:- Every Clergyman of the Church of England shall send four times in every year returns in duplicate authenticated by his signature, of the entries in the register of marriages solemnized at any place where he has any spiritual charge, to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such place is situate.

Contents of returns:- Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September and from the first day of October to the thirty-first day of December, of each year, respectively, and shall be sent by such Clergyman within two weeks from the expiration of each of the quarters above specified.

The said Registrar upon receiving the said returns shall send one copy thereof to the Registrar-General of Births, Deaths and Marriages.

30. REGISTRATION AND RETURNS OF MARRIAGES SOLEMNIZED BY CLERGYMEN OF CHURCH OF ROME:- Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person according to the form directed in that behalf by the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is solemnized,
and such person shall forward quarterly to the Registrar-General of Births, Deaths and Marriages returns of the entries of all marriages registered by him during the three months next preceding.

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31. REGISTRATION AND RETURNS OF MARRIAGES SOLEMNIZED BY CLERGYMEN OF CHURCH OF SCOTLAND:- Every Clergyman of the Church of Scotland shall keep a register of marriages,

and shall register therein, according to the tabular form set forth in the Third Schedule hereto annexed, every marriage which he solemnizes under this Act,

and shall forward quarterly to the Registrar-General of Births, Deaths and Marriages, through the Senior Chaplain of the Church of Scotland, returns, similar to those prescribed in Section 29, of all such marriages.

32. CERTAIN MARRIAGES TO BE REGISTERED IN DUPLICATE:- Every marriage solemnized by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or of the Church of Rome, or by any Minister of Religion licensed under this Act to solemnize marriages, shall immediately after the solemnization thereof, be registered in duplicate by the person solemnizing the same; (that is to say) in a marriage register-book to be kept by him for that purpose, according to the form contained in the Fourth Schedule hereto annexed, and also in a certificate attached to the marriage-register book as a counterfoil.

33. ENTRIES OF SUCH MARRIAGES TO BE SIGNED AND ATTESTED. — The entry of such marriage in both the certificate and marriage-register-book shall be signed by the person solemnizing the marriage, and also by the persons married, and shall be attested by two credible witnesses other than the person solemnizing the marriage, present at its solemnization.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage-register-book.

34. CERTIFICATE TO BE FORWARDED TO MARRIAGE REGISTRAR, COPIED AND SENT TO REGISTRAR-GENERAL:- The person solemnizing the marriage shall forthwith separate the certificate from the marriage-register-book and send it, within one month from the time of the solemnization, to the Marriage Registrar

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of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose,

and shall send all the certificates which he has received during the month with such number and signature of initials added thereto as are hereafter acquired to, to the Registrar General of Births, Deaths and Marriages.

35. COPIES OF CERTIFICATES TO BE ENTERED AND NUMBERED:- Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy of the said book, according to the order in which he receives each certificates.

36. REGISTRAR TO ADD NUMBER OF ENTRY TO CERTIFICATE, AND SEND TO REGISTRAR-GENERAL:- The Marriage Registrar shall also add such last mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, send the same to the Registrar General of Births, Deaths and Marriages.

37. REGISTRATION OF MARRIAGES BETWEEN INDIAN CHRISTIANS BY PERSONS REFERRED TO IN CLAUSES (1), (2) AND (3) OF SECTION 5:- When any marriage between Indian Christians is solemnized by any such person, Clergyman or Minister of Religion as is referred to in clause (1), clause (2) or clause (3) of Section 5, the person solemnizing the same shall, instead of proceeding in the manner provided by Sections 28 to 36, both inclusive, register the marriage in a separate register-book and shall keep it safely until it is filled, or, if he leaves the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district.

CUSTODY AND DISPOSAL OF REGISTER-BOOK:- Whoever has the control of the book at the time when it is filled, shall send it to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send

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it to the Registrar-General of Births, Deaths and Marriages, to be kept by him with the records of his office.

PART V

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR

38. NOTICE OF INTENDED MARRIAGE BEFORE MARRIAGE

REGISTRAR:- When a marriage is intended to be solemnized by, or in the presence of a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the First Schedule hereto annexed, or to the like effect; to any Marriage Registrar of the district within which the parties have dwelt, or if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district, and shall state therein the name and surname, and the profession or condition of each of the parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnized:

Provided that, if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

39. PUBLICATION OF NOTICE. — Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage is a minor, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by post or otherwise, a copy of such notice to each of the other Marriage Registrars (if any) in the same district, who shall likewise affix the copy in some conspicuous place in his own office.

**40. NOTICE TO BE FILED AND COPY ENTERED IN
MARRIAGE NOTICE BOOK:-** The Marriage Registrar shall file all such notices and keep them with the records of his office,

and shall also forthwith enter a true copy of all notices in a book to be furnished to him for that purpose by the State Government, and to be called the "**Marriage-Notice Book**", and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

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41. CERTIFICATE OF NOTICE GIVEN AND OATH MADE:- If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter mentioned, and if one of the parties intending marriage has made oath as hereinafter required, the Marriage Registrar shall issue under his hand a certificate of such notice having been given and of such oath having been made:

Proviso. — Provided —

that no lawful impediment be shown to his satisfaction why such certificate should not issue;

that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized in that behalf by this Act;

that four days after the receipt of the notice have expired: and further;

that where, by such oath, it appears that one of the parties intending marriage is a minor, fourteen days after the entry of such notice have expired.

42. OATH BEFORE ISSUE OF CERTIFICATE:- The certificate mentioned in Section 41 shall not be issued by any Marriage Registrar, until one of the parties intending marriage appears personally before such Marriage Registrar, and makes oath —

- (a) that he or she believes that there is no any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and
- (b) that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath has, had their, his or her usual place of abode within the district of such Marriage Registrar,

and, where either or each of the parties is a minor, —

- (c) that the consent or consents to such marriage required by law has or have been obtained thereto, or that, there is no person resident in India authorized to give such consent, as the case may be.

43. PETITION TO HIGH COURT TO ORDER CERTIFICATE IN LESS THAN FOURTEEN DAYS:- When one of the parties intending

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marriage is a minor, and both such parties are at the time resident in any of the towns of Calcutta, Madras and Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, they may apply by petition to a judge of the High Court, for an order upon the Marriage Registrar to whom the notice of marriage has been given, directing him to issue his certificate before the expiration of the said fourteen days required by Section 41.

Order on petition:- And on sufficient cause being shown, said Judge may, in his discretion, make an order upon such Marriage Registrar, directing him to issue his certificate at any time to be mentioned in the said order before the expiration of the fourteen days so required.

And the said Marriage Registrar, on receipt of the order, shall issue his certificate in accordance therewith.

44. CONSENT OF FATHER OR GUARDIAN:- The provisions of Section 19 apply to every marriage under this Part, either of the parties to which is a minor:

PROTEST AGAINST ISSUE OF CERTIFICATE:- And any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "**forbidden**" opposite to the entry of the notice of such intended marriage in Marriage Notice-Book, and by subscribing thereto his or her name and place of abode, and his or her position with respect to either of the parties, by reason of which he or she is so authorized.

Effect of Protest:- When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the person who entered it.

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45. PETITION WHERE PERSON WHOSE CONSENT IS NECESSARY IS INSANE OR UNJUSTLY WITHHOLDS CONSENT:-

If any person whose consent is necessary to any marriage under this Part is of unsound mind

or if any such person (other than the father) without just cause withholds his consent to the marriage,

the parties intending marriage may apply by petition, where the person whose consent is necessary is resident within any of towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if he is not resident within any of the said towns, then to the District Judge.

Procedure on petition:- And the said Judge of the High Court, or District Judge, as the case may be, may examine the allegations of the petition in a summary way;

and, if upon examination such marriage appears proper such judge of the High Court or District Judge, as the case may be, shall declare the marriage to be a proper marriage.

Such declaration shall be as effectual as if the person whose consent was needed had consented to the marriage;

and if he has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceedings may be had under this Part in relation to marriage as if the issue of such certificate had not been forbidden.

46. PETITION WHEN MARRIAGE REGISTRAR REFUSES CERTIFICATE:-

Whenever a Marriage Registrar refuses to issue a certificate under this Part, either of the parties intending marriage may apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay to a Judge of the High Court, or if such district is not within any of the said towns then to the District Judge.

PROCEDURE ON PETITION:- The said Judge of the High Court, or District Judge, as the case may be, may examine the allegations of the petition in a summary way, and shall decide thereon.

The decision of such Judge of the High Court or District Judge, as the case may be, shall be final, and the Marriage Registrar to whom the application for the issue of certificate was originally made shall proceed in accordance therewith.

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47. PETITION WHEN MARRIAGE REGISTRAR IN INDIAN STATE REFUSES CERTIFICATE. — [REP. BY THE A.O. 1950].

48. PETITION WHEN REGISTRAR DOUBTS AUTHORITY OF PERSON FORBIDDING:- Whenever a Marriage Registrar, acting under the provisions of Section 44, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where his district is within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if such district be not within any of the said towns, then to the District Judge.

Procedure on petition:- The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same,

and the said Judge of the High Court or District Judge, as the case may be, shall examine into the allegations of the petition and the circumstances of the case,

and if, upon such examination, it appears, that the person forbidding the issue of such certificate is not authorized by law so to do, such Judge of the High Court or District Judge, as the case may be, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid,

and thereupon such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue had not been forbidden.

49. LIABILITY FOR FRIVOLOUS PROTEST AGAINST ISSUE OF CERTIFICATE:- Every person entering a protest with the Marriage Registrar under this Part against the issue of any certificate, on grounds which such Marriage Registrar, under Section 44, or a Judge of the High Court or the District Judge, under Section 45 or 46, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages, to be recovered by suit by the person against whose marriage such protest was entered.

50. FORM OF CERTIFICATE:- The certificate to be issued by the Marriage Registrar under the provisions of Section 41 shall be in the form contained in the Second Schedule to this Act annexed or to the like effect,

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and the State Government shall furnish to every marriage Registrar a sufficient number of forms of certificate.

51. SOLEMNIZATION OF MARRIAGE AFTER ISSUE OF CERTIFICATE. — After the issue of the certificate of the Marriage Registrar, or where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates to the Marriage Registrars for such districts, marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate, or certificates, be solemnized between them, according to such form and ceremony as they think fit to adopt. But every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more credible witnesses besides the Marriage Registrar.

And in some part of the ceremony each of the parties shall declare as follows, or to the like effect :

"I do solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D."

And each of the parties shall say to the other as follows or the like effect:

"I call upon these persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wedded wife (or husband)."

52. WHEN MARRIAGE NOT HAD WITHIN TWO MONTHS AFTER NOTICE, NEW NOTICE REQUIRED:- Whenever a marriage is not solemnized within two months after the copy of the notice has been entered by the Marriage Registrar, as required by Section 40, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be void;

and no person shall proceed to solemnize the marriage nor shall any Marriage Registrar enter the same, until new notice has been given and entry made, and certificate thereof given, at the time and in the manner aforesaid.

53. MARRIAGE REGISTRAR MAY ASK FOR PARTICULARS TO BE REGISTERED:- A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

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54. REGISTRATION OF MARRIAGES SOLEMNIZED UNDER

PART V:- After the solemnization of any marriage under this Part, the Marriage Registrar present at such solemnization shall forthwith register the marriage in duplicate; that is to say, in a marriage register book, according to the form of the Fourth Schedule hereto annexed, and also in a certificate attached to the marriage register book as a counterfoil.

The entry of such marriage in both the certificate and the marriage register book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether, or not it is solemnized by him, and also by the parties married and attested by two credible witnesses other than the Marriage Registrar and person solemnizing the marriage.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

55. CERTIFICATES TO BE SENT MONTHLY TO REGISTRAR-

GENERAL:- The Marriage Registrar shall forthwith separate the certificate from the marriage register book and send it, at the end of every month, to the Registrar-General of Births, Deaths and Marriages.

CUSTODY OF REGISTER-BOOK:- The Marriage Registrar shall keep safely the said register-book until it is filed, and shall then send it to the Registrar General of Births, Deaths and Marriages, to be kept by him with the records to his office.

56. OFFICERS TO WHOM REGISTRAR IN INDIAN STATES SHALL SEND CERTIFICATES. — [REP. BY THE A.O. 1950].

57. REGISTRARS TO ASCERTAIN THAT NOTICE AND CERTIFICATE ARE UNDERSTOOD BY INDIAN CHRISTIANS:-

When any Indian Christian about to be married gives a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Indian Christian understands the English language, and, if he does not, the Marriage Registrar shall translate, or cause to be translated such notice or certificate, or both of them, as the case may be, to such Indian Christian into a language which he understands;

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or the Marriage Registrar shall otherwise ascertain whether the Indian Christian is cognizant of the purport and effect of the said notice and certificate.

58. INDIAN CHRISTIAN TO BE MADE TO UNDERSTAND DECLARATIONS:- When any Indian Christian is married under the provisions of this Part, the person solemnizing marriage shall ascertain whether such Indian Christian understands the English language and, if he does not, the person solemnizing the marriage shall, at the time of the solemnization, translate, or cause to be translated, to such Indian Christian, into a language which he understands, the declarations made at such marriage in accordance with the provisions of this Act.

59. REGISTRATION OF MARRIAGES BETWEEN INDIAN CHRISTIANS:- The registration of marriages between Indian Christians under this Part shall be made in conformity with the rules laid down in Section 37 (so far as they are applicable), and not otherwise.

PART VI MARRIAGE OF INDIAN CHRISTIANS

60. ON WHAT CONDITIONS MARRIAGES OF INDIAN CHRISTIANS MAY BE CERTIFIED:— Every marriage between Indian Christians applying for certificate, shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise:

- (1) the age of the man intending to be married shall not be under twenty-one years, and the age of the woman intending to be married shall not be under eighteen years;
- (2) neither of the persons intending to be married shall have a wife or husband still living;
- (3) in the presence of a person licensed under section 9, and of at least two credible witnesses other than such person, each of the parties shall say to the other :-

"I call upon these persons here present to witness that I, A.B., in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, C.D., to be my lawful wedded wife or husband or words to the like effect:

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61. GRANT OF CERTIFICATE:- When, in respect to any marriage solemnized under this Part, the conditions prescribed in Section 60 have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage, and, on the payment of a fee of four annas, grant a certificate of the marriage. The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed.

62. KEEPING OF REGISTER-BOOK AND DEPOSIT OF EXTRACTS THEREFROM WITH REGISTRAR GENERAL:-

(1) Every person licensed under Section 9 shall keep in English, or in the vernacular language in ordinary use in the district or State in which the marriage was solemnized, and in such form as the State Government by which he was licensed may from time to time prescribe, a register book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar-General of Births, Deaths and Marriages for the territories under the administration of the said State Government, in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts from his register-book of all entries made therein since the last of those intervals.

63. SEARCHES IN REGISTER-BOOK AND COPIES OF ENTRIES:- Every person licensed under this Act to grant certificates of marriage, and keeping a marriage register-book under Section 62 shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the proper fee, give a copy, certified under his hand, of any entry therein.

64. BOOKS IN WHICH MARRIAGES OF INDIAN CHRISTIANS UNDER PART I OR PART III ARE REGISTERED:-

The provisions of Sections 62 and 63, as to the form of register-book, depositing extracts therefrom, allowing searches thereof, and giving copies of the entries therein, shall mutatis mutandis, apply to the books kept under Section 37.

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65. PART VI NOT TO APPLY TO ROMAN CATHOLICS:- This Part of this Act, except so much of Sections 62 and 63 as are referred to in Section 64, shall not apply to marriages between Roman Catholics.

SAVING OF CERTAIN MARRIAGES:- But nothing herein contained shall invalidate any marriage celebrated between Roman Catholics under the provisions of Part V of Act No. 25 of 1864, previous to the twenty-third day of February, 1865.

PART VII PENALTIES

66. FALSE OATH, DECLARATION, NOTICE OR CERTIFICATE FOR PROCURING MARRIAGE:- Who- ever, for the purpose of procuring a marriage or licence of marriage, intentionally, —

- (a) where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or
- (b) where a notice or certificate is required by this Act, signs a false notice or certificate,

shall be deemed to have committed the offence punishable under Section 193 of the Indian Penal Code, 1860 (45 of 1860) with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court with fine.

67. FORBIDDING BY FALSE PERSONATION, ISSUE OF CERTIFICATE BY MARRIAGE REGISTRAR:- Whoever, forbids the issue by a Marriage Registrar, of a certificate by falsely representing himself to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false, or not having reason to believe it to be true, shall be deemed guilty of the offence described in Section 205 of the Indian Penal Code, 1860 (45 of 1860).

68. SOLEMNIZING MARRIAGE WITHOUT DUE AUTHORITY:- Whoever, not being authorized by Section 5 of this Act to solemnize marriages, solemnizes or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian

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or Christians, shall be punished with imprisonment which may extend to ten years or (in lieu of a sentence or imprisonment for seven years of upwards) with transportation for a term of not less than seven years, and not exceeding ten years, and shall also be liable to fine.

69. SOLEMNIZING MARRIAGE OUT OF PROPER TIME, OR WITHOUT WITNESSES:- Whoever knowingly and willfully solemnizes a marriage between persons, one or both of whom is or are a Christian or Christians, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses other than the person solemnizing the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine. Saving of marriages solemnized under special licence.

This section does not apply to marriages solemnized under special licences granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special licence in that behalf mentioned in Section 10.

Nor does this section apply to marriages solemnized by Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland.

70. SOLEMNIZING WITHOUT NOTICE OR WITHIN FOURTEEN DAYS AFTER NOTICE, MARRIAGE WITH MINOR:- Any Minister of Religion licensed to solemnize marriages under this Act, who without a notice in writing, or when one of the parties to the marriage is a minor and the required consent of the parents or guardians to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

71. ISSUING CERTIFICATE, OR MARRYING, WITHOUT PUBLICATION OF NOTICE:- A Marriage Registrar under this Act, who commits any of the following offences:

- (1) knowingly and wilfully issues any certificate for marriage, or solemnizes any marriage, without publishing the notice of such marriage as directed by this Act; **Marrying after expiry of notice:-**

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- (2) after the expiration of two months after the copy of the notice has been entered as required by Section 40 in respect of any marriage, solemnizes such marriage;

Solemnizing marriage with minor within fourteen days, without authority of court or without sending copy of notice.

- (3) solemnizes without an order of a competent court authorizing him to do so, any marriage, when one of the parties is a minor, before the expiration of fourteen days after the receipt of the notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Senior Marriage Registrar of the district if there be more Marriage Registrars of the district than one, and if he himself be not the Senior Marriage Registrar;

Issuing certificate against authorized prohibition.

- (4) issues any certificate the issue of which has been prohibited, as in this Act provided, by any person authorized to prohibit the issue thereof,

shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

72. ISSUING CERTIFICATE AFTER EXPIRY OF NOTICE, OR IN CASE OF MINOR, WITHIN FOURTEEN DAYS AFTER NOTICE, OR AGAINST AUTHORIZED PROHIBITION:- Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of two months after the notice has been entered by him as aforesaid, or knowingly and wilfully issuing, without the order of a competent court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage is a minor, before the expiration of fourteen days after the entry of such notice, or any certificate the issue of which has been forbidden as aforesaid by any person authorized in this behalf, shall be deemed to have committed an offence under Section 166 of the Indian Penal Code, 1860 (45 of 1860).

73. PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGE (OTHER THAN CLERGY OF CHURCHES OF ENGLAND, SCOTLAND OR ROME):- Whoever, being authorized under this Act to solemnize a marriage, and not being a Clergyman of the Church of England solemnizing a marriage after due publication of banns, or under a

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licence from the Anglican Bishop of the Diocese or a Surrogate duly authorized in that behalf,

or, not being a Clergyman of the Church of Scotland, solemnizing a marriage according to the rules, rites, ceremonies and customs of that Church,

or, not being a Clergyman of the Church of Rome, solemnizing a marriage according to the rites, rules, ceremonies and customs of that Church,

Issuing certificate, or marrying, without publishing notice, or after expiry of certificate:- knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes a marriage between such persons as aforesaid, without publishing or causing to be affixed, the notice of such marriage as directed in Part III of this Act, or after the expiration of two months after the certificate has been issued by him.

Issuing certificate for, or solemnizing, marriage with minor, within fourteen days after notice — Or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Marriage Registrar or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the district;

Issuing certificate authorizedly forbidden:- or knowingly and wilfully issues any certificate the issue of which has been forbidden, under this Act, by any person authorized to forbid the issue;

Solemnizing marriage authorizedly forbidden:- or knowingly and wilfully solemnizes any marriage forbidden by any person authorized to forbid the same;

shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

74. UNLICENSED PERSON GRANTING CERTIFICATE

PRETENDING TO BE LICENSED:- Whoever, not being licensed to grant a certificate of marriage under Part VI of this Act, grants such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

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Whoever, being licensed to grant certificates of marriage under Part VI of this Act, without just cause refuses or wilfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to one hundred rupees.

75. DESTROYING OR FALSIFYING REGISTER-BOOKS:-

Whoever, by himself or another, wilfully destroys or injures any register-book or the counterfoil certificates thereof, or any part thereof, or any authenticated extract therefrom, or falsely makes or counterfeits any part of such register-book or counterfoil certificates, or wilfully inserts any false entry in any such register-book or counterfoil certificate or authenticated extract, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

76. LIMITATION OF PROSECUTIONS UNDER ACT:- The prosecution for every offence punishable under this Act shall be commenced within two years after the offence is committed.

PART VIII MISCELLANEOUS

77. WHAT MATTERS NEED NOT BE PROVED IN RESPECT OF MARRIAGE IN ACCORDANCE WITH ACT:- Whenever any marriage has been solemnized in accordance with the provisions of Sections 4 and 5, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely:

- (1) any statement made in regard to the dwelling of the person married, or to the consent of any person whose consent to such marriage is required by law;
- (2) the notice of the marriage;
- (3) the certificate or translation thereof;
- (4) the time and place at which the marriage has been solemnized;
- (5) the registration of the marriage.

78. CORRECTIONS OF ERRORS:- Every person charged with the duty of registering any marriage, who discovers any error in the form or substance of any such entry, may within one month next after the discovery of such error, in the presence of the persons married, or in case of their death or absence, in the presence of two other

THE INDIAN CHRISTIAN MARRIAGE ACT, 1872

credible witnesses, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And, in case such certificate has been already sent to the Registrar-General of Births, Deaths and Marriages, such person shall make and send it in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

79. SEARCHES AND COPIES OF ENTRIES:- Every person solemnizing a marriage under this Act, and hereby required to register the same,

and every Marriage Registrar or Registrar-General of Births, Deaths and Marriages having the custody for the time being of any register of marriages, or of any certificate, or duplicate, or copies of certificate, under this Act,

shall, on payment of the proper fees, at all reasonable times, allow searches to be made in such register, or for such certificate, or duplicate or copies, and give a copy under his hand of any entry in the same.

80. CERTIFIED COPY OF ENTRY IN MARRIAGE-REGISTER, ETC., TO BE EVIDENCE :- Every certified copy purporting to be signed by the person entrusted under this Act with the custody of any marriage-register or certificate, or duplicate, required to be kept or delivered under this Act, of any entry of a marriage in such register or of any such certificate or duplicate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate, or duplicate, or of any entry therein, respectively, or of such copy.

81. CERTIFICATES OF CERTAIN MARRIAGE TO BE SENT TO CENTRAL GOVERNMENT:- The Registrar-General of Births, Deaths and Marriages shall, at the end of every quarter in each year, select, from the certificates of marriages forwarded to him during such quarter, the certificates of the marriages of which the Government by whom he was appointed may desire that evidence shall be transmitted to England, and shall sent the same certificates, signed by him to the Central Government.

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82. STATE GOVERNMENT TO PRESCRIBE FEES:- Fees shall be chargeable under this Act for —

- receiving and publishing notices of marriages;
- issuing certificates for marriages by Marriage Registrars, and registering marriages by the same;
- entering protest against, or prohibitions of, the issue of certificates for marriage by the said Registrars;
- searching register-books or certificates, or duplicates, of copies thereof;
- giving copies of entries in the same under Section 63 and 79;

The State Government shall fix the amount of such fees respectively, and may from time to time vary or remit them either generally or in special case, as to it may seem fit.

83. POWER TO MAKE RULES:- (1) The State Government may, by notification in the Official Gazette, make rules in regard to the disposal of the fees mentioned in section 82, the supply of register book, and the preparation and submission of returns of marriage solemnized under this Act.

(2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.

84. POWER TO PRESCRIBE FEES AND RULES FOR INDIAN STATES:- [Rep. by A.O. 1950.]

85. POWER TO DECLARE WHO SHALL BE DISTRICT JUDGE:- The State Government may, by notification in the Official Gazette, declare who shall, in any place to which this Act applies, be deemed to be the District Judge.

86. POWERS AND FUNCTIONS EXERCISABLE AS REGARDS INDIAN STATES. — [Rep. by A.O. 1950.]

87. SAVING OF CONSULAR MARRIAGES:- Nothing in this Act applies to any marriage performed by any Minister, Consul, or Consular Agent between subjects of the State which he represents and according to the laws of such State.

88. NON-VALIDATION OF MARRIAGES WITHIN PROHIBITED DEGREES:- Nothing in this Act shall be deemed to validate any

THE INDIAN CHRISTIAN MARRIAGE ACT, 1872

marriage which the personal law applicable to either of the parties forbids him or her to enter into.

[Note — Schedules I to IV containing Forms is being omitted here.]

[1] Renumbered as sub-section (1) by Act No. 20 of 1983.

[2] Subs. by Act No. 20 of 1983, for "may make rules".

[3] Ins. by Act No. 20 of 1983.

SCHEDULE I : NOTICE OF MARRIAGE

(See sections 12 and 38)

To

a Minister [or Registrar] of

I hereby give you notice that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :-

<i>Martha Green.</i>	<i>James Smith.</i>	Names
<i>Spinster.</i>	<i>Widower.</i>	Condition
.....	<i>Carpenter.</i>	Rank or profession
<i>Minor</i>	<i>Of full age.</i>	Age
<i>20 Hastings Street.</i>	<i>16, Clive Street.</i>	Dwelling place
<i>More than a month.</i>	<i>23 days.</i>	Length of residence
<i>Free Church of Scotland church, Calcutta.</i>		Church, chapel or place of worship in which the marriage is to be solemnized
		District in which the other party resides, when the parties dwell in different districts

Witness my hand, this _____ day of _____ seventy-two.

(Signed) JAMES SMITH

[The italics in this Schedule are to be filled up, as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.

Q1. HOW IS OWNERSHIP OF IMMOVABLE PROPERTY ACQUIRED?

Ans:- A person may acquire immovable property in any of the following ways:

Download SVGPerfect for when you want to use just one icon as a vector on the desktop or in your own icon workflow. By inheritance of ancestral property.

Through will.

By way of purchase etc.

Through gift, trust, settlement deeds.

Through Grant, sanad / Inam by the Government.

Through partition deed.

Through decree of Court.

There are two ways of acquisition:

By act of parties.

Example: Purchase, gift etc.

By operation of law.

Example: Inheritance, decree of Court etc. (for details please see Transfer of Property Act, 1882 (Central Act))

Q2. IS IT NECESSARY TO GET DOCUMENT REGISTERED IN THE OFFICE OF SUB- REGISTRAR FOR PATTA/KHATA TRANSFER (MUTATION) IN RESPECT OF PROPERTY ACQUIRED BY INHERITANCE?

Ans:- Not necessary. After the death of owner of a property his legal heirs, such as wife, children i.e. male and female, married or unmarried may, as per respective personal law, can get the Patta/Khata transferred on production of death certificate of the owner with details of property held by him to the following officers.

If property is an agricultural land â€“ Mandal Revenue Officer (under Telangana Land Revenue Act); if property is house or vacant land in a city/village other than agricultural land -- Offices of Corporation , Municipality, Panchayat or City survey if such office exists.

Q3. WHICH DOCUMENTS ARE REQUIRED TO BE COMPULSORILY REGISTERED?

Ans:- Gift deed of immovable property.

Other non - testamentary instruments, which purport or operate to create, declare, assign, limit or extinguish whether in the present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property. Eg: Sale, mortgage, partition, release, settlement of immovable property.

Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of creation, declaration, assignment, limitation or extension of any such right, title or interest;

Lease of immovable property

Non-testamentary instruments transferring or assigning any decree or order of a court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in the present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property;

The documents containing contracts to transfer for consideration, any immovable property for the purpose of section 53A of the Transfer of Property Act, 1882 shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2000 and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said section 53A

Q4. HOW TO EFFECT PARTITION OF PROPERTY?

Ans:- If all the parties have share (common right) in the property then partition can be effected. If partition is effected through an instrument then such instrument must be compulsorily registered.

Stamp duty has to be paid in respect any kind of partition whether it is to be compulsorily registered or not.

Parties to the partition may agree to effect partition of unequal shares

Q5. WHEN THERE ARE TWO OR MORE HEIRS, CAN ONE OR TWO BE MADE FULL OWNERS WHILE OTHERS ACCEPT MONEY IN LIEU OF THEIR SHARE?

Ans:- Yes. It can be done either by means of partition or by means of release as the parties may wish.

Q6. WHAT IS A WILL?

Ans:- A testamentary document by which a person bequeaths his property to be effective on his death is a will. The property will devolve on the person in whose favour it is bequeathed after death of testator.

Q7. WHO CAN EXECUTE A WILL?

Ans:- Any person above the age of 18 years and mentally sound may execute will, but the will caused by fraud or coercion or by forcefully is not valid. Therefore a will must be executed voluntarily.

Parents or guardians cannot execute will on behalf of minors or lunatics.

Attestation by two witnesses is necessary.

Scribe (deed writer / advocate) cannot be called witness. Two independent attesting witnesses other than the scribe are necessary.

Beneficiary under a will should not sign as attesting witness.

In order to avoid disputes in implementation of a will, description of property and the beneficiaries should be clearly written without giving room for any doubt.

No stamp duty is required to be paid. Will can be drafted on a white paper.

Q8. IS IT COMPULSORY TO REGISTER A WILL?

Ans:- It is not compulsory. Executant may register at his option. It is better to register the will. If original is lost, a certified copy can be obtained from Sub - Registrar Office.

Q9. WHERE CAN A WILL BE REGISTERED? WHAT IS THE FEE FOR ITS REGISTRATION?

Ans:- It can be registered in any office of the District Registrar/Sub Registrar on payment of a fee of Rs.500/-

Q10. IS THERE ANY TIME LIMIT TO REGISTER A WILL??

Ans:- There is no time limit. It can be registered at any time after its execution.

Q11. CAN A WILL BE CANCELLED?

Ans:- The testator can cancel his will at any time during his lifetime.

Q12. CAN A REGISTERED WILL BE RECTIFIED OR CANCELLED?

Ans:- If executant of a will wishes to rectify, change the content by way of addition/deletion of any recital in the original will may do so during his lifetime . This is called codicil. This document does not require any stamp duty.

Q13. CAN A WILL BE REGISTERED EVEN AFTER THE DEATH OF THE TESTATOR?

Ans:- Yes, claiming party under the will, should produce will, records relating to the death of the testator, witnesses and the scribe before the Sub Registrar. If Sub Registrar is satisfied about the truth and genuineness of the execution of the will, he will register. There is a procedure called will enquiry to be followed by the Registrar/Sub Registrar to register a will presented after the death of the testator.

Q14. IS A CERTIFIED COPY OF WILL AVAILABLE TO EVERYBODY?

Ans:- A certified copy of a registered will is available to the testator only during his lifetime. After his death anybody can obtain after producing proof of death of testator.

Q15. HOW TO KEEP CONTENTS OF A WILL CONFIDENTIAL?

Ans:- Will can be deposited in a sealed cover in office of the District Registrar by paying a fee of Rs.1000-00. Depositor or authorized person (executor) can withdraw the sealed cover containing a will, if he/she desires to do so.

Q16. WHAT IS THE PROCEDURE TO OBTAIN SEALED COVER CONTAINING A WILL AFTER THE DEATH OF THE DEPOSITOR?

Ans:- On making an application along with proof of the death of the depositor, District Registrar will open sealed cover in the presence of the applicant and it will be registered. Certified copy will be issued if desired. A fee of Rs.1000-00 prescribed to open a sealed cover.

Q17. WHAT IS THE PROCEDURE FOR EFFECTING MUTATION OF THE PROPERTY GOT THROUGH A WILL?

Ans:- After the death of the testator, a person claiming through the will, have to apply to the concerned authorities as explained in question no.2 along with the copy of the will and death proof.

Q18. WHAT ARE THE DOCUMENTS PROHIBITED FROM REGISTRATION UNDER THE REGISTRATION ACT IN TELANGANA?

Ans:- Section 22-A of the Registration Act, 1908 as it presently stands, reads as under: "22 â€“ A (1). Prohibition of Registration of certain documents: -

The following classes of documents shall be prohibited from registration, namely:-

Documents relating to transfer of immovable property, the alienation or transfer of which is prohibited under any statute of the State or Central Government; Documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease in respect of immovable property owned by the State or Central Government, executed by persons other than those statutorily empowered to do so;

Documents relating to transfer of property by way of sale, agreement of sale, gift, exchange or lease exceeding (ten) 10 years in respect of immovable property, owned by Religious and Charitable Endowments falling under the purview of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 or by Wakfs falling under the Wakfs Act, 1995 executed by persons other than those statutorily empowered to do so;

Agricultural or urban lands declared as surplus under the Telangana Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 or the Urban Land (Ceiling and Regulation) Act, 1976;

Any document or class of documents pertaining to the properties the State Government may, by notification prohibit the registration in which avowed or accrued interests of Central and State Governments, Local Bodies, Educational,

Cultural, Religious and Charitable Institutions, those attached by Civil, Criminal, Revenue Courts and Direct and Indirect Tax laws and others which are likely to adversely affect these interests.

For the purpose of clause (e) of sub - section (1), the State Government shall publish a notification after obtaining reasons for and full description of properties furnished by the District Collectors concerned in the manner as may be prescribed.

Q19. WHAT IS THE PURPOSE OF REGISTRATION?

Ans:- By registration, any transaction of immovable property will become a permanent public record. This is a notice to the general public. Those getting transfer of property should verify whether such property has been previously encumbered. According to Transfer of Property Act right, title or interest can be acquired only if the deed is registered.

Q20. WHAT ARE THE EFFECTS OF NOT REGISTERING A DOCUMENT REQUIRING REGISTRATION?

Ans:- If a deed of transfer, which is compulsorily registrable, is not registered it will not affect the immovable property comprised in the deed and it will not be admissible in evidence (Sec.49 of Registration Act 1908)

Q21. IS THERE A TIME LIMIT FOR PRESENTATION OF A DOCUMENT FOR REGISTRATION AFTER ITS EXECUTION ?

Ans:- Document may be presented for registration within four months from the date of execution (signature).

If a document is executed out of India, the period of four months will be counted from the date of its first receipt in India.

After four months document may be presented within another four months with penalty subject to maximum of ten times the registration fees, if the District Registrar grants permission. But document may be presented before Sub Registrar within eight months. Thereafter it cannot be accepted for registration.

Q22. WHAT ARE THE NORMAL TIMINGS FOR ACCEPTING DOCUMENTS FOR REGISTRATION AT SUB - REGISTRAR OFFICES ?

Ans:- Generally deeds are accepted during working hours ie., between 10:30 am and 5 p.m. Sub Registrar may stop accepting before closing time, if he has sufficient work to attend in respect of deeds already received for registration. Provided deeds may be accepted in emergency cases on holidays, if the Sub Registrar happens to be in the Office.

Q23. CAN A DOCUMENT PRESENTED FOR REGISTRATION BE WITHDRAWN?

Ans:- Registering officer may permit withdrawal of the document before completion of registration on written request by the party who presented the document in case only, if the document has been presented by the claimant but not by the executant.

Q24. WHO SHOULD BE PRESENT AT THE TIME OF REGISTRATION?

Ans:- A deed may be presented for registration either by claiming or executing party or by the agent with an attested power of attorney to present the document but the executant / executants must be present to admit execution (signing) of the deed, if the document is presented by claimant. If the executant gives the power to the agent to present and admit the execution on behalf of the principal, then the power shall be attested as per Section 33 of Registration Act, 1908. (Please see Sec.32 of Registration Act 1908).

Q25. WHAT IS THE REMEDY IF THE EXECUTING PARTY REFUSED TO APPEAR IN A REGISTRATION OFFICE TO ADMIT EXECUTION?

Ans:- In such circumstances, registering officer will issue notice/ summons to the Executant. If the party does not turn up registering officer will refuse registration. Application may be made to the District Registrar on such refusal. The District Registrar will hold enquiry and decide the case. Prescribed fee should be paid for such application.

One may submit appeal to the Civil Court if

District Registrar also refuses to order for registration (For details please see Sec.73, 74, 75, 76 & 77 of Registration Act 1908).

Q26. WHO CAN SIGN AS A WITNESS TO A DOCUMENT?

Ans:- Any person, above 18 years of age and not a party to the document may sign as witness.

Q27. WHO ARE IDENTIFYING WITNESSES AT THE TIME OF PRESENTING A DOCUMENT FOR REGISTRATION?

Ans:- In order to identify genuineness of the persons executing the document, signature of two identifying witnesses are obtained. Without such witnesses, registering officer may refuse registration.

Q28. WHO IS AUTHORISED TO WRITE DOCUMENTS IN TELANGANA?

Ans:- Deed may be personally written by the executant or may be drafted by a deed writer or advocate. In Telangana the system of licencing the document writers stands abolished. Now, the parties can approach anybody who is conversant with deed writing. The parties may approach a lawyer/solicitors to get their document drafted in professional manner covering all aspects of transaction and laws governing such transaction.

Q29. WHAT ARE THE KINDS OF DOCUMENTS WHERE PERSONAL APPEARANCE OF THE EXECUTANTS IS EXEMPTED FROM APPEARANCE?

Ans:- Mortgage deed executed under Improvement Loans etc.

Certificate of sale issued by revenue court.

Documents executed by farmers in favour of primary co - operative land development bank to obtain loan and loan bonds executed by farmers in favour of banks under Karnataka Agricultural Credit Co - operations and Miscellaneous Provisions Act 1975 are sent under Sec.89 of the Registration Act and they are filed.

Q30. HOW AN ADOPTION DEED CAN BE REGISTERED?

Ans:- An adoption deed has to be executed by both the parties and can be registered like any other document.

Q31. WHAT ARE POWERS OF ATTORNEY?

Ans:- There are two kinds of Power of Attorney.

General Power of Attorney (GPA)

Special Power of Attorney (SPA)

Special Power of Attorney requires attestation (As per Sec 32 and 33 of Registration Act).

General Power of Attorney is executed by a person in favour of another, to act on behalf of him generally. It may include management of property, Court matter/litigations, sale of mortgage of property or any other act.

Special Power of Attorney is executed to do a particular act or for a particular purpose.

Special Power of Attorney authorizing the agent to present the document executed by the Principal before the Registering Officer concerned and admit the execution thereof, requires to be attested by the Sub Registrar/Registrar in case the Principal resides in India except in Jammu and Kashmir. If the principal resides in Jammu and Kashmir, then it has to be attested by the Magistrate. And if the principal resides outside India, then the power shall be attested by Consul/Vice - Consul/Notary Public/Magistrate.

Power of Attorney-holder is answerable to the principal and liable to give accounts to him.

Q32. DOES AN AGENT UNDER A POWER OF ATTORNEY GET THE PROPERTY TRANSFERRED IN HIS NAME THROUGH THE SAID POWER OF ATTORNEY?

Ans:- No. It is wrong to say that ownership is transferred by getting General Power of Attorney. Persons purchasing property must get the sale deed registered. This principle applies to other kinds of transactions also.

Q33. WHO CAN EXECUTE A POWER OF ATTORNEY?

Ans:- A person who has attained the age of majority may execute power of attorney in favour of another person who has attained majority including family members like wife, husband, son, daughter, brother, sister, father and mother to act on his behalf. If a power of attorney is executed to sell/develop/transfer in any manner whatsoever, of the immovable property in favour other than those mentioned above, 1 percent stamp duty shall be paid on market value of such property. In case of family members, the required stamp duty is Rs.1000/-

Q34. HOW DOES A GENERAL POWER OF ATTORNEY GET CANCELLED?

Ans:- GPA automatically gets cancelled on the death of Executant. Principal (Executant) may cancel it at any time.

Q35. WHEN IS A POWER OF ATTORNEY IRREVOCABLE?

Ans:- If the Power of attorney is executed for consideration in respect of property, it cannot be unilaterally revoked, prejudicial to the interest of the agent (See Sec.202 of Indian Contract Act, 1872).

Q36. WHAT IS A SPECIAL POWER OF ATTORNEY?

Ans:- Power of Attorney executed by a person in favour of another to act on his behalf for specific purpose is called Special Power of Attorney

If a person is unable to go over to registry office to present a document executed in his favour or to admit execution of document executed (signed) by him in India, such power of attorney shall be authenticated or attested by a Sub Registrar. Otherwise they are not acceptable for the purpose of registration .If such document is executed outside India,it shall be authenticated or attested by a Notary or consul or vice-consul.

Q37. IS IT COMPULSORY TO REGISTER GENERAL POWER OF ATTORNEY EXECUTED BY A PERSON RESIDING OUT OF INDIA AND ATTESTED BY OFFICERS OF EMBASSY/CONSULATE/NOTARY PUBLIC IN THAT COUNTRY ?

Ans:- It is not necessary to register. But Stamp duty as per Article 42 shall be paid within 3 months from the date of receipt of the power of attorney in India if it is not already stamped.

Q38. WHAT IS MEANT BY ENCUMBRANCE CERTIFICATE (EC)?

Ans:- Encumbrance Certificate is a record showing registered transactions pertaining to a property. If mortgage, sale or any other deeds in respect of an immovable property are registered, indexing will be done by the Registration Department and this indexing is ultimately converted to generate an encumbrance certificate. Today, in Telangana, the Encumbrance Certificates are issued by MeeSeva Centres and Sub Registrar and District Registrar Office

Q39. WHAT CAN BE UNDERSTOOD BY NIL EC?

Ans:- If no deeds of transactions are registered in respect of a property mentioned in the application of EC, nil encumbrance certificate is issued. If Certificate is issued in this form, it means that there are no registered transactions / liabilities on the property for a given period of time; and unregistered transactions are not included in this certificate since such details are not available with Registration Department. People shall be very careful in filling the application form for EC; if they give incomplete/inaccurate details, they may get a wrong EC. Interested parties may

approach the Sub Registrar and on paying prescribed fee, may be permitted to verify the records personally. EC cannot be taken as a sole criterion to buy a property or lend money. It is better to undertake comprehensive study as suggested in property purchase precautions or Jagrattha short film on the website.

Q40. HOW TO OBTAIN CERTIFIED COPY OF A REGISTERED DOCUMENT?

Ans:- Any person may obtain certified copy of registered document relating to immovable property.

Certified copy of registered will, may be obtained only by the testator only during his lifetime. Any person may get copy of a will after the death of the testator on production of death certificate.

Copies of registered deed of GPA and other documents relating to movables may be obtained by executant / claimant or agent, representative of such person only.

Stamp paper of Rs.20 is required to be produced along with a fee of Rs.200+User charges

Note: Now the certified copies can be obtained through Meeseva kiosks in many districts of Telangana.

SCHEDULE OF FEES AS PER HINDU MARRIAGE ACT, 1955

A.P Hindu Marriage Rules – 1965 Rule 15 of A.P.Hindu Marriage Rules

GOMs.No.654 Home (General-A) Department

Dt:22.03.1965

Rule 15

- (i) Grant of Extract from Hindu marriage Register - Rs.5.00
- (ii) Certified extract from the Hindu Marriage Register (Certified Copies of other Records) shall be granted under the official seal of Registrar on payment of the Fee.
- (iii) In addition to this fee prescribed in Sub-Rule(1) the following fee shall be levied by the Marriage Registrar.

SCHEDULE OF FEES

- (i) For the Registration of Marriage (to be paid by the parties to the marriage which will be exclusive of any other fees levied by temple authorities for Marriage in Temples. Rs. 200.00)
- (ii) For making a search in any record relating to (to be paid by the applicant)
 - (a) The current year 1.00
 - (b) Any other year or years(for addl.such year) 1.00
- (iii) For a certified copy of any record other than the certified Copy of or extract from the Hindu Marriage Register to be paid by the applicant. 2.00
- (iv) For registering a marriage at any place outside the office of the Marriage Registrar (to be appropriated by the Marriage Registrar) under Rule 21. 10.00

Note (1) :- The application for a search and certified copy should be affixed with necessary court fee lables – No search fee shall be levied for granting a certified extract from the Hindu Marriage Register application at the time of Registration of Marriage.

Note(2):- “ However no fees specified in item(1) of the Schedule of fee under Sub- Rule(3) of Rule (15) should be charged in respect of Inter caste Marriage solemnized or registered under the Act.”.(G.O.Ms.No.1175 Home, (General.A) Department,dated 5-10-1976)

RECORDS TO BE MAINTAINED UNDER HINDU MARRIAGE ACT,1955

- 1) The following records shall be maintained by the Marriage Registrar(Rule 18(1))
 - a) Applications made for registration of Hindu Marriage or for correction thereof together with concerned records.
 - b) Hindu Marriage Register
 - c) File of Applications for certified copies
 - d) Register of fees
 - e) Challans for the money remitted into the Treasury
 - f) Fee receipt book
 - G General Correspondence
 -)
 - h) File of G.O.s and Circulars
 - i) Indices

2) Preservation of Records:-

All the records referred to in clauses(a) to(f), (h) and(i) above should be preserved permanently (Rule1&(2)).

ANNEXURE

To

The Registrar of Hindu Marriages

Date of receipt.....

.....District .

FORM - A

(See Rule 5 (1))

Application for Registration of Hindu Marriage.

Date of Receipt

To

The Registrar of Hindu Marriages

We request you to register the particulars relating to our Marriage solemnized on

at _____

V

village/

Town.....Taluk.....Mandal.....

Full Name of parties	Husband	Wife
1. Full Name of parties		
1a. Religion & Caste of the parties		
2. Age at solemnization of the marriage		
3. Rank of Profession		
4. Permanent place of residence before solemnization of the marriage		
5. Date of Birth		
6. Place with name of Taluk and District at which marriage was solemnized.		
7. Date of solemnization of the marriage		
8. Father		
9. Mother		
10. Guardian if any the wife with relationship (See Section 6)		
11. Address of the Guardian		
12. Date of the decree in the Court of the first instance.		
13. Whether the period of one year has elapsed from the date noted in the Col (12) to the date of the application (See Section 15).		
14. Remarks		

We hereby declare that the particulars mentioned above are correct to the best of our knowledge and belief that our marriage is one to which the Hindu Marriage Act, 1955 (central Act XXV of 1995), applies and that we have fulfilled the conditions, laid in Section 5, 6 or 15 wherever necessary.

(if the wife is a minor, signature of the guardian in marriage at the time of marriage)

Station:

Signature with Date:

date:

Husband:

Wife:

Witnesses

Name:

Name:

Address:

Address:

Signature:

Signature:

Signature of the Registrar with date

FORM 'B'
HINDU MARRIAGE REGISTER (SEE RULE 40)

Sl. No.	Full name of parties	Religion and Caste of the parties	Age at the time of the solemni zation of the Marriag e	Rank or profess ion	Permane nt place of residence (Before the solemniz ation of the marriage)	Date of birth	Place with names of Tq and Dist, At which the marriage was solemnized	Date of solemniz ation of the marriage	Name in full of				Information to be furnished in case of devoiced persons, who marry again (see sec. 15)	
									Father	Mother	Guardian if any of the wife relationship(see sec.6)	Address of the guardian	Date of the decree in the court of the first instance	Whether the period of one year has elapsed from the date noted in column(13) to the date of the application (see proviso to see.15)
1	2	2-A	3	4	5	6	7	8	9	10	11	12	13	14

We hereby declare that the particulars mentioned above are correct to the best of our knowledge and belief that our marriage is one to which the Hindu Marriage Act, 1955(Central Act XXV OF 1955), applies and that we have fulfilled the conditions laid in section 5,6 or 15 ,wherever necessary.

Signature of three witnesses
With addresses

1.
2.
3.

HUSBAND

Signature of

WIFE

*The marriage between the above has this.....day of20__
 been registered under the Hindu Marriage Act,1955(Central Act XXV of 1955) as No.....of 20__*

If the wife is a minor ,signature of the legal
 Guardian in marriage at the time of marriage
 Signature of the Registrar.

Station :
 Date :

(FOR OFFICIAL USE ONLY)

(No _____ of the application of _____ year.

- 1 Date and hour of presentation .
 - 2 Date of Registration .
 - 3 Page and volume of the Register at which
the particulars of marriage have been Registered.

Signature of the Registrar.

INDEX REGISTER(FORM-C)
(SEE RULE 10)

Office of the Registrar.....

<i>Name of husband or wife</i>	<i>Date of solemnization of marriage</i>	<i>Place at which solemnized</i>	<i>Reference to entry in the Hindu</i>	<i>Marriage Register Initial of the Registrar</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>

REGISTER OF FEES (FORM-D)
(See Rule 16)

Date 1	Particulars 2	Amount 3	Remarks 4
-----------	------------------	-------------	--------------

RECEIPT IN DUPLICATE (FORM-E)

(SEE RULE 17)

- 1 Serial Number
- 2 Date of Receipt
- 3 From whom received
- 4 On what account received
- 5 Provisions of the Act or the rules under
Which chargeable
- 6 Amount of fees

Signature of Registrar.

NOTICE (FORM-F)

(See Rule 6(1))

Before the Marriage Registrar (place)
In the matter of Hindu Marriage
(Registration) Rules,1965.

In the matter of application to register marriage between.

A B
And
C D

(GIVE NAMES AND ADDRESSES)

To

Where an application for the Registration of the marriage
between A B and C D

has been received by the Marriage Registrar onyou are hereby required
to appear in person before the undersigned at on
..... in his office along -withthe
under mentioned witnesses who have signed in the application for registration and also
the guardian in marriage , if any , for the purpose of signing the entries in the
Marriage Register.

Date :

Place :

(SEAL)

(Signature)
MARRIAGE REGISTRAR

Name and address of the witnesses:

- 1.
- 2.
- 3.

Name and address of the guardian in Marriage.

**PARTICULARS TO BE ENDORSED ON EVERY APPLICATION FOR SEARCH OR COPY
(FORM-G)**

- 1 S.no./(year)
2 C.No......./(year)
3 Date of receipt of application
4 (a) Amount of fees collected
4(b) Date of collection of fees
5 Records searched and years searched
6 Particulars of entries found
7 Date of completion of search
8(a) Signature of searcher
8(b) Signature of verifier
9 Date of completion of preparation of copy
10(a) Signature of preparer of copy
10(b) Signature of examiner of copy
11 Date of delivery or dispatch of copy
12 Signature of applicant in token of receipt of copy
or increase in which the copy is sent by
registered post, postal receipt number and date.

**PARTICULARS TO BE ENDORSED ON APPLICATIONS FOR PRIVATE ATTENDANCE
(FORM-H)**

1	Private attendance application Number......./(year)	
2	Number of application for Marriage to which private Attendance related	
3	Fees collected	
4	Date and time of receipt of Application	
5	Date and time at which the private Attendance was made	
6	Marriage Number	
7	Date of appreciation of private attendance fee by Marriage Registrar	

REGISTRATION OF HINDU MARRIAGES UNDER MARRIAGE ACT, 1955.

[G.O. MS. NO. 654, HOME (GENERAL-A) 2 MARCH 1965]

In exercise of the powers conferred by section 8 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955) the Governor of Andhra Pradesh hereby makes the following rules, the same having been previously published for general information:-

RULES

1. These rules may be called the Andhra Pradesh Hindu Marriage Registration Rules, 1965.

2. In these rules, unless the context otherwise requires :-

(a) "**Act**" means the Hindu Marriage Act, 1955 [Central Act 25 of 1955].

(b) "**Compulsory registration area**" means the area in which registration of marriages is directed by the Government to be compulsory under sub section (2) of section 8 ;

(c) "**Form**" means a form appended to these rules ;

(d) "**Government**" means the Government of Andhra Pradesh ;

(e) "**Hindu Marriage**" means a marriage including remarriage solemnized in accordance with the provisions of the Act ;

(f) "**Hindu Marriage Register**" means a Hindu Marriage Register kept in Form 'B' ;

(g) "**Inspecting Officer**" means any Officer authorised by the Registrar General to inspect the Marriage records ;

(h) "**Registrar General**" means the Registrar General of Births, Deaths and Marriages appointed by the Government under section 6(1) (b) of the Births, Deaths and Marriages Registration Act 1886, {Central Act 6 of 1886} or section 2(1) (b) of the Andhra Pradesh (T.A

Registrar General of Births, Deaths and Marriages Act, 1953 (Act VIII of 1953) ;

(i) "**Registrar**" means a Registrar appointed for registering Hindu Marriages under the Act.

(j) "Section" means a Section of the Act

3. (1) The Government may, by notification published in the Andhra Pradesh Gazette appoint as many persons as may be necessary as Registrars for the purpose of registering the Hindu marriages under the Act, with jurisdiction over such area as may be specified in the notification.

(2) Every Registrar shall reside within the local limits of his jurisdiction and shall cause his name, designation and the working hours of his office to be written in English, Telugu and in the regional language of the area and displayed in a conspicuous part of the outer side of the building in which the office is located.

4. (1) A Hindu Marriage which has been solemnized may be registered by the Registrar in the Hindu Marriage Register which shall be maintained by him in Form "B".

(2) The Hindu Marriage Register shall be a bound volume of one hundred leaves the pages having been machine numbered consecutively.

5. (1) An application for the registration of a Hindu Marriage, shall be in Form 'A' and shall be signed by each party to the marriage [*] and shall be presented in person before the Registrar in whose jurisdiction the marriage is solemnized or before the Registrar in whose jurisdiction either party to the marriage has been residing for at least six months immediately preceding the date of marriage :

[*] Omitted vide G.O.MS. No 7 Women's Development, child welfare & Labour (Programs) Development dt 8.1.1993.

Provided that an application for the registration of marriage, solemnized beyond the territories of India excluding the State of Jammu and Kashmir may be presented within one month from the date on which the parties arrive in the State of Andhra Pradesh before any Registrar in the said State of Andhra Pradesh.

(2) It shall be attested by any one of the following persons if any applicant is

illiterate:

- (i) a Village Munsif ;
- (ii) a Magistrate of any class including an Honorary Magistrate ;
- (iii) a Government servant whose emoluments are not less than Rs. 50 per month ;
- (iv) a Government pensioner whose pension is not less than Rs. 25 per month ;
- (v) a member of a Zilla Parishad, a Panchayat Samithi ; or a Grama Panchayat ;
- (vi) a member of a Municipal Council or a Municipal Committee ;
- (vii) any person authorised to solemnize a marriage under the Special Marriage Act, 1954 (Central Act 43 of 1954) ;
- (viii) A Medical Officer in Government, Local Fund or Municipal employment or a private medical practitioner holding a University diploma or degree recognised by the Government;
- (ix) a member of the Parliament or of the Andhra Pradesh State Legislature.

**{ (3) It shall be presented within the month from the date of solemnisation of the marriage :

Provided that if owing to urgent necessity or unavoidable accident it is not so presented within the prescribed period, the Registrar may, if satisfied with the reasons adduced for the failure to present it within the prescribed period, condone the delay not exceeding one month.

Provided further that the Registrar General may condone the delay beyond the period of one month.}

** Omitted vide G.O.MS.No.274 Revenue (Regn-II) Dept Dt 27.4.2012.

6. (1) On receipt of the application in Form 'A' the Registrar shall unless both the parties to the marriage appear before him personally and are identified to his satisfaction give notice of the application to the other party or parties

and make such enquiries of summary character as he thinks fit regarding the marriage.

(2) Evidence if any required by the Registrar shall be taken by him on oath ;

Provided that the examination of paradanashin ladies who do not appear before the Registrar may be conducted through a Hammamnee or Mama.

(3) On being satisfied about the marriage the Registrar shall enter the particulars of the marriage in his own hand in the Hindu Marriage Register. Every entry relating to such particulars shall be signed by both the parties to the marriage.

Provided that the Registrar may in his discretion require that one or more witnesses shall also sign in the Hindu Marriage Register;

7. (1) When the Registrar is not satisfied about the identity of the parties or about the fact of the marriages, he shall by on order in writing refuse to register a marriage and shall record the reasons for his decision.

(2) An appeal against such order of the Registrar shall lie to the RegistrarGeneral who may pass suitable orders after giving an opportunity to both the parties and his order shall be final.

8. (1) Every erasure or interlineation occurred in making entries in the Hindu Marriage Register shall be attested by the Registrar and a note of the number of erasures and interlineations in the entries shall be made at the foot of the page containing the entries by the Registrar in his own hand and attested with his initials. He shall then authenticate the entries with his signature and date.

(2) "No correction or alteration in material particulars like name including surname or any clerical or typographical error regarding age, date or place shall be made in the Hindu Marriage Registrar, without obtaining the sanction of the Inspecting Officer and District Registrar Assurances concerned".

substituted vide G.O.MS.No 274, Revenue (Regn-II) Dept, dt 27.04.2012.

(3) Every correction made after obtaining the required sanction under sub-rule (2) shall be made by the Registrar by a note in the footnote, without any alteration of the original entry, and shall be signed and dated by him.

9. All applications for registration of Hindu Marriages and for copies of certified extracts from the Hindu Marriage Register shall be serially numbered separately for

each calendar year, and preserved as a permanent record.

10. Every Registrar shall cause to be maintained indices in Form 'C' of all entries made in the Hindu Marriage Register. Every entry in an index shall be made alphabetically with reference to the surname of the party wherever it is given and in other cases with reference to the name of the party.

11. The Hindu Marriage Register shall at all reasonable times be open for inspection in the presence of the Registrar by any person applying to inspect it.

12. The Registrar-General may authorise any officer to be an Inspecting Officer for the purpose of inspecting the Hindu Marriage Register and other marriage records.

13. The Inspecting Officer shall inspect the marriage records of Hindu Marriages and submit an inspection report in duplicate to the Registrar-General.

14. The Registrar General shall scrutinise the report and forward a copy thereof to the Registrar with his further remarks if any added on them through the Inspecting Officer concerned.

15. (1) Every application for grant of copies of records or for an extract from the Hindu Marriage Registrar may be made either in person or by post addressed to the Registrar, with the court fee stamp duly affixed and accompanied by such number of stamps as are necessary to prepare the required copy and in the case of a request for grant of extract from the Hindu Marriage Register a sum of Rs. 5 being the fee.

(2) Certified extracts from the Hindu Marriage Register and certified copies of other records shall be granted under the official seal of the Registrar on payment of the fees.

(3) In addition to the fees prescribed in sub-rule (1). The following fees shall be levied by the Marriage Registrar.

SCHEDULE OF FEES AS PER HINDU MARRIAGE ACT, 1955

A.P Hindu Marriage Rules 1965

Rule 15 of A.P.Hindu Marriage Rules

GOMs.No.654 Home (General-A) Department Dt:22.03.1965

Rule 15

- | | |
|--|---------|
| (i) Grant of Extract from Hindu marriage Register - | Rs.5.00 |
| (ii) Certified extract from the Hindu Marriage Register (Certified Copies of other Records) shall be granted under the official seal of Registrar on payment of the Fee. | |

(iii) In addition to this fee prescribed in Sub-Rule(1) the following fee shall be levied by the Marriage Registrar.

SCHEDULE OF FEES

(i) For the Registration of Marriage (to be paid by the parties to the marriage which will be exclusive of any other fees levied by temple authorities for Marriage in Temples.	Rs. 200.00
(ii) For making a search in any record relating to (to be paid by the applicant)	
(a) The current year	1.00
(b) Any other year or years(for addl.such year)	1.00
(iii) For a certified copy of any record other than the certified Copy of or extract from the Hindu Marriage Register to be paid by the applicant.	2.00
(iv) For registering a marriage at any place outside the office of the Marriage Registrar (to be appropriated by the Marriage Registrar) under Rule 21.	10.00

Note (1) :- The application for a search and certified copy should be affixed with necessary court fee lables – No search fee shall be levied for granting a certified extract from the Hindu Marriage Register application at the time of Registration of Marriage.

Note(2):- “ However no fees specified in item(1) of the Schedule of fee under Sub-Rule(3) of Rule (15) should be charged in respect of Inter caste Marriage solemnized or registered under the Act.”.(G.O.Ms.No.1175 Home, (General.A) Department,dated 5-10-1976)

16. All fees realised shall at once be brought on account in 'Form-D' and shall be remitted into the Government Treasury under the head of account "XXXII Miscellaneous Social and Developmental Organisations (d) Miscellaneous, -(iii) B. D, Marriages Registration Fees."

17. A receipt in "Form-E" shall be granted for the fee paid in person under rule 15.

18. (1) The following records shall be maintained by the Registrar:

- Applications made for registration of Hindu Marriages or for correction thereof together with concerned records.
- Hindu Marriage Register.
- File of applications for certified extracts,
- Register of fees.

- (e) Chalans for the money remitted into the treasury.
 - (f) Fee Receipt Book.
 - (g) General correspondence.
 - (h) File of G.Os. and Circulars.
 - (i) Indices.
- (2) The records referred to in clauses (a), (b), (c), (d), (e), (0, (h) and (i) of sub-rule (1) shall be preserved permanently.

19. The Registrar-General may specify any other records to be maintained by the Registrar and determine the period of preservation of such records.

20. (1) Any Registrar, who discovers any error in the form or substance of any entry in the Hindu Marriages Register may, within one month next after the discovery of such error in the presence of the persons married and in case of their death or absence, in the presence of two other credible witnesses and subject to the provisions contained in rule 8 direct the correction of the error.

Provided that, where any such correction was made in the absence of the persons married, the nature of such correction shall be intimated to them by registered post with acknowledgement due at their last known address.

(2) Every correction made under this rule shall be attested by the parties or the witnesses as the case may be, in whose presence it is made.

21. (i) For the registration of a marriage, the Registrar may, upon being provided with a conveyance, attend the Jail situate within his jurisdiction if one of the parties is confined therein under civil or criminal process or the residence of the persons who reside within his jurisdiction and who are exempt by law from personal appearance in Court under Code of Civil Procedure, 1908, namely ;-

- (a) women who, according to the customs and manners, of the country, ought not to be compelled to appear in public ; and
- (b) persons of rank specially exempted by the Government or persons who by reason of bodily infirmity are unable without risk or serious inconvenience to appear at the office of the Registrar.

(ii) A list of persons exempted under clause (b) above, shall be obtained by the Registrar-General from the High Court and communicated to the Registrars.

Hindu Marriage Registration - Requirements & Precautions

Brideâ™s minimum age at the time of solemnization of marriage must be 18 years (completed).

Bridegroomâ™s minimum age at the time of solemnization of marriage must be 21 years (completed).

Submission of Application online along with payment of prescribed fee.

Wedding invitation card.

A photograph of marriage ceremony capturing both wife and husband.

Residential proof of either of the spouse.

Copies of SSC Certificates of wife and husband or passport copies (for Date of Birth proof).

Three witnesses to sign in the form.

Three witnesses to sign in the register of Registrar office.

Check thrice the details filled in the Form A. Names of the bride and groom shall always be tallied with the names given in the passport/SSC and other certificates. Otherwise, at the time of issuance of visa and other certificates, you may have to face problem.

It is advisable to mention the name of the wife (bride) before and after marriage.

Check the certificate issued by the Sub Registrar office and if there are any discrepancies in the names or any other details, immediately bring them to the notice of the Sub Registrar and get them rectified.

In case of any discrepancy in the details found subsequently in the marriage certificate issued by the Sub Registrar, there is a cumbersome procedure involved to get rectify such discrepancies.

The Marriage can be registered either:

At the Sub Registrar Office where the marriage venue is situated,
or

At the Sub Registrar Office in whose jurisdiction either wife or husband has
been residing for at least six months immediately preceding the date of
marriage.

Registrar may attend the marriage ceremony in person and register the
same if he is requested to do so by submitting all the papers, prescribed fee
in advance, if it (time) is convenient to him.

It is advised to take all the precautions and thorough check of the
documents during marriage registration itself.

Rule relating to marriage registration under Hindu Marriage Act is extracted
hereunder:

An application for the registration of a Hindu Marriage, shall be in Form-'A'
and shall be signed by each party to the marriage or by the guardian of such
party and shall be presented in person before the Registrar in whose
jurisdiction the marriage is solemnized or before the Registrar in
whose jurisdiction either party to the marriage has been residing for
at least six months immediately preceding the date of marriage.

For better understanding of the statutory position, the relevant portion
of Hindu Marriage Act, 1955 is given below:

Section 5. Conditions for a Hindu marriage

A marriage may be solemnised between any two Hindus, if the following conditions
are fulfilled, namely:-

neither party has a spouse living at the time of the marriage;

at the time of the marriage, neither party- is incapable of giving a
valid consent to it in consequence of unsoundness of mind
; or

though capable of giving a valid consent, has been suffering from
mental disorder of such a kind or to such an extent as
to be unfit for marriage and the procreation of children;

or

has been subject to recurrent attacks of insanity or epilepsy;

the bridegroom has completed the age of twenty one years and the bride, the age of eighteen years at the time of the marriage;

the parties are not within the degrees of prohibited relationship, unless the custom or usage governing each of them permits of a marriage between the two;

the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two.

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Designed and Developed By

**HINDU MARRIAGE ACT, 1955 [Act No. 25 of Year
1955, dated 18th. May, 1955]**

An Act to amend and codify the law relating to marriage among Hindus
Be it enacted by Parliament in the Sixth Year of the Republic of India as follows

HINDU MARRIAGE ACT, 1955
CHAPTER I
PRELIMINARY

1. Short title and extent

(1) This Act may be called the Hindu Marriage Act, 1955.

(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to Hindus domiciled in the territories to which this Act extends who are outside the said territories.

2. Application of Act

(1) This Act applies

(a) to a person who is a Hindu by religion in any of its forms or developments, including a *Virashaiva*, a *Lingayat* or a follower of the *Brahmo*, *Prarthana* or *Arya Samaj*,

(b) to any person who is a Buddhist, Jaina or Sikh by religion, and

(c) to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation : The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:-(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists,

Jainas or Sikhs by religion; (b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged; and

- (c) any person who is a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion.
- (2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.
- (3) The expression "Hindu" in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

3. Definitions

In this Act, unless the context otherwise requires,

- (a) the expressions "custom" and "usage" signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family:

PROVIDED that the rule is certain and not unreasonable or opposed to public policy:
PROVIDED FURTHER that in the case of a rule applicable only to a family it has not been discontinued by the family;

- (b) "District court" means, in any area for which there is a city civil court, that court, and in any other area the principal civil court of original jurisdiction, and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;
- (c) "full blood" and "half blood" -two persons are said to be related to each other by full blood when they were descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives;
- (d) "uterine blood"- two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands;

Explanation: In clauses (c) and (d), "ancestor" includes the father and "ancestress" the mother;

- (e) "prescribed" means prescribed by rules made under this Act;
- (i) (i) "sapinda relationship" with reference to any person extends as far as the third generation (inclusive) in the line of ascent through the mother, and the fifth (inclusive) in the line of ascent through the father, the line being traced upwards in each case from the person concerned, who is to be counted as the first generation;
- (ii) two persons are said to be "sapindas" of each other if one is a lineal ascendant of the other within the limits of sapinda relationship, or if they have a common lineal ascendant who is within the limits of sapinda relationship with reference to each of them;
- (j) "degrees of prohibited relationship" -two persons are said to be within the "degrees of prohibited relationship"-
(i) if one is a lineal ascendant of the other; or
(ii) if one was the wife or husband of a lineal ascendant or descendant of the other; or
(iii) if one was the wife of the brother or of the father's or mother's brother or of the grandfather's or grandmother's brother of the other; or
(iv) if the two are brother and sister, uncle and niece, aunt and nephew or children of brother and sister or of two brothers or of two sisters;

Explanation: For the purposes of clauses (f) and (g), relationship includes-

- (i) relationship by half or uterine blood as well as by full blood;
(ii) illegitimate blood relationship as well as legitimate;
(iii) relationship by adoption as well as by blood; and all terms of relationship in those clauses shall be construed accordingly.

4. Overriding effect of Act

Save as otherwise expressly provided in this Act-

- (a) any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;
- (b) any other law in force immediately, before the commencement of this Act shall cease to have effect insofar as it is inconsistent with any of the provisions contained in this Act.

CHAPTER II

HINDU MARRIAGES

5. Conditions for a Hindu marriage

A marriage may be solemnised between any two Hindus, if the following conditions are fulfilled, namely,-

- (i) neither party has a spouse living at the time of the marriage;
 - (ii) at the time of the marriage, neither party-
 - (a) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or
 - (b) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or
 - (c) has been subject to recurrent attacks of insanity or epilepsy;
 - (iii) the bridegroom has completed the age of twenty one years and the bride, the age of eighteen years at the time of the marriage;
 - (iv) the parties are not within the degrees of prohibited relationship, unless the custom or usage governing each of them permits of a marriage between the two;
 - (v) the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two;
- *(vi) where the bride has not completed the age of eighteen years, the consent of her guardian in marriage, if any, has been obtained for the marriage.

[*] omitted.

6. Guardianship in marriage

[Repealed by the Child Marriage Restraint (Amendment) Act2 of 1978, w.e.f. 1-10-1978.]

7. Ceremonies for a Hindu marriage

- (1) A Hindu marriage may be solemnised in accordance with the customary rites and ceremonies of either party thereto.
- (2) Where such rites and ceremonies include the saptapadi (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken.

8. Registration of Hindu marriages

- (1) For the purpose of facilitating the proof of Hindu marriages, the State Government may make rules providing that the parties to any such marriage may have the particulars relating to their marriage entered in such manner and subject to such conditions as may be prescribed in a Hindu Marriage Register kept for the purpose.

- (2) Notwithstanding anything contained in sub-section (1), the State Government may, if it is of opinion that it is necessary or expedient so to do, provide that the entering of the particulars referred to in sub-section (1) shall be compulsory in the State or in any part thereof, whether in all cases or in such cases as may be specified, and where any such direction has been issued, any person contravening any rule made in this behalf shall be punishable with fine which may extend to twenty-five rupees.
- (3) All rules made under this section shall be laid before the State Legislature, as soon as may be, after they are made.
- (4) The Hindu Marriage Register shall at all reasonable times be open for inspection, and shall be admissible as evidence of the statements therein contained and certified extracts therefrom shall, on application, be given by the Registrar on payment to him of the prescribed fee.
- (5) Notwithstanding anything contained in this section, the validity of any Hindu marriage shall in no way be affected by the omission to make the entry.

CHAPTER III

RESTITUTION OF CONJUGAL RIGHTS AND JUDICIAL SEPARATION

9. Restitution of conjugal rights

When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

Explanation: Where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.

10. Judicial separation

- (1) Either party to a marriage, whether solemnised before or after the commencement of this Act, may present a petition praying for a decree for judicial separation on any of the grounds specified in sub-section (1) of section 13, and in the case of a wife also on any of the grounds specified in sub-section (2) thereof, as grounds on which a petition for divorce might have been presented.

(2) Where a decree for judicial separation has been passed, it shall no longer be obligatory for the petitioner to cohabit with the respondent, but the court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

CHAPTER IV

NULLITY OF MARRIAGE AND DIVORCE

11. Void marriages

Any Marriage solemnised after the commencement of this Act shall be null and void and may, on a petition presented by either party thereto *[against the other party], be so declared by a decree of nullity if it contravenes any one of the conditions specified in clauses (i), (iv) and (v) of section 5. *(ins by Act 68 of 1976, sec 5)

12. Voidable marriages

(1) Any marriage solemnised, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely,-

1[(a) that the marriage has not been consummated owing to the impotence of the respondent; or]

1[Substituted by Act No. 68 of 1976, w.e.f. 27th. May, 1976.]

(b) that the marriage is in contravention of the condition specified in clause (ii) of section 5; or

(c) that the consent of the petitioner, or where the consent of the guardian in marriage of the petitioner 1[was required under section 5 as it stood immediately before the commencement of the Child Marriage Restraint (Amendment) Act, 1978 (2 of 1978)], the consent of such guardian was obtained by force 2[or by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent]; or

1[Substituted by Act No. 2 of the 1978 for the words and numerals "is required under section 5" w.e.f. 1st. October, 1978.]

2[Substituted for the words "or fraud" by Act No. 68 of 1976 w.e.f. 27th. May, 1976.]

(d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner.

(2) Notwithstanding anything contained in sub-section (1), no petition for annulling a marriage:--

(a) on the ground specified in clause (c) of sub-section (1), shall be entertained if-(i) the petition is presented more than one year after the force had ceased to operate or, as the case may be, the fraud had been discovered; or

(ii) the petitioner has, with his or her full consent, lived with the other party to the marriage as husband or wife after the force had ceased to operate or, as the case may be, the fraud had been discovered;

(b) on the ground specified in clause (d) of sub-section (1) shall be entertained unless the court is satisfied-

- (i) that the petitioner was at the time of the marriage ignorant of the facts alleged;
- (ii) that proceedings have been instituted in the case of a marriage solemnised before the commencement of this Act within one year of such commencement and in the case of marriages solemnised after such commencement within one year from the date of the marriage; and
- (iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the said ground.

13. Divorce

(1) Any marriage solemnised, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party-

1[(i) has, after the solemnisation of the marriage, had voluntary sexual intercourse with any person other than his or her spouse; or

(ia) has, after the solemnisation of the marriage, treated the petitioner with cruelty;
or (ib) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or]

(ii) has ceased to be a Hindu by conversion to another religion; or

1[(iii) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.

1[subs. By act 68 of 1976, sec. 7 for the former clause]

Explanation: In this clause:---

(a) the expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia;

(b) the expression "psychopathic disorder" means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the other party, and whether or not it requires or is susceptible to medical treatment or;]

(iv) has been suffering from a virulent and incurable form of leprosy; or

(v) has been suffering from venereal disease in a communicable form; or

(vi) has renounced the world by entering any religious order; or

(vii) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of it, had that party been alive,

Explanation :- in this sub-section, the expression "desertion" means the desertion of the petitioner by the other party to marriage without reasonable cause and without the consent or against the wish of such party, and includes the willful neglect of the petitioner by the other party of the marriage, and its grammatical variations and cognate expressions shall be construed accordingly.

(1A) Either party to a marriage, whether solemnised before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground-

- (i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of 15[one year] or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or
- (ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of 15[one year] or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.

(2) A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground-

- (i) in the case of any marriage solemnised before the commencement of this Act, that the husband had married again before such commencement or that any other wife of the husband married before such commencement was alive at the time of the solemnisation of the marriage of the petitioner: or

PROVIDED that in either case the other wife is alive at the time of the presentation of the petition; or

- (ii) that the husband has, since the solemnisation of the marriage, been guilty of rape, sodomy or [bestiality; or]

7[(iii) that in a suit under section 18 of Hindu Adoptions and Maintenance Act, 1956 (78 of 1956), or in a proceeding under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) (or under the corresponding section 488 of the Code of Criminal Procedure, 1898 (5 of 1898), a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or upwards; 6 & 7 [subs by ibid sec 7 for ' disability, and ins. By ibid section7]

- (iv) that her marriage (whether consummated or not) was solemnised before she attained the age of fifteen years and she has repudiated the marriage after attaining that age but before attaining the age of eighteen years.

Explanation: This clause applies whether the marriage was solemnised before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976).

1[13A. Alternate relief in divorce proceedings

In any proceeding under this Act, on a petition for dissolution of marriage by a decree of divorce, except insofar as the petition is founded on the grounds mentioned in clauses (ii), (vi) and (vii) of sub-section (1) of section 13, the court may, if it considers it just so to do having regard to the circumstances of the case, pass instead a decree for judicial separation.

13 B. Divorce by mutual consent

- (1) Subject to the provisions of this Act a petition for dissolution of marriage by a decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnised before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.
- (2) On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnised and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.

1[Inserted by Act No. 68 of 1976, w.e.f. 27th. May, 1976.]

14. No petition for divorce to be presented within one year of marriage

- (1) Notwithstanding anything contained in this Act, it shall not be competent for any court to entertain any petition for dissolution of a marriage by a decree of divorce, 1[unless at the date of the presentation of the petition one year has elapsed] since the date of the marriage:

1[substituted by Act No. 68 of 1976, w.e.f. 27th. May, 1976.]

PROVIDED that the court may, upon application made to it in accordance with such rules as may be made by the High Court in that behalf, allow a petition to be

presented 1[before one year has elapsed] since the date of the marriage on the ground that the case is one of exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the court at the hearing of the petition that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the court may, if it pronounces a decree, do so subject to the condition that the decree shall not have effect until after the 1[expiry of one year] from the date of the marriage or may dismiss the petition without prejudice to any petition which may be brought after 1[expiration of the said one year] upon the same or substantially the same facts as those alleged in support of the petition so dismissed.

1[Subtitled by Act No. 68 of 1976, w.e.f. 27th. May, 1976.]

- (2) In disposing of any application under this section for leave to present a petition for divorce before the 1[expiration of one year] from the date of the marriage, the court shall have regard to the interests of any children of the marriage and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the 1[said one year].

1[Subtitled by Act No. 68 of 1976, w.e.f. 27th. May, 1976.]

15. Divorced persons when may marry again

When a marriage has been dissolved by a decree of divorce and either there is no right of appeal against the decree or, if there is such a right of appeal, the time for appealing has expired without an appeal having been presented, or an appeal has been presented but has been dismissed, it shall be lawful for either party to the marriage to marry again.

* [* * *] omitted.

2[16. Legitimacy of children of void and voidable marriages

- (1) Notwithstanding that marriage is null and void under section 11, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), and whether or not a decree of nullity is granted in respect of that marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.

- (2) Where a decree of nullity is granted in respect of a voidable marriage under section 12, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if at the date of the decree it had been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity.
- (3) Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 12, any rights in or to the property of any person, other than the parents, in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.]

2[Substituted by Act No. 68 of 1976 for section 16.]

17. Punishment of bigamy

Any marriage between two Hindus solemnised after commencement of this Act is void if at the date of such marriage either party had a husband or wife living; and the provisions of sections 494 and 495 of the Indian Penal Code, 1860 (45 of 1860), shall apply accordingly.

18. Punishment for contravention of certain other conditions for a Hindu marriage

Every person who procures marriage of himself or herself to be solemnised under this Act in contravention of the conditions specified in clauses (iii), (iv), 18[and (v)] of section 5 shall be punishable-

- (a) in the case of a contravention of the condition specified in clause (iii) of section 5, with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both;
- (b) in the case of a contravention of the condition specified in clause (iv) or clause (v) of section 5, with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both;
- (c) Omitted

HINDU MARRIAGE ACT, 1955
CHAPTER V
JURISDICTION AND PROCEDURE

1[19. Court to which petition shall be presented

Every petition under this Act shall be presented to the District Court within the local limits of whose ordinary original civil jurisdiction-

- (i) the marriage was solemnised, or
- (ii) the respondent, at the time of the presentation of the petition, resides, or
- (iii) the parties to the marriage last resided together, or
- (iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is, at that time, residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of him if he were alive.]

1[Substituted by Act No. 68 of 1976.]

20. Contents and verification of petitions

- (1) Every petition presented under this Act shall state as distinctly as the nature of the case permits the facts on which the claim to relief is founded 20[and, except in a petition under section 11, shall also state] that there is no collusion between the petitioner and the other party to the marriage.
- (2) The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints, and may, at the hearing, be referred to as evidence.

21. Application of Act 5 of 1908

Subject to the other provisions contained in this Act and to such rules as the High Court may make in this behalf, all proceedings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908.

1[21A. Power to transfer petitions in certain cases

(1) Where-

- (a) a petition under this Act has been presented to a district court having jurisdiction by a party to a marriage praying for a decree for judicial separation under section 10 or for a decree of divorce under section 13, and
- (b) another petition under this Act has been presented thereafter by the other party to the marriage praying for a decree for judicial separation under section 10 or for a decree of divorce under section 13 on any ground, whether in the same District Court or in a different District Court, in the same State or in a different State.

The petitions shall be dealt with as specified in sub-section (2).

(2) In a case where sub-section (1) applies,

- (a) if the petitions are presented to the same District Court, both the petitions shall be tried and heard together by that District Court;
- (b) if the petitions are presented to different District Courts, the petition presented later shall be transferred to the District Court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the District Court in which the earlier petition was presented.

(3) In a case where clause (b) of sub-section (2) applies, the court or the Government, as the case may be, competent under the Code of Civil Procedure, 1908 (5 of 1908), to transfer any suit or proceeding from the District Court in which the later petition has been presented to the District Court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

21B. Special provision relating to trial and disposal of petitions under the Act

- (1) The trial of a petition under this Act shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion unless the court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

- (2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.
- (3) Every appeal under this Act shall be heard as expeditiously as possible, and endeavour shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent.

21C. Documentary evidence

Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence in any proceeding at the trial of a petition under this Act on the ground that it is not duly stamped or registered.]

1[inserted by Act No. 68 of 1976 for section 14.]

2[22. Proceedings to be in camera and may not be printed or published

- (1) Every proceeding under this Act shall be conducted in camera and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgement of the High Court or of the Supreme Court printed or published with the previous permission of the Court.
- (2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1), he shall be punishable with fine which may extend to one thousand rupees.]

2[Substituted by Act 68 of 1976 section 15]

23. Decree in proceedings

- (1) In any proceeding under this Act, whether defended or not, if the court is satisfied that-(a) any of the grounds for granting relief exists and the petitioner 1[except in cases where the relief is sought by him on the ground specified in sub-clause (a), sub-clause (b) or sub-clause (c) of clause (ii) of section 5] is not in any way taking advantage of his or her own wrong or disability for the purpose of such relief, and

1[ins by act 68 of 1976 sec 16]

(b) where the ground of the petition is the ground specified 2[* * *] in clause (i) of sub-section (1) of section 13, the petitioner has not in any manner been accessory to or connived at or condoned the act or acts complained of, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty, and 2[omitted]

3[(bb) when a divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence, and]

3[ins by act 68 of 1976]

(c) 4[the petition (not being a petition presented under section 11)] is not presented or prosecuted in collusion with the respondent, and

4[sub by Act 68 of 1976 sec 16]

(d) there has not been any unnecessary or improper delay in instituting the proceeding, and

(e) there is no other legal ground why relief should not be granted, then, and in such a case, but not otherwise, the court shall decree such relief accordingly.

(2) Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties:

5[PROVIDED that nothing contained in this sub-section shall apply to any proceeding wherein relief is sought on any of the grounds specified in clause (ii), clause (iii), clause (iv), clause (v), clause (vi) or clause (vii) of sub-section (1) of section 13.]

5[ins by Act 68 of 1976 sec 16]

6[(3) For the purpose of aiding the court in bringing about such reconciliation, the court may, if the parties so desire or if the court thinks it just and proper so to do, adjourn the proceedings for a reasonable period not exceeding fifteen days and refer the matter to any person named by the parties in this behalf or to any person nominated by the court if the parties fail to name any person, with directions to report

to the court as to whether reconciliation can be and has been, effected and the court shall in disposing of the proceeding have due regard to the report.

(4) In every case where a marriage is dissolved by a decree of divorce, the court passing the decree shall give a copy thereof free of cost to each of the parties.]

6[ins by Act 68 of 1976 sec 16]

23A. Relief for respondent in divorce and other proceedings

In any proceeding for divorce or judicial separation or restitution of conjugal rights, the respondent may not only oppose the relief sought on the ground of petitioner's adultery, cruelty or desertion, but also make a counter-claim for any relief under this Act on that ground; and if the petitioner's adultery, cruelty or desertion is proved, the court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground]. 7[ins by Act 68 of 1976 sec 17]

24. Maintenance pendent lite and expenses of proceedings

Where in any proceeding under this Act it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable.

25. Permanent alimony and maintenance

(1) Any court exercising jurisdiction under this Act, may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant, 1[the conduct of the parties and other circumstances of the case], it may seem to the court to be just, and any such payment may be, secured, if necessary, by a charge on the immovable property of the respondent.

8 [The words "while the applicant remains unmarried" omitted by Act No. 68 of 1976 sec 18.]

- (2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.
- (3) If the court is satisfied that the party in whose favour an order has been made under this section has re-married or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, 1[it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just.

1 [subs by Act No. 68 of 1976 sec 18 for certain words]

26. Custody of children

In any proceeding under this Act, the court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes, wherever possible, and may, after the decree, upon application by petition for the purpose, make from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceeding for obtaining such decree were still pending, and the court may, also from time to time revoke, suspend or vary any such orders and provisions previously made.

27. Disposal of property

In any proceeding under this Act, the court may make such provisions in the decree as it deems just and proper with respect to any property presented, at or about the time of marriage, which may belong jointly to both the husband and the wife.

28. Appeals from decrees and orders

- (1) All decrees made by the court in any proceeding under this Act shall, subject to the provisions of sub-section (3), be appealable as decrees of the court made in the exercise of its original civil jurisdiction, and every such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in the exercise of its original civil jurisdiction.

- (2) Orders made by the court in any proceeding under this Act under section 25 or section 26 shall, subject to the provisions of sub-section (3), be appealable if they are not interim orders, and every such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in exercise of its original civil jurisdiction.
- (3) There shall be no appeal under this section on the subject of costs only.
- (4) Every appeal under this section shall be preferred within a period of thirty days from the date of the decree or order.

28A. Enforcement of decrees and orders

All decrees and orders made by the court in any proceeding under this Act shall be enforced in the like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction for the time being are enforced.] 1 [subs by Act No. 68 of 1976 sec 9 .]

CHAPTER VI

SAVINGS AND REPEALS

29. Savings

- (1) A marriage solemnised between Hindus before the commencement of this Act, which is otherwise valid, shall not be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to the same gotra or pravara or belonged to different religions, castes or subdivisions of the same caste.
- (2) Nothing contained in this Act shall be deemed to affect any right recognised by custom or conferred by any special enactment to obtain the dissolution of a Hindu marriage, whether solemnised before or after the commencement of this Act.
- (3) Nothing contained in this Act shall affect any proceeding under any law for the time being in force for declaring any marriage to be null and void or for annulling or dissolving any marriage or for judicial separation pending at the commencement of this Act, and any such proceeding may be continued and determined as if this Act had not been passed.

(4) Nothing contained in this Act shall be deemed to affect the provisions contained in the Special Marriage Act, 1954, (43 of 1954) with respect to marriages between Hindus solemnised under that Act, whether before or after the commencement of this Act.

30. Repeals

The Hindu Marriage Disabilities Removal Act, 1846(XXVII of 1946), Hindu Marriage Validity Act, 1949 (XXI of 1949), the Bombay Prevention of Hindu Bigamous Marriage Act 1946(Bombay Act XXV of 1946), the Bombay Hindu Divorce Act, 1947 (Bombay Acts XXII & XXIII of 1947), the Madras Hindu (Bigamy Prevention and Divorce) Act 1949, (Madras, Act VI of 1949), the Saurashtra Prevention of Hindu Bigamous Marriage Act 1950(Saurashtra Act V of 1950) and the Saurashtra Hindu Divorce Act 1952 (Saurashtra Act XXX of 1952) are hereby repealed.

1. Registration Act,1908:
2. Indian Stamp Act,1899
3. Telangana Societies Registration Act,2001
4. Indian Partnership Act,1932
5. Hindu Marriages Act,1955
6. Special Marriages Act,1954
7. The Indian Christian Marriages Act,1954
8. The Chit Funds Act,1982
9. The Telangana Non Trading Companies Act,1962
10. The Notaries Act,1952

The Registration Act governs the registration of documents.

The Stamp Act is a fiscal Act aimed at augmenting the revenue of the Government.

Under this Act, public societies formed for charitable, religious or educational purposes are registered.

Under the Act, Partnership firms are registered. The Disposition of Partnership firms is governed by this Act.

A Hindu Marriage can be registered under this Act after the solemnization of the marriage.

Under this Act, marriages are solemnised and registered.

The Marriages are solemnized by the pastors appointed by the Government.

Under this Act the following issues are handled by the Government.

Under this Act, Non Trading Companies are registered.

The Government has the powers to appoint, issue and regulate Non Trading Companies.

ients relating to properties both immovable and movable. Encumbrance certificates are issued on the immovable revenues of the State by way of levying Stamp Duty. The revenue collected thus is one of the major revenues concerned religious and educational the purposes among others are registered by the Registrar. The District Registrar is the

r it is solemnised. The registration can be done by the Sub-registrar of either the place of the solemnisation or

d by the Government. The marriage record sent to it by the pastor will be filed by the District Registrar.

Department Registration of Agreements of Chits Filing of minutes and amendments Dispute resolution between in the O/o Commissioner and I.G. Assistant I.G is competent to register such Non Trading Companies

ible properties by conducting a search of the record sought for the specified period. Certified copies of the reg
r the place of the residence of either the bride or the bridegroom. The District Registrar/DIG concerned are al

istered documents are issued to the public. The Sub-Registrar is the competent authority for the registration c

of documents under the Act.

Fees for issue and renewal of certificate of practice and extension of area-

The fees for issue and renewal of certificate of practice and extension of area shall be as under,—

- (a) Issue of certificate of practice—Rs. 1000;
- (b) Extension of area of practice—Rs. 750;
- (c) Renewal of certificate of practice—Rs. 500;
- (d) Issue of a duplicate certificate of practice—Rs. 300.

Fees payable to a notary for doing any notarial act —

(1) Every notary may charge fees not exceeding the rates mentioned below, namely:—

- (a) For noting an instrument:
 - If the amount of the instrument does not exceed rupees 10,000—Rs. 25
 - If it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 50
 - If it exceeds rupees 25,000 but does not exceed rupees 50,000 —Rs. 75
 - If it exceeds rupees 50,000 —Rs. 100
- (b) For protesting an instrument: If the amount of the instrument does not exceed rupees 10,000 —Rs. 25
 - If it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 50
 - If it exceeds rupees 25,000 but does not exceed rupees 50,000 —Rs. 75
 - If it exceeds rupees 50,000 but does not exceed rupees 1, 00,000 —Rs. 75
 - If it exceeds rupees 1,00, 000 —Rs. 100
- (c) For recording a declaration of payment for honour —Rs. 50

- (d) Duplicate protests —half the charge of original
 - (e) For verifying, authenticating, certifying or attesting the execution of any instrument —Rs. 10
 - (f) For presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security —Rs. 25
 - (g) For administering oath to, or taking affidavit from any person —Rs. 10
 - (h) For preparing any instrument intended to take effect in any country or place outside India in such form, and language as may conform to the law of the place where such deed is intended to operate —Rs. 100
 - (i) For attesting or authenticating any instrument to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate —Rs. 100
 - (j) For translating and verifying the translation of any document from one language to another —Rs. 50
 - (k) For noting and drawing up ship's protest, protest or relating to demurrage and other commercial matters —Rs. 100
 - (l) For certifying copies of document as true per page copies of the original —Rs. 5 (m) For any other notarial act such sum as the appropriate Government may fix from time to time
- (2) The rates of fees to be charged by a notary shall be displayed by him in conspicuous place inside as well as outside his chamber or office.
- 3) In addition to the above fees, a notary may charge the travelling allowance by road or by rail at the rate of rupees five per kilometre.

THE NOTARIES RULES, 1956

[Notification No.S.R.O.324 Dated 14-2-1956]

In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952), the Central Government hereby makes the following rules, namely:—

1. Short title —

These rules may be called the Notaries Rules, 1956.

2. Definitions —

In these rules, unless the context otherwise requires—

- (a) "**Appropriate Government**" means, in relation to a notary appointed by the Central Government, the Central Government and in relation to a notary appointed by the State Government, the State Government;
- (b) "**Form**" means a Form appended to these Rules;
- (c) "**The Act**" means the Notaries Act, 1952 (53 of 1952).

3. Qualifications for appointment as a notary —

No person shall be eligible for appointment as a notary unless on the date of the application for such appointment—

- (a) A person had been practicing at least for ten years, or
 - (aa) A person belonging to Scheduled Castes/Scheduled Tribes and other backward classes had been practicing at least for seven years, or
- (ab) A woman who had been practicing at least for seven years, as a legal practitioner, or
- (b) He had been a member of the Indian Legal Service under the Central Government, or
 - (b) He had been at least for ten years,—

- (i) A member of Judicial Service; or
 - (ii) held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an advocate;
- or
- (iii) Held an office in the department of Judge Advocate General or in the legal department of the armed forces.

4. Application for appointment as a notary —

- (1) A person may make an application for appointment as a notary (hereinafter called "**the applicant**") in the form of memorial addressed to such officer or authority (hereinafter referred to as the "**competent authority**") of the appropriate Government as that Government may, by notification in the official Gazette, designate in this behalf.
- (2) The memorial shall be drawn by a person referred to in clause (a) of rule 3 in accordance with Form I and by a person referred to in clauses (b) and (c) of the said rule in accordance with Form II.
- (3) The memorial of a person referred to in clause (a) of rule 3 shall be signed by the applicant and shall be countersigned by the following persons:—

- (a) A Magistrate;
- (b) A Manager of a nationalized bank;
- (c) A merchant; and
- (d) Two prominent inhabitants of the local area within which the applicant intends to practice as a notary.

6. Preliminary action on application —

- (1) The competent authority shall examine every application received by him and, if he is satisfied that the applicant does not possess the qualifications specified in rule 3, or that any previous application of the applicant for appointment as a notary was rejected within six months before the date of the application, shall reject it and inform the applicant accordingly.
- (2) If the competent authority does not reject the application under sub-rule (1),—

(b) he may, if he thinks fit, ascertain from any Bar Council, Bar Association, Incorporated Law Society or other authority in the area where the applicant proposes to practise, the objections, if any, to the appointment of the applicant as notary, to be submitted within the time fixed for the purpose.

7. Recommendation of the competent authority —

(1) The competent authority shall, after holding such inquiry as he thinks fit and after giving the applicant an opportunity of making his representations against the objections, if any, received within the time fixed under sub-rule (2) of rule 6, make a report to the appropriate Government recommending either that the application may be allowed for the whole or any part of the area to which the application relates or that it may be rejected.

(2) The competent authority shall also make his recommendation in the report under sub-rule (1) regarding the persons by whom the whole or any part of the costs of the application including the cost of hearing, if any, shall be borne.

(3) In making his recommendation under sub-rule (1), the competent authority shall have due regard to the following matters, namely:—

- (a) Whether the applicant ordinarily resides in the area in which he proposes to practice as a notary;
- (b) whether, having regard to the commercial importance of the area in which the applicant proposes to practice and the number of existing notaries practising in the area, it is necessary to appoint any additional notaries for the area;
- (c) whether, having regard to his knowledge and experience of commercial law and the nature of the objections, if any, raised in respect of his appointment as a notary, and in the case of a legal practitioner also to the extent of his practice, the applicant is fit to be appointed as a notary;
- (d) where the applicant belongs to a firm of legal practitioners, whether, having regard to the number of existing notaries in that firm, it is proper and necessary to appoint any additional notary from that firm; and
- (e) where applications from other applicants in respect of the area are pending, whether the applicant is more suitable than such other applicants.

8. Appointment of a notary —

- (1) On receipt of the report of the competent authority, the appropriate Government shall consider the report and shall—
- (a) Allow the application in respect of the whole of the area to which it relates; or
 - (b) Allow the application in respect of any part of the area to which it relates; or
 - (c) reject the application, and shall also make such orders as the Government thinks fit regarding the persons by whom the whole or any part of the cost of the application including the cost of hearing, if any, shall be borne.
- (2) An applicant shall be informed of every order passed by the appropriate Government under sub-rule (1).
- (3) Any applicant whose application has been rejected or allowed in respect of only a part of the area to which it relates or against whom an order as to cost has been made under sub-rule (1) may, within sixty days of the date of the order apply to the appropriate Government for reviewing the order and that Government may, after making such further inquiry as it thinks fit pass such order as it considers necessary.
- (4) Where the application is allowed, the appropriate Government shall appoint the applicant as a notary and direct his name to be entered in the Register of Notaries maintained by that Government under section 4 of the Act and issue to him a certificate on payment of prescribed fees authorizing him to practice in the area to which the application relates or in such part thereof as the appropriate Government may specify in the certificate, as a notary for a period of three years from the date on which the certificate is issued to him.
- (5) The Register of Notaries shall be in Form IIA and the certificate of practice shall be in Form IIB.

8A. Extension of area of practice —

A notary public who is already in possession of a certificate of practice in respect of a particular area, may for sufficient reasons, apply for extension of his area of practice. If the original certificate of practice had been issued by a State Government and the new area of practice applied for lies within the territory of that State, the application for extension of the area of practice shall be made to that State Government. In all cases where the original certificate of practice had been issued by the Central Government, the application for extension of the area of practice shall be made to the Central Government. Applications for the extension of the area of practice where the new area lies either wholly outside the State or partly inside and partly outside the State which granted the original certificate shall be made to the Central Government for the issue of a fresh certificate. The State Government or the Central Government, as the case may be, shall, after considering the reasons stated in the application and other factors, pass such orders thereon as it may deem fit. Any extension of the area of practice shall not have the effect of extending the period of validity of the original certificate beyond the period of three years specified in rule 8(4).

8-B.Renewal of Certificate Of Practice—

The Certificate of Practice issued under sub-rule (4)of Rule 8 may be renewed

for a further period of five years on payment of prescribed fee.An application for renewal of Certificate of Practice shall be submitted to the appropriate Government before three months from the date of expiry of its period of validity.

Provided that the appropriate Government may, after considering the reasons stated in the application ,relax the condition of submission of application for renewal of Certificate of Practice before the above specified period.

9. Fees for issue and renewal of certificate of practice and extension of area

The fees for issue and renewal of certificate of practice and extension of area shall be as under,—

- (a) Issue of certificate of practice— Rs. 1000;
- (b) Extension of area of practice— Rs. 750;
- (c) Renewal of certificate of practice— Rs. 500;

- (d) Issue of a duplicate certificate of practice—Rs. 300.

10. Fees payable to a notary for doing any notarial act —

(1) Every notary may charge fees not exceeding the rates mentioned below, namely:—

(a) For noting an instrument:

If the amount of the instrument does not exceed rupees 10,000 —Rs. 25
If it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 50
If it exceeds rupees 25,000 but does not exceed rupees 50,000 —Rs. 75
If it exceeds rupees 50,000 —Rs. 100

(b) For protesting an instrument:

If the amount of the instrument does not exceed rupees 10,000 —Rs. 25
If it exceeds rupees 10,000 but does not exceed rupees 25,000 —Rs. 50
If it exceeds rupees 25,000 but does not exceed rupees 50,000 —Rs. 75
If it exceeds rupees 50,000 but does not exceed rupees 1, 00,000 —Rs. 75

If it exceeds rupees 1,00, 000 —Rs. 100

(c) For recording a declaration of payment for honour —Rs. 50

(d) Duplicate protests —half the charge of original

(e) For verifying, authenticating, certifying or attesting the execution of any instrument —Rs. 10

(f) For presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security —Rs. 25

(g) For administering oath to, or taking affidavit from any person —Rs. 10

(h) For preparing any instrument intended to take effect in any country or place outside India in such form, and language as may conform to the law of the place where such deed is intended to operate —Rs. 100

(i) For attesting or authenticating any instrument to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate —Rs. 100

(j) For translating and verifying the translation of any document from one language to another —Rs. 50

(k) For noting and drawing up ship's protest, protest or relating to demurrage and other commercial matters —Rs. 100

(l) For certifying copies of document as true per page copies of the original — Rs. 5

(m) For any other notarial act such sum as the appropriate Government may fix from time to time

(2) The rates of fees to be charged by a notary shall be displayed by him in conspicuous place inside as well as outside his chamber or office.

3) In addition to the above fees, a notary may charge the travelling allowance by road or by rail at the rate of rupees five per kilometer.

11. Transaction of business by a notary —

(1) A notary in transacting the business under the Act shall use the forms set forth in the Appendix to these rules.

(2) Besides recording declaration of payment for honour a notary shall also register noting and protests made. Every notary shall maintain a Notarial Register in the prescribed Form XV .

(3) Where any demand of acceptance or payment or better security has been made by a clerk, a notary shall, after examination of the entry in the Register relating to such demand, affix his signature thereto, and cause the clerk to affix his signature also to the entry.

(4) Each notary shall, before bringing the Notarial Register into use, add a certificate on the title page specifying the number of pages it contains. Such certificate shall be signed and dated by the notary.

(5) Every notary shall permit the District Judge or such officer as the appropriate Government from time to time appoint in this behalf to inspect his register at such times, not often than twice a year, as the District Judge or Officer may fix. District Judge or Officer appointed by the State Government will have power to lodge a report to the appropriate Government for taking action against a notary.

(6) When the original instrument is in a language other than English any noting or protest or entry in his register which has to be made in respect of the instrument by a notary may be made either in that language or in English.

(7) In making presentment of bills or notes a notary shall observe the provisions of Chapter V of the Negotiable Instruments Act, 1881 (26 of 1881).

(8) The notary may—

- (1) Draw, attest or certify documents under his official seal including conveyance of properties; _____
- (2) Note and certify the general transactions relating to negotiable instruments;
- (3) Prepare a Will or other testamentary documents; and
- (4) Prepare and take affidavits for various purposes for his notarial acts.

(9) Every notary shall grant a receipt for the fees and charge realized by him and maintains a register showing all the fees and charges realized.

12. Seal of notary —

Every notary shall use a plain circular seal of a diameter of 5 cm. as indicated by a drawing given below, bearing his name, the name of the areas within which he has been appointed to exercise his functions, the registration number and the circumscription "notary", and the name of the Government which appointed him.

13. Inquiry into the allegations of professional or other misconduct of a notary —

(1) An inquiry into the misconduct of a notary may be initiated either suo motu by the appropriate Government or on a complaint received in Form XIII .

(2) Every such complaint shall contain the following particulars, namely: —

- (a) The acts and omissions which, if proved, would render the person complained against unfit to be a notary;
 - (b) The oral or documentary evidence relied upon in support of the allegations made in the complaint.
- (3) The appropriate Government shall return a complaint which is not in the proper form or which does not contain the aforesaid particulars to the complainant for representation after compliance with such objections and within such times as the appropriate Government may specify:

Provided that if the subject-matter in a complaint is, in the opinion of the said Government substantially the same as or covered by, any previous complaint and if there is no additional ground, the said Government shall file the said complaint without any further action and inform the complainant accordingly.

(4) Within sixty days ordinarily of the receipt of complaint, the appropriate Government shall send a copy thereof to the notary at his address as entered in the Register of Notaries.

(4A) Where an inquiry is initiated, suo motu by the appropriate Government, the appropriate Government shall send to the notary a statement specifying the charge or charges against him, together with particulars of the oral or documentary evidence relied upon in support of such charge or charges.

(5) A notary against whom an inquiry has been initiated may, within fourteen days of the service on him of a copy of the complaint under sub-rule (4) or of the statement of the charges under sub-rule (4A) as the case may be, or within such time as may be extended by the appropriate Government, forward to that Government a written statement in his defence verified in the same manner as a pleading in a civil court.

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(6) If on a perusal of the written statement, if any, of the notary concerned and other relevant documents and papers, the appropriate Government consider that there is a prima facie case against such notary, the appropriate Government shall cause an inquiry to be made in the matter by the competent authority. If the appropriate Government is of the opinion that there is no prima facie case against the notary concerned, the complaint or charge shall be filed and the complainant and the notary concerned shall be informed accordingly.

(7) Every notice issued to a notary under this rule shall be sent to him by registered post. If any such notice is returned un-served with an endorsement indicating that the addressee has refused to accept the notice or the notice is not returned un-served within a period of thirty days from the date of its despatch, the notice shall be deemed to have been duly served upon the notary.

(8) It shall be the duty of the appropriate Government to place before the competent authority all facts brought to its knowledge which are relevant for the purpose of an inquiry by the competent authority.

(9) A notary who is proceeded against shall have right to defend himself before the competent authority either in person or through a legal practitioner or any other notary.

(10) Except as otherwise provided in these rules, the competent authority shall have the power to regulate his procedure relating to the inquiry in such manner as he considers necessary and during the course of inquiry, may examine witnesses and receive any other oral or documentary evidence.

(11) The competent authority shall submit his report to the Government entrusting him with the inquiry.

(12) (a) The appropriate Government shall consider the report of the competent authority, and if in its opinion a further inquiry is necessary, may cause such further inquiry to be made and a further report submitted by the competent authority.

(b) If after considering the report.

14. Submission of returns —

Every notary shall, in the first week of January every year, submit to the appropriate Government, an annual return in Form XIV of the notarial acts done by him during the preceding year.

15. Each notary shall have an office within the area mentioned in the certificate issued to him under rule 8 and he shall exhibit it in a conspicuous place thereat a board showing his name and his designation as a notary.

16. If a notary has to deal with a case which does not in terms attract any of the forms prescribed, the notary should adopt the form nearest to his case with such modifications thereto as he thinks the exceptional peculiarities of the case to justify.

17. Annual publication of the list of notaries —

The list of notaries to be published by the Central Government and every State Government under section 6 of the Act, shall be in the following form :—

Sl. No.	Name of notary	Residential and Qualifications	Area in which professional he is authorized to practice
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The Notaries Act-1952

Introduction

The Government of India have the power to appoint Notaries Public, but only for the limited purpose of performing functions under the Negotiable Instrument Act, 1881[vide section 138, Negotiable Instrument Act, 1881]. The Notaries Act, 1952 (Act No.53 of 1952) was enacted to empower the Central and State Governments to appoint Notaries not only for the limited purpose and to regulate the profession of such Notaries. It came into force on 14-8-1956.

In Rule 4, sub-rule2 (A) is inserted for appointment as Notary as prescribed in Form II. In Rule6 sub-rule (1) has been substituted to examine every application of Notary by competent authority. If the competent authority is not satisfied with the application as prescribed in Rule 3 regarding Qualification or that any previous application, the competent authority shall reject the application.

The other important is that sub-rule (1)of Rule 7 is substituted .The competent authority shall after holding such inquiry after giving the applicant an opportunity of making his representation against the objection, if any received within the time prescribed, make a report to the appropriate Government, recommending to appear before the Interview Board. For this purpose Rule 7(A) is inserted to constitute the Interview Board.

The relevant Sections in the Statutes are given as Appendix for the Benefit of readers viz.,,Negotiable Instrument Act(1881),Indian Evidence Act,1872,Power of Attorney Act,1882,The Oaths Act,1969.

(A clear understanding of the Act is therefore necessary for all those who are to deal with the Act. An effort has been made to interpret the provision of the Act in a simple style. Section wide commentary>Note wherever necessary has been added in this edition Keeping in mind the requirement of Lawyers in general and Notaries in particular .The importance of the Book will be put to test by those who are in need to use it).

The Notaries Act,1952

[Act No.53 of 1952]

An Act to regulate the profession of notaries.

(BE it enacted by Parliament as follows:)

STATEMENT OF OBJECTS AND REASONS

The object of the present Act is to empower the Central and State Government to appoint notaries, not only for the limited purpose of the Negotiable Instrument Act, but generally for all recognised notarial purposes, and to regulate the profession of such notaries.

(A Bill on the subject was accordingly introduced in the provisional parliament on the 19TH April, 1951 and referred to a Select Committee on the 18th August, 1951. The report of the Select Committee was presented on the 4th October, 1951, but the Bill could not be proceeded with in the last Session of Parliament for want of time and ,therefore, lapsed. A part from one or two minor drafting changes, the present Bill follows closely the Notaries Bill, 1951, and amended by the Select Committee.)

1. Short title, extent and commencement.-(1) This Act may be called the Notaries Act, 1952.

(2) It extends to the whole of India ²[***].

(3) It shall come into force on such date³ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

(b) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;

⁵[(c) "legal practitioner" means an advocate entered in any roll under the Provisions of the Advocates Act, 1961 (25 1961);]

(d) "Notary" means a person appointed as such under this Act:

Provided that for a period of two years from the commencement of this Act it shall include also a person who, before such commencement was appointed a notary public ⁶[under] the Negotiable Instruments Act, 1881 {XXVI of 1881},

⁷[***] and is, immediately before such commencement, in practice in ⁸[any part of India:

Provided further that in relation to the State of Jammu and Kashmir the said period of two years shall be commuted from the date on which this Act comes into force in that State];

- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "Register" means a Register of Notaries maintained by Government under Section 4;
- (g) "State Government" in relation to a Union territory means the administrator thereof.

3. Power to appoint notaries.- The Central Government, for the whole or any part of India, and any State Government, for the whole or any part of the State, may appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed.

(Appointment : The Central Government for the whole and any part of India and that the State Government ,for the whole or any part of the State may appoint as Notaries as prescribed in Rule 3.

4.Registers.-(1) The Central Government and every State Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practice as such under this Act.

(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely.

- (a) his full name, date of birth, residential and professional address;
- (b) the date on which his name is entered in the Register.
- (c) his qualifications; and
- (d) any other particulars which may be prescribed.

5.Entry of names in the Register and issue or renewal of certificates of practice.- (1) Every notary who intends to practice as such ¹[may], on payment to the Government appointing him of the prescribed fee, if any, be entitled -

- (a) to have his name entered in the Register maintained by that Government under section 4; and
- (b) to a certificate authorizing him to practice for a period of ²[five years] from the date on which the certificate is issued to him.

³[(2) The Government appointing the notary, may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time.]

6. Annual publication of lists of notaries.- The Central Government and every State Government shall, during the month of January each year, publish in the Official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. Seal of notaries.- Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

8. Functions of notaries.- (1) A notary may do all or any of the following acts by virtue of his office, namely:-

- (a) verify, authenticate, certify or attest the execution of any instrument;
- (b) present any promissory note, *hundi* or bill of exchange for acceptance or payment or demand better security;
- (c) note or protest the dishonour by non-acceptance or non-payment of any promissory note, *hundi* or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881 (XXVI of 1881), or serve notice of such note or protest;
- (d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters;
- (e) administer oath to, or take affidavit from, any person;
- (f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents;
- (g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is entitled to operate;
- (h) translate, and verify the translation of, any document, from one language into another;

¹[(ha) act as a Commissioner to record evidence in any civil or criminal trial if so directed by any court or authority;]

¹[(hb) act as an arbitrator, mediator or conciliator, if so required;]

- (i) any other act which may be prescribed.

Verify: It means confirmation of correctness or authenticity or statement of a party.

Authentication: It is attestation made by a proper officer by which he certifies that a record is due Form of Law and that the person who certifies it is the officer appointed so to do so.

Certify: To authenticate or verify in writing , to attest as being true or as meeting certain

Attest: To bear witness to ; to affirm the truth or genuineness

Affidavit: If the affidavit is sworn by a Notary duly verified, there is no infirmity . Attestation of false affidavit of impersonators by Notary liable for prosecution.

9. Bar of practice without certificate.- (1) Subject to the provisions of this section, no person shall practice as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5:

Provided that nothing in this sub-section shall apply to the presentation of any promissory note, *hundi* or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

(2) Nothing contained in sub-section (1) shall, until the expiry of two years from the commencement of this Act, apply to any such person as is referred to in the proviso to clause (d) of section 2:

10. Removal of names from Register:- The Government appointing any notary may, by order, remove from the register maintained by it under section 4 the name of the notary if he-

- (a) makes a request to that effect; or
- (b) has not paid any prescribed fee required to be paid by him; or
- (c) is an undischarged insolvent; or
- (d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practice as a notary; ²[or]
- ²[(e) is convicted by any court for an offence involving moral turpitude; or]
- ²[(f) does not get his certificate of practice renewed.]

11. Construction of references to notaries public in other law.- Any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practice under this Act.

12. Penalty for falsely representing to be a notary, etc – Any person who:

- (a) Falsely represents that he is a notary without being appointed as such or
- (b) Practices as a notary or does any notarial act in contravention of Section 9, shall be punishable with imprisonment for a term which may extend to(One Year), or with fine, or with both.

13.Cognizance of offence.- (1) No court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Act save upon complaint in writing made by an officer authorized by the Central Government or a State Government by general or special order in this behalf.

(2) No magistrate other than a presidency magistrate or a magistrate of the first class shall try an offence punishable under this Act.

14. Reciprocal arrangements for recognition of notarial acts done by foreign notaries.- If the Central Government is satisfied that by the law or practice of any country or place outside India, the notarial acts done by notaries within India are recognized for all or any limited purposes in that country or place, the Central Government may, by notification in the Official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognized with India for all purposes or, as the case may be, for such limited purposes as may be specified in the notification.

15. Power to make rules.- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) The qualifications of a notary, the form and manner in which applications for appointment as a notary may be made and the disposal of such applications;
- (b) The certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish;
- ¹[(c) The fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, area of practice or enlargement of area of practice and exemption whether wholly or in part, from such fees in specified classes of cases;]
- (d) The fees payable to a notary for doing any notarial act;
- (e) the form of Registers and the particulars to be entered therein;
- (f) the form and design of the seal of a notary;
- (g) the manner in which inquiries into allegations of professional or other misconduct of notaries may be made;
- (h) the acts which a notary may do in addition to those specified in section 8 and the manner in which a notary may perform his functions;

(i) Any other matter which has to be or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Text from the webpage:

Toll Free No for Enquiries :

1800 599 4788

Secretariat Level : The Deputy Chief Minister holds the portfolio of Registration and Stamps Department. The Principal Secretary to Government, Revenue (R&S) heads at the Government level. He is assisted by Deputy Secretary and Assistant Secretary. There are three Sections dealing the subject.

State Level: Commissioner and Inspector General is the Head of the Department who acts as Chief Controlling Revenue Authority (CCRA). The C&IG is assisted by 1 Additional I.G, 1 Joint IG and 3 Assistant IGs.

Zonal Level: Deputy Inspector General is the Head of the Zonal administration which consists of 1 or 2 districts usually. He is the appointing authority and disciplinary authority for the Sub-Registrars and Senior Assistants. For administrative convenience 6 registration zones are created in the State.

District Level: District Registrar is the Head of the District administration. He is the overall in charge of the district administration. He is the appointing authority for Junior Assistants and the other lower staff. The DR is the Registration authority for Societies and Firms in the district. For administrative convenience 12 Registration Districts are created in the 10 Revenue Districts in the State. To exclusively concentrate on Internal Audit and Market Value implementation, a unit under the District Registrar (MV&Audit) is constituted.

Sub District Level: There are 141 Sub-districts (Sub-Registrar offices) across the State. Each Sub-district is headed by a Sub-Registrar. The Sub-Registrar registers the documents. He issues ECs and CCs of registered documents. He registers marriages under Hindu marriage Act and Special marriage Act.

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Designed and Developed By

Commissioner and I.G 1

Additional I.G 1

Joint I.G 1

Deputy I.G 6

District Registrar/Asst.I.G 22

Sub-Registrar-Gr-I & Gr-II 195

Senior Assistant 186

Junior Assistant 515

Typist 18

Steno 1

Shroff 100

Driver 10

Record Assistant 5

Office Subordinate 272

Dafedar 1

Roneo Operator 1

INDIAN PARTNERSHIP ACT, 1932

INDIAN PARTNERSHIP ACT, 1932 (9 of 1932, dt 8-4-1932)

an act to define and amend the law relating to partnership

WHEREAS it is expedient to define and amend the law relating to partnership; it is here by enacted as follows:

CHAPTER I: PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) This Act may be called the Indian Partnership Act, 1932.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on the 1st day of October, 1932, except section 69, which shall come into force on the 1st day of October, 1933.

2. DEFINITIONS

In this Act, unless there is anything repugnant in the subject or context,-

- (a) an "act of a firm" means any act or omission by all the partners, or by any partner or agent of the firm which gives rise to a right enforceable by or against the firm;
- (b) "business" includes every trade, occupation and profession;
- (c) "prescribed" means prescribed by rules made under this Act;
- (d) "third party" used in relation to a firm or to a partner therein means any person who is not a partner in the firm; and
- (e) expressions used but not defined in this Act and defined in the Indian Contract Act, 1872 (9 of 1872), shall have the meanings assigned to them in that Act.

INDIAN PARTNERSHIP ACT, 1932

3. APPLICATION OF PROVISIONS OF ACT 9 OF 1872

The unrepealed provisions of the Indian Contract Act, 1872, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to firms.

CHAPTER II THE NATURE OF PARTNERSHIP

4. DEFINITION OF "PARTNERSHIP", "PARTNER", "FIRM" AND "FIRM NAME"

"Partnership" is the relation between persons who have agreed to share the profits of a business carried on by all or any of them acting for all.

Persons who have entered into partnership with one another are called individually "partners" and collectively a "firm", and the name under which their business is carried on is called the "firm name".

5. PARTNERSHIP NOT CREATED BY STATUS

The relation of partnership arises from contract and not from status; and, in particular, the members of a Hindu undivided family carrying on a family business as such, or a Burmese Buddhist husband and wife carrying business as such, are not partners in such business.

6. MODE OF DETERMINING EXISTENCE OF PARTNERSHIP

In determining whether a group of persons is or is not a firm, or whether a person is or is not a partner in a firm, regard shall be had to the real relation between the parties, as shown by all relevant facts taken together.

INDIAN PARTNERSHIP ACT, 1932

Explanation 1 : The sharing of profits or of gross returns arising from property by persons holding a joint or common interest in that property does not of itself make such persons partners.

Explanation 2 : The receipt by a person of a share of the profits of a business, or of a payment contingent upon the earning of profits or varying with the profits earned by a business, does not of itself make him a partner with the persons carrying on the business;

and in particular, the receipt of such share or payment-

- (a) by a lender of money to persons engaged or about to engage in any business,
- (b) by a servant or agent as remuneration,
- (c) by the widow or child of a deceased partner, as annuity, or
- (d) by a previous owner or part owner of the business, as consideration for the sale of the goodwill or share thereof,

does not of itself make the receiver a partner with the persons carrying on the business.

7. PARTNERSHIP AT WILL

Where no provision is made by contract between the partners for the duration of their partnership, or for the determination of their partnership, the partnership is, "partnership at will".

8. PARTICULAR PARTNERSHIP

A person may become a partner with another person in particular adventures or undertakings.

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CHAPTER III RELATIONS OF PARTNERS TO ONE ANOTHER

9. GENERAL DUTIES OF PARTNERS

Partners are bound to carry on the business of the firm to the greatest common advantage, to be just and faithful to each other, and to render true accounts and full information of all things affecting the firm to any partner or his legal representative.

10. Duty to indemnify for loss caused by fraud

Every partner shall indemnify the firm for any loss caused to it by his fraud in the conduct of the business of the firm.

11. DETERMINATION OF RIGHTS AND DUTIES OF PARTNERS BY CONTRACT BETWEEN THE PARTNERS

(1) Subject to the provisions of this Act, the mutual rights, and duties of the partners of a firm may be determined by contract between the partners, and such contract may be expressed or may be implied by a course of dealing.

Such contract may be varied by consent of all the partners, and such consent may be expressed or may be implied by a course of dealing.

(2) Agreements in restraints of trade-Notwithstanding anything contained in section 27 of the Indian Contract Act, 1872 (9 of 1872), such contracts may provide that a partner shall not carry on any business other than that of the firm while he is a partner.

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12. THE CONDUCT OF THE BUSINESS

Subject to contract between the partners,-

- (a) every partner has a right to take part in the conduct of the business;
- (b) every partner is bound to attend diligently to his duties in the conduct of the business;
- (c) any difference arising as to ordinary matters connected with the business may be decided by a majority of the partners, and every partner shall have the right to express his opinion, before the matter is decided, but no change may be made in the nature of the business without the consent of all the partners; and
- (d) every partner has a right to have access to and to inspect and copy any of the books of the firm.

13. MUTUAL RIGHTS AND LIABILITIES

Subject to contract between the partners,-

- (a) a partner is not entitled to receive remuneration for taking part in the conduct of the business;
- (b) the partners are entitled to share equally in the profits earned, and shall contribute equally to the losses sustained by the firm;
- (c) where a partner is entitled to interest on the capital subscribed by him such interest shall be payable only out of profits;

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- (d) a partner making, for the purposes of the business, any payment or advance beyond the amount of capital he has agreed to subscribe, is entitled to interest thereon at the rate of six per cent per annum;
- (e) the firm shall indemnify a partner in respect of payments made and liabilities incurred by him-
 - (i) in the ordinary and proper conduct of the business, and
 - (ii) in doing such act, in an emergency, for the purpose of protecting the firm from loss, as would be done by a person of ordinary prudence, in his own case, under similar circumstances; and
- (f) a partner shall indemnify the firm for any loss caused to it by his wilful neglect in the conduct of the business of the firm.

14. THE PROPERTY OF THE FIRM

Subject to contract between the partners, the property of the firm includes all property and rights and interests in property originally brought into the stock of the firm, or acquired, by purchase or otherwise, by or for the firm, or for the purposes and in the course of business of the firm, and includes also the goodwill of the business.

Unless the contrary intention appears, property and rights and interests in property acquired with money belonging to the firm are deemed to have been acquired for the firm.

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15. APPLICATION OF THE PROPERTY OF THE FIRM

Subject to contract between the partners, the property of the firm shall be held and used by the partners exclusively for the purposes of the business.

16. PERSONAL PROFITS EARNED BY PARTNERS

Subject to contract between the partners-

- (a) if a partner derives any profit for himself from any transaction of the firm, or from the use of the property or business connection of the firm or the firm name, he shall account for that profit and pay it to the firm;
- (b) if a partner carries on any business of the same nature as and competing with that of the firm, he shall account for and pay to the firm all profits made by him in that business.

17. RIGHTS AND DUTIES OF PARTNERS

Subject to contract between the partners-

- (a) *after a change in the firm* -- where a change occurs in the constitution of a firm, the mutual rights and duties of the partners in the reconstituted firm remain the same as they were immediately before the change, as far as may be;
- (b) *after the expiry of the term of the firm, and* --- where a firm constituted for a fixed term continues to carry on business after the expiry of that term, the mutual rights and duties of the partners remain the same as they were before the expiry, so far as they may be consistent with the incidents of partnership at will; and

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(c) *where additional undertakings are carried out* ---- where a firm constituted to carry out one or more adventures or undertakings, the mental rights and duties of the partners in respect of the other adventures or undertakings are the same as those in respect of the original adventures or undertakings.

CHAPTER IV RELATIONS OF PARTNERS TO THIRD PARTIES

18. PARTNER TO BE AGENT OF THE FIRM

Subject to the provisions of this Act, a partner is the agent of the firm for the purpose of the business of the firm.

19. IMPLIED AUTHORITY OF PARTNER AS AGENT OF THE FIRM

(1) Subject to the provisions of section 22, the act of a partner which is done to carry on, in the usual way, business of the kind carried on by the firm, binds the firm. The authority of a partner to bind the firm conferred by this section is called his "implied authority".

(2) In the absence of any usage or custom of trade to the contrary, the implied authority of a partner does not empower him to-

- (a) submit a dispute relating to the business of the firm to arbitration,
- (b) open a banking account on behalf of the firm in his own name,
- (c) compromise or relinquish any claim or portion of a claim by the firm,
- (d) withdraw a suit or proceeding filed on behalf of the firm,
- (e) admit any liability in a suit or proceeding against the firm,
- (f) acquire immovable property on behalf of the firm,
- (g) transfer immovable property belonging to the firm, or
- (h) enter into partnership on behalf of the firm.

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20. EXTENSION AND RESTRICTION OF PARTNER'S IMPLIED AUTHORITY

The partners in a firm may, by contract between the parties, extend or restrict the implied authority of any partner.

Notwithstanding any such restriction, any act done by a partner on behalf of the firm which falls within his implied authority binds the firm, unless the person with whom he is dealing knows of the restriction or does not know or believe that partner to be a partner.

21. PARTNER'S AUTHORITY IN AN EMERGENCY

A partner has authority, in an emergency, to do all such acts for the purpose of protecting the firm from loss as would be done by a person of ordinary prudence, in his own case, acting under similar circumstances, and such acts bind the firm.

22. MODE OF DOING ACT TO BIND FIRM

In order to bind a firm, an act or instrument done or executed by a partner or other person on behalf of the firm shall be done or executed in the firm name, or in any other manner expressing or implying an intention to bind the firm.

23. EFFECT OF ADMISSIONS BY A PARTNER

An admission on representation made by a partner concerning the affairs of the firm is evidence against the firm, if it is made in the ordinary course of business.

24. EFFECT OF NOTICE TO ACTING PARTNER

Notice to a partner, who habitually acts in the business of the firm of any matter relating to the affairs of the firm operates as notice to the firm, except in the case of a fraud on the firm committed by or with the consent of that partner.

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25. LIABILITY OF A PARTNER FOR ACTS OF THE FIRM

Every partner is liable, jointly with all the other partners and also severally, for all acts of the firm done while he is a partner.

26. LIABILITY OF THE FIRM FOR WRONGFUL ACTS OF A PARTNER

Where, by the wrongful act or omission of a partner acting in the ordinary course of the business of a firm, or with the authority of his partners, loss or injury is caused to any third party, or any penalty is incurred, the firm is liable therefor to the same extent as the partner.

27. LIABILITY OF FIRM FOR MISAPPLICATION BY PARTNERS

Where -----

- (a) a partner acting within his apparent authority receives money or property from a third party and misapplies it, or
- (b) a firm in the course of its business receives money or property from a third party, and the money or property is misappropriated by any of the partners while it is in the custody of the firm,

the firm is liable to make good the loss.

28. HOLDING OUT

- (1) Anyone who by words spoken or written or by conduct represents himself or knowingly permits himself to be represented, to be a partner in a firm, is liable as a partner in that firm to any one who has on the faith of any such representation given credit to the firm, whether the person representing himself or represented to be a partner does or does not know that the representation has reached the person so giving credit.

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(2) Where after a partner's death the business is continued in the old firm name, the continued use of that name or of the deceased partner's name as a part thereof shall not of itself make his legal representative or his estate liable for any act of the firm done after his death.

29. RIGHTS OF TRANSFeree OR A PARTNER'S INTEREST

(1) A transfer by a partner of his interest in the firm, either absolute or by mortgage, or by the creation by him of a charge on such interest, does not entitle the transferee, during the continuance of the firm, to interfere in the conduct of the business, or to require accounts, or to inspect the books of the firm, but entitles the transferee only to receive the share of profits of the transferring partner, and the transferee shall accept the account of profits agreed to by the partners.

(2) If the firm is dissolved or if the transferring partner ceases to be a partner, the transferee is entitled as against the remaining partners to receive the share of the assets of the firm to which the transferring partner is entitled, and, for the purpose of ascertaining that share, to an account as from the date of the dissolution.

30. MINORS ADMITTED TO THE BENEFITS OF PARTNERSHIP

(1) A person who is a minor according to the law to which he is subject may not be a partner in a firm, but, with the consent of all the partners for the time being, he may be admitted to the benefits of partnership.

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- (2) Such minor has a right to such share of the property and of the profits of the firm as may be agreed upon, and he may have access to and inspect and copy any of the accounts of the firm.
- (3) Such minor's share is liable for the acts of the firm, but the minor is not personally liable for any such act.
- (4) Such minor may not sue the partners for an account or payment of his share of the property or profits of the firm, save when severing his connection with the firm, and in such case the amount of his share shall be determined by a valuation made as far as possible in accordance with the rules contained in section 48:

PROVIDED that all the partners acting together or any partner entitled to dissolve the firm upon notice to other partners may elect in such suit to dissolve the firm, and thereupon the court shall proceed with the suit as one for dissolution and for settling accounts between the partners, and the amount of the share of the minor shall be determined along with the shares of the partners.

- (5) At any time within six months of his attaining majority, or of his obtaining knowledge that he had been admitted to the benefits of partnership, whichever date is later, such person may give public notice that he has elected to become or that he has elected not to become a partner in the firm, and such notice shall determine his position as regards the firm:

PROVIDED that, if he fails to give such notice, he shall become a partner in the firm on the expiry of the said six months.

- (6) Where any person has been admitted as a minor to the benefits of partnership in a firm, the burden of proving the fact that such person had no knowledge of

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such admission until a particular date after the expiry of six months of his attaining majority shall lie on the persons asserting that fact.

(7) Where such person becomes a partner-

- (a) his rights and liabilities as a minor continue upto the date on which he becomes a partner, but he also becomes personally liable to third parties for all acts of the firm done since he was admitted to the benefits of partnership, and
- (b) his share in the property and profits of the firm shall be the share to which he was entitled as a minor.

(8) Where such person elects not to become a partner,-

- (a) his rights and liabilities shall continue to be those of a minor under this section up to the date on which he gives public notice,
- (b) his share shall not be liable for any acts of the firm done after the date of the notice, and
- (c) he shall be entitled to sue the partners for his share of the property and profits in accordance with sub-section (4).

(9) Nothing in sub-sections (7) and (8) shall affect the provisions of section 28.

CHAPTER V

INCOMING AND OUTGOING PARTNERS

31. INTRODUCTION OF A PARTNER

(1) Subject to contract between the partners and to the provisions of section 30, no person shall be introduced as a partner into a firm without the consent of all the existing partners.

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(2) Subject to the provisions of section 30, a person who is introduced as a partner into a firm does not thereby become liable for any act of the firm done before he became a partner.

32. RETIREMENT OF A PARTNER

(1) A partner may retire-

- (a) with the consent of all the other partners,
- (b) in accordance with an express agreement by the partners, or
- (c) where the partnership is at will, by giving notice in writing to all the other partners of his intention to retire.

(2) A retiring partner may be discharged from any liability to any third party for acts of the firm done before his retirement by an agreement made by him with such third party and the partners of the reconstituted firm, and such agreement may be implied by a course of dealing between such third party and the reconstituted firm after he had knowledge of the retirement.

(3) Notwithstanding the retirement of a partner from a firm, he and the partners continue to be liable as partners to third parties for any act done by any of them which would have been an act of the firm if done before the retirement, until public notice is given of the retirement:

PROVIDED that a retired partner is not liable to any third party who deals with the firm without knowing that he was a partner.

(4) Notices under sub-section (3) may be given by the retired partner or by any partner of the reconstituted firm.

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33. EXPULSION OF A PARTNER

- (1) A partner may not be expelled from a firm by any majority of the partners, save in the exercise in good faith of powers conferred by contract between the partners.
- (2) The provisions of sub-sections (2), (3) and (4) of section 32 shall apply to an expelled partner as if he were a retired partner.

34. INSOLVENCY OF A PARTNER

- (1) Where a partner in a firm is adjudicated an insolvent he ceases to be a partner on the date on which the order of adjudication is made, whether or not the firm is hereby dissolved.
- (2) Where under a contract between the partners the firm is not dissolved by the adjudication of a partner as an insolvent, the estate of a partner so adjudicated is not liable for any act of the firm and the firm is not liable for any act of the insolvent, done after the date on which the order of adjudication is made.

35. LIABILITY OF ESTATE OF DECEASED PARTNER

Where under a contract between the partners the firm is not dissolved by the death of a partner, the estate of a deceased partner is not liable for any act of the firm done after his death.

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36. RIGHT OF OUTGOING PARTNER TO CARRY ON COMPETING BUSINESS

- (1) An outgoing partner may carry on a business competing with that of the firm and he may advertise such business, but, subject to contract to the contrary, he may not-
 - (a) use the firm name,
 - (b) represent himself as carrying on the business of the firm, or
 - (c) solicit the custom of persons who were dealing with the firm before he ceased to be a partner.
- (2) Agreements in restraint of trade-A partner may make an agreement with his partners that on ceasing to be a partner he will not carry on any business similar to that of the firm within a specified period or within a specified local limits; and, notwithstanding anything contained in section 27 of the Indian Contract Act, 1872 (9 of 1872), such agreement shall be valid if the restrictions imposed are reasonable.

37. RIGHT OF OUTGOING PARTNER IN CERTAIN CASES TO SHARE SUBSEQUENT PROFITS

Where any member of a firm has died or otherwise ceased to be a partner, and the surviving or continuing partners carry on the business of the firm with the property of the firm without any final settlement of accounts as between them and the outgoing partner of his estate, then, in the absence of a contract to the contrary, the outgoing partner or his estate is entitled at the option of himself or his representatives to such share of the profits made since he ceased to be a partner as may be attributable to the use of his share of the property of the firm or to interest at the rate of six per cent per annum on the amount of his share in the property of the firm:

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PROVIDED that where by contract between the partners an option is given to surviving or continuing partners to purchase the interest of a deceased or outgoing partner, and that option is duly exercised, the estate of the deceased partner, or the outgoing partner or his estate, as the case may be, is not entitled to any further or other share of profits; but if any partner assuming to act in exercise of the option does not in all material respects comply with the terms thereof, he is liable to account under the foregoing provisions of this section.

38. REVOCATION OF CONTINUING GUARANTEE BY CHANGE IN FIRM

A continuing guarantee given to a firm, or to a third party in respect of the transactions of a firm, is, in the absence of agreement to the contrary, revoked as to future transactions from the date of any change in the constitution of the firm.

CHAPTER VI

DISSOLUTION OF A FIRM

39. DISSOLUTION OF A FIRM

The dissolution of partnership between all the partners of a firm is called the "dissolution of the firm".

40. DISSOLUTION BY AGREEMENT

A firm may be dissolved with the consent of all the partners or in accordance with a contract between the partners.

41. COMPULSORY DISSOLUTION

A firm is dissolved ----

- (a) by the adjudication of all the partners or of all the partners but one as insolvent, or

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- (b) by the happening of any event which makes it unlawful for the business of the firm to be carried on or for the partners to carry it on in partnership:

PROVIDED that, where more than one separate adventure or undertaking is carried on by the firm the illegality of one or more shall not of itself cause the dissolution of the firm in respect of its lawful adventures and undertakings.

42. DISSOLUTION ON THE HAPPENING OF CERTAIN CONTINGENCIES

- Subject to contract between the partners a firm is dissolved-
- (a) if constituted for a fixed term, by the expiry of that term;
 - (b) if constituted to carry out one or more adventures or undertakings, by the completion thereof;
 - (c) by the death of a partner; and
 - (d) by the adjudication of a partner as an insolvent.

43. DISSOLUTION BY NOTICE OF PARTNERSHIP AT WILL

- (1) Where the partnership is at will, the firm may be dissolved by any partner giving notice in writing to all the other partners of his intention to dissolve the firm.
- (2) The firm is dissolved as from the date mentioned in the notice as the date of dissolution or, if no date is so mentioned, as from the date of the communication of the notice.

44. DISSOLUTION BY THE COURT

At the suit of a partner, the court may dissolve a firm on any of the following grounds, namely---

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- (a) that a partner has become of unsound mind, in which case the suit may be brought as well by the next friend of the partner who has become of unsound mind as by any other partner;
- (b) that a partner, other than the partner suing, has become in any way permanently incapable of performing his duties as partner;
- (c) that a partner, other than the partner suing, is guilty of conduct which is likely to affect prejudicially the carrying on of the business, regard being had to the nature of the business;
- (d) that a partner, other than the partner suing, wilfully or persistently commits breach of agreements relating to the management of the affairs of the firm or the conduct of its business, or otherwise so conducts himself in matters relating to the business that it is not reasonably practicable for the other partners to carry on the business in partnership with him;
- (e) that a partner, other than the partner suing, has in any way transferred the whole of his interest in the firm to a third party, or has allowed his share to be charged under the provisions of rule 49 of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) or has allowed it to be sold in the recovery of arrears of land revenue or of any dues recoverable as arrears of land revenue due by the partner;
- (f) that the business of the firm cannot be carried on save at a loss; or
- (g) on any other ground which renders it just and equitable that the firm should be dissolved.

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45. LIABILITY FOR ACTS OF PARTNERS DONE AFTER DISSOLUTION

(1) Notwithstanding the dissolution of a firm, the partners continue to be liable as such to third parties for any act done by any of them which would have been an act of the firm if done before the dissolution, until public notice is given of the dissolution:

PROVIDED that the estate of a partner who dies, or who is adjudicated an insolvent, or of a partner who, not having been known to the person dealing with the firm to be a partner, retires from the firm, is not liable under this section for acts done after the date on which he ceases to be a partner.

(2) Notices under sub-section (1) may be given by any partner.

46. RIGHTS OF PARTNERS TO HAVE BUSINESS WOUND UP AFTER DISSOLUTION

On the dissolution of a firm every partner or his representative is entitled, as against all the other partners or their representatives, to have the property of the firm applied in payment of the debts and liabilities of the firm, and to have the surplus distributed among the partners or their representatives according to their rights.

47. CONTINUING AUTHORITY OF PARTNERS FOR PURPOSES OF WINDING UP

After the dissolution of a firm the authority of each partner to bind the firm, and the other mutual rights and obligations of the partners continue notwithstanding the dissolution, so far as may be necessary to wind up the affair of the firm and to complete transactions begun but unfinished at the time of the dissolution, but not otherwise:

PROVIDED that the firm is in no case bound by the acts of a partner who has been adjudicated insolvent; but this proviso does not affect the liability of any person

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who has after the adjudication represented himself or knowingly permitted himself to be represented as a partner of the insolvent.

48. MODE OF SETTLEMENT OF ACCOUNTS BETWEEN PARTNERS

In settling the accounts of a firm after dissolution, the following rules shall, subject to agreement by the partners, be observed---

- (a) losses, including deficiencies of capital, shall be paid first out of profits, next out of capital, and, lastly, if necessary, by the partners individually in the proportions in which they were entitled to share profits;
- (b) the assets of the firm, including any sums contributed by the partners to make up deficiencies of capital, shall be applied in the following manner and order-
 - (i) in paying the debts of the firm to third parties;
 - (ii) in paying to each partner rateably what is due to him from the firm for advances as distinguished from capital;
 - (iii) in paying to each partner rateably what is due to him on account of capital; and
 - (iv) the residue, if any, shall be divided among the partners in the proportions in which they were entitled to share profits.

49. PAYMENT OF FIRM DEBTS AND OF SEPARATE DEBTS

Where there are joint debts due from the firm, and also separate debts due from any partner, the property of the firm shall be applied in the first instance in payment of the debts of the firm, and, if there is any surplus, then the share of each partner shall be applied in payment of his separate debts or paid to him. The separate property of any partner shall be applied first in the payment of his separate debts, and the surplus (if any) in the payment of the debts of the firm.

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50. PERSONAL PROFITS EARNED AFTER DISSOLUTION

Subject to contract between the partners, the provisions of clause (a) of section 16 shall apply to transactions by any surviving partner or by the representatives of a deceased partner, undertaken after the firm is dissolved on account of the death of a partner and before its affairs have been completely wound up:

PROVIDED that where any partner or his representative has bought the goodwill of the firm, nothing in this section shall affect his right to use the firm name.

51. RETURN OF PREMIUM ON PREMATURE DISSOLUTION

Where a partner has paid a premium on entering into partnership of a fixed term, and the firm is dissolved before the expiration of that term otherwise than by the death of a partner, he shall be entitled to repayment of the premium or of such part thereof as may be reasonable, regard being had to the terms upon which he became a partner and to the length of time during which he was a partner, unless-----

- (a) the dissolution is mainly due to his own misconduct, or
- (b) the dissolution is in pursuance of an agreement containing no provision for the return of the premium or any part of it.

52. RIGHTS WHERE PARTNERSHIP CONTRACT IS RESCINDED FOR FRAUD OR MISREPRESENTATION

Where a contract creating partnership is rescinded on the ground of the fraud or misrepresentation of any of the parties thereto the party entitled to rescind is, without prejudice to any other right, entitled-

- (a) to a lien on, or a right of retention of, the surplus or the assets of the firm remaining after the debts of the firm have been paid, for any sum

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paid by him for the purchase of a share in the firm and for any capital contributed to him;

- (b) to rank as a creditor of the firm in respect of any payment made by him towards the debts of the firm; and
- (c) to be indemnified by the partner or partners guilty of the fraud or misrepresentation against all the debts of the firm.

53. RIGHT TO RESTRAIN FROM USE OF FIRM NAME OR FIRM PROPERTY

After a firm is dissolved, every partner or his representative may, in the absence of a contract between the partners to the contrary, restrain any other partner or his representative from carrying on a similar business in the firm name or from using any of the property of the firm for his own benefit, until the affairs of the firm have been completely wound up:

PROVIDED that where any partner or his representative has bought the goodwill of the firm, nothing in this section shall affect his right to use the firm name.

54. AGREEMENTS IN RESTRAINT OF TRADE

Partners may, upon or in anticipation of the dissolution of the firm, make an agreement that some or all of them will not carry on a business similar to that of the firm within a specified period or within specified local limits; and notwithstanding anything contained in section 27 of the Indian Contract Act, 1872 (9 of 1872), such agreement shall be valid if the restrictions imposed are reasonable.

55. SALE OF GOODWILL AFTER DISSOLUTION

(1) In settling the accounts of a firm after dissolution, the goodwill shall, subject to contract between the partners, be included in the assets, and it may be sold either separately or along with other property of the firm.

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(2) Rights of buyer and seller of goodwill—Where the goodwill of a firm is sold after dissolution, a partner may carry on a business competing with that of the buyer and he may advertise such business, but, subject to agreement between him and the buyer, he may not----

- (a) use the firm name,
- (b) represent himself as carrying on the business of the firm, or
- (c) solicit the custom of persons who were dealing with the firm before its dissolution.

(3) Agreement in restraint of trade—Any partner may, upon the sale of the goodwill of a firm, make an agreement with the buyer that such partner will not carry on any business similar to that of the firm within a specified period or within specified local limits and, notwithstanding anything contained in section 27 of the Indian Contract Act, 1872 (9 of 1872), such agreement shall be valid if the restrictions imposed are reasonable.

CHAPTER VII

REGISTRATION OF FIRMS

56. POWER TO EXEMPT FROM APPLICATION OF THIS CHAPTER

The State Government of any State, may, by notification in the Official Gazette, direct that the provisions of this Chapter shall not apply to that State or to any part thereof specified in the notification.

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57. APPOINTMENT OF REGISTRARS

(1) The State Government may appoint Registrars of Firms for the purposes of this Act, and may define the areas within which they shall exercise their powers and perform their duties.

(2) Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

58. APPLICATION FOR REGISTRATION

(1) The registration of a firm may be effected at any time by sending by post or delivering to the Registrar of the area in which any place of business of the firm is situated or proposed to be situated, a statement in the prescribed form and accompanied by the prescribed fee, stating----

- (a) the firm name,
- (b) the place or principal place of business of the firm,
- (c) the names of any other places where the firm carries on business,
- (d) the date when each partner joined the firm,
- (e) the names in full and permanent addresses of the partners, and
- (f) the duration of the firm.

The statement shall be signed by all the partners, or by their agents specially authorised in this behalf.

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(2) Each person signing the statement shall also verify it in the manner prescribed.

(3) A firm name shall not contain any of the following words, namely----

"Crown", "Emperor", "Empress", "Empire", "Imperial", "King", "Queen", "Royal", or words expressing or implying the sanction, approval or patronage of, Government, except, when the State Government signified its consent to the use of such words as part of the firm name by order in writing

59. REGISTRATION

When the Registrar is satisfied that the provisions of section 58 have been duly complied with, he shall record an entry of the statement in a register called the Register of Firms, and shall file the statement.

60. RECORDING OF ALTERATIONS IN FIRM NAME AND PRINCIPAL PLACE OF BUSINESS

(1) When an alteration is made in the firm name or in the location of the principal place of business of a registered firm, a statement may be sent to the Registrar accompanied by the prescribed fee, specifying the alteration and signed and verified in the manner required under section 58.

(2) When the Registrar is satisfied that the provisions of sub-section (1) have been duly complied with, he shall amend the entry relating to the firm in the Register of Firms in accordance with the statement, and shall file it along with the statement relating to the firm filed under section 59.

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61. NOTING OF CLOSING AND OPENING OF BRANCHES

When a registered firm discontinued business at any place or begins to carry on business at any place, such place not being its principal place of business, any partner or agent of the firm may send intimation thereof to the Registrar, who shall make a note of such intimation in the entry relating to the firm in the Register of Firms, and shall file the intimation along with the statement relating to the firm filed under section 59.

62. NOTING OF CHANGES IN NAMES AND ADDRESSES OF PARTNERS

When any partner in a registered firm alters his name or permanent address, an intimation of the alteration may be sent by any partner or agent of the firm to the Registrar, who shall deal with it in the manner provided in section 61.

63. RECORDING OF CHANGES IN AND DISSOLUTION OF A FIRM

(1) When a change occurs in the constitution of a registered firm any incoming, continuing or outgoing partner, and when a registered firm is dissolved any person who was a partner immediately before the dissolution, or the agent of any such partner or person specially authorised in this behalf, may give notice to the Registrar of such change or dissolution, specifying the date thereof; and the Registrar shall make a record of the notice in the entry relating to the firm in the Register of Firms, and shall file the notice along with the statement relating to the firm filed under section 59.

(2) *Recording of withdrawal of a minor*----- When a minor who has been admitted to the benefits of partnership in a firm attains majority and elects to become or not to become a partner, and the firm is then a registered firm, he, or his agent specially authorised in this behalf, may give notice to the Registrar that he has or has not become a partner, and the Registrar shall deal with the notice in the manner provided in sub-section (1).

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64. RECTIFICATION OF MISTAKES

(1) The Registrar shall have power at all times to rectify any mistake in order to bring the entry in the Register of Firms relating to any firm into conformity with the documents relating to that firm filed under this Chapter.

(2) On application made by all the parties who have signed any document relating to a firm filed under this Chapter, the Registrar may rectify any mistake in such document or in the record or note thereof made in the Register of Firms.

65. AMENDMENT OF REGISTER BY ORDER OF COURT

A court deciding any matter relating to a registered firm may direct that the Registrar shall make any amendment in the entry in the Register of Firms relating to such firm which is consequential upon its decision; and the Registrar shall amend the entry accordingly.

66. INSPECTION OF REGISTER AND FILED DOCUMENTS

(1) The Register of Firms shall be open to inspection by any person on payment of such fee as may be prescribed.

(2) All statements, notices and intimations filed under this Chapter shall be open to inspection, subject to such conditions and on payment of such fee as may be prescribed.

67. GRANT OF COPIES

The Registrar shall on application furnish to any person, on payment of such fee as may be prescribed, a copy, certified under his hand, of any entry or portion thereof in the Register of Firms.

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68. RULES OF EVIDENCE

(1) Any statement, intimation or notice recorded or noted in the Register of Firms shall, as against any person by whom or on whose behalf such statement, intimation or notice was signed, be conclusive proof of any fact therein stated.

(2) A certified copy of an entry relating to a firm in the Register of Firms may be produced in proof of the fact of the registration of such firm, and of the contents of any statement, intimation or notice recorded or noted therein.

69. EFFECT OF NON-REGISTRATION

(1) No suit to enforce a right arising from a contract or conferred by this Act shall be instituted in any court by or on behalf of any person suing as a partner in a firm against the firm or any person alleged to be or to have been a partner in the firm unless the firm is registered and the person suing is or has been shown in the register of firms as a partner in the firm.

(2) No suit to enforce a right arising from a contract shall be instituted in any court by or on behalf of a firm against any third party unless the firm is registered and the persons suing are or have been shown in the register of firms as partners in the firm.

(3) The provisions of sub-sections (1) and (2) shall apply also to a claim of set-off or other proceeding to enforce a right arising from a contract, but shall not affect----

(a) the enforcement of any right to sue for the dissolution of a firm or for accounts of a dissolved firm, or any right or power to realise the property of a dissolved firm, or

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(b) the powers of an official assignee, receiver or court under the Presidency-towns Insolvency Act, 1909 (3 of 1909) or the Provincial Insolvency Act, 1920 (5 of 1920) to realise the property of an insolvent partner.

(4) This section shall not apply----

(a) to firms or to partners in firms which have no place of business in 10[the territories to which this Act extends], or whose places of business in the said territories, are situated in areas to which, by notification under section 56, this Chapter does not apply, or

(b) to any suit or claim of set-off not exceeding one hundred rupees in value which, in the Presidency-towns, is not of a kind specified in section 19 of the Presidency Small Cause Courts Act, 1882 (5 of 1882), or, outside the Presidency-towns, is not of a kind specified in Schedule II to the Provincial Small Cause Courts Act, 1887 (9 of 1887), or to any proceeding in execution or other proceeding incidental to or arising from any such suit or claim.

70. PENALTY FOR FURNISHING FALSE PARTICULARS

Any person who signs any statement, amending statement, notice or intimation under this Chapter containing any particular which he knows to be false or does not believe to be true, or containing particulars which he knows to be incomplete or does not believe to be complete, shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

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71. POWER TO MAKE RULES

(1) The State Government may by notification in the Official Gazette make rules describing the fees which shall accompany documents sent to the Registrar of Firms, or which shall be payable for the inspection of documents in the custody of the Registrar of Firms or for copies from the Register of Firms:-

PROVIDED that such fees shall not exceed the maximum fees specified in Schedule I.

(2) The State Government may also make rules-

- (a) prescribing the form of statement submitted under section 58, and of the verification thereof;
- (b) requiring statements, intimations and notices under sections 60, 61, 62 and 63 to be in prescribed form, and prescribing the form thereof;
- (c) prescribing the form of the Register of Firms, and the mode in which entries relating to firms are to be made therein, and the mode in which such entries are to be amended or notes made therein;
- (d) regulating the procedure of the Registrar when disputes arise;
- (e) regulating the filing of documents received by the Registrar;
- (f) prescribing conditions for the inspection of original documents;
- (g) regulating the grant of copies;
- (h) regulating the elimination of registers and documents;
- (i) providing for the maintenance and form of an index to the Register of Firms; and
- (j) generally, to carry out the purposes of this Chapter.

(3) All rules made under this section shall be subject to the condition of previous publication.

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(4) Every rule made by the State Government under this section shall be laid, as soon as it is made, before the State Legislature.

CHAPTER VIII

SUPPLEMENTAL

72. MODE OF GIVING PUBLIC NOTICE

A public notice under this Act is given-----

- (a) where it relates to the retirement or expulsion of a partner from a registered firm, or to the dissolution of a registered firm, or to the election to become or not to become a partner in a registered firm by a person attaining majority who was admitted as a minor to the benefits of partnership, by notice to Registrar of Firms under section 63, and by publication in the Official Gazette and in at least one vernacular newspaper circulating in the district where the firm to which it relate has its place or principal place of business, and
- (b) in any other case, by publication in the Official Gazette and in at least one vernacular newspaper circulating in the district where the firm to which it relates has its place or principal place of business.

73. REPEAL

[Rep. by the Repealing Act, 1938 (1 of 1938)].

74. SAVING

Nothing in this Act or any repeal effected thereby shall affect or be deemed to affect----

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- (a) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or
- (b) any legal proceeding or remedy in respect of any such right, title, interest, obligation or liability, or anything done or suffered before the commencement of this Act, or
- (c) anything done or suffered before the commencement of this Act, or
- (d) any enactment relating to partnership not expressly repealed by this Act, or
- (e) any rule of insolvency relating to partnership, or
- (f) any rule of law not inconsistent with this Act.

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SCHEDULE I
MAXIMUM FEES
[Section 71 (1)]

Document or Act in respect of which the fee is payable	Maximum fee
Statement under section 58	Three rupees.
Statement under section 60	One rupee.
Intimation under section 61	One rupee.
Intimation under section 62	One rupee.
Notice under section 63	One rupee.
Application under section 64	One rupee.
Inspection of the Register of Firms under sub-section (1) of section 66	
Inspection of documents relating to a firm under sub-section (2) of section 66	Eight annas for inspecting one volume of the Register
Copies from the Register of Firms	Four annas for each hundred words or part thereof

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SCHEDULE II

Enactment Repealed - [Rep. by Repealing Act, 1938 (1 of 1938)].

SCHEDULE OF FEES AS PER INDIAN PARTNERSHIP ACT ,1932

Sl. No.	Document or act in respect of which the fee is payable	Maximum Fee
1.	Statement under Section 58	For each Partner Rs. 100
2.	Statement under Section 60	Rs. 100
3.	Statement under Section 61	Rs. 100
4.	Statement under Section 62	Rs. 100
5.	Statement under Section 63	Rs. 100
6.	Statement under Section 64	Rs. 100
7.	Inspection of the Register of Firms under sub-section (1) Of the section 66	For inspecting the entry Rs. 20 of each firm in the Register
8.	Inspection of the Register of Firms under sub –section (2) Section 66	For each inspection of Rs. 20 all documents relating to one single firm
9.	Copies from the Register of Firms	For each hundred words Rs. 4 Or part thereof

**ANDHRA PRADESH PARTNERSHIP
(REGISTRATION OF FIRMS) RULES,1957
INDUSTRIES DEPARTMENT
(G.O.Ms.No.1469 ,Induatries,30th November ,1957)**

1. Short - Title - These Rules may be called the "Andhra Pradesh Partnership (Registration of Firms) Rules, 1957".

2. Definitions- In these rules, unless there is anything repugnant in the subject or context -

- a) "**The Act**" means the Indian Partnership Act 1932 (Central Act IX of 1932)and
- b) "**Registrar**" Means the " Registrar of Firms "

3. Form and verification of Statements under Section 58 & 60:

The statements submitted to the Registrar under Sections 58\and 60 of the Act shall respectively be in Forms I & II annexed to these rules, and shall be verified in the manner indicated there in provided that when a statement is signed by a specially authorised agent , the original power of attorney or an expressed letter of authority from the partner or partners concerned shall be produced for inspection by the Registrar to prove authentication.

4. Form of intimations and notices under Section 61, 62 and 63:

(1) Intimations and notices under Sections 61,62, 63 (1) and 63(2) of the Act shall respectively be in Forms III , IV, V and VI annexed to these rules, with such variations as circumstances may require.

(2) Every statement, intimation or notice relating to firm under sections60,61,62,63,(1) or 63(2) of the Act ,shall be sent or given to the Registrar together with the prescribed fee within 15 days from the date of occurrence of the event referred to in such statement, intimation or notice.

5. Register of Firms:

The Register of Firms shall be in Form VII annexed to these rules. The name of the particulars relating to each firm shall be entered therein in the order of its registration on a separate page or pages as the case may be. Each firm shall be assigned a number in a consecutive series commencing and ending with the calender year. A note of every document filed shall be entered in the register in the page or pages allotted to the firm concerned and shall be signed by the Registrar.

6. Amendment of entries in Register -

When an entry made in the Register of firms is to be amended, the amendment shall be shown by means of a suitable note in the remarks column opposite to the entry concerned and the new entry shall be made at the end of the existing entry or entries with suitable cross reference.

7. Protest against entries in Register -

Where any partner or other person interested makes a protest in writing to the Registrar disputing any entry made in the Register of firms, the Registrar shall record such protest and make a reference there to in redink in the remarks column against the disputed entry.

8. The Registrar's Powers of enquiry and investigation:

The Registrar may, in case of dispute , institute such enquiries or make such investigation as may , in his opinion, be necessary for the proper performance of his duties under the Act.

9. Index to Register of Firms:

An index to the Register of firms shall be prepared in English on loose sheets, lettered alphabetically, and shall contain the particulars shown in Form VIII annexed to these rules . A fresh index shall be prepared for each calendar year. The name of each firm shall be indexed as soon as the entries relating there to are made in the Register of Firms.

(b) After all the firms registered in a year have been indexed, the index shall be checked by the Registrar who shall add a certificate in token of such check and the pages shall then be numbered in ink.

(c) The index for each year shall, after it has been checked, be bound into volumes of convenient size.

10. Acknowledgement of Registration and documents:-

a) Upon the Registration of a firm, the Registrar shall grant to the firm an acknowledgement in Form IX annexed to these rules and on the filing of any document required to be filed under the Act, he shall grant to the person at whose instance it is filed an acknowledgement in Form C annexed to these rules.

b) On every document filed under the Act, the Registrar shall endorse the following particulars namely:-

- i) The number borne by the firm in the register,
- ii) The name of the firm
- iii) The description of the document.
- iv) The serial number of the document and
- v) The date of filing.

The Registrar shall also affix his signature and the seal of his office to such document.

c) If there is no space on the documents for entering the particulars referred to in sub-rule(b) the entry shall be made on a separate paper which shall be attached to the document and note of the fact shall be made on the document itself and signed by the Registrar.

11. Filing of documents

(a) The Registrar shall examine every statement, intimation, notice or other document received by him which is required by the Act, to be registered, recorded or filed and if he finds any such statement ,intimation, notice or other document to be defective or incomplete in any of the particulars requires by the Act or these rules , he shall return it to the party or firm tendering it, for due rectification or completion and until such statement , intimation , notice or other document is so rectified or completed , he shall not register , record or file the same.

(b) No statement, intimation, notice or other document in respect of which a fee is payable , shall be registered, recorded or filed by the Registrar until the fee has been paid to him and the Registrar shall ,pending such payment, act as if no such statement, intimation, notice or other document had been tendered for registration, record or filing.

(c) A separate file shall be maintained in respect of each firm in which all documents relating thereto received from time to time by the Registrar shall be filed.

12. Account of and receipt for fees:

An account of all fees received in the Registrar's office shall be maintained therein .

A receipt in Form E shall be granted in respect of every fee received.

13. Inspection of indexes to the Register of firms and of original documents:-

(i) The indexes to the register of firms maintained by the Registrar may be inspected by any person on payment of the Following fees.

(a) for searching the index for any one year for entries relating to single firm Rs. /- rupees only.

(b) for searching the index for every other year for entries relating to the same firm rupees .

(ii) All statements , notices and intimations filed by a firm under chapter 7 of the Act may also be inspected on payment of the prescribed fee by any person , on his satisfying the Registrar that he is interested in the firm.

Provided that no fee shall be leviable for the inspection made by or at the instance of Government officers for bonafied public purposes.

14. Application for copies and fee for grant documents filed and acts done under the act:

(i) Every application for a copy under section 67 of the Act, shall be in writing

(ii) For the grant of copies other than the copies from the Register of firms the following fees shall be levied namely-

- (a) For certified copy of an acknowledgement of registration of a firm Rs Twenty only.
- (b) For a certified copy of or extract from any other document Rs. Four for each hundred words or part thereof.

Provided that no fee shall be leviable for the grant of copies (including copies from the Register of firms to the Government officers for bonafied public purposes).

15. Seal:-

The seal used by the Registrar shall bear the words " Registrar of Firms ,.....District , Andhra Pradesh"

16. Preservation and elimination of registers and records :-

- (a) The Register of firms and the index there to shall be preserved permanently]
- (b) All other records including the statements referred to in section 58 of the Act, may be destroyed.
- (i) In the case of a firm which has been dissolved on the expiry of the five years from the date of its dissolution and
- (ii) In the case of a firm which though not dissolved , has not been transacting business and has not been heard of for a period of not less than seven years , in accordance with and subject to the provisions of sub rule(c).
- (c) In cases filing under clause (ii) of sub rule (b) the Registrar shall publish in the Andhra Pradesh Gazette and at the same time send by the registered post to any one of the partners of the firm concerned to his last known address, a notice stating that the records and statements relating to the firm will be destroyed unless cause is shown to the contrary within a period of three months from the date of publication of the notice in the Andhra Pradesh Gazette. If cause is not shown as aforesaid the records and statements may be destroyed.

17. Translations to be furnished where original is not in English:

If any document required to be files under the Act or any portion of such document is not in English language an English translation of such document or portion certified as correct by at least one partner (or his authorised agent) shall be furnished along with each copy of such document or portion.

18. Office hours -

The office of the Registrar shall be open for business (Sundays and authorised holidays excepted) between the hours of 10.30 A.M. to 5 P.M

19. Administration Report:

The Registrar shall submit to the State Government so as to reach them on or before the 1st June in each year a report on the working of the Act, during the official year ending with the 31st March preceding.

FORM-I**[See Rule 3]****Application for registration of firm by the names.....**

Filing Fee-Rs.100

Presented or forwarded to the Registrar of Firms for filing by.....

We, the undersigned, being the partners of the firm.....
here by apply for registration of the said firm and for that purpose, supply the

1. Subs. By G.O.Ms.No. 228, Ind. & Com. (SSI) dt. 5-12-1996 w.e.f 07-03-1996.
2. Here and the name of the firm.

Following particulars, pursuant to Section 58 of the Indian Partnership Act, 1932.

The firm's name

Place of business

- (a) Principle Place
(b) Other places
-

Name of Partners
In fullDate of Joining
the firmPermanent address
in full

1.

2.

Duration of the firm

Station

Date

Signature of the partners or their
Specially authorized agents

I,..... son of years of age, of
religion, do hereby declare that the above statement is true and correct to the best
of my knowledge and belief.

Date

Witness

Signature

N.B:- This form must be signed by all partners or their agents specially
authorized in this behalf in the presence of a witness or witnesses who must be
either a Gazetted Officer, Advocate, Attorney, Pleader, Honorary Magistrate or
Registered Accountant.

FORM-II

[See Rule 3]

Statement of alteration in the name of the firm or the location of the principal place of business

Filing Fee-Rs.20

Presented or forwarded to the Registrar of Firms for filing by.....

We, the undersigned, being the partners of the firm..... here by supply the following particulars, pursuant to section 60(1) of the Indian Partnership Act, 1932:

-
- *. Here enter the name of the firm.
 - 1. Here add the name of the firm.
 - 2. If any partner is a minor the fact whether he is entitled to the benefits of a partnership should be set out hereunder.
-

Name of Firm

Previous Name

New Place

Principal Place of business

Previous Place

New Place

Station

Date

Signature of the partners or their
Specially authorized agents

I,..... son of years of age, of religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Date

Witness

Signature

I,..... son of years of age, of religion, do hereby declare that the above statement is true and correct to the best of my knowledge and belief.

Date

Witness

Signature

FORM-III

[See Rule 4]

Intimation of change in the place of business (Other than principal place of business)

Filing Fee-Rs.20

Presented or forwarded to the Registrar of Firms for filing by.....

Under Section 61 of the Indian Partnership Act, 1932, intimation is hereby given that the changes specified below have occurred in the place of business of the firm*:

Date of change

-
- *. Here enter the name of the firm.
 - 1. The firm has discontinued business at
 - 2. The firm has begun to carry on business at

Station

Date

Signature of the partner or agent of the firm

FORM-IV

[See Rule 4]

Intimation of alteration in the name or permanent Address of partners

Filing Fee-Rs.20

Presented or forwarded to the Registrar of Firms for filing by.....

Under Section 62 of the Indian Partnership Act, 1932, intimation is hereby given that the changes specified below have occurred in the name or/ and permanent address of partner in the firm*:

Name of partner

-
- *. Here enter the name of the firm.
 - 1. Here add the name of the firm.
 - 2. If any partner is a minor the fact whether he is entitled to the benefits of a partnership should be set out hereunder.
-

Previous name (in full)

New name (in full)

Address of partner

Principal Place of business

Previous permanent
Address (in full)

Present permanent address
(in full)

Station

Date

Signature of the partner or agent of the firm

- *. Here enter the name of the firm.
N.B—Strike out items not required.

FORM-V

[See Rule 4]

**Notice of change in the Constitution of Firm or
Of the dissolution of firm**

Filing Fee-Rs.20

Presented or forwarded to the Registrar of Firms for filing by.....

Under Section 63 of the Indian Partnership Act, 1932, notice is hereby given that--

(1) The constitution of the firm*..... has been altered as follows:

Name and full address of the incoming partner and date of his joining the firm

Name and full address of the outgoing partner and date of his ceasing to be partner

Station

Date

Signature of the incoming, continuing or outgoing partner or of his specially authorized agent

(2) The firm*
Has been dissolved with effect from the

Station

Date

Signature of the person who was a Partner immediately before the dissolution Or of his specially authorized agent

*. Here enter the name of the firm.
N.B—Strike out items not required.

FORM-VI

[See Rule 4]

**Notice of election by person admitted to the benefits
Of partnership on attaining majority**

Filing Fee-Rs.20

Presented or forwarded to the Registrar of Firms for filing by.....

Under Section 63(2) of the Indian Partnership Act, 1932, notice is hereby given that..... admitted to the benefits of the partnership in form*..... have now attained majority..... elects to become/elects not to become partner of the said firm.

Station

Date

Signature of the person electing or of
his specially authorized agent

FORM-A**[See Rule 5]****Register of firms**

1. Serial number of firm
2. Name of firm
3. Date of registration
4. Duration of firm
5. Addresses

Date of change

Remarks

*. Here enter the name of the firm.

6. Partners:

Name of the partners	Addresses	Date of Joining/ceasing	Remarks
----------------------	-----------	----------------------------	---------

7. Principal place of business and changes therein.

Partners regarding the place	Date of change	Remarks
------------------------------	----------------	---------

8. Other places of business:

Name of place	Date of Opening	Date of Closing	Remarks
---------------	--------------------	--------------------	---------

Name of Firm

Serial No. of the Document	Description of document	Date of filing	Signature of Registrar
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Name of Firm

Serial No. of the Document	Description of document	Date of filing	Signature of Registrar
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FORM-B**[See Rule 9]****Index to the Register of Firms**

Firm Name	Name of partners	Principal place of Business	Volume Number	First page of entry the register	Number borne on
1	2	3	4	5	6

FORM-C**[See Rule 10]****Acknowledgment of Registration of Firms**

The Registrar of Firms A.P., hereby acknowledges the receipt of the statement prescribed by Section 58(1) of the Indian Partnership Act, 1931.

The statement has been filed and the name of the firm*..... has been entered in the Register of Firms as No..... of 19.....

(Seal)

Andhra Pradesh

Registrar of Firms

Date the 19.....

Forwarded to Mr. With reference.....to his
Messrs their

Letter No....., dated the 19.....

FORM-D**[See Rule 10]****Memorandum acknowledging receipt of documents**

The Registrar of Firms, A.P., hereby acknowledges the receipt of the under mentioned document and intimates that it has documents they have been filed in pursuance of the Indian Partnership Act, 1932:

(Here enter description of document documents)

Station

Dated 19.....

To

Mr.
Messrs

Registrar of firms

*. Here enter name of the firm.

FORM-E

Receipt for fees

Received from _____
the sum of rupees (in words) _____
being the fees for _____ Rs. _____ P.

Filing statement _____

Filing notice _____

Inspection of _____

Copy of (Number of words) _____

Total.....

Station _____ Registrar of firms _____

Date _____

Procedure for Registration of a Partnership Firm

1. The law relating to a partnership firm is contained in the **Indian Partnership Act, 1932**.
2. Under Section 58 of the Act, a firm may be registered at any time (not merely at the time of its formation but subsequently also) by filing an application with the Registrar of Firms (the District Registrar, Registration and Stamps Department in the State of Andhra Pradesh) of the area in which any place of business of the firm is situated or proposed to be situated.
 - o Application shall contain:-
 - Name of the firm
 - Place or principal place of business
 - Names of any other places where the firm carries on business
 - Date on which each partner joined the firm
 - Name in full and permanent address of partners.
 - Duration of the firm
 - o Application shall be signed and verified by all the partners or their duly authorized agents.
 - o Application shall be accompanied by prescribed fee as well as the following documents:
 - Prescribed Registration Form for Incorporation of a firm. (**Form No. 1 and Specimen of Affidavit**)
 - Certified true copy of the Partnership deed entered into.
 - Ownership proof of the principal place of business
 - o Name of the firm should not contain any words which may express or imply the approval or patronage of the government except where the Government of India has given its written consent for the use of such words as part of the firm's name.
3. The law relating to a partnership firm is contained in the Indian Partnership Act, 1932.
4. Under Section 58 of the Act, a firm may be registered at any time (not merely at the time of its formation but subsequently also) by filing an application with the Registrar of Firms (the District Registrar, Registration and Stamps Department in the State of Andhra Pradesh) of the area in which any place of business of the firm is situated or proposed to be situated.
 - o Application shall contain:-
 - Name of the firm
 - Place or principal place of business
 - Names of any other places where the firm carries on business.
 - Date on which each partner joined the firm
 - Name in full and permanent address of partners.
 - Duration of the firm
 - o Application shall be signed and verified by all the partners or their duly authorized agents.
 - o Application shall be accompanied by prescribed fee as well as the following documents:
 - Prescribed Registration Form for Incorporation of a firm. (**Form No. 1 and Specimen of Affidavit**)
 - Certified true copy of the Partnership deed entered into.
 - Ownership proof of the principal place of business

- Name of the firm should not contain any words which may express or imply the approval or patronage of the government except where the Government of India has given its written consent for the use of such words as part of the firm's name.
- 5. Under Section 59 of the Act, when the Registrar of Firms is satisfied that the provisions of section 58 have been duly complied with, he shall record an entry of the statement in the Register of Firms and issue a Certificate of Registration.
- 6. Penalty for furnishing false particulars (Section 70) : Any person who signs any statement, amending statement, notice or intimation under this Chapter containing any particular which he knows to be false or does not believe to be true or containing particulars which he knows to be incomplete or does not believe to be complete, shall be punishable with imprisonment which may extend to three months, or with a fine or with both.
- 7. Any alterations, subsequent to Registration shall be notified to the registrar:-
 - Change in firm name and principal place of business (Section 60)--- These events shall require sending of a new application form along with the prescribed fee, duly signed and verified by all the partners.
 - Change relating to opening and closing of branches. (Section 61)--- When a registered firm discontinues business at any place or begins to carry on business at any place, such place not being its principal place of business, any partner or agent of the firm may send intimation thereof to the Registrar.
 - Change in the name and permanent address of any partner (Section 62)--- When any partner in a registered firm alters his name or permanent address, an intimation of the alteration may be sent by any partner or agent of the firm to the Registrar.
 - Change in the constitution of the firm and its dissolution [Section 63(1)] ---- When change occurs in the constitution of the firm, any of the new, continuing or the outgoing partner, while when a registered firm is dissolved, any person who was a partner immediately before the dissolution or the agent of any such partner or person specially authorized on his behalf, may give notice of such a change to the Registrar, specifying the date thereof.
 - Under Section 63(2)---When a minor who has been admitted to the benefits of partnership in a firm attains majority and elects to become or not to become a partner, he or his agent specially authorized in this behalf, may give notice to the Registrar that he has or has not become a partner.
 - Accordingly, the various forms prescribed under the Indian Partnership Act, 1932, for the alterations in the registered partnership firm are:-
 - **Form No. II** :- For change of principle place of business & change in the name of the firm.
 - **Form No. III** :- For change of the other then principle place of business.
 - **Form No. IV** :- For change of name of the partners & permanent address of the partners.
 - **Form No. V** :- For change of constitution of forms & addition or retirement of partner.
 - **Form No. VI** :- For dissolution of the firm
 - **Form No. VII** :- For minor partner attains the age of majority.
- 8. Partnership Act, 1932 does not provide for compulsory registration of firms. It is optional for partners to set the firm registered and there are no penalties for non-registration.

However, Section 69 of the Act which deals with the effects of non-registration denies certain rights to an unregistered firm. Under the Act :-

- A partner of an unregistered firm cannot file a suit in any court against the firm or other partners for the enforcement of any right arising from a contract or right conferred by the Partnership Act unless the firm is registered and the person suing is or has been shown in the Register of Firms as a partner in the firm.
- No suits to enforce a right arising from a contract shall be instituted in any Court by or on behalf of a firm against any third party unless the firm is registered and the persons suing are or have been shown in the Register of Firms as partners in the firm.
- An unregistered firm or any of its partners cannot claim a set off (i.e. mutual adjustment of debts owned by the disputant parties to one another) or other proceedings in a dispute with a third party. Hence, every firm finds it advisable to get itself registered sooner or later.

9. However, non-registration of a Partnership firm shall not affect:-

- The rights of third parties to sue the firm and/or its partners.
- The firms or partners in the firms which have no place of business in the territories to which this Act extends, or whose places of business in the said territories are situated in areas to which the act does not apply.
- any suit or claim or set-off not exceeding one hundred rupees in value which, in the Presidency-towns, is not of a kind specified in Section 19 of the Presidency Small Cause Courts Act, 1882 (15 of 1882), or outside the Presidency- towns, is not of a kind specified in the Second Schedule to the Provincial small Cause Courts Act, 1887 (9 of 1887), to any proceeding in execution or other proceeding incidental to or arising from any such suit or claim.
- the enforcement of any right to sue for the dissolution of a firm or for accounts of a dissolved firm, or any right or power to realise the property of a dissolved firm.
- the powers of an official assignee, receiver or Court under the Presidency-towns Insolvency Act, 1909 (3 of 1909), or the Provincial Insolvency Act, 1920 (5 of 1920), to realise the property of an insolvent partner.

10. Rectification of mistakes (Section 64 of the Act)

- The Registrar shall have power at all times to rectify any mistake in order to bring the entry in the Register of Firms relating to any firm into conformity with the documents relating to that firm filed under this Act.
- On application made by all the parties who have signed any document relating to a firm filed under this Act, the Registrar may rectify any mistake in such document or in the record or note thereof made in the Register of Firms.

11. Inspection of Register and filed documents (Section 66 of the Act)

- The Register of Firms shall be open to inspection by any person on payment of such fee as may be prescribed.
- All statements, notices and intimations filed under this Act shall be open to inspection, subject to such conditions and on payment of such fee as may be prescribed.

12. Grant of copies (Section 67 of the Act)

The Registrar shall on application furnish to any person, on payment of such fee as may be prescribed, a copy, certified under his hand, of any entry or portion thereof in the Register of Firms.

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विधि और न्याय मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE



सूचना का अधिकार अधिनियम, 2005
(2005 का अधिनियम संख्यांक 22)
[1 फरवरी, 2011 को यथाविद्यमान]

Right to Information Act, 2005
(Act No. 22 of 2005)
[As modified up to 1st February, 2011]

2011

महाप्रबंधक, भारत सरकार मुद्रणालय, मिन्टे रोड, नई दिल्ली-110 002 द्वारा मुद्रित तथा
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PREFACE

This edition of the Right to Information Act, 2005 is being published in diglot form. The English text and the authoritative Hindi text of the Act have been modified up to the 1st day of February, 2011.

NEW DELHI;
The 1st February, 2011

V.K. BHASIN,
Secretary to the Government of India.

THE RIGHT TO INFORMATION ACT, 2005

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THE RIGHT TO INFORMATION ACT, 2005

NO. 22 OF 2005

[15th June, 2005.]

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India has established democratic Republic;

AND WHEREAS democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

AND WHEREAS revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

AND WHEREAS it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

NOW, THEREFORE, it is expedient to provide for furnishing certain information to citizens who desire to have it.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Right to Information Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day^{*} of its enactment.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—

- (i) by the Central Government or the Union territory administration, the Central Government;
- (ii) by the State Government, the State Government;

(b) “Central Information Commission” means the Central Information Commission constituted under sub-section (1) of section 12;

*Right to Information Act, 2005**(Chapter I.—Preliminary.)*

(c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;

(d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;

(e) "competent authority" means—

(i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;

(ii) the Chief Justice of India in the case of the Supreme Court;

(iii) the Chief Justice of the High Court in the case of a High Court;

(iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;

(v) the administrator appointed under article 239 of the Constitution;

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

(g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;

(h) "public authority" means any authority or body or institution of self-government established or constituted—

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any—

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

(i) "record" includes—

(a) any document, manuscript and file;

(b) any microfilm, microfiche and facsimile copy of a document;

(c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(d) any other material produced by a computer or any other device;

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(Chapter I.—Preliminary. Chapter II.—Right to information and obligations of public authorities.)

(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

(k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;

(l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;

(m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of

(n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

RIGHT TO INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

3. Right to information.—Subject to the provisions of this Act, all citizens shall have the right to information.

4. Obligations of public authorities.—(1) Every public authority shall—

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

(b) publish within one hundred and twenty days from the enactment of this Act,—

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;

(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

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(Chapter II.—Right to information and obligations of public authorities.)

(viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorisations granted by it;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed;

and thereafter update these publications every year;

(c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

*(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.*

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), “disseminated” means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

5. Designation of Public Information Officers.—*(1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.*

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(Chapter II.—Right to information and obligations of public authorities.)

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

6. Request for obtaining information.—(1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,—

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

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(*Chapter II.—Right to information and obligations of public authorities.*)

7. Disposal of request.—(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.

(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving—

(a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;

(b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.

(4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

(7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,—

(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejection may be preferred; and

(iii) the particulars of the appellate authority.

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(*Chapter II.—Right to information and obligations of public authorities.*)

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

8. Exemption from disclosure of information.—(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Right to Information Act, 2005

(Chapter II.—Right to information and obligations of public authorities.)

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

9. Grounds for rejection to access in certain cases.—Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10. Severability.—(1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;

(c) the name and designation of the person giving the decision;

(d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and

(e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

11. Third party information.—(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

Right to Information Act, 2005

(*Chapter III.—The Central Information Commission.*)

CHAPTER III

THE CENTRAL INFORMATION COMMISSION

12. Constitution of Central Information Commission.—(1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Central Information Commission shall consist of—

- (a) the Chief Information Commissioner; and
- (b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of—

- (i) the Prime Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Lok Sabha; and
- (iii) a Union Cabinet Minister to be nominated by the Prime Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

(7) The headquarters of the Central Information Commission shall be at Delhi and the Central Information Commission may, with the previous approval of the Central Government, establish offices at other places in India.

13. Term of office and conditions of service.—(1) The Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

*Right to Information Act, 2005**(Chapter III.—The Central Information Commission.)*

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

(3) The Chief Information Commissioner or an Information Commissioner shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an Information Commissioner may be removed in the manner specified under section 14.

(5) The salaries and allowances payable to and other terms and conditions of service of—

(a) the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;

(b) an Information Commissioner shall be the same as that of an Election Commissioner:

Provided that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Information Commissioner and the Information Commissioners shall not be varied to their disadvantage after their appointment.

(6) The Central Government shall provide the Chief Information Commissioner and the Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

14. Removal of Chief Information Commissioner or Information Commissioner.—(1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

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(*Chapter III.—The Central Information Commission. Chapter IV.—The State Information Commission.*)

- (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information Commissioner.

(4) If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

CHAPTER IV

THE STATE INFORMATION COMMISSION

15. Constitution of State Information Commission.—(1) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The State Information Commission shall consist of—

- (a) the State Chief Information Commissioner, and
- (b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.

(3) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—

- (i) the Chief Minister, who shall be the Chairperson of the committee;
- (ii) the Leader of Opposition in the Legislative Assembly; and
- (iii) a Cabinet Minister to be nominated by the Chief Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.

(4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.

(5) The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

(6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

*Right to Information Act, 2005**(Chapter IV.—The State Information Commission.)*

(7) The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.

16. Term of office and conditions of service.—(1) The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

(2) Every State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:

Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15:

Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief Information Commissioner.

(3) The State Chief Information Commissioner or a State Information Commissioner, shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.

(4) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office:

Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.

(5) The salaries and allowances payable to and other terms and conditions of service of—

(a) the State Chief Information Commissioner shall be the same as that of an Election Commissioner;

(b) the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government:

Provided that if the State Chief Information Commissioner or a State Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that where the State Chief Information Commissioner or a State Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment.

(Chapter IV.—The State Information Commission. Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.)

(6) The State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

17. Removal of State Chief Information Commissioner or State Information Commissioner.—(1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or a State Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.

(2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the Governor has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.

(4) If the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

CHAPTER V

POWERS AND FUNCTIONS OF THE INFORMATION COMMISSIONS, APPEAL AND PENALTIES

18. Powers and functions of Information Commissions.—(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—

(a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

(b) who has been refused access to any information requested under this Act;

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- (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
 - (d) who has been required to pay an amount of fee which he or she considers unreasonable;
 - (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
 - (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.
- (2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.
- (3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
 - (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court or office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which may be prescribed.
- (4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.

19. Appeal.—(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:

Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(Chapter V.—Powers and functions of the Information Commissions, appeal and penalties.)

(4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.

(6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.

(7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

(i) by providing access to information, if so requested, in a particular form;

(ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

(iii) by publishing certain information or categories of information;

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

(v) by enhancing the provision of training on the right to information for its officials;

(vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

(b) require the public authority to compensate the complainant for any loss or other detriment suffered;

(c) impose any of the penalties provided under this Act;

(d) reject the application.

(9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.

(10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

20. Penalties.—(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

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Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

CHAPTER VI

MISCELLANEOUS

21. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

22. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

23. Bar of jurisdiction of courts.—No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

24. Act not to apply in certain organizations.—(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

(4) Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

(Chapter VI.—Miscellaneous.)

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

(5) Every notification issued under sub-section (4) shall be laid before the State Legislature.

25. Monitoring and reporting.—(1) The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

(2) Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

(3) Each report shall state in respect of the year to which the report relates,—

(a) the number of requests made to each public authority;

(b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;

(c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;

(d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;

(e) the amount of charges collected by each public authority under this Act;

(f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;

(g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

(4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

26. Appropriate Government to prepare programmes.—(1) The appropriate Government may, to the extent of availability of financial and other resources,—

(a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;

(b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;

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- (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and
 - (d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.
- (2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.
- (3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—

- (a) the objects of this Act;
 - (b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;
 - (c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;
 - (d) the assistance available from and the duties of the Central Public Information Officer or State Public Information Officer, as the case may be, of a public authority under this Act;
 - (e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;
 - (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;
 - (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
 - (h) the notices regarding fees to be paid in relation to requests for access to an information; and
 - (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.
- (4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.

27. Power to make rules by appropriate Government.—(1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
 - (b) the fee payable under sub-section (1) of section 6;
 - (c) the fee payable under sub-sections (1) and (5) of section 7;
 - (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;

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(e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and

(f) any other matter which is required to be, or may be, prescribed.

28. Power to make rules by competent authority.—(1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;

(ii) the fee payable under sub-section (1) of section 6;

(iii) the fee payable under sub-section (1) of section 7; and

(iv) any other matter which is required to be, or may be, prescribed.

29. Laying of rules.—(1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.

30. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

31. Repeal.—The Freedom of Information Act, 2002 (5 of 2003) is hereby repealed.

(*The First Schedule.*)

THE FIRST SCHEDULE

[See sections 13 (3) and 16(3)]

FORM OF OATH OR AFFIRMATION TO BE MADE BY THE CHIEF INFORMATION COMMISSIONER/THE INFORMATION COMMISSIONER/THE STATE CHIEF INFORMATION COMMISSIONER/THE STATE INFORMATION COMMISSIONER

"I, having been appointed Chief Information Commissioner/Information Commissioner/State Chief Information Commissioner/State Information Commissioner swear in the name of God that I will bear true faith and solemnly affirm allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.".

*Right to Information Act, 2005**(The Second Schedule.)*

THE SECOND SCHEDULE

(See section 24)

INTELLIGENCE AND SECURITY ORGANISATION ESTABLISHED BY THE CENTRAL GOVERNMENT

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
¹[15. Sashastra Seema Bal.]
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.-CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.
²[19. Special Protection Group.
20. Defence Research and Development Board.
21. Border Road Development Board.
22. Financial Intelligence Unit, India.]

1. Subs. by Notification No. G.S.R. 347, dated 28-9-2005.

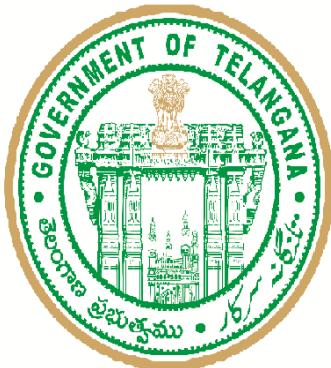
2. Ins. by *ibid*. (w.e.f. 28-9-2005).

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- विक्रेता:—(1) प्रकाशन और विक्रय प्रबंधक, विधि साहित्य प्रकाशन, भारत सरकार, भारतीय विधि संस्थान भवन,
भगवानदास रोड, नई दिल्ली-110 001.
(2) प्रकाशन-नियंत्रक, भारत सरकार, सिविल लाईन्स, दिल्ली-110 054.



Registration and Stamps Department
O/o Commissioner and Inspector General of
Registration and Stamps, Telangana.



INFORMATION MANUAL UNDER **THE RIGHT TO INFORMATION ACT, 2005** (UPDATED UP TO 30th JUN 2020)

**Office of the Commissioner and Inspector General of
Registration and Stamps, Andhra Pradesh, H.No.5-3-953, Near
Karachi Bakery, M.J.Market, Hyderabad-500 001.
Tel Phone No: 91-040-23449157**



PROCEEDINGS OF THE COMMISSIONER AND INSPECTOR GENERAL OF REGISTRATION AND STAMPS: GOVERNMENT OF ANDHRA PRADESH:: HYDERABAD
Present: - DR. LAL ROSEM, Ph.D., I.A.S.

Procs. No. G1/11608/2005

Dated:03-02-2007.

Sub:-ESTABLISHMENT—Commissioner and Inspector General of Registration and Stamps Office—Implementation of Right to Information Act, 2005 (Central Act, 2005)—Publication of information under Section 4(1)(b) of Right to Information Act, 2005 – Orders—Issued.

- Ref:- 1. Right to Information Act, 2005 (Central Act No.22 of 2005) Published in Gazette of India (Extraordinary) Notification No.25, Dated 21-06-2005.
2. Circular Memo No.85805/I&PR.II/A1/2005-6, G.A. (I&PR.II) Department, Dated 30-08-2005.
3. Memo No.G1/11608/05, dated 27-09-2005 of Commissioner and Inspector General of Registration and Stamps, A.P., Hyderabad
- * * * * *

O R D E R :

In the reference 1st read above the Right to Information Act, 2005 has been published in the Gazette of India on 21.6.2005 which casts certain obligations on each Public Authority to fulfill.

2. Accordingly, in exercise of the powers conferred under sub-sections (1) and (2) of section 5 and sub-section (1) of section 19 of the Right to Information Act, 2005 orders have been issued in the reference 3rd cited above appointing the State Public Information Officer, Assistant Public Information Officer and Appellate Authority respectively.
3. Now, in exercise of the powers conferred under Sub-Section (1) (b) of the Section 4 of Right to Information Act, 2005 the information on the items referred to therein are published herewith in respect of the office of the Commissioner and Inspector General of Registration and Stamps for the intended users.

Sd/- LAL ROSEM,
Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad

To

All the Dy. Inspector Generals (R&S) in the State/ DCFs.
All the District Registrars / All Vigilance Officers in the State.
All Asst. District Registrar / Audit District Registrar
All the Officers in the.
All the Sections in the C&IGs' Office , A.P., Hyderabad.
All the Superintendents in C&IGs' Office.
Right to Information Act, 2005 Section in A.P. Secretariat, Hyderabad.

Copy submitted to:

The Principal Secretary to Revenue (Regn. I) Department, A.P. Secretariat, Hyderabad.
The Chief Information Commissioner, A.P. Information Commission,HACA Bhavan, Hyderabad.
Stock File.



Registration and Stamps Department
O/o Commissioner and Inspector General of
Registration and Stamps, Telangana.

Dr. LAL ROSEM, IAS, Ph.D.,
Commissioner & Inspector General of
Registration & Stamps



.Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad

PREFACE

How far the Right to Information Act 2005, and the Rules framed therein in the Stamps & Registration Department – have achieved its goal will have to be watched with keenness as we proceed ahead in public service. On reading the contents it should enhance public service delivery and thereby satisfy them to a large extent and so also bind the public servants in the discharge of their duties in a more responsible manner. Unless we progress in transparency and be able to do things in a truthful way, Civil Service will improve little in this country. No work should be done in secret and everything should be done in the open and truthfully, then the rest will be set alright. That is the assertion.

I do hope and wish that the Act will not be a small step in that direction but a big leap. It should also not be like one of the many Acts and Rules for the sake of enactment, that has been there in heaps but rarely in use.

SD/- LAL ROSEM,
Commissioner and Inspector General of
Registration and Stamps, A.P.,
Hyderabad



Registration and Stamps Department
O/o Commissioner and Inspector General of
Registration and Stamps, Telangana.

PREFACE

In order to provide for greater transparency and accountability in the functioning of “public authorities”, the Right to Information Act, 2005 (RTI) has been enacted by the Government of India. The Act entitles the citizens to obtain certain information pertaining to public authorities, subject to compliance with prescribed procedure under RTI Act, 2005. The Act has been notified on June 15, 2005.

In compliance with the provisions of Section 4(1)(b) of the Act, this information manual is published for information of the general public.

**Sd/- C. PADMANABHA MURTHY,
STATE INFORMATION OFFICER**

Joint Inspector General
O/o. Commissioner and Inspector General of
Registration and Stamps, A.P., Hyderabad.



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CHAPTER I

INTRODUCTION

1.1 BACK GROUND

In order to ensure transparency and accountability in the functioning of public authorities and with a view to confer right on citizens for obtaining information pertaining to functioning of public authorities, as defined in section 2(h), the Right to information Act 2005 has been enacted. Section 4(1) (a) and 4(1) (b) confer rights on citizens to obtain information as enumerated in section 4(1) (b) and for this purpose every public authority is required to appoint Public Information Officer (PIO) and Assistant Public Information Officer (APIO) for the processing of information as requested by the citizens. Under any circumstances if the citizen could not secure the information requested by him, he may approach the appellate authority or finally the Information Commission in the regard.

1.2 OBJECTIVE OF THE HAND BOOK

Registration and Stamps Department is headed by the office of the Commissioner and Inspector General of Registration and Stamps. The Registration Department mainly administers the Registration Act 1908, Indian Stamp Act 1899, A.P. Societies Registration Act 2001, A.P. Partnership Act 1932, A.P. Chit Fund Act 1971, Hindu Marriage Act 1955, Special Marriage Act 1954 as its basic functions. The marriage officers appointed under Indian Christian Marriage Act also come under its purview. The Commissioner and Inspector General of Registration and Stamps, at apex level supervises the field offices Viz., Sub-Registrars, District Registrars, Deputy Inspectors General in their functioning in the state of Andhra Pradesh. The key objective behind the publication of this information manual is to enable the public to



understand the functions of the department in general and the functions of the office of Commissioner and Inspector General of Registration and Stamps, Telangana, in particular as per the details prescribed under the section 4(1)(b) of the Act. The Commissioner and Inspector General of Registration and Stamps being a public authority here by publishes the prescribed information relating to the constitution and functioning of the office. The matter contained in this manual is meant for information of the general public and more particularly the citizens are entitled under the Act to obtain other information from the Commissioner and Inspector General of Registration and Stamps' office. The procedure for obtaining the information from the Commissioner and Inspector General of Registration and Stamps office is given in the following paragraphs.

1.3 TARGETED USERS

This manual is meant for information of citizens, Civil Society Organizations, Public representative, officers and employees of public authorities.

1.4 NAMES AND ADDRESS OF KEY CONTACT OFFICERS

For facilitating information requests from the citizens, the following officers are designated by the Commissioner and Inspector General of Registration and Stamps and all information requests shall be addressed to the state Public Information Officer (PIO).



1. SMT.FAZEELATH UNNISAA Sub-Registrar/Superintendent (R&S), RTI Section O/o Commissioner and Inspector General of Registration and Stamps, H.No:5-3-953, Near: Karachi Bakery, M.J.Market, Hyderabad-500 001. Tel Phone No: 91-040-23449157	Assistant Public Information Officer (APIO)
2. SRI. G. STHITA PRAJNA Assistant Inspector General (R&S), O/o Commissioner and Inspector General of Registration and Stamps, H.No:5-3-953, Near: Karachi Bakery, M.J.Market, Hyderabad-500 001. Tel Phone No: 91-040-23449157	Public Information Officer (PIO)
3. SRI. M. VENKATA RAJESH Additional Inspector General (R&S), O/o Commissioner and Inspector General of Registration and Stamps, H.No:5-3-953, Near: Karachi Bakery, M.J.Market, Hyderabad-500 001. Tel Phone No: 91-040-23449157	Appellate Authority

1.5 PROCEDURE FOR OBTAINING INFORMATION

This information manual contains information about organization and functioning of the Commissioner's and Inspector General of Registration and Stamp office which heads Registration and Stamps Department at state level. If any person is desirous of obtaining any other information he shall make an information request to the PIO. The applicant is required to comply with the following conditions.



- The applicant shall be a citizen of India.
 - As proof of citizenship, any one of the following documents may be attached to the information request
 - Ration Card
 - PAN Card
 - Driving License
 - Electricity Bill
 - Passport Document
 - The information request shall be made in writing
 - The information request can be in one of the following languages.
 - Telugu
 - Hindi
 - English
 - Applicant shall pay the prescribed fees of Rs.10/-.
 - Applicants belonging to below poverty line (BPL) category need not pay the fee. For claiming exemption from payment of fee under BPL category, the applicant shall attach a copy of a Ration Card as a proof. The request for information will be generally processed within the time period mentioned under the Act.



CHAPTER II

INTRODUCTION

Section 4(1)(b)(i)

PARTICULARS OF ORGANISATION FUNCTIONS AND DUTIES

2.1 COMMISSIONER AND INSPECTOR GENERAL OF REGISTRATION AND STAMPS AS HEAD OF REGISTRATION AND STAMPS DEPARTMENT

The Commissioner and Inspector's General office is the office of Head of the Department of Registration and Stamps at State level. The office is headed by the Commissioner and Inspector General (Registration and Stamps). This office supervises the functioning of the field offices viz., Sub Registrar Office. It controls the functions of the District Registrar's Offices at the District level and the Deputy Inspector's General Office located at the zonal level. This office supervises the statutory functions exercised by the District Registrars and Sub Registrars created under the Indian Registration Act, 1908. The Commissioner being designated as Chief Controlling Revenue Authority is the final authority on adjudication of stamp duty and is the Revisional Authority over Collectors appointed under Stamp Act. He exercises control over GSO (General Stamp Office) which regulates sale of all kinds of Non-Postal stamps through the office public counter, Stamp Vendors Counters, Secretariat Counter and High Court Counter. He is the licensing Authority for franking machines in the State.



The Commissioner's and Inspector Generals Office deals with the following matters :

This office deals with proposals for Amendments and implementation of the Indian Registration Act; Indian Stamp Act; Marriage Acts; Societies Registration Act; Partnership Act; Chit Fund Act, and other miscellaneous Acts.

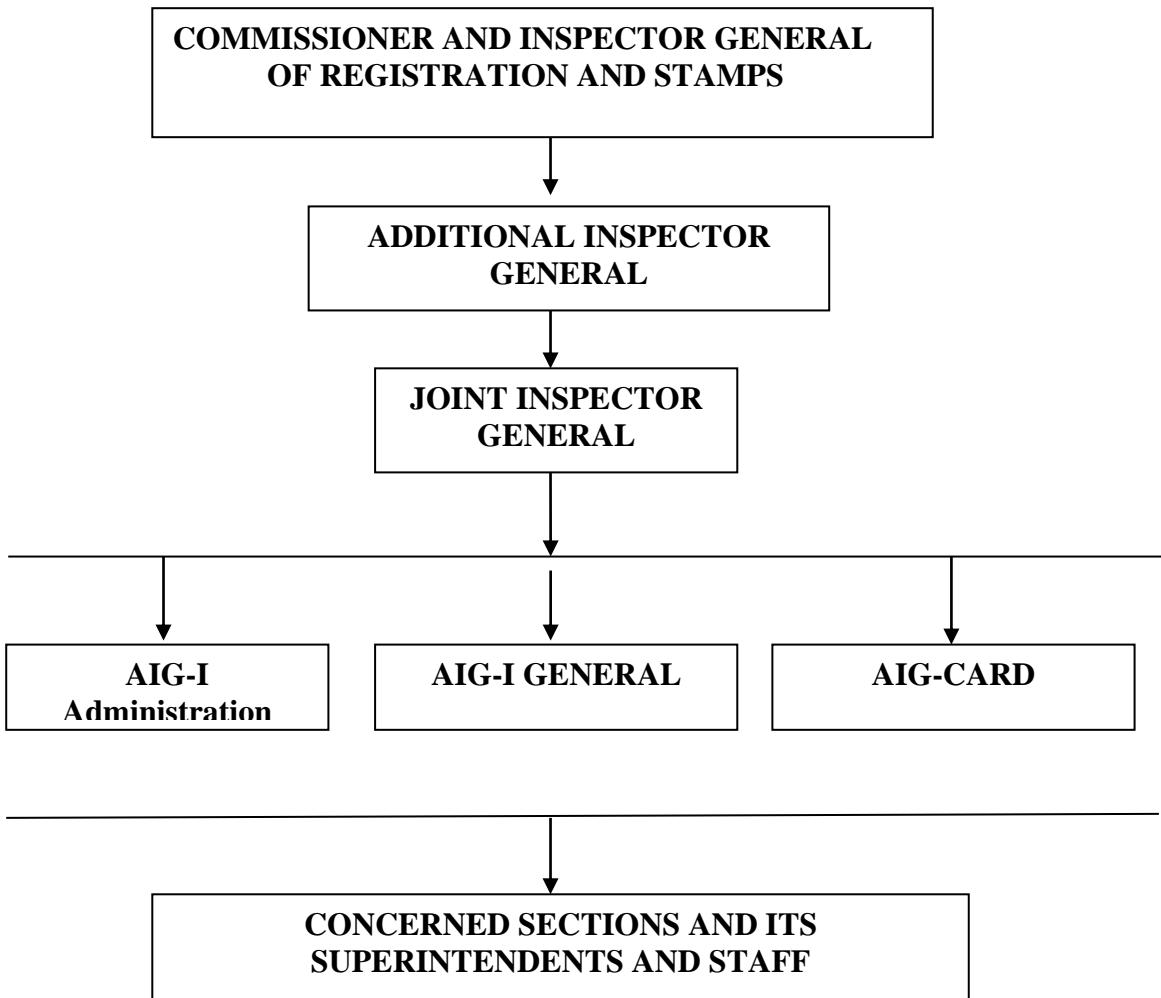
This Office is the seat of General Stamp Office, which regulates the sale, and supply of all kinds of non-postal stamps in the State besides regulating the following functions.

- Non-Plan budget matter for the above subjects.
- All cases relating to the ACB, Vigilance and enforcement relating to the Registration and Stamps Department.
- All disciplinary cases against Officers and employees of the Registration and Stamps Department.
- All Service matters relating to the Officers and employees working in the Registration and Stamps Department.
- All matters relating to Public Accounts Committee, Audit Reports / Enquiry Reports / Draft paras relating to Registration and Stamps Department.
- Sends proposals to Government on all policy matters pertaining to Registration and Stamps Department.



Registration and Stamps Department
O/o Commissioner and Inspector General of
Registration and Stamps, Telangana.

ANNEXURE
OFFICE OF THE COMMISSIONER AND INSPECTOR GENERAL OF REGISTRATION AND
STAMPS, TELANGANA
ORGANIZATION CHART





CHAPTER III

Section 4(1)(b)(ii)

THE POWERS AND DUTIES OF OFFICERS AND EMPLOYEES

3.1 FUNCTIONAL STRUCTURE:

Commissioner and Inspector General's Office is headed by Commissioner and is assisted by the following: -

Additional Inspector General	:	1
Joint Inspector General	:	1
Asst. Inspectors General	:	3
Sub Registrar / Superintendent	:	7
Senior Assistants	:	17
Junior Assistants	:	17
Record Assistants	:	5
Shroffs	:	3
Attenders	:	11
Drivers	:	1

The business of the office is divided into 22 Sections shown in the annexed list.



3.2 ROLE OF EACH OFFICER:

Commissioner and Inspector General

The Commissioner and Inspector General is appointed as CCRA (Chief Controlling Revenue Authority) under Section 56 of India Stamp Act who is invested with quasi-judicial powers in respect of adjudication of Stamp Duty payable under Indian Stamp Act 1899 as against the orders of Collector appointed under Indian Stamp Act

The Commissioner & Inspector General of Registration and Stamps was appointed by the state Government by virtue of powers delegated under section 3 (1) of the India Registration Act, 1908 to exercise and perform his duties within the Local limits in this behalf as directed by the State Government from time to time.

He is the Administrative head of the Registration and Stamps Department at the state level.

By virtue of the powers conferred under section 69 and section 70 of Indian Registration Act, 1908 the Inspector General shall exercise the general superintendence over all the Registration Offices in the territories under the State Government and shall have power from time to time to make rules consistent with the Indian Registration Act. i.e.,

- (a) Providing for the safe custody of books, papers and documents.



- (b) Declaring what languages shall be deemed to be commonly used in each district.
- (c) Providing for grant of Licenses to Document writers, the revocation of such licenses, the terms and conditions subject to which and the authority by whom such licences shall be granted, the exemption of any class of Document Writer from the licensing provisions and the condition subject to which such exemption shall be granted generally for all purposes connected with the writing of documents to be presented for registration. However the Document Writer (DW) licensing system is presently not in vogue.
- (d) Declaring what territorial divisions shall be recognized U/Sec.21 of Indian Registration Act.
- (e) Regulating the amount of fines imposed U/Sec.25 and 34 of Indian Registration Act respectively.
- (f) Regulating the exercise of the discretion reposed in the Registering Officer by Section 63(i.e.) power to the Registering Officer to Administer oaths and record of substance of statement.
- (g) Regulating the form in which Registering Officers are to make memoranda of documents.
- (h) Regulating the authentication by the Registrar's and Sub-Registrars of the books kept in their respective offices U/Sec/51 of India Registration Act, i.e., Register Books to be kept in several offices.

Regulating the manner in which the instruments referred to in Sub-Sec.2 of Section 88 i.e., Registration of Documents executed by Government officers or certain public functionaries may be presented for registration.

- (i) Declaring the particulars to be contained in indexes Nos.I, II, III, and IV respectively.
- (j) Declaring the holidays that shall be observed in the registration officers and
- (k) Generally regulating the proceedings of the Registrars and Sub-Registrars.



Other Duties of Commissioner & Inspector General of Registration and Stamps.

1. By virtue of powers conferred by the State Government, he was appointed as Registrar of Firms U/s 57 of Indian Partnership Act 1932 to exercise his powers as Registrar of Firms for the purpose of that Act to perform his duties. He administers A.P. Societies Registration Act 2001 in the State of Andhra Pradesh.
2. He is the Director of Chits and the Administrative Authority under A.P. Chit Fund Act, 1982.
3. He is the Registrar of Non-Trading Companies under the provisions of N.T.C.Act.
4. He has got overall Superintendence and control of General Stamps office, which regulates sale, supply and distribution of all kinds of non-postal stamps in the state. He is the licence issuing authority in respect of franking machines in the state of A.P.
5. He is the competent authority for sending proposals for appointment of Notaries under the provisions of Notaries Act, 1952 and Rule 4 of Notaries Rules, 1956.

He has got overall administrative control over all the officers working in the Department. He is the appointing authority for Asst. District Registrars and District Registrars.



2. ADDITIONAL INSPECTORS GENERAL

The Additional Inspectors general exercises his powers and discharges his duties as per the subjects allotted to him by the Commissioner and Inspector General of Registration and Stamps from time to time.

3. JOINT INSPECTOR GENERAL:

The Joint Inspector General-I working in the Commissioner and Inspector General's Office shall assist the Commissioner and Inspector General in the subjects allotted to him from time to time.

4. ASSISTANT INSPECTOR GENERAL-I

The Assistant Inspector General working in the Commissioner and Inspector General's Office shall assist the Commissioner and Inspector General in the subjects allotted to him from time to time.

5. ASSISTANT INSPECTOR GENERAL-II

The Assistant Inspector General working in the Commissioner and Inspector General's Office shall assist the Commissioner and Inspector General in the subjects allotted to him.

6. ASSISTANT INSPECTOR GENERAL-III

The Assistant Inspector General working in the Commissioner and Inspector General's Office shall assist the Commissioner and Inspector General in the subjects allotted to him.



3.3 ALLOCATION OF SUBJECTS AMONG THE SECTIONS IN THE C&IG OFFICE

Various subjects of the office have been allotted to the sections as below:

Sl.No.	Name of the Section	Superintendent	Subject Allotted
1	Establishment	Sub-Registrar / Superintendent	Service matters of the employees of this Department throughout the State.
2	OE	Sub-Registrar / Superintendent	Service matters of the employees of O/o the Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad.
3	'X' Section	Sub-Registrar / Superintendent	All service matters relating to disciplinary cases pertaining to Non-Gazetted Officers including Sub Registrars.
4	Vigilance	Sub-Registrar / Superintendent	All service matters relating to ACB cases pertaining to Non-Gazetted and Gazetted Officers.
5	CPU	Sub-Registrar / Superintendent	Pay bills & all other bills of this office Establishment.
6	CARD	Sub-Registrar / Superintendent	Development of CARD software and supply of Hardware and maintaining of central Data Serves and supply of computer peripherals to all the Offices of across the State.
7	Additional Revenue	Sub-Registrar / Superintendent	Revenue of the Department
8	Stamps	Sub-Registrar / Superintendent	Deal with Stamp related matters under Indian Stamp Act including concessions and exemptions.
9	C.C.R.A	Sub-Registrar / Superintendent	Deals with Appeals U/s.56 (1) (a) of IS Act. before CCRA, Write-off Cases, paper Suits and Local Audit reports.
10	General	Sub-Registrar / Superintendent	General section deals with all the matters relating Registration Act.
11	Accounts	Sub-Registrar / Superintendent	All Accounts related matters of the Department
12	Market Value	Sub-Registrar / Superintendent	Deals with Market Value related matters
13	LAR,A.I.R.	Sub-Registrar /	Deals with Local audit, Annual Inspections



	Internal Audit	Superintendent	and internal Audit.
14	Firms, Societies, NTC & BDM	Sub-Registrar / Superintendent	Deals with all the matters relating partnership Act & Societies Registration Act.
15	RTI	Sub-Registrar / Superintendent	Deals with all the matters relating RTI Act and other related Acts.
16	Notary	Sub-Registrar / Superintendent	Deals with Notaries Act & Rules
17	Chit Fund	Sub-Registrar / Superintendent	Deals with Chit Fund Act & Rules
18	GSO	Sub-Registrar / Superintendent	Deals with supply and Distribution of Stamps and controlling Authority of all Stamp Counter.
19	Double Lock	Sub-Registrar / Superintendent	Custodian of Stamps in GSO Treasury.
20	Central Record Room	Sub-Registrar / Superintendent	Maintenance of all sections recorded files and records.
21	Inward, Out ward	Sub-Registrar / Superintendent	Inward deals receiving tappals Outward deals despatch of letters.
22	Legal	Sub-Registrar / Superintendent	Deals with Court Cases of the Department
23	High Court Stamp Counter	Sub-Registrar / Superintendent	Deals with Sale of Stamps to the general public in the Telangana High Court.
24	Stores	Sub-Registrar / Superintendent	Deals with supply and distribution of Stationery and maintenance of C&IG's Office building



CHAPTER IV **Section 4 (1) (b) (iii)**

The procedure followed in the decision making process, including channels of supervision and accountability:

Commissioner & Inspector General of Registration and Stamps shall exercise general superintendence over all the Registration Offices in the state and shall have powers from time to time to make rules consistent with the Registration Act. He is vested with powers u/s 69 of the Indian Registration Act.

All the officers in the Commissioners & Inspector General of Registration & Stamps office Viz., Assistant Inspectors General, Joint Inspectors General Deputy Inspectors General, Additional Inspectors General will assist the Commissioner & Inspector General (Registration & Stamps) in decision making process.



CHAPTER V

Section 4 (1) (b) (iv)

THE NORMS SET BY IT FOR THE DISCHARGE OF ITS FUNCTIONS:-

Citizen's satisfaction is most important in Good Governance. In order to propel the Good Governance, Citizen Charter is introduced in all the Departments having large public interface to achieve the objective of Good Governance.

The following steps have been taken to implement the Citizen Charter on top priority basis.

1. Citizen Charter is placed on Notice Boards at all offices of Deputy Inspector General (R&S), District Registrar and Sub-Registrar Offices particularly at " May I help you " counter besides at places of large public interface to create public awareness and to invite their suggestions.
2. " Suggestion Box " is installed at each Sub-Registrar Office as a sort of feedback mechanism on deficiencies, if any.
3. Public awareness is created by distributing the brochures / pamphlets / feed back forms on Citizen Charter.
4. Website address is popularized among the Citizens to know more details about the department and to go through Frequently Asked Questions on services.
5. Information is displayed with the following details like;
 - (a) Our department has a Citizen Charter / Feed back form.



(b) In case of difficulty or delay in services pleases contact District Registrar / Deputy Inspector General (R&S) and give a complaint.

(c) Visit our Website for more details our Website

<http://registration.telangana.gov.in>

6. The service standards regarding registration of Marriages, Societies and Firms shall also be put on Notice Board at all District Registrar Offices.
7. District Registrars in the Districts and Dy. Inspectors General (R&S) in the Zone are appointed as Nodal Officers to monitor, coordinate and integrate with field level functionaries.
8. Small stamp with brief details of Citizen charter is affixed on all the deliverables to clientele, like receipts, check slips etc.,
9. Feed back forms duly filled in shall be obtained from the registering public.
10. Wide publicity is given on the availability of document writing software at Sub-Registrar Offices.
11. Citizen Charter is being modified from time to time, based on the study of implementation of Citizen Charter in the field offices viz., Sub-Registrar Offices.
12. Top priority is being taken on the exit poll results communicated by the Centre for Good Governance and immediate remedial action is taken over deficiency is pointed out and strive to improve the image of the Department.



CHAPTER VI

Section 4 (1) (b) (v)

The Rules & Regulations, Instruction Manuals and Records held by this Office under its control and used by its employees for discharging its functions:

In discharging its' functions the Department is used to the following manuals and records:

The department deals with the following Acts: -

- (i) Registration Act, 1908.
- (ii) Indian Stamp Act, 1899
- (iii) Notaries Act, 1952.
- (iv) Hindu Marriage, Special Marriage and Indian Christian Marriage Acts.

- (v) Indian Partnership Act, 1932.
- (vi) A.P. Societies Registration Act 35 of 2001.
- (vii) A.P. Non Trading Companies Act, 1962.
- (viii) A.P. Chit Funds Act, 1982
- (ix) A.P. Rules under Registration Act, 1908
- (x) Indian Stamp Rules, 1925
- (xi) Other Acts and Rules having bearing on the functioning of this Department.



CHAPTER VII

Section 4 (1) (b) (vi)

**The Statement of the Categories of Documents that are held by
Commissioner & Inspector Generals' Office or under its control:**

SL. NO.	PARTICULARS OF DOCUMENTS
1	Government Orders (Miscellaneous)
2	Government Order (Routine)
3	Memorandum
4	Letter
5	U.O. Note
6	Office Order (Miscellaneous)
7	Office Order (Routine)
8	Endorsement
9	D.O. Letter
10	Circular Memo

**The following Documents are also available in Commissioner &
Inspectors' Office:**

1. Appeal U/s. 56(2) of I.S. Act.
2. Notary Inspection Reports of the District Registrar
3. Registers of sale of stamps in Commissioner & I.G. (R&S)'s Public Counters and Vendor's Counters.



Registration and Stamps Department
O/o Commissioner and Inspector General of
Registration and Stamps, Telangana.

CHAPTER VIII

Section 4 (1) (b) (vii)

The Particulars of any arrangement that exists for consultation with, or representation by the members of the public in relation to the formulation of its policy or implementation thereof:

Consultation with non-governmental organizations and expert groups is taken up as and when felt necessary.



CHAPTER IX

Section 4 (1) (b) (viii)

A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public.

The Committees constituted vide G.O.Ms. No.301, Revenue (Registration.I) Dept., Dated 4.5.1998 for the purpose of the rectification of anomalies in the market values fixed by the Committees. If any anomaly noticed by the departmental officials or representation from any public, the Convenor shall make a note to the Chairman of the Committee and other members too for their appraisal. The decision of the Committee shall be sent to the Commissioner and Inspector General of Registration and Stamps for its approval.

The following authorities competent to prepare the Market Value Guidelines in different areas.

(a) Urban Areas : - i.e. areas falling within the jurisdiction of Municipality/Municipal Corporations, Urban Development Authorities, Municipalities and Notified areas including the Gram Panchayat falling within their master plan areas and Urban Agglomeration areas.

Chairman:- Joint Collector of the District.

Members:- (i) Commissioner of Municipal Corporation or his authorised representative:-

- (ii) Vice-Chairman of Urban Development Authority or his authorised representative;
- (iii) Chief Executive Officer of the Zilla Parishad (Chief Planning Officer in respect of Hyderabad District).
- (iv) Commissioner of Municipality.

Convenor: - Sub Registrar concerned.



(b) In respect of Secunderabad Cantonment:

Chairman: - District Collector, Hyderabad.

Members:-(i) Joint Collector, Hyderabad

(ii) Chief Executive Officer of Secunderabad Cantonment Board.

(iii) Chief Executive Officer, Zilla Praja Parishad, Ranga Reddy District.

Convenor: - Sub Registrar concerned.

(c) Rural Areas: i.e., areas falling within Gram Panchayat (other than the Gram Panchayat falling within the areas covered by the master plan of any Municipal Corporation or Municipality, Notified Nagar Panchayat falling in the Urban agglomeration of any Urban Development Authority).

Chairman: - Revenue Divisional Officer concerned.

Members: - Mandal Revenue Officer concerned.

Mandal Development Officer concerned.

District Registrar / Sub-Registrar (Market Value & Audit) concerned.

Convenor: - Sub-Registrar concerned.

d) For revision of construction rates of buildings, apartments and structures for the entire State.

Chairman: - Joint Inspector General, Office of the Commissioner & Inspector General of Registration & Stamps, Telangana., Hyderabad.

Members: -Superintending Engineer, Office of the Chief Engineer (R&B) Telangana., Hyderabad.

Convenor: -Deputy Inspector General (Market Value), Office of the Commissioner & Inspector General of Registration and Stamps, Telangana., Hyderabad.



CHAPTER X

Section 4 (1) (b) (ix)

THE DIRECTORY OF OFFICERS AND EMPLOYEES:

R	Name of the Employee	Designation
	Sarvasri	
1	T.Chiranjeevulu	C&IG
2	M.Venkata rajesh	Addl.IG
3	V.Srinivasulu	Joint IG
4	M.Santosh kumar	AIG [General] FAC
5	M.Subhashini	AIG [CARD] FAC
6	Sri G.Sthita Prajna	AIG [Admin] FAC
7	Sri V.S.M.A.R.K.Acharyulu	S.R/Superintendent
8	Smt Fazeelathunnisa	S.R/Superintendent
9	Smt B.Harita Kumari	S.R/Superintendent
10	Smt.D.Priyanka	S.R/Superintendent
11	J.Padma	S.R/Superintendent
12	A.Christopher	Senior Assistant
13	T.Shruthi	Senior Assistant
14	S.Rajashekhar Reddy	Senior Assistant
15	P.Chandrasekhar	Senior Assistant
16	Shaik Pasha Miya	Senior Assistant
17	Md.Abdul Hafeez	Senior Assistant
18	Smt.P.Neelima	Senior Assistant
19	Smt. G.Hemalatha	Senior Assistant
20	Sri L.Venkatswamy	Senior Assistant
21	K.Anitha	Senior Assistant
22	Shiak Safiya	Senior Assistant
23	G.Pushpalatha	Senior Assistant
24	V.Sagar	Senior Assistant
25	P.Neeraja	Senior Assistant
26	E.Sravya	Senior Assistant
27	K.Shiva Prakash	Senior Assistant
28	V.Satyanarayana	Senior Assistant
29	Md.Yaseen	Junior Assistant
30	Sri K.Shekhar	Junior Assistant
31	Sri T.Dinakaran	Junior Assistant



32	Md.Sayeed	Shroff
33	N.Srinivasa Chary	Shroff
34	K.Yadaiah	Record Assistant
35	Mir Shujaath Ali	Record Assistant
36	Smt M.Lakshmi	Record Assistant
37	Sri Md.Abdul Sameer	Record Assistant
38	G.Shravan Kumar	Driver
39	V.Narasimha	Dafedar
40	N.Raju	Office Sub-ordinate
41	K.Suresh Kumar	Office Sub-ordinate
42	M.Ram Kumar	Office Sub-ordinate
43	K.Chandu	Office Sub-ordinate
44	M.L.Krishna	Office Sub-ordinate



CHAPTER-XI
Section 4[1] [b] [x]

The monthly remuneration received by each of its officers and employees:

Sl.No .	Name of the Employee	Designation	Basic Pay	Gross Salary	Net Salary
1	T.Chiranjeevulu	C&IG	1,53,000	2,15,730	1,70,260
2	M.Venkata rajesh	Addl.IG	96,110	1,50,311	1,07,991
3	V.Srinivasulu	Joint IG	89,290	1,41,159	98,839
4	G.Sthita prajna	AIG	51,230	85,309	76,748
5	M. Santhosh	AIG(General)/DR	38,130	62,157	55,465
6	V.S.M.A.R.K.Acharyulu	S.R/Superintendent	49,870	68,364	45,592
7	Fazeelathunnisa	S.R/Superintendent	56,870	94,763	74,503
8	B.Harita Kumari	S.R/Superintendent	43,680	73,033	63,940
9	D.Priyanka	S.R/Superintendent	43,680	73,033	60,373
10	J.Padma	S.R/Superintendent	32,340	53,918	48,489
11	A.Christopher	Senior Assistant	37,100	61,762	49,546
12	T.Shruthi	Senior Assistant	26,600	44,431	39,799
13	S.Rajashekhar Reddy	Senior Assistant	27,360	45,643	36,759
14	P.Chandrasekhar	Senior Assistant	43,680	72,923	55,732
15	Shaik Pasha Miya	Senior Assistant	52,590	87,534	84,414
16	Md.Abdul Hafeez	Senior Assistant	27,360	45,603	40,839
17	P.Neelima	Senior Assistant	23,740	39,663	35,413
18	G.Hemalatha	Senior Assistant	23,740	39,663	35,263
19	L.Venkatswamy	Senior Assistant	37,100	61,762	49,382
20	K.Anitha	Senior Assistant	25,840	43,118	38,587
21	Shiak Safiya	Senior Assistant	25,840	43,138	27,908
22	G.Pushpalatha	Senior Assistant	25,840	43,118	38,437
23	V.Sagar	Senior Assistant	23,100	31,447	27,332
24	P.Neeraja	Senior Assistant	23,100	38,377	32,562
25	Md.Yaseen	Junior Assistant	38,130	52,337	43,145
26	K.Shekhar	Junior Assistant	21,820	36,524	32,730
27	T.Dinakaran	Junior Assistant	On Extra Ordinary Leave(EOL)		
28	V.Satyanarayana	Senior Assistant	22,460	37,330	33,601
29	E.Sravya	Senior Assistant	22,460	37,330	32,101
30	K.Shiva Prakash	Senior Assistant	22,460	37,530	33,651



Registration and Stamps Department
O/o Commissioner and Inspector General of
Registration and Stamps, Telangana.

31	Md.Sayeed	Shroff	32,340	53,948	37,868
32	N.Srinivasa Chary	Shroff	49,870	83,085	70,120
33	K.Yadaiah	Record Assistant	28,940	48,257	45,192
34	Mir Shujaath Ali	Record Assistant	23,100	38,617	34,452
35	M.Lakshmi	Record Assistant	20,640	34,574	30,953
36	Abdul Sameer,	Record Assistant	19,500	28,840	25,507
37	G.Shravan Kumar	Driver	27,360	46,123	40,598
38	V.Narasimha	Dafedar	43,680	72,883	67,668
39	N.Raju	Office Sub-ordinate	33,220	55,387	44,022
40	K.Suresh Kumar	Office Sub-ordinate	47,330	78,892	61,264
41	M.Ram Kumar	Office Sub-ordinate	33,220	55,387	53,122
42	K.Chandu	Office Sub-ordinate	33,220	55,387	47,583
43	M.L.Krishna	Office Sub-ordinate	49,870	83,085	64,470



Registration and Stamps Department
O/o Commissioner and Inspector General of
Registration and Stamps, Telangana.

CHAPTER XII

Section 4 (1) (b) (xi)

The budget allocated to the each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made:-

NIL



CHAPTER XIII

Section 4 (1) (b) (xii)

The manner of execution of subsidy Programmes including the amounts allocated and the details of beneficiaries of such Programmes:

There are no subsidy programmes in the Registrations and Stamps Department and no amounts were allocated for such programmes.

CHAPTER -XIV Section 4 (1) (b) (xiii)

STAMP ACT SCHEDULE ANNEXURE SCHEDULE1-A

STAMP DUTY ON CERTAIN INSTRUMENTS UNDER THE STAMP (ANDHRA PRADESH AMENDMENT) ACT, 1922 (SEE SECTION 3, FIRST PROVISION)

Article No	DESCRIPTION OF INSTRUMENT	PROPER STAMP DUTY
1	ACKNOWLEDGMENT of a debt exceeding twenty rupees in mount or value written or signed by or on behalf of a debtor in order to supply evidence of such debt in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditors possession: Provided that such acknowledgement does not contain any promise to pay the debt or an stipulation to pay interest or to deliver any goods or other property.	One Rupee.
2	ADMINISTRATION BOND including a bond given under section 291 or section 375 of the Indian Succession Act, 1925 (central Act, 39 of 1925) or section 6 of the Government Savings Bank Act, 1873 (central Act, 5 of 1873)	
a)	Where the amount does not exceed Rs. 1,000	Fifty Rupees
b)	in any other case	Fifty Rupees
3	ADOPTION DEED: that is to say any instrument (other than a will) recording an adoption, or conferring or purporting to confer an authority to adopt	Hundred Rupees.
4	AFFIDAVIT including an affirmation or declaration in the case of persons by law allowed affirms or declares instead of swearing. EXEMPTION Affidavit or declaration in writing when made for the sole purpose of enabling any person to receive any pension or charitable allowances.	Twenty rupees
5	AGREEMENT OR MEMORANDUM OF AN AGREEMENT :-	
(a)	If relating to the sale of a bill of exchange:	Five Rupees
(b)	if relating to the sale of a Government Security or share in an incorporated company or other body corporate ;	Subject to a maximum of Five Hundred Rupees, fifty paise for every Rs. 10,000 or part thereof, of the value of the security or share .
6	AGREEMENT OF MEMORANDUM OF AN AGREEMENT:- not otherwise provided for	
(A)	Where the value	
i)	Does not exceed Rs. 50,000/-	Fifty Rupees
ii)	Exceeds Rs. 50,000/- but does not exceed Rs. 2,00,000/-	Hundred Rupees

	iii)	Exceeds Rs. 2,00,000/-	Two Hundred Rupees
	(B)	If relating to construction of a house or building including a multi-unit house or building or unit of apartment / flat/ portion of multi-stored building or for development / sale of any other immovable property.	Five rupees for every one hundred rupees or part thereof on the market value or the estimated cost of the proposed construction / development of such property as the case may be, as mentioned in the agreement or the value arrived at in accordance with the schedule of rates prescribed by the Public Works Department Authorities which ever is higher.
Note I : (a). Through the notification issued in G.O.Ms.No. 581, Revenue (Regn-I)Dept,Dt: 30.11.2013, the rate of stamp duty in respect of instruments Article 6(B) is reduced w. e .f .02.12.2013 as follows:			
	Instrument	Rate of duty	whether adjustable
i) Sale Agreement with possession	4%	Adjustable	
ii) Sale Agreement without possession	0.5%	Not adjustable	
iii) Agreement of sale-cum-G.P.A	5%	4% only is Adjustable	
iv) Development/Construction Agreement	0.5%	Not adjustable	
v) Development Agreement-cum-G.P.A	1%	Not adjustable	
vi) Construction Agreement-cum-G.P.A	1%	Not adjustable	
	(c)	In any other Case (Agreements not Susceptible for value)	Two hundred rupees
7		AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN OR PLEDGE, or Hypothecation that is to say, any instrument evidencing an agreement relating to :-	

	(a)	The deposit of title- deeds or instrument constituting or being evidence of the title to any property whatever (other than a marketable security), where such deposit has been made by way of Security for the repayment of money advanced or to be advanced by way of Loan or an existing or future debt.	0.5% of the amount secured by such deeds, subject to maximum of Fifty Thousand Rupees.
	(b)	the pawn, pledge or Hypothecation of movable property where such pawn, pledge or Hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt:-	
	(i)	If such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement:	0.5% of the amount secured, subject to a maximum of Two Lakh Rupees.
	(ii)	If such loan or debt is re-payable not more than three months from the date of such instrument	Half the duty payable on a loan or debt under sub-clause (i).

Explanation :- For the purpose of the clause(a) of this article, notwithstanding anything contained in any judgment, decree or order of any court or order of any authority, and letter, note, memorandum or writing relating to the deposit of title deeds whether written or made either before or at the time when or after the deposit of title deeds is effected and whether it is in respect of the security for the first loan or any additional loan or loans taken subsequently, such letter, note, memorandum or writing shall, in the absence of any separate agreement or memorandum of agreement relating to deposit of such title deeds, be deemed to be an instrument, evidencing an agreement relating to the deposit of title deeds.

Exemption :-

1. Letter of hypothecation accompanying a bill of exchange duly stamped.
2. Unattested instrument of pawn or pledge of,--
 - (a) Farm equipment and Tractors;
 - (b) Any goods for a loan secured upto one lakh rupees.

8		APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a will	Hundred rupees.
9		APPRAISEMENT OR VALUATION made otherwise than under an order of the court in the course of a suit---	
	a)	Where the amount does not exceed Rs. 1,000/-	The same duty as Bottomry Bond (No. 14) for such amount.
	b)	In any other case,	Thirty rupees

10		APPRENTICESHIP DEED, Including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment. Exemption : Instruments of Apprentice executed by a Magistrate under the Apprentices Act, 1961 (Central Act 52 of 1961) or , by which a person is apprenticed by , or at the charge of , any public charity.	Fifty rupees
11		ARTICLES OF ASSOCIATION OF COMPANY	
	(i)	Where the company has no Share Capital	One Thousand Rupees
	(ii)	Where the Company has authorised Share Capital or increased Share Capital.	0.15% of such authorised Share Capital subject to a minimum of One Thousand Rupees and a maximum of Five Lakh Rupees.
12		AWARD , that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition on reference made otherwise than by an order of the Court in the course of a suit-	
	a)	Where the amount or value of the property to which the award relates, as set forth in such award, does not exceed 1000.	The same duty as Bottomry Bond (No. 14) for such amount.
	b)	And for every additional Rs. 1000	Two rupees subject to a maximum of two hundred rupees.
13		BOND [as defined by section 2(5),] not being a debenture and not being otherwise provided for by this Act or by the Andhra Pradesh Court Fees and Suits Valuation Act, 1956(Andhra Pradesh Act VII of 1956)	
	a)	Where the amount or value secured does not exceeds Rs.1000.	Three rupees for every one hundred rupees or part thereof.
	b)	Where it exceeds Rs. 1,000/-. EXEMPTION Bond, when executed by an person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.	The same duty as under clause (a) for the first Rs. 1000 and for every Rs.500 or part thereof in excess of Rs. 1,000/- fifteen rupees

14		BOTTOMRY BOND , that is to say, any instrument where by the master of a sea-going ship borrows money, on the security of the ship to enable him to preserve the ship or prosecute her voyage :-	
	a)	Where amount or value secured does not exceeds Rs.1,000;	Three rupees for every one hundred rupees or part thereof;
	b)	Where it exceeds Rs. 1,000	The same duty as under clause (a) for the first Rs. 1000 and for every Rs. 500 or part thereof in excess of Rs. 1,000/- fifteen rupees.
15		CANCELLATION-INSTRUMENT of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for	Three Hundred Rupees.
16		CERTIFICATE OF SALE — (in respect of each property put up as separate lot and sold, granted to the purchaser of any property sold by public action by a Civil or Revenue Court or the Collector or other Revenue Officer.	
	a)	Where the purchase money does not exceed Rs. 10	One rupees
	b)	Where the purchase money exceeds Rs. 10/- but does not exceeds Rs. 25/-.	One rupees fifty paise.
	c)	In any other case Note : Rate of Stamp duty has been reduced to 4% vide notification issued in G.O.Ms.No.582,Rev(Regn -I) Dept,dtd: 30.11.2013 ,w.e.f.02.12.2013.	The same duty as conveyance (No: 20) for a consideration or market value equal to the amount of the purchase money only.
17		CERTIFICATE OR OTHER DOCUMENT evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated Company, or other body corporate or become proprietor of shares, scrip or stock in or of any	Ten Rupees.
18	1)	CHARTER PARTY , that is to say, any instrument (except an agreement for the hire or a tug-steamer), whereby a vessel or some specified principal part thereof is let for the specified purposes of the charter, whether it includes a penalty clause or not.	Fifty rupees

	2)	A CHIT AGREEMENT , that is to say an agreement relating to a chit as defined in clause (2) of section 2 of the Andhra Pradesh Chit Funds Act, 1971, if either such agreement is executed or the chit is conducted in the State of Andhra Pradesh where the value of the Chit:-	
	(i)	Does not exceed rupees one lakh	Twenty Rupees.
	(ii)	Exceeds rupees one lakh	Hundred Rupees
19		COMPOSITION DEED , that is to say any instrument executed by a debtor whereby he conveys his property for the benefit of his creditor, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors;	Hundred rupees.
20		CONVEYANCE as defined by section 2(10), not being a sale, charged Under (No.47-A) or a transfer charged or exempted under No. 53.	
	a)	Where the amount or value of the consideration for such conveyance as set-forth therein or the market value of the property which is the subject matter of the conveyance whichever is higher does not exceed Rs. 50;	Two Rupees fifty paise
	b)	Where it exceeds Rs. 50 but does not exceed Rs. 1,000	Five rupees for every one hundred rupees or part thereof.
	c)	Where it exceeds Rs. 1,000 Provided that where an agreement to sell immovable property is stamped with the advalorem stamp required for a conveyance on sale under Article 47-A and a conveyance on sale in pursuance of such agreement is subsequently executed, the duty on such conveyance on sale shall be the duty payable under the article less the duty already paid under article 47-A subject to minimum of five rupees.	The same duty as under clause (b) for the First Rs. 1000, and for every Rs. 500 or part thereof in excess of Rs. 1000/- Twenty rupees.
	d)	Conveyance, so far as it related to amalgamation or merger of companies under the order of High Court under section 394 of the Companies Act, 1956	Two rupees for every one hundred rupees or part thereof the market value of the property, which is the subject matter of such conveyance.

Explanation :- For the purpose of the clause(d) the market value of the property shall be deemed to the amount of total value of the shares issued or allotted by the transferee company, either in exchange or otherwise, and the amount of consideration, if any, paid for such amalgamation or merger.

Note: Rate of Stamp duty under clauses (a),(b) and (c) has been reduced to 4% vide notification issued in G.O.Ms.No.582, Rev (Regn-I) Dept dt .30.11.2013 w.e.f.02.12.2013.

21		COPY OR EXTRACT , certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees---	
	i)	If the original was not chargeable with duty or the duty with which it was chargeable does not exceed two rupees fifty paise	Twenty rupees
	ii)	In any other case. Exemptions: a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose. b) Copy of , or extract from , any register relating to births , baptisms , namings, dedications ,marriages, divorces, deaths or	Fifty rupees
22		COUNTERPART OR DUPLICATE of any instrument, chargeable with duty and in respect of which the proper duty has been paid become proprietor of share, scrip or stock in or of any such company or body.	
	a)	If the duty with which the original instrument is chargeable does not exceed ten rupees	Fifty Rupees
	b)	In any other case.	Fifty Rupees
23		CUSTOMS BOND-	
	a)	Where the amount does not exceed Rs. 1000:	The same duty as a Bottomry Bond (No:14) for such amount.
	b)	In any other case	Thirty rupees
24		DELIVERY ORDER in respect of goods that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof to the delivery of any goods lying in any dock or port or any warehouse in which goods are stored or deposited or rent or hire, or upto any wharf, such instrument, being signed by or on behalf of the owner, of such goods upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.	Twenty rupees.

25		DIVORCE: - instrument of that is to say any instrument by which any person effects the dissolution o his marriage.	Fifty rupees
26		ENTRY AS AN ADVOCATE on to roil of the Bar Council of Andhra Pradesh under the Advocate Act, 1961. Exemption : Entry as an advocate on the role of the bar council of Andhra Pradesh when he has been previously enrolled as a vakil in Andhra Pradesh High Court or as an advocate or vakil in any other High Court.	Five Hundred rupees or if previously enrolled as an Attorney in any High Court, Two Hundred and Fifty rupees.
27		EXCHANGE Of PROPERTY instrument of Note : Rate of Stamp duty has been reduced to 4% vide notification issued in G.O.Ms.No.582,Rev(Regn-I) Dept, Dtd : 30.11.2013,w.e.f. 02.12.2013.	The same duty a a conveyance (no.20) for a Consideration or market value equal to the market value of the property of greater value, which is the subject matter of exchange.
28		FURTHER CHARGE- instrument of that is to say any instrument imposing a further charge on mortgaged property---	
	a)	When the original mortgage is one of the descriptions referred to in clause (a) of Article 35 (that is , with pocession)	The same duty as a conveyance (no.20) for a Consideration or market value equal to the amount of the further charge secured by such instrument.
	b)	When such mortgagee is one of the discription referred to in clause (b) of Article 35 (that is , without possession):	
	i)	If at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument:	The same duty as a conveyance (no.20) for a Consideration or market value equal to the total amount of the charge (including the original mortgage and any further charge already made),less the duty already paid on such original mortgage and further charge.
	ii)	If possession is not so given Note : Rate of Stamp duty has been reduced vide notification issued in G.O.Ms.No.583,Rev(Regn.I) Dept., Dtd : 30.11.2013 ,w.e.f. 02.12.2013 to 2% under clauses (a) & (b) (i) , and to 0.5% under clause (b)(ii)	The same duty as a Bottomry Bond (No.14) for the amount of the further charge secured by such instrument.

29		GIFT — Instrument of , not being a settlement (No:49) or will or Transfer (No: 53) <i>In favour of relatives as defined U/s 56(2)of IT Act,1961 and Govt / local bodies/UDAs</i> <i>In other cases</i>	1% of the market value 4% of the market value
30		INDEMNITY BOND	The same duty as a security Bond (No: 48) for the same amount
31		LEASE, including an under lease or sub-lease and any agreement to let or sublet or any renewal of lease:-	
	a)	Whereby such lease the rent is fixed and no premium is paid or delivered	
	i)	Where the lease purports to be for a term of less than one year;	0.4% on the whole amount payable on such lease.
	ii)	Where the lease purports to be for 1-5 yrs (a) or residential properties (b)	F 0.5% on AAR I 1% on AAR
	iii)	Where the lease purports to be for 5-10 yrs. (a)For residential properties (b)In other cases.	1% on AAR 2% on AAR
	iv)	Where the lease purports to be for 10-20 yrs.	6% on AAR
	v)	Where the lease purports to be for 20-30 yrs	15% on AAR
	vi)a	Where the lease purports to be for a period in excess of thirty years or in perpetuity.	3% on the Market value of the property under lease
	vi)b	Where the lease is granted for a fine or premium or for money advanced or to be advanced and where no rent is reserved.	2% on the fine or premium or money advance or to be advanced as set forth in the lease.
	vi)c	Where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.	2% on such fine or premium or money advanced in addition to the duty on rental basis
	d	Where the lessee undertakes to effect improvements in the leased property and agrees to make the same to the lessor at the time of termination of lease failing under clauses (a),(b) or (c);	2% on lumpsum amount in addition to duty on rental basis.
		Note: Through the notification issued in G.O.Ms. No. 588, Revenue (Regn-I) Department, Dt: 04.12.2013, the stamp duty on lease deeds is reduced, w.e.f 05.12.2013 as mentioned above.	

Exemption :- Lease, executed in case of a cultivator and for the purpose of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one thousand rupees.

Explanation :- When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.

32		LETTER OF ALLOTMENT OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company	Two rupees
33		LICENCE of immovable or movable property , that is to say licence granted by owner or authority for rent or fee or by whatever name it is called :-	
	(a)	Whereby such licence granted for rent or fee or by whatever name it is called :-	
	(i)	Where the licence purports to be for a term of less than one year	Two rupees for every one hundred rupees or part thereof for the first Rs. 1000/- and for every Rs.500/- or part thereof in excess of Rs 1,000/- ten rupees, for the whole amount payable , or deliverable under such licence;
	(ii)	where the licence purports to be for a term of not less than one year but not more than five years	Two rupees for every one hundred rupees or part thereof for the first Rs. 1000/- and for every Rs.500/- or part thereof in excess of Rs 1,000/- ten rupees, for the amount or value of the average annual rent or fee or by whatever name it is called
	(iii)	Where the licence purports to be for a term of not less than five years but not exceeding ten years ;	Five percent on the amount or value of one and half times of the average annual rent or fee or by whatever name it is called ;
	(b)	Where the license is granted for a lumpsum amount advanced and where no rent or fee or b whatever name it is called is reserved	Five percent on the lumpsum amount as setforth in the licence.
	(c)	Where the licence is granted for a lumpsum amount advanced in addition to rent or fee or by whatever name it is called; Note : The rate of 5% mentioned in clauses(b) and (c) is reduced to 2% through the notification issued in G.O.Ms.No.588,Rev9Regn-I) Dept ,dtd: 04.12.2013,w.e.f. 05.12.2013.	Five percent on the lumpsum amount advanced as setforth in the licence in addition to the duty which would have been payable on such licence if no lumpsum amount advanced had been paid or delivered

	a)	If accompanied by Articles of Association under Section 26 of the Companies Act, 1956 (central Act of 1956)	Five hundred rupees
	b)	If not so accompanied	The same duty as under article 11, according to the share capital of the company
35		MORTGAGE DEED not being an agreement relating to Deposit of Title Deeds, Pawn or Pledge (No: 7), Bottomry Bond (no 14), Mortgage of a crop (No: 36) Respondentia Bond (No: 47) or Security Bond (No: 48).	
	a)	When possession of the property or any part of the property comprised in such deed is given by the mortgagee or agreed to be given;	The same duty as a conveyance (No.20) for a consideration or market value equal to the amount secured by such deed.
	b)	When possession is not given or agreed to be given as aforesaid;	The same duty as a Bottomry Bond (No.14) for the amount secured by such deed.
		Note: Through the notification issued in G.O.Ms. No. 583, Revenue (Regn-I) Department, dt: 30.11.2013 the rates of duty mentioned in clauses (a) & (b) are reduced to 2% and 0.5% respectively, besides fixing a duty of Rs.5000/- in respect of mortgages without possession in favour of Government/Local Bodies/UDAs to ensure compliance with building/lay out rules/w.e.f.. 02.12.2013.	
		EXPLANATION A mortgagor who gives or has given to the mortgagee a power of attorney to collect rents, or has given to the mortgagee a lease, of the property mortgaged or part thereof, is deemed to give possession thereof within the meaning of this article.	
	c)	When a collateral or auxiliary or additional or substituted security , by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped.	

		<p>For every sum secured not exceeding Rs. 1000/-</p> <p>and for every Rs. 1000/- or part thereof secured in excess of Rs. 1000/-</p> <p>EXEMPTION</p> <p>Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 (Central Act 19 of 1883) or the Agriculturists Loan Acts 1884, or by the their sureties as security for the repayment of such advances.</p>	Three rupees
36		Mortgage of a Crop, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop; whether the crop is or is not in existence at the mortgage	
	a)	When the loan is repayable not more than three months from the date of the instrument---	
		<p>For every sum secured not exceeding Rs. 200;</p> <p>And for every Rs. 200 or part thereof secured in excess of Rs. 200;</p>	One rupee
	b)	When the loan is repayable more than three months but not more than eighteen months from the date of the instrument---	One rupee
		<p>For every sum secured not exceeding Rs. 100;</p> <p>and for every Rs. 100/- or part thereof secured in excess of Rs. 100/-;</p>	One rupee
37		NOTARIAL ACT, that is to say, any instrument, endorsement, note attestation, certificate or entry not being a protest(note .43) made or signed by a Notary in the execution of the duties of his office, or by any other person lawfully acting as a Notary	Ten rupees
38		NOTE OR MEMORANDUM sent by a broker or agent to his principal intimating the purchase or sale on account of such principal--	
	a)	Of any goods exceeding in value twenty rupees	Five rupees
	b)	Of any stock or marketable security exceeding in value twenty rupees;	Subject to a maximum of Hundred rupees, one rupee for every Rs 10,000/- or part thereof of the value of the stock or security.
39		NOTE OF PROTEST BY THE MASTER OF A SHIP	Twenty rupees

<p>40</p> <p>PARTITION – instrument of [as defined by section 2(15)]</p> <p><i>In favour of family members</i></p> <p><i>In favour of others</i></p>	<p><i>0.5% on the market value of the separated share of the property or share of the property (subject to a maximum of Rs.20,000/-)</i></p> <p><i>1%</i></p> <p>N.B. :- the largest share remaining after the property is partitioned (or if there are two or more shares of equal market value and not smaller than any of the other shares, then one of such equal share) shall be deemed to be that from which the other shares are separated:</p> <p>Provided always that :-</p> <ul style="list-style-type: none"> a) when an instrument of partition containing an agreement to divide property in severality is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than five rupees; b) where land is held on Revenue settlement for a period not exceeding thirty years and paying the full assessment, the market value for the purpose of duty shall be calculated at twenty-five times the annual revenue; c) Where a final order for effecting a partition passed by any Revenue Authority or any Civil Court, or an award by an Arbitrator directing a partition is stamped with the stamp required for an instrument of partition in pursuance of such order or award is subsequently executed. The duty on such instrument shall not exceed five rupees.
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	NOTE:-	Stamp duty has been reduced to 0.5% in respect of partition deeds relating to partition of properties among Family members, subject to maximum of Rs.20,000/- and 1% in favour of others (vide Notification I of G.O.Ms. No: 585 Revenue(Regn-I)Department,	
41	PARTNERSHIP--		
	A	Instrument of	
	(a)	Where the capital of the partnership does not exceed Rs. 5,000/-	One hundred rupees
	b)	In any other case	Five hundred rupees
	B	Reconstitution of --	
	(a)	Where immovable property contributed as share by a partner or partners remains with the firm at the time of outgoing in whatever manner by such partner or partners on reconstitution of such partnership	Five percent on the market value of the immovable property remaining with the firm
	(b)	Any other case	Rupees five hundred
	C	Dissolution of :-	
	(a)	Where the property which belonged to one partner or partners when the partnership commenced is Distributed or allotted or given to another partner or partners	Five percent on the market value equal to the market value of the property distributed or allotted or given to the partner or partners under the instrument of dissolution in addition to the duty which would have been chargeable on such dissolution if such property had not been distributed or allotted or given.
		in any other case	
	(b)	Note : Rate of Stamp duty under article 41 B (a) and 41 C (a) has been reduced to 3% vide notification issued in G.O.Ms.No.584,Rev (Regn.I) Dept., Dtd: 30.11.2013,w.e.f. 02.12.2013.	Rupees five hundred
42	POWER OF ATTORNEY as defined by section 2 (21) not being a proxy		
	a)	When executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting executions of one or more such document;	Twenty rupees
	b)	When authorising one person or more to act in a single transaction other than the case mentioned in classes (a)	Twenty rupees
	c)	When authorising not more than five persons to act jointly and severally in more than one transaction or generally	Fifty rupees
	d)	When authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally	Seventy five rupees

	e)	When given for consideration and authorising the attorney to sell any immovable property; In favour of family members In favour of others	Rs.1000/- 1%
	f)	In any other case: N.B: the term " Registration" includes every operation incidental to registration under the Registration Act 1908(Central Act 16 of 1908).	Twenty five rupees for each person authorised
	g)	When given for construction or development of , or sale or transfer (in any manner whatsoever) of, any immovable property EXPLANATION For the purpose of this article, more persons than one when belonging to the same firm shall be deemed to be one person.	Five rupees for every one hundred rupees or part thereof on the market value of the property;
	Note:-	Stamp duty has been reduced to (i) Rs 1000/- when the GPA is given in favour of family member and (ii) to % when GPA is given in favour of other than family members Vide G.O.Ms. No 1128, Revenue (Regn-I) Department, dated '13-06-2005 w.e.f. 1-7-2005 N.B. : the term " registration' includes every operation incidental to registration under Registration Act , 1908 (central Act 16 of	
43		PROTEST OF BILL OF NOTE , that is to say any declaration in writing made by a Notary or other person lawfully acting as such attesting the dishonour of a bill of exchange or promissory note.	Ten rupees
44		PROTEST BY THE MASTER OF SHIP , that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary or other person lawfully acting as such.	Ten rupees.
45		RECONVEYANCE OF MORTGAGED PROPERTY:-	
	a)	If the consideration for which the property was mortgaged does not exceed Rs. 1000	The same duty as a conveyance (No : 20) for a consideration or market value equal to the amount of such consideration as set forth in the re-conveyance
	b)	In any other case	Fifty rupees
46		RELEASE , that is to say ,	

	A)	Any instrument (not being such a release as is provided for by section 23-A) whereby a person renounces a claim upon another person or against any specified property-	
	a)	Where the amount or value of the claim does not exceed Rs. 1000	Three rupees for every one hundred rupees or part thereof on the consideration for such release as set forth therein or the market value of the property whichever is higher, over which claim is relinquished.
	b)	Where it exceeds Rs. 1,000/-	The Same duty as under the Clause (a) for the first Rs. 1,000 and for every Rs. 500 or part thereof in excess of Rs.1000/- fifteen rupees on the consideration or market value of the property, whichever is higher over which claim is relinquished.
	B)	Release of benami right	3% .
	C)	Release of right of redemption of a mortgage with possession or of the right to obtain reconveyance of property already conveyed. Note : Rate of Stamp duty to art . 46 C has been reduced to Rs.1000/- vide notification issued in G.O.Ms.No.584, Rev (Regn-I) Dept., Dtd: 30.11.2013 ,w.e.f.02.12.2013.	The sane duty as conveyance (No.20) for the amount of such consideration as set forth in the release
47		RESPONDENTIA BOND , that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bottomry Bond (No: 14) for the amount of the loan secured
47-A		SALE as defined in section 54 of the Transfer of property Act 1882	
	a)	In respect of property situated in any local area comprised in a Municipal Corporation:	

	i)	Where the amount or value of the consideration for such sale as set forth in the instrument or the market value of the property which is the subject matter of the sale, whichever is higher, but does not exceed Rs. 1000/-	Eight rupees for every one hundred rupees or part thereof.
	ii)	Where it exceeds Rs. 1000/-	The same duty as under clause (i) for the first Rs. 1000 and for every Rs. 500 or part thereof in excess of Rs. 1000; forty rupees.
	b)	In respect of property situated in any local area comprised in the Selection Grade or in Special Grade Municipality-	
	i)	Where the amount or value of the consideration for such sale as set forth in the instrument or the market value of the property which is the subject matter of the sale, whichever is higher but does not exceed Rs. 1000/-	Seven rupees for every one hundred rupees or part thereof
	ii)	Where it exceeds Rs. 1000/-	The same duty as under clause (i) for the first Rs. 1000, and for every Rs. 500 or part thereof in excess of Rs. 1000/- thirty five rupees.
	c)	Where the property is situated in any area other than those mentioned in Clauses (a) and (b)-	
	i)	Where the amount or value of the consideration for such sale as set forth in the instrument or the market value of property which is the subject matter of the sale, whichever is higher, but does not exceed Rs. 1000/-	Six rupees for every one hundred rupees or part thereof.
	ii)	Where it exceeds Rs. 1000/-	The same duty as under clause (i) for the first Rs. 1000, and for every Rs 500 or part thereof in excess of Rs. 1000/- thirty rupees.
	d)	If relating to a multi-unit house or unit or apartment/ flat / portion of multi-storied building or part of such structure of which the provisions of Andhra Pradesh Apartment (promotion of Construction and Ownership) Act, 1987, apply:- i) Where the value does not exceed Rupees 2,00,000/- ii) Where it exceeds Rs.2,00,000/-, but does not exceed Rs.3,50,000/-	Four rupees for every one hundred or part thereof on consideration or MV whichever higher. Rs.12,000/- Rs.12,000 plus 4% on the value above Rs.2,00,000/-

	iii iv) Note:1	Where it exceeds Rs.3,50,000/-,but does not exceed Rs.7,00,000/- Where it exceeds Rs.7,00,000/- Stamp duty payable on sale deed has been uniformly reduced to 4% on consideration or market value , whichever is higher, vide G.O.Ms.No.162,Revenue (Regn-I) Department, Dt: 30.03.2013, w.e.f.01.04.2013	Rs.18,000/- plus 6% on the value above Rs.3,50,000/- Rs.39,000/- plus 8% on the value above Rs.7,00,000/-
	Note: 2	Transfer Duty/Transfer of Property Tax (TPT) has been reduced to 1.5% on sale deeds vide 1.G.O.Ms.No. 226 Panchayat Raj & Rural Development (PTS.I) Department, Dt: 06.04.2013, 2.G.O.Ms. No. 150, Municipal Admin and Urban Development (TC) Department, Dt: 6.04.2013, 3. G.O.Ms. No. 151, Municipal Admin and Urban Development (TC) Department, Dt: 6.04.2013,4. G.O.Ms. No. 152, Municipal Admin and Urban Development (TC) Department, Dt: 6.04.2013, 5. G.O.Ms. No. 153, Municipal Admin and Urban Development (TC) Department, Dt: 6.04.2013.	
		EXPLANATION-I An agreement to sell followed by or evidencing delivery of possession of the property agreed to be sold shall be chargeable as a ¹ sale ¹ under this article. Provided that, where subsequently a sale deed is executed in pursuance of an agreement of sale as aforesaid or in pursuance of an agreement referred to in clause (B) of article 6, the stamp duty, if any, already paid or recovered on the agreement of sale shall be adjusted towards the total duty leviable on the sale deed.	

48		<p>SECURITY BOND or MORTGAGE DEED executed by way of security for the due execution of an officer or to account for money or other property received by virtue thereof executed by a surety to secure the due performance of a contract</p> <p style="text-align: center;">EXEMPTION</p> <p>Bond other instrument; when executed :-</p> <p>a) By any person for the purpose of guaranteeing that the local income derived from private subscription charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem;</p> <p>b) executed by persons taking advance under the Land improvement loan Act 1883, advance under the Land Improvement Loans Act 1983 (Central Act 19 of 1983) of the Agriculturists Loans Act 1884 (Central Act 12 of 1884) or by their sureties as security for the repayment of such advances ;</p> <p>c) executed by officers of Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof .</p>	Three per centum of the value of the security subject to a maximum of rupees Five hundred.
49		SETTLEMENT :-	
	A	Instrument of (including a deed of dower	

	a)	<p>Settlement in favour of a member or members of a family.</p> <p style="text-align: center;">EXPLANATION</p> <p>For the purpose of this Article "Family" means father, mother, husband, wife, brother, sister, son daughter, and includes grand-father, grand-mother, grand-child, adoptive father or mothers, adopted son or daughter,</p>	<p>The same duty as a Bottomry Bond (No.14) for a sum equal to the amount or market value of the property settled as set forth in such instrument</p> <p>Provided that where and agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall be the duty as mentioned in the Article 6.</p>
	b)	<p>In any other case.</p> <p style="text-align: center;">Exemption:</p> <p>Deed of dower executed on occasion of a marriage between Muslims.</p> <p>Note : Rate of stamp duty to art.49 – A (a) and 49 –A(b) has been reduced to 1% and 2% respectively vide notification issued in G.O.Ms.No.585,,Rev(Regn-I) dept., Dtd: 30.11.2013,w,e,f,02.12.2013.</p>	<p>Six rupees for every hundred rupees or part thereof of the market value of the property which is the subject matter of settlement.</p>
	B	Revocation of -	<p>The same duty as a Bottomry Bond (No: 14) for a sum equal to the amount or value of the property concerned as set forth in the instrument of revocation but not exceeding ninety rupees.</p>
50		SHARE WARRANT to bearer issued under the companies Act 1956 (central Act I of 1956).	<p>One and a half times duty payable on Conveyance (No: 20) for a consideration or Market value equal to the nominal amount of the shares specified in the warrant.</p>
51.		SHIPPING –ORDER for or relating to the conveyance of goods on board of any vessel.	Ten rupees
52		SURRENDER OF LEASE ;	
	a)	When duty with which the lease chargeable does not exceed thirty rupees.	<p>The duty with such lease is chargeable Subject to a maximum of Five hundred Rupees.</p>
	b)	In any other case	
53		TRANSFER (whether with or without consideration)-	

	a)	Of debentures being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8:	One half of the duty payable on a conveyance (No:20) for a consideration, or market value equal to the face amount of the debenture .
	b)	of any interest secured by a bond, mortgage-deed or policy of insurance --	
	i)	If the duty on such bond, mortgaged-deed or policy of insurance does not exceed thirty rupees.	The duty with which such bond mortgaged- deed or policy of insurance is chargeable
	ii)	In any other case	Thirty rupees.
	c)	Of any property under the Administration General Act, 1963, (Central Act 45 of 1963).	Thirty Five rupees.
	d)	Of any trust- property from one trustee to another trustee or from a trustee to a beneficiary. EXEMPTION Transfer by endorsement---	Thirty rupees or such smaller amount as may be chargeable under clauses (a) and (b) of the Article
	a)	of a bill of exchange, cheque or promissory note ;	
	b)	of a bill of lading, delivery order, warrant for goods, or other mercantile document of	
	c)	Of a policy of insurance;	
	d)	Of securities of the Central Government.	
54		TRANSFER OF LEASE by way of assignment and not by way of under -lease	The same duty as a Conveyance (No: 20) for a consideration or market value equal to the amount of the consideration for the transfer.
55		Trust--	
	A	Declaration of —of , or concerning any property when made by any writing, not being a will or a declaration as provided in section 2(24).	The same duty as a conveyance (No: 20) for sum equal to the amount or value of the property concerned, as setforth in the instrument but not exceeding Rupees thousand rupees.
	B	Revocation of- of, or concerning any property when made by an instrument other than a will.	The same duty as a conveyance (No: 20) for a sum equal to the amount or value of the concerned, as setforth in the instrument but not exceeding Rupees fivehun
56		WARRANT FOR GOODS , that us to say, any instrument evidencing the title of any person therein named or his assign, of the holder thereof to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the persons in whose custody such goods may be.	Twenty Rupees.



CHAPTER XV

Section 4 (1) (b) (xiv)

DETAILS IN RESPECT OF THE INFORMATION, AVAILABLE TO OR HELD BY IT REDUCED IN AN ELECTRONIC FORM.

This Department has created a web site <http://registration.telangana.gov.in> with detailed information for citizens in electronic form. The time frames prescribed for various service rendered by this department to the citizens in the Citizen Charter were kept on the website.



CHAPTER XVI

Section 4 (1) (b) (xv)

The particulars of facilities available to citizens for obtaining information including the working hours of a library or reading room, if maintained for public use

All relevant information of the Department was kept on the website. The information kept on the website is as follows: - The timeframes prescribed for various services to the citizens in the Citizen Charter were kept on the website and also displayed in 141 Sub-Registrar Offices across the State.

This Department is having the functions and duties on the following Acts and some of the Acts are kept in web site along with Schedules and Table of Fees.

- i) Registration Act.
- ii) Stamp Act,
- iii) Hindu Marriage Act,
- iv) A.P. Society Act.
- v) Special Marriage Act.
- vi) Notaries Act

And also placed the information like Amendments and G.Os, Circulars on the Web-Site.



CHAPTER XVII

Section 4 (1) (b) (xvi)

THE NAMES DESIGNATION AND OTHER PARTICULARS OF THE
PUBLIC INFORMATION OFFICERS

2. SMT.FAZEELATH UNNISSA Sub-Registrar/Superintendent (R&S), RTI Section O/o Commissioner and Inspector General of Registration and Stamps, H.No:5-3-953, Near: Karachi Bakery, M.J.Market, Hyderabad-500 001. Tel Phone No: 91-040-23449157	Assistant Public Information Officer (APIO)
2 . SRI. G. STHITA PRAJNA Assistant Inspector General (R&S), O/o Commissioner and Inspector General of Registration and Stamps, H.No:5-3-953, Near: Karachi Bakery, M.J.Market, Hyderabad-500 001. Tel Phone No: 91-040-23449157	Public Information Officer (PIO)
3. SRI. M. VENKATA RAJESH Additional Inspector General (R&S), O/o Commissioner and Inspector General of Registration and Stamps, H.No:5-3-953, Near: Karachi Bakery, M.J.Market, Hyderabad-500 001. Tel Phone No: 91-040-23449157	Appellate Authority



Registration and Stamps Department
O/o Commissioner and Inspector General of
Registration and Stamps, Telangana.

CHAPTER XVIII

Section 4 (1) (b) (xvii)

**SUCH OTHER INFORMATION AS MAY BE PRESCRIBED AND
THERAFTER UPDATE THESE PUBLICATIONS EVERY YEAR**

All the updated information is available on the Departmental web- site
<http://registration.telangana.gov.in>

THE RIGHT TO INFORMATION ACT, 2005

No. 22 of 2005

[15th June, 2005]

An Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.

Whereas the Constitution of India has established democratic Republic;

And whereas democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed;

And whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;

And whereas it is necessary to harmonise these conflicting interests while preserving the paramountcy of the democratic ideal;

Now, therefore, it is expedient to provide for furnishing certain information to citizens who desire to have it.

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

- 1 (1) This Act may be called the Right to Information Act, 2005.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) The provisions of sub-section (1) of section 4, sub-sections (1) and (2) of section 5, sections 12, 13, 15, 16, 24, 27 and 28 shall come into force at once, and the remaining provisions of this Act shall come into force on the one hundred and twentieth day of its enactment.
- 2 In this Act, unless the context otherwise requires,—
- (a) "appropriate Government" means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly—
- (i) by the Central Government or the Union territory administration, the Central Government;
- (ii) by the State Government, the State Government;
- (b) "Central Information Commission" means the Central Information Commission constituted under sub-section (1) of section 12;
- (c) "Central Public Information Officer" means the Central Public Information Officer designated under sub-section (1) and includes a Central Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (d) "Chief Information Commissioner" and "Information Commissioner" mean the Chief Information Commissioner and Information Commissioner appointed under sub-section (3) of section 12;
- (e) "competent authority" means—
- (i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
- (ii) the Chief Justice of India in the case of the Supreme Court;
- (iii) the Chief Justice of the High Court in the case of a High Court;
- (iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
- (v) the administrator appointed under article 239 of the Constitution;
- (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;
- (g) "prescribed" means prescribed by rules made under this Act by the appropriate Government or the competent authority, as the case may be;
- (h) "public authority" means any authority or body or institution of self-government established or constituted—
- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any—
- (i) body owned, controlled or substantially financed;
- (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;

- (i) "record" includes—
 - (a) any document, manuscript and file;
 - (b) any microfilm, microfiche and facsimile copy of a document;
 - (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
 - (d) any other material produced by a computer or any other device;
- (j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—
 - (i) inspection of work, documents, records;
 - (ii) taking notes, extracts or certified copies of documents or records;
 - (iii) taking certified samples of material;
 - (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;
- (k) "State Information Commission" means the State Information Commission constituted under sub-section (1) of section 15;
- (l) "State Chief Information Commissioner" and "State Information Commissioner" mean the State Chief Information Commissioner and the State Information Commissioner appointed under sub-section (3) of section 15;
- (m) "State Public Information Officer" means the State Public Information Officer designated under sub-section (1) and includes a State Assistant Public Information Officer designated as such under sub-section (2) of section 5;
- (n) "third party" means a person other than the citizen making a request for information and includes a public authority.

CHAPTER II

Right to information and obligations of public authorities

- 3 Subject to the provisions of this Act, all citizens shall have the right to information.
- 4 (1) Every public authority shall—
 - (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;
 - (b) publish within one hundred and twenty days from the enactment of this Act,—
 - (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;
 - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
 - (iv) the norms set by it for the discharge of its functions;
 - (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
 - (vi) a statement of the categories of documents that are held by it or under its control;
 - (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
 - (viii) a statement of the boards, councils, committees and other bodies consisting of

- two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;
 - (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
 - (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
 - (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
 - (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
 - (xvi) the names, designations and other particulars of the Public Information Officers;
 - (xvii) such other information as may be prescribed and thereafter update these publications every year;
- (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
 - (d) provide reasons for its administrative or quasi-judicial decisions to affected persons.
- (2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suomotu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.
- (3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.
- (4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.
- Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.
- 5 (1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.
- (2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

- (3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.
- (4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.
- (5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

- 6 (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—
- (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;
 - (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,
- specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

- (2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.
- (3) Where an application is made to a public authority requesting for an information,—
 - (i) which is held by another public authority; or
 - (ii) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

- 7 (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the

- request.
- (2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.
- (3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving—
- (a) the details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;
- (b) information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit, process and any other forms.
- (4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Public Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.
- (5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:
- Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.
- (6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).
- (7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.
- (8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,—
- (i) the reasons for such rejection;
- (ii) the period within which an appeal against such rejection may be preferred; and
- (iii) the particulars of the appellate authority.
- (9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.
- 8** (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—
- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

- (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
 - (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
 - (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
 - (f) information received in confidence from foreign Government;
 - (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
 - (h) information which would impede the process of investigation or apprehension or prosecution of offenders;
 - (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:
- Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:
- Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;
- (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:
- Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.
- (2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.
- (3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:
- Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.
- 9** Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.
- 10 (1)** Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.
- (2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—
- (a) that only part of the record requested, after severance of the record containing

- information which is exempt from disclosure, is being provided;
- (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
 - (c) the name and designation of the person giving the decision;
 - (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
 - (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.
- 11 (1)** Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:
- Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.
- (2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.
- (3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.
- (4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

CHAPTER III

The Central Information Commission

- 12 (1)** The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Central Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- (2) The Central Information Commission shall consist of—
- (a) the Chief Information Commissioner; and
 - (b) such number of Central Information Commissioners, not exceeding ten, as may be deemed necessary.
- (3) The Chief Information Commissioner and Information Commissioners shall be appointed by the President on the recommendation of a committee consisting of—
- (i) the Prime Minister, who shall be the Chairperson of the committee;

- (ii) the Leader of Opposition in the Lok Sabha; and
- (iii) a Union Cabinet Minister to be nominated by the Prime Minister.

Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the House of the People has not been recognised as such, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of Opposition.

- (4) The general superintendence, direction and management of the affairs of the Central Information Commission shall vest in the Chief Information Commissioner who shall be assisted by the Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Information Commission autonomously without being subjected to directions by any other authority under this Act.
- (5) The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- (6) The Chief Information Commissioner or an Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
- (7) The headquarters of the Central Information Commission shall be at Delhi and the Central Information Commission may, with the previous approval of the Central Government, establish offices at other places in India.

- 13 (1)** The Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.

- (2) Every Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such Information Commissioner:

Provided that every Information Commissioner shall, on vacating his office under this sub-section be eligible for appointment as the Chief Information Commissioner in the manner specified in sub-section (3) of section 12:

Provided further that where the Information Commissioner is appointed as the Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the Information Commissioner and the Chief Information Commissioner.

- (3) The Chief Information Commissioner or an Information Commissioner shall before he enters upon his office make and subscribe before the President or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.
- (4) The Chief Information Commissioner or an Information Commissioner may, at any time, by writing under his hand addressed to the President, resign from his office:

Provided that the Chief Information Commissioner or an Information Commissioner may be removed in the manner specified under section 14.

- (5) The salaries and allowances payable to and other terms and conditions of service of
 -
 - (a) the Chief Information Commissioner shall be the same as that of the Chief Election Commissioner;
 - (b) an Information Commissioner shall be the same as that of an Election

Commissioner:

Provided that if the Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the Chief Information Commissioner and the Information Commissioners shall not be varied to their disadvantage after their appointment.

(6) The Central Government shall provide the Chief Information Commissioner and the Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

14 (1) Subject to the provisions of sub-section (3), the Chief Information Commissioner or any Information Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Chief Information Commissioner or any Information Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Chief Information Commissioner or Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Chief Information Commissioner or any Information Commissioner if the Chief Information Commissioner or a Information Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the President, involves moral turpitude; or
- (c) engages during his term of office in any paid employment outside the duties of his office; or
- (d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chief Information Commissioner or a Information Commissioner.

(4) If the Chief Information Commissioner or a Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehavior.

CHAPTER IV

The State Information Commission

- 15 (1)** Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
- (2) The State Information Commission shall consist of—
- the State Chief Information Commissioner, and
 - such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.
- (3) The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—
- the Chief Minister, who shall be the Chairperson of the committee;
 - the Leader of Opposition in the Legislative Assembly; and
 - a Cabinet Minister to be nominated by the Chief Minister.
- Explanation.—For the purposes of removal of doubts, it is hereby declared that where the Leader of Opposition in the Legislative Assembly has not been recognised as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.
- (4) The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.
- (5) The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- (6) The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.
- (7) The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.
- 16 (1)** The State Chief Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office and shall not be eligible for reappointment:
- Provided that no State Chief Information Commissioner shall hold office as such after he has attained the age of sixty-five years.
- (2) Every State Information Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Information Commissioner:
- Provided that every State Information Commissioner shall, on vacating his office under this sub-section, be eligible for appointment as the State Chief Information Commissioner in the manner specified in sub-section (3) of section 15:
- Provided further that where the State Information Commissioner is appointed as the State Chief Information Commissioner, his term of office shall not be more than five years in aggregate as the State Information Commissioner and the State Chief

- Information Commissioner.
- (3) The State Chief Information Commissioner or a State Information Commissioner, shall before he enters upon his office make and subscribe before the Governor or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the First Schedule.
- (4) The State Chief Information Commissioner or a State Information Commissioner may, at any time, by writing under his hand addressed to the Governor, resign from his office:
- Provided that the State Chief Information Commissioner or a State Information Commissioner may be removed in the manner specified under section 17.
- (5) The salaries and allowances payable to and other terms and conditions of service of—
- (a) the State Chief Information Commissioner shall be the same as that of an Election Commissioner;
- (b) the State Information Commissioner shall be the same as that of the Chief Secretary to the State Government:
- Provided that if the State Chief Information Commissioner or a State Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the State Chief Information Commissioner or a State Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:
- Provided further that where the State Chief Information Commissioner or a State Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the State Chief Information Commissioner or the State Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:
- Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the State Information Commissioners shall not be varied to their disadvantage after their appointment.
- (6) The State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.
- 17** (1) Subject to the provisions of sub-section (3), the State Chief Information Commissioner or a State Information Commissioner shall be removed from his office only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has on inquiry, reported that the State Chief Information Commissioner or a State Information Commissioner, as the case may be, ought on such ground be removed.
- (2) The Governor may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the State Chief Information Commissioner or a State Information Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the Governor has passed orders on receipt of the report of the Supreme Court on such reference.
- (3) Notwithstanding anything contained in sub-section (1), the Governor may by order remove from office the State Chief Information Commissioner or a State Information Commissioner if a State Chief Information Commissioner or a State Information Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the Governor, involves moral turpitude; or
 - (c) engages during his term of office in any paid employment outside the duties of his office; or
 - (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or
 - (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the State Chief Information Commissioner or a State Information Commissioner.
- (4) If the State Chief Information Commissioner or a State Information Commissioner in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of the State or participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

CHAPTER V

Powers and functions of the Information Commissions, appeal and penalties

- 18 (1)** Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,—
- (a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;
 - (b) who has been refused access to any information requested under this Act;
 - (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;
 - (d) who has been required to pay an amount of fee which he or she considers unreasonable;
 - (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
 - (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.
- (2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.
- (3) The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;

- (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court or office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which may be prescribed.
- (4) Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.
- 19** (1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:
Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (2) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.
- (3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:
Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (4) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.
- (5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.
- (6) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.
- (7) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.
- (8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—
 - (a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—
 - (i) by providing access to information, if so requested, in a particular form;
 - (ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

- (iii) by publishing certain information or categories of information;
 - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
 - (v) by enhancing the provision of training on the right to information for its officials;
 - (vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;
- (b) require the public authority to compensate the complainant for any loss or other detriment suffered;
 - (c) impose any of the penalties provided under this Act;
 - (d) reject the application.
- (9) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.
- (10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.
- 20** (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:
- Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:
- Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.
- (2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.

CHAPTER VI

Miscellaneous

- 21** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.
- 22** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- 23** No court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.
- 24 (1)** Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:
- Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:
- Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.
- (2)** The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organisation established by that Government or omitting therefrom any organisation already specified therein and on the publication of such notification, such organisation shall be deemed to be included in or, as the case may be, omitted from the Schedule.
- (3)** Every notification issued under sub-section (2) shall be laid before each House of Parliament.
- (4)** Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:
- Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:
- Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.
- (5)** Every notification issued under sub-section (4) shall be laid before the State Legislature.
- 25 (1)** The Central Information Commission or State Information Commission, as the case may be, shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.
- (2)** Each Ministry or Department shall, in relation to the public authorities within their jurisdiction, collect and provide such information to the Central Information Commission or State Information Commission, as the case may be, as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.
- (3)** Each report shall state in respect of the year to which the report relates,—
- (a)** the number of requests made to each public authority;

- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
 - (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;
 - (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
 - (e) the amount of charges collected by each public authority under this Act;
 - (f) any facts which indicate an effort by the public authorities to administer and implement the spirit and intention of this Act;
 - (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernisation, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.
- (4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Information Commission or the State Information Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.
- (5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.
- 26** (1) The appropriate Government may, to the extent of availability of financial and other resources,—
 - (a) develop and organise educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;
 - (b) encourage public authorities to participate in the development and organisation of programmes referred to in clause (a) and to undertake such programmes themselves;
 - (c) promote timely and effective dissemination of accurate information by public authorities about their activities; and
 - (d) train Central Public Information Officers or State Public Information Officers, as the case may be, of public authorities and produce relevant training materials for use by the public authorities themselves.

(2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.

(3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include—
 - (a) the objects of this Act;
 - (b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be, of every public authority appointed under sub-section (1) of section 5;
 - (c) the manner and the form in which request for access to an information shall be made to a Central Public Information Officer or State Public Information Officer, as the case may be;
 - (d) the assistance available from and the duties of the Central Public Information Officer

- or State Public Information Officer, as the case may be, of a public authority under this Act;
- (e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;
 - (f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;
 - (g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;
 - (h) the notices regarding fees to be paid in relation to requests for access to an information; and
 - (i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.
- (4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals.
- 27** (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (a) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
 - (b) the fee payable under sub-section (1) of section 6;
 - (c) the fee payable under sub-sections (1) and (5) of section 7;
 - (d) the salaries and allowances payable to and the terms and conditions of service of the officers and other employees under sub-section (6) of section 13 and sub-section (6) of section 16;
 - (e) the procedure to be adopted by the Central Information Commission or State Information Commission, as the case may be, in deciding the appeals under sub-section (10) of section 19; and
 - (f) any other matter which is required to be, or may be, prescribed.
- 28** (1) The competent authority may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- (i) the cost of the medium or print cost price of the materials to be disseminated under sub-section (4) of section 4;
 - (ii) the fee payable under sub-section (1) of section 6;
 - (iii) the fee payable under sub-section (1) of section 7; and
 - (iv) any other matter which is required to be, or may be, prescribed.
- 29** (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- (2) Every rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before the State Legislature.
- 30** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or

expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

31 The Freedom of Information Act, 2002 is hereby repealed.

THE FIRST SCHEDULE

[See sections 13(3) and 16(3)]

Form of oath or affirmation to be made by the Chief Information Commissioner/the Information Commissioner/the State Chief Information Commissioner/the State Information Commissioner

"I, having been appointed Chief Information Commissioner/Information Commissioner/State Chief Information Commissioner/State Information Commissioner swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.".

THE SECOND SCHEDULE

(See section 24)

Intelligence and security organisation established by the Central Government

- 1. Intelligence Bureau.**
- 2. Research and Analysis Wing of the Cabinet Secretariat.**
- 3. Directorate of Revenue Intelligence.**
- 4. Central Economic Intelligence Bureau.**
- 5. Directorate of Enforcement.**
- 6. Narcotics Control Bureau.**
- 7. Aviation Research Centre.**
- 8. Special Frontier Force.**
- 9. Border Security Force.**
- 10. Central Reserve Police Force.**
- 11. Indo-Tibetan Border Police.**
- 12. Central Industrial Security Force.**
- 13. National Security Guards.**
- 14. Assam Rifles.**
- 15. Special Service Bureau.**
- 16. Special Branch (CID), Andaman and Nicobar.**
- 17. The Crime Branch-C.I.D.- CB, Dadra and Nagar Haveli.**
- 18. Special Branch, Lakshadweep Police.**



THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

NO 42]

HYDERABAD , WEDNESDAY, OCTOBER 10, 2001.

ANDHRA PRADESH ACTS, ORDINANCE AND REGULATIONS Etc.

The following act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 9 the October, 2001 on the 9th October, 2001 and the said assent is hereby first published on the 10th October , 2001 in the Andhra Pradesh Gazette for general information:-

ACT No : 35 of 2001

**AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO THE
REGISTRATION OF SOCIETIES SITUATED IN ANDHRA PRADESH PROMOTING
ART, FINE ARTS, CHARITY, CRAFTS, RELIGION, SPORT LITERATURE, CULTURE,
SCIENCE, PHILOSOPHY POLITICAL EDUCATION OR ANY PUBLIC PURPOSE AND
FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO**

Be it enacted by the legislative assembly of the state of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

CHAPTER -I
PRELIMINARY

- Short title,** 1. (1) This act may be called the Andhra Pradesh Societies **extend and** Registration Act , 2001.
commence- (2) It extends to the whole of the state of Andhra Pradesh.
ment. (3) It shall come into force on such date as the Government may be notification, in the Andhra Pradesh Gazette, appoint.
- Definitions.** 2. In this Act, unless the context other wise requires:-
(a) ' Alter' and " alteration' shall include the making of additions and supplying of omissions;
(b) 'Bye-laws' means the by- laws of a society;
(C) ' committee' means the executive committee appointed under section 14 or any person or body of person to whom the management of the affairs of a society is entrusted by its bye-laws;

- (d) 'Court' means in the cities of Hyderabad and Secunderabad, the City Civil Court, and elsewhere, the Principal Civil Court of original jurisdiction;
- (e) 'Document' includes summons, notices, requisition, order, or other legal process, and registers, whether issued, sent or kept in pursuance of the provisions of this Act or of any other laws or other-wise;
- (f) 'Financial year' means the period of twelve months for which the accounts of a society are required to be made up by the bye-laws and if the bye-laws do not so provide, the period of twelve months ending with the 31st march of each year ;
- (g) 'Government' means the State Government of Andhra Pradesh;
- (h) Member means a person, individual or body corporate who which having been admitted to membership in any society has not resigned or ceased to be a member or been removed from membership in accordance with the bye-laws of that society;

(i) 'Memorandum' means the memorandum of association of a society as originally framed or a altered from time to time in pursuance of the provision of this Act or the Societies Registration Act, 1860 or the Andhra Pradesh (Telangana Area) Public Societies Registration Act 1350 Facli as the case may be

**Centra
I Act
21 of
1860,
Act I
of
1350
F.**

- (j) "Notification' means of published in the Andhra Pradesh Gazette and the word notified shall be construed accordingly;
- (k) 'Officer' includes any director, manager, treasurer, trustee, secretary, member of the committee, or any person appointed by a society to sue and be sued on its behalf and any other person empowered under the rules or the bye-laws to give direction in regard to the business of society;
- (l) Registrar; means an officer of the Registration Department , not below the rank of Sub-Registrar as may be specifically empowered by the Government to exercise the powers of Registrar under this Act;
- (m) 'Registrar General' means the Inspector General of Registration appointed by the Government under section 3 of the Registration Act, 1908;

**Centra
I Act
16 of
1908.**

- (n) 'Society' means a society registered or deemed to be registered under this Act; and
- (o) 'Special resolution' means, resolution passed by a majority of the total members of the society and not less than three-fifths of the members present and voting in a meeting, of which not less than fourteen clear days notice exclusive of the date of dispatch of the notice and the date of meeting, specifying the intention to propose the resolution as special resolution, as been duly given.

CHAPTER – II **REGISTRATION OF SOCIETIES**

**Societies
which may
be
registered
under this
Act**

3. (1) Any seven or more persons forming a society which has for its object the promotion of art, fine art, charity, crafts, religion, sports (excluding games of chance), literature, culture, science, political education, philosophy or diffusion of any knowledge or any public purpose may be registered under this Act.

**Central Act
9 of 1932**

(2) No society of which a firm, whether registered or not or an unincorporated association of individuals is a member shall be registered under this Act.

**Memorandum
of
Association
of Society,
and Bye-
Laws to be
filed with
Registrar**

(3) Nothing contained in Sub-Section (2) shall precluded the registration under this Act of a Society on the ground that a partner as defined in section 4 of the Indian Partnership Act, 1932, or a member of an unincorporated Association of individuals is, in his individual capacity, a member of the society.

(4) (1) for the purposes of registration of a society there shall be filed with the Registrar of the district in which the registered office of the society is to be situated :-
(a) a memorandum of association of the society which shall state:-
(i) the name of the society;
(ii) the aims and objects of the society;
(iii) the names, addresses and occupations of the members of the committee; and
(b) the bye-laws of the society.

(2) The memorandum of association shall be signed by at least seven members who are majors and who shall add their addresses, description and occupation if any, in the presence of at least two witnesses who shall also be knowers and who shall attest with their signatures and add their addresses, description and occupation, if any and the bye-laws shall be signed by the signatories to the memorandum of association.

**Contents of
Bye-Laws of
Societies**

(5) The bye-laws of a society shall contain provisions in respect of following matters:-

(i) Identity of the society which includes name and address particulars of the society;
(ii) activities of the society;
(iii) membership of the society i.e. eligibility, admission, withdrawal and termination etc.,
(iv) general body which contains the manner of meetings to be held or convened, quorum, functions and responsibilities etc.
(v) office bearers and their appointment/ election/ removal/recall and their responsibilities etc ;
(vi) finances which includes types of funds to be raised, appointment of auditors, liability of members for discharge of debts etc., and

(vii) other matters which covers the internal matters of settlement of internal disputes,

dissolution of the society etc;

**Societies
not be
registered**

**with
undesirable
names.**

6.(1) No society shall be registered by a name which contravenes the provisions of the Emblems and names (prevention of the Improper use) Act, 1950. (Central Act 12 of 1950)

(2) (a) no society shall be registered in a District by a name, which is identical with that of another registered society in existence in the same District or so nearly resembling it so as to mislead except where the registered society in existence is in the course of being dissolved and signifies in writing its consent to such registration.

(b) except with the previous sanction in writing of the Government, no society shall be registered by a name which contains any of the following words, namely;-

(i) "co-operative" or "land Development"

(ii) "Reserve Bank",

(iii) "union" or "State" or any word expressing or implying the sanction, approval or patronage of the Central Government or any state Government; and

(iv) "Municipal" or "Charted" or any word which suggests or is calculated to suggest connection with any municipality or other local authority;

Provided that nothing in this section shall apply to the societies registered before the date of commencement of this Act.

(3) A society may, by a special resolution change its name, with a previous intimation to the Registrar in writing.

(4) The change of name shall not affect any right or obligation of the society or any member thereof or render defective any action or other legal proceedings by or against it and any of the members, and any action or other legal proceedings which might have been continued or commenced by or against the society by its former name may be continued or commenced by or against the society by its new name.

**Registration
of
societies.**

7. (1) where a society has complied with the provisions of the act as to registration and on payment of such fees a may be notified under section 29, the Registrar shall issued to that society a certificate of registration and such certificate shall be conclusive evidence that the society therein mentioned is duly registered .

(2) The Registrar shall, after the issue of a certificate of registration to a society enter in a register which may include a register maintained through an electronic device like computer, the particulars specified in the memorandum, of that society filed and such other particulars as may be notified.

(3) If the Registrar refuses to register a society, an appeal shall lie to the Registrar General within sixty days from the date of communication of the order of the registrar refusing to register the society. Every such appeal shall be accompanied by a fee as may be notified by the Government from time to time.

(4) If an application for registration of society is presented before the Registrar complying with all the provisions of this act is not disposed off within sixty days the society is deemed to have been registered and the Registrar shall issue a certificate to that effect.

**Amendmen
t of**

8. (1) by a "special Resolution" a society may alter the provisions of the memorandum with respect to:-

memorand

- (a) change of objectives of the society;
- (b) to amalgamate itself with any other society; or
- (c) to divide itself into two or more societies.

**um and
Bye-laws.**

(2) Subject to the provisions of this Act, and the conditions contained in its memorandum, a society may, by an ordinary resolution passed by not less than 1/2 (Half) of the members present and voting alter its bye-laws.

(3) Any alteration of the memorandum of the society shall not be valid unless such alteration is registered under this Act.

(4) If any alteration of the memorandum is filed with the Registrar and if they are not contrary to the provisions of this Act, he shall register the same and shall certify the registration of such alteration under his hand and seal within thirty days form the date of receipt of the resolution. The certificate shall be conclusive evidence that all the requirements of this Act with respect to the alteration and the certification thereof have been complied with and henceforth the memorandum as so altered shall be the memorandum of the society.

(5) Every alteration in the bye-laws of the society should be sent to the Registrar and he shall take it on record if it is not contrary to the provisions of this Act.

**Filling of
annual list**

9. Every year the society shall, within fifteen days from the date on which the General Body meeting was held furnish a list to the Registrar of societies which shall contain the names and addresses of the members of the Managing Committee and officers entrusted with the management of the affairs of the society.

CHAPTER III

MANAGEMENT AND ADMINISTRATION

**Registered
office of
society**

10. (1) A society shall, as from the day on which it begins functioning or as from the twenty-eight day after the date of its registration whichever is earlier have a registered office at any place in the district in which it is registered and to which all communications and notices may be addressed. Notice of the location of the registered office and of every change therein shall be given within twenty-eight days after the date of its registration or after the date of the change, as the case may be, to the Registrar, who shall record the same in the certificate of registration .

(2) Any change of its registered office to a place outside the district, in which it is registered, shall be intimated to the Registrars of both the Districts.

(3) Every society shall display its name outside its office premises in conspicuous position in legible characters of the language in general use in that place.

(4) Every society shall have its name engraved in legible characters on its seal.

Register of Members 11. Every society shall keep a register of members and enter therein the following particulars, namely:-

- (a) the name and address and the occupation, if any, of each member;
- (b) the date on which the name of each person was entered in the register as member;
- (c) the date on which any person ceased to be a member; and
- (d) the specimen signatures of the members.

Accounts and records 12. Every society shall keep at its office, the following accounts records, and documents, namely:-

- (a) a copy of this Act with up-to date amendments incorporated;
- (b) a copy of its registered memorandum along with upto date bye-laws with amendments made from time to time;
- (c) the minutes book;
- (d) accounts of all sums of money received and expended by the society and their respective purposes;
- (e) accounts of all purchases and sales of goods by the society;
- (f) accounts of all assets and liabilities of the society;
- (g) an up date register and a list of all member with voting rights for the current year prepared within thirty days of closure of the society's financial year;
- (h) copies of the audit reports and if any , and compliance reports thereon; and
- (i) All such other accounts, records and documents as may be required by this Act.

Inspection of register of member of a society 13. the Register of members shall be kept open during the business hours subject to such reasonable restrictions as the bye-laws of the society may specify

Committee of the society 14. (1) Every Society shall elect a Committee, consisting of not less than three members of the society, by a resolution passed by a majority of the members present and entitled to vote at an annual general body meeting of the society held under section 20.

(2) The term of the committee or of its members so elected shall be a period not exceeding six years as may be specified in the bye-laws;

Provided that a member who has completed a term as an elected member is eligible for re-election as a member of Committee, if the bye-laws so permit.

(3) Every society shall maintain a register showing the names, addresses and occupations of the

persons, who are members of the Committee and shall file with the Registrar;

- (1) a copy of the register within a period of fourteen days from the date of election of the members of the first Committee; and
- (2) a notice of every change in the members of the Committee within a period of fourteen days from the date of such change.

Disqualification of members of the committee.

15. A person shall be disqualified for appointment as a member of the Committee of a society under this Act if, on the date of such appointment, he is ;

- (a) not a major;
- (b) of unsound mind and stands so declared by a competent court;
- (c) an applicant to be adjudicated as an insolvent or is an un-discharged insolvent;
- (d) convicted of an offence involving moral turpitude or sentenced by a criminal court to a fine of not less than rupees one thousand or to imprisonment for a period of not less than six months; and
- (e) disqualified for such appointment by an order of a court.

Supply of copies of Bye-laws.

16. Every society shall, deliver a copy of its Bye-laws, to each member of the society at the time of admission.

Supply of copies of balance sheet etc.

17. Every society shall supply to every member a copy of the balance sheet or a statement of accounts together with the auditor's report at its annual general body meeting, if not supplied in advance

Society to be a body corporate.

18. The registration of a society shall render it a body corporate by the name under which it is registered having perpetual succession and a common seal. The society shall be entitled to acquire, hold and dispose of property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all other things necessary for the furtherance of the aim for which it was constituted.

Legal proceeding s.

19. (1) The Committee or any officer of the society authorized in this behalf by its Bye-laws, may bring or defend any action or other legal proceeding touching or concerning any property or any right or claim of the society and may sue and to be sued in its name.

(2) Any action or legal proceeding shall not abate or be discontinued by the death; resignation or removal from office of any member of the society after the commencement of the proceeding.

Meetings 20. (1) The Bye-laws of the society shall specify the frequency and the manner in which the meetings of the Committee and General Body shall be held, so however that the Committee shall meet at-least once in every three months and the General Body shall meet at-least one in a year.

(2) The committee shall convene a General Body meeting within thirty days of receipt of a requisition for convening a meeting signed by at-least one third of the members of a society or as provided in the Bye-laws and any such requisition shall contain the proposed agenda and the reasons for such meeting .

(3) Every society shall record in the minutes book, the minutes of all proceedings of every General Body meeting and also every meeting of its Committee.

(4) Such minutes shall be communicated to all the members invited for the meeting within thirty days of the conclusion of the meeting

(5) The minutes so recorded shall be signed by the persons who chaired the said meeting.

Amalgamation and division of societies 21. (1) Any two or more societies may, by a special resolution of both or all such societies, and confirmed by a like resolution at a second meeting of both or all such societies, convened after an interval of one month after the first meeting, get amalgamated into one society with or without any dissolution or division of the funds of any of the societies with intimation to the Registrar.

(2) Any society may, by a special resolution, divide itself into two or more societies. Such resolution shall contain proposals for the division of the assets and liabilities of the society among the new societies into which it is proposed to divide itself and may specify the area of operation of and the members, who will constitute each of the new societies.

(3) An amalgamation or division in pursuance of this section shall not prejudice any right of a creditor of any society, which was a party to such amalgamation or division.

Register of mortgages and charges 22. (1) Every society shall keep at its registered office, a register of mortgages and charges and enter therein all mortgages or charges affecting the property of the society and such other particulars of the mortgages or charges as may be specified in the Bye-laws.

(2) The register of mortgages and charges kept in pursuance of sub-section (1) and copies of instruments creating mortgages or charges shall, subject to such reasonable restrictions as the society may impose, be kept at the registered office of the society and be open during business hours to the inspection of any member or creditor of the society without payment of any fee therefor.

**Central
Act 26
of 1996.**

CHAPTER – IV
DISPUTES, DISSOLUTION AND WINDINGUP

**Dispute
regarding
manageme
nt.**

23. In the event of any dispute arising among the committee or the members of the society, in respect of any matter relating to the affairs of the society, any member of the society may proceed with the dispute under the provision of the Arbitration and Conciliation Act , 1996, or may file an application in the District Court concerned and the said court shall after necessary inquiry pass such order as it may deem fit .

**Dissolution
of Society
and
adjustment
of its affairs**

24.(1) A society may, by passing a special resolution, determine that it shall be dissolved of an thereupon, with prior intimation to the Registrar, it shall be dissolved at the time specified in the resolution and all the necessary steps shall be taken for the disposal and settlement of the property of the society, and its claims and liabilities according to the bye-laws, if any, of the society, and if there are no bye-laws to this effect in the manner as the General Body may find it expedient;

Provided further that in the event of any dispute arising among the members of the Committee or the members of the society, the adjustment of its affairs shall be referred to the court and the Court shall make such order in the matter including appointment of liquidator as it deems fit;

(2) a society dissolved under this section shall file with the Registrar a full report showing as to how the property has been disposed of.

**Property of
dissolved
society**

25. If upon the dissolution of any society, there remains, after the satisfaction of all its debts and liabilities, any property the same shall not be delivered to or distributed among the members of the said society or any of them, but shall be delivered to some other society, with a similar objective to be named by a special resolution, or in default thereof, by the court:

Provided that this section shall not apply to any society which is founded or established by the contribution of share shareholders in the nature of a Company.

**Liquidator
to make an
account
after
winding up
of a society.**

26. (1) As soon as the affairs of a society are fully wound up, the liquidator shall make an account of the winding up showing how the winding up has been conducted and the property of the society has been disposed of and call a general body meeting of the society for the purpose of placing before it the account and giving any explanation in respect thereof.

(2) Within one week after the meeting convened under sub-section (1), the liquidator shall send to the Registrar, a copy of the account and shall make a return to him of the holding of the meeting and of its date.

Enforcement of orders. 27. Orders made under section 24 shall, on application, be enforced as follows:-

(a) when made by a liquidator by any civil court having local jurisdiction in the same manner as a decree of such court; and

(b) When made by the court on appeal, in the same manner as decree of that court.

CHAPTER-V

MISCELLANEOUS

Societies financed by the Government 28. Where a Government is member or is wholly or substantially financing a society it may place such terms and conditions on the society as are mutually agreed upon or through specific public policy notified by the government for the purpose.

Fees to be fixed by the Government 29. (1) The Government shall, from time to time prepare a table of fees payable;

(a) for registration of societies which may include Mahila Mandals and Youth Associations;

(b) for filling or recording or registering any document required by this Act to filed or recorded;

(c) for inspection of documents in the custody of the registrar;

(d) for making or granting copies of reasons , entries or documents, before or after registration; and

(e) for such other matters appear to the Government necessary to give effect to the purposes of this Act.

(2) The Table of fees so prepared shall be notified.

(3) All fees, charges and other sums paid to the Registrar or any officer of the Government in pursuance of this Act, shall be credited to the Government

Superintendence and control over Registrars. 30. the Registrar General shall have superintendence and control over all other Registrars functioning under this Act.

Power to remove difficulties. 31. If any difficulty arises in giving effect to the provisions of this Act, in the first five years from the date of commencement of this Act, the Government after previous publication, by order make such provisions not inconsistent with the purposes of this Act, as appear to them to be necessary or expedient for removing of the difficulty.

Repeals and savings

32. (1) The Societies Registration Act, 1860, in its application to the Andhra area of the State of Andhra Pradesh and the Andhra Pradesh (Telengana Area) Public societies Registration Act, 150 F are hereby repealed.

(2) Not-withstanding such repeal, anything done or any action taken under the said Acts (including any order, rule, form, regulation, certificate or bye-laws) in the exercise of any power conferred by or under the said Acts shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the date on which such a thing was done or action taken.

**Central
Act 21
of**

**1860.
Act 1 of
1350 F.**

**K.G. SHANKAR,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE (FAC),
LAW DEPARTMENT.**

Registration Of Society

Registration of Societies/NGO and subsequent statutory affairs under Telangana Societies Registration Act, 2001 -Requirements

The Society objects must be --promotion of art, fine art, charity, crafts, religion, sports (excluding games of chance), literature, culture, science, political education, philosophy or diffusion of any knowledge or any public purpose.

Minimum 7 members (general body).

Minimum 3 executive committee members (out of the general body).

Memorandum of Association(NGO Registration FORM) shall contain the name of the society;

the aims and objects of the society;

the names, and occupations of the members of the committee.

The bye-laws of a society shall contain provisions in respect of following matters:-

identity of the society which includes name and address particulars of the society;

activities of the society;

Membershipof the society i.e. eligibility, admission, withdrawal and termination

general body which contains the manner of meetings to be held or convened, quorum, functions and responsibilities etc.

office bearers and their appointment/ election/ removal/recall and their responsibilities, etc ;

finances which includes types of funds to be raised, appointment of auditors, liability of members for discharge of debts, etc., and

other matters which cover the internal matters of settlement of internal disputes, dissolution of the society, etc;

Society shall not be registered with the name which is against the provisions of the Emblems and Names (prevention of the improper use) Act, 1950. Within a district two societies shall not have identical or similar names. Words like co-operative, land development, reserve bank, union or State, Municipal or Chartered shall not be used in the Society without the permission of the State Government.

A fee of Rs.200 shall be paid for registration

Executive Committee Membersâ€™ photographs shall be affixed and submitted along with memorandum and byelaws for registration.

Affidavit in the format provided shall be submitted along with the Memorandum and byelaws for registration.

Every year the society within fifteen days from the date of the General Body meeting shall submit a list to the Registrar of societies. And that list shall contain the names and addresses of the members of the Managing Committee (Executive Committee) and officers entrusted with the management of the society.

Executive Committee shall meet at least once in three months; and General Body shall meet at least once in a year.

Amendments, if any, made shall be filed with Registrar.

Minutes of all the meetings shall be filed with the Registrar of Societies

The information provided online is updated, and no physical visit is required.
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Telangana

Designed and Developed By

GOVERNMENT OF TELANGANA
ABSTRACT

ACTS – The Andhra Pradesh Registration Act, 2001 (Act. No. 35 of 2001) –
Adaptation in the State of Telangana – Orders – Issued.

REVENUE (REGN-II) DEPARTMENT

G.O.MS.No. 20

Dated: 18.08.2014

Read:

The Andhra Pradesh Re-organisation Act, 2014 (Central Act, No.6 of 2014).

ORDER:

Whereas, by section 101 of the Andhra Pradesh Re-organisation Act, 2014, the appropriate Government i.e., the State of Telangana is empowered by order, to make such adaptations and modifications of any law made before 2.6.2014, whether by way of repeal or amendment as may be necessary or expedient, for the purpose of facilitating the application of such law in the State of Telangana, before expiration of two years from 2.6.2014, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority;

And whereas it has become necessary to adapt the Andhra Pradesh Societies Registration Act, 2001 (Act. No. 35 of 2001) for the purpose of facilitating its application in relation to the State of Telangana.

Accordingly, the following Notification will be published in the Extra-ordinary Gazette of Telangana State dated: 18.08.2014.

NOTIFICATION

In exercise of the powers conferred by section 101 of the Andhra Pradesh Re-organization act, 2014 (Central Act No. 6 of 2014), the Governor of Telangana hereby makes the following Order, namely:-

1. (1) This order may be called the Andhra Pradesh Societies Registration Act, (Telangana Adaptation) Order, 2014.
(2) It shall be deemed to have come into force with effect from 2.6.2014.
2. The Andhra Pradesh General Clauses Act, 1891 (Act No.1 of 1891), applies for the interpretation of this order as it applies for the interpretation of a State Act.
3. In the Andhra Pradesh Societies Registration Act, 2001 (Act. No. 35 of 2001) throughout the Act, the expression “Andhra Pradesh” (occurring other wise than in a title or in a citation or description of an enactment viz, in section 2(i) and section 32 (1)) shall be substituted with the expression “Telangana”.
4. For the purpose of this order and the Act adapted herein, the expression “the State” shall have the meaning and area as specified in section 3 of the Andhra Pradesh Re-organisation Act, 2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**VINOD K. AGRAWAL
PRINCIPAL SECRETARY TO GOVERNMENT (R & S)**

To

The Commissioner, Printing, Stationary and stores, Chanchalguda,
Hyderabad (for publication of notification gazette and furnishing 1000 copies to government)

The Commissioner & Inspector General of Registration and Stamps, Telangana, Hyderabad.

All the Department of Secretariat,
All Section of Revenue Department

Copy to :

Law Department
SF/SC.

// FORWARD BY ORDER//

SECTION OFFICER

THE SPECIAL MARRIAGE ACT,1954
NO.43 OF 1954
[9th October, 1954]

An Act to provide a special form marriage in certain cases, for the registration of such and certain other marriages and for divorce.

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows: -

CHAPTER - I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Special Marriage Act, 1954.
(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to citizens of India domiciled in the territories to which this Act extends and who are in the State of Jammu and Kashmir.
(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions:—In this Act, unless the context otherwise requires,—

- * * *
- (b) "degree of prohibited relationship" – a man and any of the persons mentioned in Part I of the First schedule and a woman and any of the person mentioned in Part II of the said Schedule are within the degrees of prohibited relationship:

Explanation I.—Relationship includes,—

- (a) relationship by half or uterine blood as well as by full blood;
 - (b) illegitimate blood relationship as well as legitimate;
 - (c) relationship by adoption as well as by blood;
- and all terms of relationship in this Act shall be construed accordingly.

Explanation II.—"Full blood" and "half blood" – two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives.

Explanation III.—"Uterine blood"—two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands.

Explanation IV.—In explanations II and III, "ancestor" includes the father and "ancestress" the mother.

- * * *
- (d) "district", in relation to a Marriage Officer, means the area for which he is appointed as such under sub-section (1) or sub-section (2) of section 3;
(e) "district court" means, in any area for which there is a city civil court, that court, and in any other area, the principal civil court of original jurisdiction, and includes any other Civil court which may be specified by the State Government by notification in the Official Gazette as having jurisdiction in respect of the matters dealt with in this Act;
(f) "prescribed" means prescribed by rules made under this Act;
(g) "State Government", in relation to a Union Territory, means the administrator thereof

3. Marriage Officers.—(1) For the purpose of this Act, the State Government may, by notification in the Official Gazette, appoint one or more Marriage Officers for the whole or any part of the State.

(2) For the purposes of this Act in its application to citizens of India domiciled in the territories to which this Act extends who are in the state of Jammu and Kashmir, the Central Government may, by notification in the Official Gazette, specify such Officers of the Central Government as it thinks fit to be the marriage officers for the State or any part thereof.

CHAPTER II

SOLEMNIZATION OF SPECIAL MARRIAGES

4. Conditions relating to solemnization of special marriages.—

Notwithstanding anything contained in any other law for the time being in force relating to the solemnization of marriages, a marriage between any two persons may be solemnized under this Act, if at the time of the marriage the following conditions are fulfilled, namely:—

- (a) neither party has a spouse living;
- (b) neither party-
 - (i) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or
 - (ii) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or
 - (iii) has been subject to recurrent attacks of insanity or epilepsy ;
- (c) the male has completed the age of twenty-one years and female the age of eighteen years;
- (d) the parties are not within the degrees of prohibited relationship; Provided that where a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnized, notwithstanding that they are within the degrees of prohibited relationship; and]
- (e) where the marriage is solemnized in the state of Jammu and Kashmir, both parties are citizens of India domiciled in territories to which this Act extends]

Explanation:- in this section, “custom”, in relation to a person belonging to any tribe, community, group or family, means any rule which the State Government may by notification in the Official Gazette , specify in this behalf as applicable to members of that tribe, community, group of family; Provided that no such notification shall be issued in relation to the members of any tribe, community, group of family, unless the state Government is satisfied-

- (i) that such rules has been continuously and uniformly observed for a long time among those members;
- (ii) that such rule is certain and not unreasonable or opposed to public policy; and
- (iii) that such rule, if applicable only to a family, has not been discontinued by the family.]

5. Notice of intended marriage.—when a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing in the form specified in the Second Schedule to the Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given.

6. Marriage Notice Book and publication.—(1) The marriage Officer shall keep all notices given under Section 5 with the records of his office and shall also forthwith enter a true copy of every such notice in a book prescribed for that purpose, to be called the Marriage Notice Book, and such book shall be open for inspection at all reasonable times, without fee, by any person desirous of inspecting the same.

(2) The Marriage Officer shall cause every such notice to be published by affixing a copy thereof to some conspicuous place in his office.

(3) Where either of the parties to an intended marriage is not permanently residing within the local limits of the district of the Marriage Officer to whom the notice has been given under section 5, transmitted to the Marriage Officer of the district within whose limits such party is permanently residing, and the Marriage Officer shall thereupon cause a copy thereof to be affixed to some conspicuous place in his office.

7. Objection to marriage.—(1) Any person may, before the expiration of thirty days from the date on which any such notice has been published under sub-section (2) of section 6, object to the marriage on the ground that it would contravene one or more of the conditions specified in section 4.

(2) After the expiration of thirty days from the date on which notice of an intended marriage has been published under sub-section (2) of section 6, the marriage may be solemnized, unless it has been previously objected to under sub-section (1).

(3) The nature of the objection shall be recorded in writing by the Marriage Officer in the Marriage Notice Book, be read over and explained, if necessary, to the person making the objection and shall be signed by him or on his behalf.

8. Procedure on receipt of objection.—(1) If an objection is made under section 7 to an intended marriage, the Marriage Officer shall not solemnize the marriage until he has inquired into the matter of the objection and is satisfied that it ought not to prevent the solemnization of the marriage or the objection is withdrawn by the person making it; but the Marriage Officer shall not take more than thirty days from the date of the objection for the purpose of inquiring into the matter of the objection and arriving at a decision.

(2) If the Marriage Officer upholds the objection and refuses to solemnize the marriage, either party to the intended marriage may, within a period of thirty days from the date of such refusal, prefer an appeal to the district court within the local limits of whose jurisdiction the Marriage Officer has his office, and the decision of the district court on such appeal shall be final, and the Marriage Officer shall act in conformity with the decision of the court.

9. Powers of Marriage Officers in respect of inquiries.—(1) For the purpose of any inquiry under section 8, the Marriage Officer shall have all the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses and examining them on oath;

- (b) discovery and inspection;
- (c) compelling the production of documents;
- (d) reception of evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses; and any proceeding before the Marriage Officer shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code (Act XLV of 1860).

Explanation.— For the purpose of enforcing the attendance of any person to give evidence, the local limits of the jurisdiction of the Marriage Officer shall be the local limits of his district.

(2) If it appears to the Marriage Officer that the objection made to an intended marriage is not reasonable and has not been made in good faith he may impose on the person objecting costs by way of compensation not exceeding one thousand rupees and award the whole or any part thereof to the parties to the intended marriage, and any order for costs so made may be executed in the same manner as a decree passed by the district court within the local limits of whose jurisdiction the Marriage Officer has his office.

10. Procedure on receipt of objection by Marriage Officer abroad.—Where an objection is made under section 7 to a Marriage Officer in the state of Jammu and Kashmir in respect of an intended marriage in the state, and the Marriage Officer, after making such inquiry into the matter as he thinks fit, entertains a doubt in respect thereof, he shall not solemnize the marriage but shall transmit the record with such statement respecting the matter as he thinks fit to the Central Government, and the Central Government, after making such inquiry into the matter and after obtaining such advice as it thinks fit, shall give its decision thereon in writing to the Marriage Officer who shall act in conformity with the decision of the Central Government.

11. Declaration by parties and witnesses.—Before the marriage is solemnized the parties and three witnesses shall, in the presence of the Marriage Officer, sign a declaration in the form specified in the Third Schedule to this Act, and the declaration shall be countersigned by the Marriage Officer.

12. Place and form of solemnization.—(1) The marriage may be solemnized at the office of the Marriage Officer, or at such other place within a reasonable distance therefrom as the parties may desire, and upon such conditions and the payment of such additional fees as may be prescribed.

(2) The marriage may be solemnized in any form which the parties may choose to adopt: Provided that it shall not be complete and binding on the parties, unless each party says to the other in the presence of the Marriage Officer and the three witnesses and in any language understood by the parties,—"I, (A), take thee (B), to be my lawful wife (or husband)

13. Certificate of marriage.—(1) When the marriage has been solemnized, the Marriage Officer shall enter a certificate thereof in the form specified in the Fourth Schedule in a book to be kept by him for that purpose and to be called the Marriage Certificate Book and such certificate shall be signed by the parties to the marriage and the three witnesses.

(2) On a certificate being entered in the Marriage Certificate Book by the Marriage Officer, the Certificate shall be deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized and that all formalities respecting the signatures of witnesses have been complied with.

14. New notice when marriage not solemnized within three months.— Whenever a marriage is not solemnized within three calendar months from the date on which notice thereof has been given to the Marriage Officer as required by section 5, or where an appeal has been filed under sub-section (2) of section 8, within three months from the date of the decision of the district court on such appeal or, where the record of a case has been transmitted to the Central Government under section 10, within three months from the date of decision of the Central Government, the notice and all other proceedings arising therefrom shall be deemed to have lapsed, and no Marriage Officer shall solemnize the marriage until a new notice has been given in the manner laid down in this Act.

CHAPTER III

REGISTRATION OF MARRIAGES CELEBRATED IN OTHER FORMS

15. Registration of marriages celebrated in other forms.—Any marriage celebrated, whether before or after the commencement of this Act, other than a marriage solemnized under the Special Marriage Act, 1872 (III of 1872), or under this Act, may be registered under this Chapter by a Marriage Officer in the territories to which this Act extends if the following conditions are fulfilled, namely:—

- (a) a ceremony of marriage has been performed between the parties and they have been living together as husband and wife ever since;
- (b) neither party has at the time of registration more than one spouse living;
- (c) neither party is an idiot or a lunatic at the time of registration;
- (d) the parties have completed the age of twenty-one years at the time of registration;
- (e) the parties are not within the degrees of prohibited relationship;

Provided that in the case of a marriage celebrated before the commencement of this Act, this condition shall be subject to any law, custom or usage having the force of law governing each of them which permits of a marriage between the two; and

- (f) the parties have been residing within the district of the Marriage Officer for a period of not less than thirty days immediately preceding the date on which the application is made to him for registration of the marriage.

16. Procedure for registration.—Upon receipt of an application signed by both the parties to the marriage for the registration of their marriage under this Chapter, the Marriage Officer shall give public notice thereof in such manner as may be prescribed and after allowing a period of thirty days for objections and after hearing any objection received within the period, shall, if satisfied that all the conditions mentioned in section 15 are fulfilled, enter a certificate of the marriage in the Marriage Certificate Book in the form specified in the Fifth Schedule, and such certificate shall be signed by the parties to the marriage and by three witnesses.

17. Appeals from orders under section 16.—Any person aggrieved by any order of a Marriage Officer refusing to register a marriage under this Chapter may, within thirty days from the date of the order, appeal against that order to the district court within the local limits of whose jurisdiction the Marriage Officer has his office, and the decision of the district court on such appeal shall be final, and the Marriage Officer to whom the application was made shall act in conformity with such decision.

18. Effect of registration of marriage under this Chapter.—Subject to the provisions contained in sub-section (2) of section 24, where a certificate of marriage has been finally entered in the Marriage Certificate Book under the Chapter, the marriage solemnized under this Act, and all children born after the date of the ceremony of marriage (Whose names shall also be entered in the Marriage Certificate Book) shall in all respects be deemed to be and always to have been the legitimate children of their parents: Provided that nothing contained in this section shall be construed as conferring upon any such children any rights in or to the property of any person other than their parents in any case where, but for the passing of this Act, such children would have been incapable of possessing or acquiring any such rights by reason of their not being the legitimate children of their parents.

CHAPTER IV **CONSEQUENCES OF MARRIAGE UNDER THIS ACT**

19. Effect of marriage on member of undivided family.—The marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jaina religion shall be deemed to effect his severance from such family.

20. Rights and disabilities not affected by Act.—Subject to the provisions of section 19, any person whose marriage is solemnized under this Act, shall have the same rights and shall be subject to the same disabilities in regard to the right of succession to any property as a person to whom the Caste Disabilities Removal Act, 1850 (XXI of 1850) applies.

21. Succession to property of parties married under Act.—Notwithstanding any restrictions contained in the Indian Succession Act, 1925 (XXXIX of 1925), with respect to its application to members of certain communities, succession to the property of any

person whose marriage is solemnized under this Act and to the property of the issue of such marriage shall be regulated by the provisions of the said Act and for the purposes of this section that Act shall have effect as if Chapter III of Part V (Special Rules for Parsi Intestates) had been omitted therefrom.

1[21A. Special provision in certain cases :- where the marriage is solemnized under this Act of any person who professes the Hindu, Buddhist, Sikh or Jaina religion with a person who professes the Hindu, Buddhist, Sikh or Jains religion, section 19 and Section 21 shall not apply and so much of section 20 as creates a disability shall also not apply.]

1[inserted by Act 68 of 1976, section 22 w.e.f. 27-5-1976]

CHAPTER V RESTITUTION OF CONJUGAL RIGHTS AND JUDICIAL SEPARATION

22. Restitution of conjugal rights.—When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply by petition to the district court for restitution of conjugal rights, and the court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly. *[Explanation :- where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society]

*[inserted by ibid., section 23]

23. Judicial separation.—(1) A petition for judicial separation may be presented to the district court either by the husband or the wife—

(a) on any of the grounds specified in sub-section (1) and sub-section (1A) of section 27 on which a petition for divorce might have been presented; or

(b) on the ground of failure to comply with a decree for restitution of conjugal rights;

and the court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

(2) Where the court grants a decree for judicial separation, it shall be no longer obligatory for the petitioner to cohabit with the respondent, but the court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

CHAPTER VI NULLITY OF MARRIAGE AND DIVORCE

24. Void marriages.—(1) Any marriage solemnized under this Act shall be null and void and may, on a petition presented by either party there to against the other party be so declared by a decree of nullity if—

- (i) any of the conditions specified in clause (a), (b), (c), and (d) of section 4 has not been fulfilled; or
- (ii) the respondent was impotent at the time of the marriage and at the time of the institution of the suit.

(2) Nothing contained in this section shall apply to any marriage deemed to be solemnized under this Act within the meaning of section 18, but the registration of any such marriage under Chapter III may be declared to be of no effect if the registration was in contravention of any of the conditions specified in clause (a) to (e) of section 15.

Provided that no such declaration shall be made in any case where an appeal has been preferred under section 17 and the decision of the district court has become final.

25. Voidable marriage.— Any marriage solemnized under this Act shall be voidable and may be annulled by a decree of nullity if—

- (i) the marriage has not been consummated owing to the willful refusal of the respondent to consummate the marriage; or
- (ii) the respondent was at the time of the marriage pregnant by some person other than the petitioner; or
- (iii) the consent of either party to the marriage was obtained by coercion or fraud, as defined in the India Contract Act, 1872 (IX of 1872):

Provided that, in the case specified in clause (ii), the court shall not grant a decree unless it is satisfied,—

- (a) that the petitioner was at the time of the marriage ignorant of the facts alleged;
- (b) that proceedings were instituted within a year from the date of the marriage; and
- (c) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree:

Provided further that in the case specified in clause (iii), the court shall not grant a decree if,—

- (a) proceedings have not been instituted within one year after the coercion have ceased or, as the case may be fraud had been discovered; or
- (b) the petitioner has with his or her free consent lived with the other party to the marriage as husband and wife after the coercion had ceased or, as the case may be, the fraud had been discovered.

26. Legitimacy of children of void and voidable marriages.—

- (1) notwithstanding that a marriage is null and void under Section 24, and child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement of the Marriage Laws(Amendment) Act 1976 (68 of 1976), and whether or not decree of nullity is granted in respect of that marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.
- (2) Where a decree of nullity is granted in respect of a voidable marriage under

section 25, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if at the date of the decree it has been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding decree of nullity .

(3) nothing contained in sub-section(1) or Sub-section(2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 25, any rights in or to the property of any person, other than the parents , in any case where, but for the passing of the Act such child would have been incapable of possessing or requiring any such rights by reason of his not being the legitimate child of his parents.

27. Divorce. —(1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the District Court either by the husband or the wife on the ground that the respondent—

- (a) has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse ; or
- (b) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition ; or
- (c) is undergoing a sentence of imprisonment for seven years or more for an offence as defined in the Indian Penal Code ;
- (d) has since the solemnization of the marriage treated the petitioner with cruelty; or
- (e) has been incurably of unsound mind, or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that the petitioner cannot reasonably be expected to live with the respondent.

Explanation :- in this clause:-

- (a) the expression “ mental disorder” means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind and includes schizophrenia.
- (b) The expression “ psychopathic disorder “ means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the respondent, and whether or not it requires or is susceptible to medical treatment ; or
- (f) has been suffering from venereal disease in communicable from ; or
- (g) has {xxx} been suffering from leprosy, the disease not have contracted from the petitioner; or
- (h) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent had been alive;

Explanation: - In this sub-section, the expression "desertion" means desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or against the wish of such party, and includes the willful neglect of the petitioner by the other party to the marriage and its grammatical variations and cognate

expression shall be construed accordingly.

(1-A) A wife may also present a petition for divorce to the District Court on the ground, --

(i) that her husband has, since the solemnization of the marriage been guilty of rape, sodomy or beastiality.

(ii) that in a suit under section 18 of the Hindu Adoptions and Maintenance Act , 1956 (78 of 1956), or in a proceeding under section 125 of the Code of Criminal Procedure , 1973 (2 of 1974) (or under corresponding section 488 of the Code of Criminal Procedure, 1898(5 of 1898), a decree or order , as the case may be , has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or upwards]

(2) subject to the provisions of this Act and to the rules made thereunder, either party to a marriage, whether solemnized before or after the commencement of the Special Marriage (Amendment) Act, 1970 (29 of 1970), may present a petition for divorce to the District Court on the ground –

(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or up wards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.

27A. Alternative relief in divorce proceedings:- in any proceeding under this Act, on a petition for dissolution of marriage by a decree of divorce, except in so far as the petition is founded on the ground mentioned in clause (h) of subsection(1) of section 27, the court may, if it consider it just so to do having regard to the circumstances of the case, pass instead a decree for judicial separation.

28. Divorce by mutual consent.—(1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the district court by both the parties together on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made not earlier than Six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn in the meantime, the district court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized under this Act and that the averments in the petition are true, pass a decree declaring the marriage to be dissolved with effect from the date of the decree.

29. Restriction on petitions for divorce during first three years after marriage.—(1)

No petition for divorce shall be presented to the district court unless at the date of the presentation of the petition one year has passed since the date of entering the certificate of marriage in the Marriage Certificate Book.

Provided that the district court may, upon application being made to it, allow a petition to be presented before one year has passed on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the district court at the hearing of the petition that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case the district court may, if it pronounces a decree, do so subject to the condition that the decree shall not have effect until after the expiry of one year from the date of the marriage or may dismiss the petition, without prejudice to any petition, which may be brought after the expiration of the said one year upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

(2) In disposing of any application under this section for leave to present a petition for divorce before the expiration of one year from the date of the marriage, the district court shall have regard to the interests of any children of the marriage, and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the said one year.

30. Remarriage of divorced persons.—Where a marriage has been dissolved by a decree of divorce, and either there is no right of appeal against the decree or if there is such a right of appeal, the time for appealing has expired without an appeal having been presented, or an appeal has been presented but has been dismissed, either party to the marriage may marry again.

CHAPTER VII **JURISDICTION AND PROCEDURE**

31. Court to which petition should be made.—(1) Every petition under Chapter V or Chapter VI shall be presented to the district court within the local limits of whose original civil jurisdiction:

- (i) the marriage was solemnized; or
- (ii) the respondent, at the time of the presentation of the petition resides; or
- (iii) the parties to the marriage last resided together ; or
- (iv) the petitioner is residing at the time of the presentation of the petition, in a case where the respondent is at that time residing outside the territories to which this Act extends, or has not been heard of as being alive for a period of seven years by those who would naturally have heard of him if he was alive.

(2) Without prejudice to any jurisdiction exercisable by the court under sub-section (1),

the district court may, by virtue of this sub-section, entertain a petition by a wife domiciled in the territories to which this Act extends for nullity of marriage or for divorce if she is resident in the said territories and has been ordinarily resident therein for a period of three years immediately preceding the presentation of the petition and the husband is not resident in the said territories.

32. Contents and verification of petitions.—(1) Every petition under Chapter V or Chapter VI shall state, as distinctly as the nature of the case permits, the facts on which the claim to relief is founded, and shall also state that there is no collusion between the petitioner and the other party to the marriage.

(2) The statements contained in every such petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints, and may, at the hearing, be referred to as evidence.

33. Proceedings to be in camera and may not be printed or published .— (1) Every proceeding under this Act shall be conducted in camera and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

(2) if any person prints or publishes any matter in contravention of the provision contained sub-section (1) he shall be punishable with fine which may extend to one thousand rupees .

34. Duty of court in passing decrees.—(1) In any proceeding under Chapter V or Chapter VI, whether defended or not, if the court is satisfied that,—

- (a) any of the grounds for granting relief exists; and
- (b) where the petition is founded on the ground specified in clause (a) of subsection (1) of section 27 , the petitioner has not in any manner been accessory to or connived at or condoned the Act of sexual intercourse referred to therein, or where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty; and
- (c) when divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence; and
- (d) the petition is not presented or prosecuted in collusion with the respondent; and
- (e) there has not been any unnecessary or improper delay in instituting the proceedings; and
- (f) there is no other legal ground why the relief should not be granted; then, and in such a case, but not otherwise, the court shall decree such relief accordingly.

(2) Before proceeding to grant any relief under this Act it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavor to bring about a reconciliation between the parties.

Provided that noting contained in this sub-section shall apply to any proceeding wherein relief is sought on any the grounds pacified in clause (c), clause (e), clause (f), and clause (g) and clause (h) of sub-section (1) section 27.

(3) for the purpose of aiding the court in bringing about such reconciliation, the court may, if the parties so desire or if the court thinks it just and proper so to do , adjourn the proceedings for a reasonable period not exceeding fifteen days and refer the matter to any person named by the parties in this behalf or to any person nominated by the court if the parties fail to name any person, with direction to report to the Court as to whether reconciliation can be and has been effected and the Court shall in disposing of the proceeding have due regard to the report .

(4) In every case where a marriage is dissolved by a decree of divorce, the Court passing the decree shall given a copy thereof free of cost to each of the parties.

35. Relief for respondent in divorce and other Proceedings. — In any proceeding for divorce or judicial separation or restitution of conjugal rights, the respondent may not only oppose the relief sought on the ground of petitioner's adultery, cruelty or desertion, but also make counter-claim for any relief under this Act on that ground, and if the petitioner's adultery, cruelty or desertion is proved, the Court may give to the respondent any relief under this Act to which he or she would have been entitled if he or she had presented a petition seeking such relief on that ground.

36. Alimony pendente lite.—Where in any proceeding under Chapter V or Chapter VI it appears to the district court that the wife has no independent income sufficient for her support and the necessary expenses of the proceeding, it may, on the application of the wife, order the husband to pay to her the expenses of the proceeding, and weekly or monthly during the proceeding such sum as having regard to the husband's income, it may seem to the court to be reasonable.

37. Permanent alimony and maintenance.—(1) Any court exercising jurisdiction under Chapter V or Chapter VI may, at the time of passing any decree or at any time subsequent to the decree, on application made to it for the purpose, order that the husband shall secure to the wife for her maintenance and support, if necessary, by a charge on the husband's property, such gross sum or such monthly or periodical payment of money for a term not exceeding her life, as, having regard to her own property, if any, her husband's property and ability the conduct of the parties and other circumstance of the case, it may seem to the court to be just.

(2) If the district court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as it may seem to the court to be just.

(3) If the district court is satisfied that the wife in whose favour an order has been made under this section has remarried or is not leading a chaste life, it may at the instance of the husband vary, modify or rescind any such order and in such manner as the court may deem just.

38. Custody of Children.—In any proceeding under Chapter V or Chapter VI the district court may, from time to time, pass such interim orders and make such provisions in the decree as it may seem to it to be just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes wherever possible, and may, after the decree, upon application by petition for the purpose, make, revoke, suspend or vary, from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceeding for obtaining such decree were still pending.

39. Appeals from decrees and orders: -

(1) All decrees made by the court in any proceeding under Chapter V or Chapter VI shall, subject to the provisions of sub-Section (3), be appealable as decrees of the Court made in the exercise of the original civil jurisdiction and such appeals shall lie to the court to which appeals ordinarily lie from the decisions of the Court given in the exercise of its original civil jurisdiction.

(2) Orders made by the Court in any proceeding under this Act under section 37 or section 38 shall, subject to the provisions of sub-section (3), be appealable if they are not interim orders, and every such appeals shall lie to the court to which appeals ordinarily lie from the decisions of the Court given in the exercise of its original civil jurisdiction.

- (3) There shall be no appeal under this section on the subject of costs only.
- (4) Every appeal under this section shall be preferred within a period of thirty days from the date of the decree or order.

39A. Enforcement of decrees and orders.—All decree and orders made by the court in any proceeding under Chapter V or Chapter VI shall be enforced in like manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction for the time being are enforced.

40. Application of Act 5 of 1908.—Subject to the other provisions contained in this Act, and to such rules as the High Court may make in this behalf, all proceedings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908.

40 A. power to transfer petitions in certain cases: - (1) where, --

- (a) a petition under this Act has been presented to the District Court having jurisdiction by a party to the marriage praying for a decree for judicial separation under section 23 or for a decree of divorce under Section 27; and
- (b) another petition under this Act has been presented thereafter by the other party to the marriage praying for decree for judicial separation under Section 23, or for decree of divorce under section 27 on any ground whether in the same District court or in a differed District Court, in the same state or in a different state, the petition shall be dealt with as specified in sub section (2).

(2) in a case where sub-section (1) applies:-

- (a) if the petitions are presented to the same District Court, both the petitions shall be tried and heard together by that District Court;
- (b) if the petitions are presented to different district courts, the petition presented later shall be transferred to the district court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the District Court in which the earlier petition was presented .

(3) In a case where Clause (b) of sub-section (2) applies, the Court or the Government, as the case may be, competent, under the Code of Civil Procedure, 1908 (5 of 1908) to transfer any suit or proceeding from the District court in which the later petition has been presented to the District court in which the earlier petition is pending, shall exercise its powers to transfer such later petition as if it had been empowered so to do under the said Code.

40 B. special provision relating to trial and disposal of petitions under the Act: -

(1) The trial of petition under this Act shall, so far, as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the Court finds the adjournment of the trial beyond the following day to be necessary for reason to be recorded.

(2) Every petition under this Act shall be tried as expeditiously as possible, an endeavor shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.

(3) Every appeal under this Act shall be heard as expeditiously as possible, and endeavor shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent.

40 C. Documentary Evidence: - Notwithstanding any thing contained in any enactment to the contrary, no document shall be inadmissible in evidence in any proceeding at the trial of a petition under this Act on the ground that it is not duly stamped or registered.

41. Power of High Court to make rules regulating procedure.—(1) The High Court shall, by notification in the Official Gazette, make such rules consistent with the provisions contained in this Act and the Code of Civil Procedure, 1908 (Act V of 1908), as it may consider expedient for the purpose of carrying into effect the provisions of Chapter V, VI and VII.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules shall provide for,—

- (a) the impleading by the petitioner of the adulterer as a co-respondent on a petition for divorce on the ground of adultery, and the circumstances in which the petitioner may be excused from doing so;
- (b) the awarding of damages against any such co-respondent;
- (c) the intervention in any proceeding under Chapter V or Chapter VI by any person not already a party thereto;
- (d) the form and contents of petitions for nullity of marriage or for divorce and the payment of costs incurred by parties to such petitions; and
- (e) any other matter for which no provision or no sufficient provision is made in this Act, and for which provision is made in the Indian Divorce Act, 1869 (IV of 1869).

CHAPTER VIII MISCELLANEOUS

42. Saving.—Nothing contained in this Act shall affect the validity of any marriage not solemnized under its provisions; nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage.

43. Penalty on married person marrying again under this Act.—Save as otherwise provided in Chapter III, every person who, being at the time married, procures a marriage of himself or herself to be solemnized under this Act shall be deemed to have committed an offence under section 494 or section 495 of the Indian Penal Code (45 of 1860), as the case may be, and the marriage so solemnized shall be void.

44. Punishment of bigamy.—Every person whose marriage is solemnized under this Act and who, during the life time of his or her wife or husband contracts any other marriage shall be subjected to the penalties provided in section 494 and section 495 of the Indian Penal Code (45 of 1860), for the offence of marrying again during the lifetime of a husband or wife, and the marriage so contracted shall be void.

45. Penalty for signing false declaration or certificate.—Every person making, signing or attesting any declaration or certificate required by or under this Act containing a statement which is false and which he either knows or believes to be false or does not believe to be true shall be guilty of the offence described in section 199 of the Indian Penal Code (45 of 1860).

46. Penalty for wrongful action of Marriage Officer.—Any Marriage Officer who knowingly and willfully solemnizes a marriage under this Act—

- (1) without publishing a notice regarding such marriage as required by section 5, or
- (2) within thirty days of the publication of the notice of such marriage, or
- (3) in contravention of any other provision contained in this Act, shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

47. Marriage Certificate Book to be open to inspection.—(1) The Marriage Certificate Book kept under this Act shall at all reasonable times be open for inspection and shall be admissible as evidence of the statements therein contained.

(2) Certified extracts from the Marriage Certificate Book shall, on application, be given by the Marriage Officer to the applicant on payment by him of the prescribed fee.

48. Transmission of copies of entries in marriage records.—Every Marriage Officer in a State shall send to the Registrar-General of Births, Deaths and Marriages of that State at such intervals and in such form as may be prescribed, a true copy of all entries made by him in the Marriage Certificate Book since the last of such intervals, and, in the case of Marriage Officers outside the territories to which this Act extends, the true copy shall be sent to such authority as the Central Government may specify in this behalf.

49. Correction of errors.—(1) Any marriage Officer who discovers any error in the form of substance of any entry in the Marriage Certificate Book may, within one month next after the discovery of such error, in the presence of the persons married or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin without any alteration of the original entry and shall sign the marginal entry and add thereto the date of such correction and the Marriage Officer shall make the like marginal entry in the certificate thereof.

(2) Every correction made under this section shall be attested by the witnesses in whose presence it was made.

(3) Where a copy of any entry has already been sent under section 48 to the Registrar-General or other authority the Marriage Officer shall make and send in like manner a separate certificate of the original erroneous entry and of the marginal correction therein made.

50. Power to make rules.—(1) The Central Government, in the case of officers of the Central Government, and the State Government, in all other cases, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the duties and powers of Marriage Officers and the areas in which they may exercise jurisdiction;

(b) the manner in which a Marriage Officer may hold inquiries under this Act and the procedure therefor;

(c) the form and manner in which any books required by or under this Act shall be maintained.

(d) the fees that may be levied for the performance of any duty imposed upon a Marriage Officer under this Act;

(e) the manner in which public notice shall be given under section 16;

(f) the form in which, and the intervals within which, copies of entries in the Marriage Certificate Book shall be sent in pursuance of section 48;

(g) any other matter which may be or requires to be prescribed.

**[(3) Every rule made by the Central Government under this act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both house agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) every rule made by the State Government under this Act shall be laid as soon as it is made, before the State Legislature]

**[inserted by Act 20 Of 1983]

51. Repeals and savings.—(1) The Special Marriage Act 1872 (3 of 1872), and any law corresponding to the Special Marriage Act, 1872, in force in any Part B State immediately before the commencement of this Act are hereby repealed.

(2) Notwithstanding such repeal,—

(a) all marriages duly solemnized under the Special Marriage Act, 1872 (3 of 1872), or any such corresponding law shall be deemed to have been solemnized under this Act;

(b) all suits and proceedings in causes and matters matrimonial which, when this Act comes into operation, are pending in any court, shall be dealt with the decided by such court, so far as may be, as if they had been originally instituted therein under this Act.

(3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in section 6 of the General Clauses Act.1897 (10 of 1897), which shall also

apply to the repeal of the corresponding law as if such corresponding law had been an enactment.

THE SPECIAL MARRIAGE ACT
THE FIRST SCHEDULE
[See section 2 (b) "Degrees of Prohibited relationship"]
PART I

1. Mother
2. Father's widow (step-mother)]
3. Mother's mother
4. Mother's father's widow (step grand-mother)
5. Mother's mother's mother
6. Mother's mother's father's widow (step great grand-mother)
7. Mother's father's mother
8. Mother's father's father's widow (step great grand-mother)
9. Father's mother
10. Father's father's widow (step grand-mother)
11. Father's mother's mother
12. Father's mother's father's widow (step great grand-mother)
13. Father's father's mother
14. Father's father's father's widow (step great grand mother)
15. Daughter
16. Son's widow
17. Daughter's daughter
18. Daughter's son's widow
19. Son's daughter
20. Son's son's widow
21. Daughter's daughter's daughter
22. Daughter's daughter's son's widow
23. Daughter's son's daughter
24. Daughter's son's son's widow
25. Son's daughter's daughter
26. Son's daughter's son's widow
27. Son's son's daughter
28. Son's son's son's widow
29. Sister
30. Sister's daughter
31. Brother's daughter
32. Mother's sister
33. Father's sister
34. Father's brother's daughter
35. Father's sister's daughter
36. Mother's sister's daughter
37. Mother's brother's daughter

Explanation.—For the Purposes of this Part, the expression "widow" includes a divorced wife.

PART II

1. Father
2. Mother's husband (step-father)
3. Father's father
4. Father's mother's husband (step grand-father)
5. Father's father's father
6. Father's father's mother's husband (step great grand-father)
7. Father's mother's father
8. Father's mother's mother's husband (Step great grand-father)
9. Mother's father
10. Mother's mother's husband (step grand-father)
11. Mother's father's father
12. Mother's father's mother's husband (step great grand-father)
13. Mother's mother's father
14. Mother's mother's mother's husband (step great grand-father)
15. Son
16. Daughter's husband
17. Son's son
18. Son's daughter's husband
19. Daughter's son
20. Daughter's daughter's husband
21. Son's son's son
22. Son's son's daughter's husband
23. Son's daughter's son
24. Son's daughter's daughter's husband
25. Daughter's son's son
26. Daughter's son's daughter's husband
27. Daughter's daughter's son
28. Daughter's daughter's daughter's husband
29. Brother
30. Brother's son
31. Sister's son
32. Mother's brother
33. Father's brother
34. Father's brother's son
35. Father's sister's son.
36. Mother's sister's son
37. Mother's brother's son

Explanation.—For the purpose of this Part, the expression "husband" includes a divorced husband.

FEES UNDER SPECIAL MARRIAGE ACT

<u>PARTICULARS</u>	<u>AMOUNT</u>
1. For every notice of intended marriage or application for the registration of marriage(to be paid by the Parties to the marriage).	2-00
2. For recording an objection (to be paid by the objector)	2-00
3. For every enquiry into objection (to be paid by the objector)	50-00
4. For every notice and for every summons to a witness to appear and give evidence or procedure a document (to be paid by the parties to the marriage)	50-00
5. For solemnizing or registering a marriage (to be paid by the parties to the marriage)	1-00
6. For notice of marriage under section 14	1-00
7. For inspection of Marriage Certificate of Book	
(i) For the first year	1-00
(ii) For every additional year (to be paid by the applicant)	0-50
8. (i) For granting a certified copy of an entry	2-00
(ii) For a certified copy or extract of an entry in other records (to be paid by the applicant)]	1-00

9. For solemnizing or registering a marriage at any place

Outside the office of the marriage officer in addition to

the fee in entry (5) to be paid by the parties to the marriage). 15-00

NOTE:- This fee may be appropriated by the marriage officer. No travelling allowance shall

however, be claimed in addition.

SCHEDULE OF FEES

(i) For every notice of an intended marriage 120-00

(ii) For publication of notice-Actual charges

Note-A suitable amount will be taken as a advance towards cost of publication of notice in newspapers.

(iii) For receiving and processing or dealing with an objection 300-00

(iv) For solemnizing a marriage 240-00

(v) For solemnizing a marriage at a place referred to in Rule 9(c) 90-00

Note-This will in addition a marriage at a place referred to in item (iv) above.

(vi) For receiving notice of caveat 240-00

(vii) For certificate by Marriage Officer of notice having 45-00

been given posted up.

- (viii) For a certified copy of reasons recorded under section 11
Or section 17 for refusal to solemnize or, as the case may be, for
refusal to register a marriage.**
- (ix) For certified copy of an entry-**
 - (a) In the Marriage Notice Book** 25-00
 - (b) In the marriage Certificate Book** 25-00
- (x) For certificate of a document referred to in
Sub-section (1) of section 24** 10-00
- (xi) For making a search-**
 - (a) If the entry is of the current year** 25-00
 - (b) If the entry relates to any previos year or years** 45-00

THE SECOND SCHEDULE
(See section 5)
NOTICE OF INTENDED MARRIAGE

To Marriage Officer for theDistrict.

We hereby give you notice that a marriage under Special Marriage Act, 1954, is intended to be solemnized between us within three calendar months from the date hereof.

Name	Condition	Occupation	Age	Dwelling Place	Permanent dwelling place if present dwelling place not permanent	Length of Residence

A, B. Unmarried
 Widower
 Divorcee

C,D Unmarried
 Widow
 Divorcee

Witness our hands this
----- day of
----- 20.

(S.d.) A.B.
(S.d.) C.D.

THE THIRD SCHEDULE

(See section 11)

DECLARATION TO BE MADE BY HE BRIDEGROOM

I, A.B., hereby declare as follows:-

1.I am at the present time unmarried (or a widower or a divorcee, as the case may be).

2.I have completed.....years of age.

3.I am not related to C.D.(the bride) within the degrees of prohibited relationship.

4.I am aware that, if any statement in this declaration is false, and if in making such statement, I either know or believe it to be false or do not believe it to true.I am liable to imprisonment and also to fine.

(S.d), A.B.(the Bridegroom)

DECLARATION TO BE MADE BY HE BRIDE

I, C.D., hereby declare as follows;-

1. I am at the present time unmarried (or a widow or a divorcee, as the case may be).

2. I have completed.....years of age.

3. I am not related to A.B.(the Bridegroom) within the degrees of prohibited relationship.

4. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(S.d) C.D.(the Bride)

Signed in our presence by the above-named A.B.and C.D.so far as we are aware there is no lawful impediment to the marriage.

(S.d) G.H.

(S.d) I.J Three witness

(S.d) K.L.

Countersigned E.F.,

Marriage Officer.

Dated the----- day of
----- 20

THE FOURTH SCHEDULE
(See Section 13)
CERTIFICATE OF MARRIAGE

I, E.F.hereby certify that on the day -----Of -----20 A.B.and C.D.* { *
Herein give particulars of the parties}before me and that each of them, in my presence and
in the presence of three witnesses who have signed hereunder, made the declarations of
required by section 11 and that a marriage under this Act was the solemnized between
them in my presence

(S.d) E.F.,
Marriage Officer
for -----the District

(S.d) A.B.,
Bridegroom
(S.d) C.D.,
Bride

(S.d) G.H.,
Three witnesses
(S.d) I.J. -----

(S.d) K.L].

Dated the day ----- of -----20 -----

THE FIFTH SCHEDULE

(See section 16)

CERTIFICATE OF MARRIAGE CELEBRATED IN OTHER FORMS

I, E.F., hereby certify that A.B. and C.D.* appeared before me {*Here in give particulars of the parties} this day 19 and that each of them, in my presence have declared that a ceremony of marriage has been performed between them and that they have been living together as husband and wife wince the time of their marriage, and that in accordance with their desire to have their marriage registered under this Act the said marriage has, this Day of -----20 -----been registered under this Act, having effect as from

(S.d) E.F.

Marriage Officer for

(S.d) A.B.

Husband

(S.d) C.D.

Wife (

S.d) G.H.

S.d) I.J. Three witnesses.

(S.d) K.L.

Dated the ----- day of -----20

Form 1

The Section Schedule
(See Section 5)

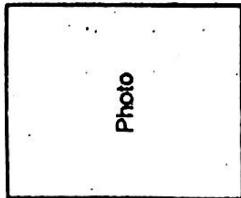
NOTICE OF INTENDED MARRIAGE

To
The Marriage Officer
For the

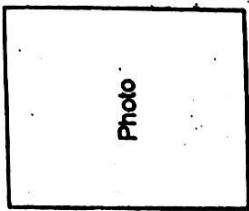
We hereby give you notice that a Marriage under the Special Marriage Act, is intended to be between us within three calendar Months from the date here of :

NOTICE No. _____

Photo



Photo



Photo

NAME 1	Condition 2	Occupation 3	Age & Date of Birth 4	Dwelling Place 5	Permanent Dwelling Place if Present Dwelling Place is not Permanent Place. 6	Length of a Residence 7
					UN Married/ Widower/ Divorces	

Witness our hands this day of Year

BRIDE

BRIDE GROOM

MARRIAGE OFFICER

**APPLICATION FOR REGISTRATION OF MARRIAGE
UNDER SECTION 16 OF THE SPECIAL MARRIAGE ACT. 1954
(CENTRAL ACT. XL, III OF 1954)**

1. Name of the Party :
(Husband and Wife)
(Maiden Name)
2. Age or Date of Birth : Husband :
Wife :
3. A) Permanent Dwelling Place :
(Husband and Wife)

B) Address of Wife :
Before Marriage
4. Permanent Dwelling Place :
(Husband)
Same as shown at 3 above
5. Relationship if any of Parties :
before Marriage
6. A Ceremony of Marriage was performed at _____

between _____

and we declare that we have been living together
as Husband and Wife ever since the date of the marriage noted above.

1. Neither of us had more than one spouse living on the date mentioned in the application.
2. Neither of us is a lunatic or idiot.
3. Both of us have completed age of 21 years on the date of application.

We are not within the degree of prohibited relationships. Our marriage was celebrated after the commencement of the Special Marriage Act of 1954 (Central Act. XI, III of 1954) and according to the law, a marriage between us is permitted as we are not within the degree of prohibited relationship according to the act aforesaid.

We are residing within the jurisdiction of the marriage officer at Hyderabad for a period of not less than thirty days immediately preceding the date of this application.

We also declare that all the above particulars are true and correct to the best of our knowledge and belief.

Signatures

Place :

Date :

1. Husband :

2. Wife :

RULES FRAMED UNDER SPECIAL MARRIAGE ACT, 1954

[G. O. Ms. No. 176, Home (Integration -B), 24th January, 1959.]

RULES

1. (i) These rules may be called the Andhra Pradesh Special Marriage Rules, 1959.

(ii) They shall extend to the whole of the State of Andhra Pradesh.

2. In these rules, unless the context otherwise requires-

(1) 'Form' means a form appended to these rules;

(ii) "the Act" means the Special Marriage Act, 1954 (Central Act XLIII of 1954); and

(iii) 'Section' means a section of the Act.

3. Every Marriage Officer shall cause his name, designation and the regular working hours of his office, to be written in English and in the language or languages of the district and displayed in a conspicuous part of the building in which his office is situated.

4. (1) Notice of any intended marriage under the Act shall be given in writing in the form specified in the second schedule to the Act, to the Marriage Officer, by both the parties intending to enter into the marriage, either in person or by Registered post.

(2) Where the notice is delivered in person the fee specified therefor in the schedule to these rules, shall be paid directly in cash to the Marriage Officer. Where the notice is sent by Registered Post, the fee shall be remitted by money order at the remitter's expense and the receipt issued to the remitter by the Post Office through which the remittance is made shall be attached to the notice.

(3) As soon as the notice has been received by the Marriage Officer, a distinctive serial number shall be entered on it and such number and the date of receipt of the notice shall be attested by the signature of the Marriage Officer. If the notice is in conformity with the requirements of the Act, it shall be entered in the Marriage Notice Book, which shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached. If the notice is not in conformity with the

requirements of the Act, it shall be got rectified by the parties if they are present or returned to them by post for rectification and retransmission within a date to be fixed. Every item of rectification shall be attested by both the parties.

5. Publication under section 6 (2) as well as transmission under section 6(3) of a true copy of the notice of intended marriage given under section 5, shall be on the very day on which the said notice is received in office and publication of notice in the office to which a true copy of it is transmitted under section 6(3) shall be on the date of receipt of the copy in that office. Such copy shall bear the signature and seal of the Marriage Officer.

6. (1) Every objection under section 7(1) shall be in writing and presented in person to the Marriage Officer during office hours.

(2) An objection sent by post shall not be accepted or acted upon.

(3) No such objection shall be entertained unless the prescribed

fee therefor in the schedule to these rules has been paid to the Marriage Officer.

(4) The recording of the objection in writing under section 7(3) by the Marriage Officer shall be either in English or in the language or languages of the district.

(5) Where an objection to the solemnisation of an intended marriage together with the fee prescribed therefor in the schedule to these rules has been received and recorded by the Marriage Officer, he shall, unless by an order in writing he rejects the objection summarily on the ground that the objection is not based on contravention of any of the conditions specified in section 4, enquire into the objection on a day to be fixed by him. The day so fixed shall not be later than thirty days from the date of the objection. The date so fixed shall be notified to the objector and to the parties to the marriage and also published on the notice board in the office of the Marriage Officer.

(6) The Marriage Officer shall at the time of recording the objection, ascertain from the objector whether he has any documents on which he relies or whether he desires any witness or witnesses to be examined on his behalf. If the objector states that he has, the Marriage Officer shall require the objector to

produce the documents or the witnesses on the day fixed for the enquiry. If the objector desires that summons to the witnesses cited on payment of the process fee prescribed therefor in the schedule and the reasonable expenses of travelling and subsistence of the witnesses. The enquiry relating to the objection including production of documents and the examination of witnesses shall be completed and the decision of the Marriage Officer arrived at within the period of thirty days specified in section 8. If within the prescribed period the documents are not produced and the witnesses do not appear before the Marriage Officer, the Marriage Officer shall take decision without waiting for the production of such documents or the appearance of such witnesses. If on the date of the enquiry, the objector does not appear, even though the witnesses appear, the Marriage Officer may proceed to solemnize the marriage.

(7) The notice or summons to any party or witnesses under this rule shall be in Form I or Form II, as the case may be, and shall be sent by Registered Post or through process server.

(8) On the day fixed for the enquiry or on the adjourned date, the Marriage Officer shall record in his own hand, the evidence given in the course of the enquiry, his decision on the objection and the reasons therefor.

(9) All the statements shall be recorded on loose sheets of paper and shall be kept with the records of enquiry.

(10) All orders passed from time to time by the Marriage Officer shall be intimated to the parties to the marriage and to the objector without delay.

7. (1) An application for the registration of marriage under section 16 shall be presented in person or sent by Registered Post by either of the parties to the marriage to the Marriage Officer during office hours in Form III appended to the rules.

(2) A true copy of such application shall be entered in a book to be kept for that purpose.

(3) Notice of the application under sub-rule (1) shall be given by the Marriage Officer by exhibiting a true copy thereof under his signature and seal in a conspicuous place in his office and by causing its publication by affixture in a conspicuous place in the village in which the parties reside. The notice shall also state that objections if any to the registration of the marriage should be preferred by the objector in person orally or in writing to the Marriage Officer within thirty days from the date on which the notice is exhibited. The cost of transmission of

the copy of application to the Village Officer for affixture in a conspicuous place and other incidental charges if any, shall be collected from the parties to the marriage.

(4) Any objection received within the said period together with the fee prescribed therefor in the schedule to these rules shall be recorded and the enquiry in respect thereto made as early as possible in the manner prescribed in rule 6.

8. (1) The Marriage Officer may, on application by both the parties to the marriage, solemnize the same at any place outside his office provided the additional fee prescribed therefor in the schedule to these rules is paid and the hour is not unreasonable. A conveyance shall be provided to the Marriage Officer by the parties to the marriage (G.O. Ms No. 2574, Home Gen. and A. Dept. dated 28th December, 1976):

(2) Dignity and decorum befitting the occasion shall be maintained by the Marriage Officer at the time of solemnization of the marriage.

9. Every Marriage Officer shall keep a register in Form IV of all fees realised under these rules (including moneys received through Money Order). All moneys received by the Marriage Officer except the fee mentioned in entry (9) of the schedule to these rules shall be remitted promptly into the local treasury under the head of account "XXXVI" P. Miscellaneous departments Miscellaneous Births, Deaths and Marriages Registration Fees" and a report sent to the Registrar General of Births, Deaths and Marriages once in every month.

10.(1) A receipt in Form V shall be granted for every fee levied or costs recovered by way of compensation under section 9 (2) by the Marriage Officer.

(2) Receipt books shall be bound volumes of one hundred leaves each with foils and counterfoils which shall be machine numbered consecutively.

11. Copies of entries in the Marriage Certificate Book which the Marriage Officers are required to send under section 48 to the Registrar General of Births, Deaths and Marriages shall be certified in Form VI and shall be sent at intervals of three months on or as early as possible after the 1st January, April, July and October in each year.

Should no entries be made in the Book during the preceding three months, a certificate to that effect shall be sent to the Registrar-General as indicated above.

12. The following books and files shall be maintained: -

- (1) File of notices of intended marriages (Section 5, Second Schedule to the Act).
- (2) Marriage Notice Book (Section 6).
- (3) Record of enquiry (Section 8).
- (4) Register of enquiry (Section 8 and Form VII).

- (5) File of declarations by parties and witnesses (Section 11, Third Schedule to the Act).
- (6) Marriage Certificate Book (Section 13, Fourth Schedule to the Act).
- (7) File of applications presented under section 16.
- (8) Register of copies of applications. (Section 16).
- (9) Marriage Certificate Book (Section 16, Fifth Schedule to the Act).
- (10) File of applications for certified copies. [Section 47(2)].
- (11) Register of fees levied (Rule 9).
- (12) Fee receipt book (Rule 10)

13. The following books and files shall be preserved permanently :

- (1) File of notices of intended marriages (Section 5, Second Schedule to the Act).
- (2) Marriage Notice Book (Section 6).
- (3) Record of enquiry (Section 8).
- (4) Register of enquiry (Section 8).

- (5) File of declarations by parties and witnesses (Section 11, Third Schedule to the Act).
- (6) Marriage Certificate Book (Section 13, Fourth Schedule to the Act).

- (7) File of applications presented under section 16.

- (8) Register of copies of applications (Section 16).
 - (9) Marriage Certificate Book (Section 16, Fifth Schedule to the Act).
14. The fees to be charged by the Marriage Officer be as specified for the respective items in the schedule to these rules.
15. The Marriage Officer may, for the purpose of himself that the parties to a marriage have completed the specified in clause (c) of section 4 or clause(d) of section as the case may be, require them to produce proof of the age, birth certificate for any other satisfactory evidence.

SPECIAL MARRAIGE ACT

The following are the essential conditions to be fulfilled for the registration of he marriage under Special Marriage Act.

Neither party has a spouse Living

Neither party is an idiot or lunatic

Bridegroom has completed the age of 21 years and the Bride has completed the age of 18 years.

Both the Bridegroom and Bride are not within the prohibited relationship.

Procedure For Registration Of A Marriage

Persons belonging to different relations and faiths can have their marriage Solemnized under this Act.

Marriages performed under other forms can also be registered under this Act.

The persons intending to register their marriage have to submit an application/notice thereof onlineas specified under second schedule under Section 5 in jurisdiction where at least one of the parties to the marriage have resided for a period of not less than 30 days immediately preceding the date on which notice is given.

After the receipt of the notice, the marriage officer shall enter a true copy in the marriage notice Book and shall cause the notice to be published in the notice board of his office and also see that the notice is published in the office of the marriage Registrars in whose District the parties are permanently residing.

Any person before the expiration of 30 days may make an objection that the marriage contravenes the essential conditions noted above.

After the expiry of 30 days of notice the Sub-Registrar shall register the marriage after the Bridegroom and Bride sign a declaration in form specified in the Third Schedule in the presence of three witness and they should utter in the language known i(a) take the (b) I take b) to be my lawful wife.

The parties may choose any other form like exchanging the Garlands etc., apart from the above

By this process the marriage is deemed to have been solemnized and the marriage officer shall enter the particulars in the marriage certificate book and it will be signed by the parties to the marriage and Three Witnesses. The procedure of Registration of Marriage performed in other forms

All the above procedure is same except that the utterance of i(a) take the (b) I take b) to be my lawful wife.

The parties may choose any other form like exchanging the Garlandsetc apart from the above.

After the above procedure is over the parties will be issued an extract of the marriage register.

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Designed and Developed By

RULES UNDER THE INDIAN STAMP ACT, 1899

CHAPTER I

PRELIMINARY

1. Short title : These rules maybe called the Indian Stamp Rules, 1925.
2. Definitions : In these rules,
 - (a) "The Act" means the Indian Stamp Act, 1899 (II of 1899).
 - (b) "Section" means a Section of the Act.
 - (c) "Schedule" means a Schedule of the Act.
 - (d) The Inspector General of Stamps means the Inspector General of Stamps, Andhra Pradesh, Hyderabad or any officer appointed by the Government to perform the functions of Inspector General of Stamps. (G.O.Ms. No. 1060 Revenue Dated: 02.06.1959).
 - (e) "Government" means, unless there is anything repugnant in the subject or context the "Government of Andhra Pradesh", (G.O.Ms. No. 1060 Revenue Dated: 02.06.1959).
3. Description of Stamps : (1) Except as otherwise provided by the Act or by these Rules---
 - (i) all duties with which any instrument is chargeable shall be paid and such payment shall be indicated on such instrument, by means of stamps issued by Government for the purposes of the Act.
 - (ii) a stamp which by any Word or words on the face of it is appropriated to any particular kind of instrument, shall not be used for an instrument of any other kind.
 - (iii) stamps purchased in A.P. State alone shall be used for instruments chargeable with duty under the Act as in force in that State,

Provided that, stamps purchased in the State of A.P. may also be used for instruments chargeable with duty under the Act as in force in the transferred territories.

Note: The term "Transferred territories" shall mean the areas trans-

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Pradesh Amendment 1971)**

ferred to the State of A P. under the provisions of A P. and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

(iv) the stamp paper will bear the endorsements of the stamp vendors prescribed under the rules made under Section 74.

(2) There shall be two kinds of stamps for indicating the payment of duty with which instruments are chargeable, namely---

- (a) impressed stamps and (b) adhesive stamps.

CHAPTER II

OF IMPRESSED STAMPS

4. Hundis

(1) Hundis, other than hundis which may be stamped with an adhesive stamp under Section 11, shall be written on paper as follows namely :

(a) A hundi payable otherwise than on demand, but not at more than one year after date of sight, and for an amount not exceeding rupees thirty thousand in value, shall be written on paper on which a stamp of the proper value bearing the word 'Hundi' has been engraved or embossed.

(b) A hundi for an amount exceeding rupees thirty thousand in value, or payable at more than one year after date or sight, shall be written on paper supplied for sale by the Government to which a label has been affixed by Inspector General of Stamps, and impressed by him in the manner prescribed by rule 11.

^{1/8}(2) Every sheet of paper on which a hundi is written shall be not less than 8-5/8 inches long and 5 inches wide and no plain paper shall be joined thereto.

(3) The provisions of sub-rule (1) of rule 7 shall apply In the case of Hundis.

5. Promissory notes and Bill of Exchange: A promissory note or Bill Exchange shall, except as provided by Section 11 or by rules 13 and 17, be

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
Pradesh Amendment 1971)**

written on paper on which a stamp of the proper value, with or without the word =hundi` has been engraved or embossed.

6. Other instruments:

(1) Every other instrument chargeable with duty shall, except as provided by section 11 or by rules 10, 12 and 13, be written on paper on which a stamp of the proper value, not bearing the word 'Hundi' has been engraved or embossed.

(2) A stamped paper, on which the stamp has been engraved or embossed purchased by or for the use of a person shall be used only, by that person or his legal representative or duly authorised agent of, such person.

7. Provision where single sheet of paper is insufficient :

(1) Where two or more sheets of paper on which stamps are engraved or embossed are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

Note : 1. The purchase of stamp papers for use together in one transaction does not operate to prevent their being used separately for different transactions Nor is there any objection to the use of stamp papers purchased in one year together with other stamp papers to be purchased subsequently.

2. The signatures of executants and attesting witnesses do not form an integral portion of a deed.

(2) Where a single sheet of paper, not being paper bearing an impressed hundi-stamp, is insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be

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sub joined thereto as may be necessary for the complete writing of such instrument.

PROVIDED that, in every such case a substantial part of the instrument shall be written on the sheet which bears the stamp before any part is written on the plain paper subjoined.

Note: 1. The Madras High Court has held that this rule (2) while favouring the writing of an instrument only on the side which bears the stamp, does not prohibit writing on the other side.

2. A Collector ruled that a conveyance was not duly stamped the writing being on both sides of the paper. The High Court held that, the ruling was wrong and that both sides may be written upon.

2. The words 'substantial part' apply not to length or quantity but to materiality. In this view the price or rent, the names of the Parties and the date which are set out in the introductory portion of vernacular documents are all material parts of the documents. The date will only appear in this introductory portion and in some classes of vernacular documents it is the same with the price. Such introductory portion of a vernacular* document is a 'substantial part' of the instrument within the meaning of rule 7. (The Advocate-General's opinion in Board's proceedings No, 16/136, Mis. dated 17th January, 1901).

*Vernacular documents refer to documents in the regional language.

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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8. 10 paise, 15 paise and 20 paise impressed stamps: The duty on any instrument which is chargeable with a duty of 10 paise under the Act or of 15 paise under Articles 19, 36, 37, 49 and 52 of Schedule 1 or of 20 paise under Articles 5, 38-a of Schedule I-A may be denoted by a coloured impression marked on a skeleton form of such instrument by the Inspector General of Stamps.

9. The Proper Officer: The Officers specified in Appendix 1 and any officer appointed in this behalf by the State Government of a State are empowered to affix and impress or perforate labels and each of them shall be deemed to be the 'Proper officer' for the purposes of the Act and of these rules.

10. Affixing and impressing of labels by proper officer permissible in certain cases: Labels may be affixed and impressed or perforated by the proper officer in the case of any of the following Instruments, namely:

(i) those specified in Appendix II, and the counterparts thereof other than instruments on which the duty is less than fifteen paise, and

(ii) those specified in Appendix III, when written in any European Language, and accompanied, if the language is not English, by a translation in English,

PROVIDED that, the State Government may direct that this rule shall apply, subject to any conditions which it may prescribe to any of the instruments specified in Appendix-III, other than Bills of Exchange, when written in any oriental language.

11. Mode of affixing and impressing labels:

(1) The proper officer shall, upon any instrument specified in rule being brought to him before it is executed, and upon application being made to him, affix thereto a label or labels of such value as the applicant may require and pay for, and impress or perforate such label or labels by means of a stamping machine or a perforating machine and also stamp or write on the face of the label or labels the date of impressing or perforating the same. In

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the case of instruments written on parchment, the tables shall be further secured by means of metallic eyelets.

Note ; No Court fee should be levied under clause (K) of Article 1(Schedule-II of the A.P. Court Fees & Suits Valuation Act, 195(on applications made to Collectors to have impressed labels affixed to documents.

(2) On affixing any label or labels under this rule, the proper office shall, where the duty amounts to rupees five or upwards, write on the face of the label or labels his initials and where the duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the label or labels.

(3) Any principal assistant of the proper officer may discharge the functions of the proper officer under sub-rule (2) if empowered by the Government in this behalf.

12. Certain instruments to be stamped with impressed labels;

(1) Instruments executed out of the State and requiring to be stamped after their receipt in the State (Other than instruments which, under Section 11 or Rule 13, may be stamped with adhesive stamps) shall be stamped with impressed labels.

(2) Where any such instrument as aforesaid is taken to the Collector under section 18, Sub-Section (2), the Collector, unless he is himself the proper officer, shall send the instrument to the proper officer, remitting the amount of duty paid in respect thereof; and the proper officer shall stamp the instrument in the manner prescribed in rule 11 and return it to the Collector for delivery to the person by whom it was produced.

**CHAPTER III OF
ADHESIVE STAMPS**

13. Use of adhesive stamps on certain instruments: The following instruments may be stamped with adhesive stamps, namely—

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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- (a) Bills of exchange payable otherwise than on demand and drawn in sets. when the amount of duty does not exceed ten paise for each part of the set.
- (b) Transfers of debentures of public companies and associations.
- (c) Copies of maps or plans, printed copies and copies of or extracts from registers given on printed forms when chargeable with duty under Article 21 of Schedule I-A.
- (d) Instruments chargeable with duty under Articles 5-A and (b) and 38 of Schedule I-A.
- (e) Instruments chargeable with stamp duty under Article 47 of Schedule- I.
- (f) Instruments chargeable with stamp duty under Articles 37,49-A(ii) and (iii) and 52 of Schedule I and Articles 17 and 32 of Schedule I-A.
- (g) Instruments of transfer of shares of public companies or association.
- (h) Bonds executed under any law relating to Central duty of excise or any rules made thereunder.

13. A. Notwithstanding anything contained in these rules when-ever the stamp duty payable under the Act in respect of any instrument cannot be paid exactly by reason of the fact that the necessary stamps are not in circulation, the amount by which the payment of duty shall on that account be in defect shall be made up by the affixing of 10 paise and five paise adhesive stamp such as are described in rule 16, provided that the Government may direct that instead of such stamps, adhesive Court-fee stamps shall be used for the purpose.

14. Supply of deficient duty on transfer of shares: - When any instrument of transfer of shares in a company or association is written on a

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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sheet of paper on which stamp of the proper value is engraved or embossed and the value of the stamp so engraved, embossed is subsequently in consequence of a rise in the value of such shares, found to fall short of the amount of duty chargeable under Article 62 (a) of Schedule-I one or more adhesive stamps bearing the words 'share transfer' may be used to make up the amount required.

15. Enrolment of Advocates, Vakils or Attorneys: - When adhesive stamps are used to indicate the duty chargeable on entry as an Advocate Vakil or attorney on the roll of any High Court, such stamps shall be affixed under the superintendence of a gazetted officer of the High Court, who shall obtain the stamp from the Inspector General of Stamps or other officer appointed in this behalf by the State Government and account to him for it. Such gazetted Officer shall, after affixing the stamp. Write on the face of it his usual signature with the date thereof.

16. Adhesive stamps denoting duty of ten paise or five paise :- Except as otherwise provided by these rules, the adhesive stamps used to denote duty shall be the requisite number of stamps bearing the words —India Revenue|| and the words —Twenty five paise or Fifteen paise or Ten paise or Five paise

17. Special adhesive stamps to be used in certain cases:- The following 'instruments when stamped with adhesive stamps shall be stamped with the following description of such stamps, namely :

(a) Bills of exchange, cheques and promissory notes drawn or made out of India and chargeable with a duty of more than 10 paise with stamps bearing the words, "foreign Bill":

(b) separate instruments of transfer of Shares and transfers of debentures of Public Companies and Associations ; with stamps bearing the words "share transfer;

(c) Entry as an Advocate, Vakil or Attorney on the roll of any High Court; with stamps bearing the word, Advocate; 'Vakil, or Attorney, as the case may be.

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(d) Notarial Acts; with foreign bill stamps bearing the word 'Notarial';

(e) Copies of maps or plan, printed copies and copies of or extracts from registers given on printed forms certified to be true copies; with court- fee stamps.

(f) Instruments chargeable with stamp duty under Articles 5. a & b or 38 of Schedule I-A with stamps bearing the words —'Agreement' or 'Brokers Note' respectively.

(g) Instruments chargeable with stamp duty under Article 47 of Schedule- I; with stamps bearing the word "Insurance".

CHAPTER IV

MISCELLANEOUS

18. Provision for cases in which improper description of stamp is used: When an instrument bears a stamp of proper amount, but of improper description, the Collector may, on payment of the duty with which the instrument is chargeable, certify by an endorsement that it is duly stamped.

PROVIDED THAT, where the stamp borne on the instrument is a postage stamp and the proper description of stamp is a stamp bearing the words 'India Revenue, the Collector shall so certify if the instrument was executed before, and shall not so certify if it was executed on or after the 1st April, 1935.

19. Evidence as to circumstances of claim to refund or renewal: The Collector may require any person claiming a refund renewal under Chapter V of the Act, or his duly authorised agent, to make an oral deposition on oath or affirmation, or to file an affidavit, setting forth the circumstances under which the claim has arisen and may also, if he thinks fit, call for the evidence of witnesses in support of the statement set-forth in any such deposition or affidavit.

19. A. Furnishing of affidavits regarding instruments executed out of

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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India: The Collector, may require any person or his duly authorised agent presenting an instrument executed out of India for stamping under Section 18 or for opinion under section 31 to furnish an affidavit or other evidence as to the date of its first receipt in India.

20. Payment of allowances in respect of spoiled or misused stamp on the renewal of debentures: When an application is made for the payment, under Chapter V of the Act of an allowance in respect of a stamp which has been spoiled or misused or for which the applicant has no immediate use, or on the renewal of a debenture, and an order is passed by the Collector sanctioning the allowance or calling for further evidence in support of the application, then, if the amount of the allowance of the stamp given in lieu thereof is not taken or if the further evidence required is not furnished, as the case may be, by the applicant within one year of the date of such order, the application shall be struck off, and the spoiled or misused stamps (if any) sent to Inspector General of Stamps or other officer appointed in this behalf by State Government for destruction.

21. Mode of cancelling original debenture on refund under Section When the Collector makes a refund under Section 55, he shall cancel original debenture by Writing on or across it the word 'Cancelled' and usual signature with the date thereof.

22. Rewards: On the conviction of any offender under the Act, Collector may grant to any person who appears to him to have contributed thereto a reward not exceeding such sum as the State Government may fix in this behalf.

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Pradesh Amendment 1971)**

APPENDIX I

PROPER OFFICERS WITHIN THE MEANING OF RULE 9:

1. The Inspector General of Stamps, Andhra Pradesh.
2. The Collector or the Personal Assistant to the Collector or the Treasury Officer of the District in all the districts in the State.
3. The Assistant Director of Fisheries.
4. Superintendents of Excise for the documents presented in their offices.
5. Officers of and above the rank of Assistant Conservator of Forests
the Forest Department, 6. The Sub-Treasury Officers. 7.
The Sub-Registrars. 8 Branch Managers of Nationalised
Banks. 9. Branch Managers of the S B I and its
subsidiaries.
10. Branch Managers of Grameena Banks, Coop. Credit Banks and the
scheduled Banks.

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**APPENDIX List of Instruments
referred to In Rule 10 (i)**

No. of Articles in Schedule-I-A. 1.	
1. Administration Bond	2
2. Affidavits	4
3. Appointments made in execution of power	7
4. Articles of Association of a Company	10
5. Articles of clerkship	11
6. Bills of Lading . of Schedule-	14
7. Charter parties	18
8. Declarations of Trust	55-A
9. Instruments evidencing an agreement relating to (1) the deposit of title deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security) or (2) the pawn or pledge or hypothecation of movable property. 31	3
10. Leases partly printed or lithographed in an oriental language, when the written matter does not exceed onefourth of the printed matter .	34
11. Memoranda of Association of Companies. 34	
12. Mortgage of crops.	36
13. Notes of protest by matters of ships.	39
14. Revocations of trust.	55-B
15. Share warrants issued by a company in accordance with Section 43 of the Indian Companies Act, 1913 (VII of 1213).	50
16. Warrants for goods Art.62-a of Schedule -I & Art 53 of Schedule -I -A	56
17. Note or memorandum when the duty payable exceeds	twent

y-five paise.

38(b)

18 Transfers of the descriptions mentioned in Art. 62, -a
of Schedule -I & Art. 62-A of Schedule -I and Art. 53 a & b of

Art. 53 of Schedule -I -A. Sch.1-A when the duty payable
exceeds Rs.15

1. Administrative –bond	2
2. Affidavits	4
3.Appointments made in execution of a power	7
4.Articles of Association of a Company	10
5.Article of clerkship	11
6.	

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra Pradesh Amendment
1971)**

APPENDIX III LIST OF INSTRUMENTS REFERRED TO IN RULE 10 (II)

NO OF ARTICLES IN SCHEDULE I OR SCHEDULE I- A.

2. Instruments engrossed on parchment and written in the English style which in the opinion of such officer cannot conveniently be written on sheets of paper on which the stamps are engraved or embossed.	
2. Awards	12 of Schedule-I-A
3. Bills of Exchange payable otherwise than on demand and drawn in States	13-b & c of Schedule-I-A
	13, 14, 23,30,-47 & 48 of Schedule-I-A
4. Bonds	
6. Certificates of Safe	17 of Schedule-I-A
7. Composition deeds	19 of Schedule-I-A
8. Conveyances 20 of Schedule-I-A	
8-A	27of Schedule-I-A
Debentures	
9. Instruments imposing a further charge on mortgaged property	28 of Schedule-I-A
10. Instruments of apprenticeship	9 of Schedule-I-A
11. Instruments of Co-partnership	41-A of Schedule-I-A
12. Instruments of dissolution of partnership	41-B of Schedule-I-A
13. Instruments of Exchange	27 of Schedule-I-A
14. Instruments of Gift	29 of Schedule-I-A
15. Instruments of partition.	40 of Schedule-I-A
16. Leases	31 of Schedule-I-A
17. Letters of Licence	33 of Schedule-I-A
18. Mortgage Deeds	35 of Schedule-I-A
19. Powers of Attorney	42 of Schedule-I-A
20. Reconveyances of mortgaged property	45 of Schedule-I-A
Schedule-I-A	21. Releases 46 of
22. Settlements	49 of Schedule-I-A
23. Transfers of the description mentioned in Article 53, Clauses b, c and d of Schedule I-A	53-b, c and d of Schedule-I-A
1. Agreements or memorandums of agreement which, in the opinion of the proper officer can not conveniently be written on sheets of papers on which the stamps are engraved or embossed.	5 of Schedule-I-A

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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**RULES FRAMED UNDER THE INDIAN STAMP (ANDHRA PRADESH
AMENDMENT) ACT, 1971.**

(AS AMENDED UPTO-DATE) (G. O. Ms. No.
1031, Revenue (U-2), 31st July 1975.)

(G. O, Ms. No. 191, Revenue (UJ, 11th Feb. 1982) (G. O.
Ms. No. 997. Revenue (U), 14th Aug. 1986.)

THE RULES 1. (1) Short title and
commencement.—These rules may be called
the Andhra Pradesh Stamp (Prevention of under valuation Instruments) Rules,
1975.

(2) They shall come into force on the 16th August, 1975,

2. Definitions.—In these rules, unless the context otherwise
requires.—

- (a) "Act" means the Indian Stamp Act, 1899 (Act No. 2 of 1899);
- (b) "authorised agent" means a person holding a power of- attorney
authorising him to act on behalf of his principal ;
- (c) "form" means a form appended to these rules ;
- (d) "registering officer" means the registering officer appointed
under the Indian Registration Act, 1908 (Central Act XVI of 1908) ;
- (e) "section" means a section of the Act.

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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3. Furnishing of statement of market value —(1) if an instrument relates to a number of items of property, the market value shall be specific in respect of each item separately. For this purpose, the party executing the document shall attach a separate statement to the instrument, furnishing therein information about the various items of properties involved and his own assessment of the market value of each of those items separately.

Explanation 1.—If, an instrument covers lands, comprising several survey numbers or sub-division numbers, the market value shall be specified in respect of the land covered by each survey number or sub-division number, as the case may be, separately.

Explanation 2.—If an instrument relates to only one item of property and that property is a building, or if an instrument relates to more than one items of property and one or more such items is or are a building or buildings, the particulars mentioned in the Annexure to these rules shall be furnished in respect of the building or each of such buildings as the case may be.

(2) The registering officer shall, before registering an instrument, satisfy himself that the party has enclosed to the instrument a statement, giving the market value in respect of each of the properties separately, as required by sub-rule (1) and Explanations 1 and 2 above.

(3) The registering officer may, for the purpose of satisfying himself whether the market value or the consideration has been correctly furnished the instrument or not make such enquiries, as he may deem fit. He may elicit from the parties concerned any information having a bearing on the subject and call for and examine any records kept with any public officer or authority.

(4) If the Registering Officer is of the opinion that the market value of the property affected by the instrument is not correctly furnished, he shall keep the document pending and without delay refer the matter to the Collector with details of his assessment of the Market Value arrived at by him in the Form 1 No. copy of such document shall be granted notwithstanding anything contained in any of the provisions of any other Act or Rules.

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(5) The Registering Officer shall maintain a register of such references to the Collector in Form-IV and obtain acknowledgement from the Collector.

4. Procedure on receipt of a reference under sub-section (1) of section 47-A.—

(1) On receipt of a reference under sub section (1) of section 47-A accompanied by a statement in Form 1 from a registering officer the Collector shall issue a notice in Form No. II.

(a) to every person by whom, and (b) to every person in whose favour the instrument has been executed informing him of the receipt of the reference and asking him to submit to him in writing his representation, if any, to show that the market value of the property or the consideration thereof has been truly set forth in the instrument, and also to produce all evidence that he has in support of his representation, on the date and time as specified in the Notice or on such other days as may be fixed by the Collector.

(c) The collector shall also maintain office-wise register of references received from each registering officer in Form-V.

(2) The Collector may, if he thinks fit, record a statement from the person to whom a notice under sub-rule (1) has been issued

(3) The Collector may for the purpose of his enquiry—

(a) call for any information or record a statement from any public office, an officer or authority under the Government or any local authority :

(b) examine and record statements from any member of the public, an officer or authority under the Government or the local authority : and

(c) inspect the property after due notice to the parties concerned.

(4) After considering the representations, if any, received from the

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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person to whom notice under sub-rule (1) has been issued, and after examining the records and evidence, before him, the Collector shall pass an order in writing determining the " market value" of the properties or the consideration and the duty payable. The basis on which the market value or consideration was determined shall be clearly indicated in the order.

5. Principles for the determination of the market value or Consideration.
—The Collector shall, as far as possible, have also regard to the following points in determining the market value or consideration, namely :—

- (a) in the case of lands--
 - (i) classification of the land as dry, manavari, wet and the like :
 - (ii) classification under various Tarams and Bhagana in the Settlement Register and Accounts ;
 - (iii) the rate of revenue assessment for each classification ; and
 - (vi) Other factors which may be relevant to the valuation of the land in question
 - (v) points, if any, mentioned by the parties to the instrument any other person requiring special consideration ;
 - (vi) value of adjacent lands or lands in the vicinity ;
 - (vii) average yield from the land, its nearness to road and market distance from village site, level of the land, transport facilities, facilities available for irrigation such as tank, wells and pump-sets ; and
 - (viii) the nature of crops raised on the land. (b) in the case of house sites -
 - (i) the general value of house sites in the locality (iii) nearness to roads, railway station, bus route;

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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- (iii) nearness to market, shops and the like ;
 - (iv) amenities available in the place like public offices, hospitals and educational Institutions;
 - (v) development activities, industrial improvements in the vicinity;
 - (vi) land tax and valuation of sites with reference to taxation records of the local authorities concerned ;
 - (vii) any other features having a special bearing on the valuation of the site ; and
 - (viii) any special feature of the case represented by the parties. (c) in the case of buildings— (i) type and structure ; (ii) locality in which constructed ; (iii) plinth area ; (iv) year of construction ; (v) kind of materials used ; (vi) rate of depreciation ; (vii) fluctuation in rates ; (viii) any other features having a bearing on the value ;
 - (ix) property tax with reference to taxation records of the local authority concerned:
 - (x) the purpose for which the building is being used and the income, if any, by way of rent per annum secured on the building ; and
 - (xi) any special feature of the case represented by the parties.
- (d) in the case of properties other than lands, house sites and buildings--
- (i) the nature and condition of the property ;
 - (ii) purpose for which the property is being put to use ; and
 - (iii) any other special features having a bearing on the valuation of

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the property.

6. "Omitted".

7. Final order determining the market value or consideration.--(1) The Collector shall after considering the representations received in writing and those urged at the time of hearing and after careful consideration of all the relevant factors and evidence placed before him, pass an order, determining the market value of the properties or the consideration thereof and the duty payable on the instrument, the time within which the deficit amount of stamp duty shall be paid, communicate the order to the parties and take steps to collect the deficient amount of stamp duty, if any.

(2) The Collector shall, after receipt of the reference under sub-section (1) of section 47-A dispose of the case expeditiously.

(3) A copy of the order shall be communicated to the registering officer concerned for his record.

(4) If the parties to the document fail to prefer an appeal within 2 months under rule 9 from the date of the receipt of Collector's orders under rule 7, or fail to pay the deficit stamp duty or such deficit stamp duty is not recovered by coercive process under section 48 of the Act, the Registering Officer shall destroy the document after a period of 5 years from the date of the Collector's orders under Sub-section (2) of Section 47-A.

8. Appearance through advocate or authorised agent.-In any enquiry under these rules, any party to an instrument may appear either in person or through an advocate or an authorised agent,

9. Appeals:- (1) An appeal under sub-section (4) of section 47-A of the Act shall be preferred to the appellate authority within two months from the date of receipt of the Collector's order determining the market value or consideration under rule 7.

(2) The appeal shall contain the following particulars, namely : —

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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- (a) full name, father's name, or husband's name, occupation and address of the appellant;
- (b) full name, father's name, or husband's name, occupation and address of every person executing the instrument;
- (c) full name, father's name, or husband's name, occupation and address of every person claiming under the instrument;
- (d) date and nature of the instrument;
- (e) registration number, date of registration and name of office where the instrument was registered;
- (f) name of town or village in which the property is situate together with the name of the taluk and the registration sub-district;
- (g) number and date of Collector's order appealed against;
- (g) market value of the property or the consideration as set forth in the instrument;
- (i) market value of the property or the consideration as determined by the Collector.

(3) Every appeal shall be accompanied by—

- (a) the original or a certified copy of the order appealed against
- (b) the original or a certified copy of the instrument; and (c) memo, of grounds of appeal.

(4) Every appeal shall be presented in person or by an advocate or an authorised agent or sent by registered post to the appellate authority having jurisdiction, which shall endorse the date of receipt.

10. Procedure for the disposal of appeals.—(1) If an appeal is

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admitted by the appellate authority a date shall be fixed for hearing the appeal. The appellate authority shall issue a notice to the appellant informing him of the date on which and the time and place at which the appeal shall be heard. Such notice shall also state that if the appellant does not appear on the day so fixed or any other day to which the hearing may be adjourned, the appeal shall be liable to be dismissed for default or disposed of on merits ex-parte.

(2) The appellate authority shall send a copy of the notice to the Collector together with copy of the appeal and obtain the records of the case from the Collector.

11. Hearing of appeal. —On the date fixed or on any other date to which the case may be adjourned, the appellate authority shall hear the appellant and receive any evidence adduced on his behalf. It shall also hear the person, if any, appearing on behalf of the Collector and receive the evidence, if any, adduced in support of the Collector's order,

12. Order in appeal. —(1) After considering all the evidence adduced and representations made on behalf of the appellant and the Collector and examining the records of the case, the appellate authority shall decide whether or not the market value of the properties or the consideration thereof, as determined by the Collector under sub-section (2) or sub-section (3) of section 47-A is correct. In case, the appellate authority does not accept the valuation of the properties or the consideration determined by the Collector, it shall determine the correct market value of the properties or the consideration and the duty payable on the instrument. The appellate authority shall embody its decision and the reasons thereof in an order and communicate it to the appellant, the Collector and the registering officer concerned.

(2) After receipt of the orders issued by the Appellate authority under sub-section (4) of section 47-A, if the parties fail to pay deficit stamp duty if any, or if such deficit stamp duty is not recovered by coercive process under section 48, the Registering Officer shall destroy

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the document after 5 years from the date of the orders of the Collector under sub-section (2) of section 47-A.

(2) If any Officer by conducting spot inspection or otherwise detects that a document is under-valued and reports to the Collector with his assessment of the value of the property affected by the document within 2 years from the date of registration of such document the Collector shall exercise his powers under sub-section (3) of section 47-A.

13. Return of records to Collector.-- As soon as may be after the order is passed under rule 12, the appellate authority shall return to the Collector the records obtained from him.

14. Rules of procedure.- (i) The appellate authority may adjourn the hearing of the appeal from time to time, as it thinks fit.

(2) The appellate authority may at any stage of the hearing of the appeal, call for any information, record or other evidence from the appellant or the Collector.

(3) In the appeal, the appellant may appear either in person or through an advocate, or an authorised agent.

(4) In respect of matters not provided for in these rules, the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), relating to the procedure to be followed by the appellate authority in appeals against the orders of the Civil Court shall, as far as may be, apply to appeals under sub-section (4) of section 47-A.

15. Manner of service of notices and orders. —Any notice under rule 4 or rule 6 and any order under rule 4 or rule 7 shall be served in the following manner, namely:—

(a) in the case of any company, society or association of individuals whether incorporated or not:

(i) on the Secretary or any Director or other principal officer of the

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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company, society or association of individuals, as the case may be; or

(ii) by leaving it at the registered office or if there is no registered office, at the place where the company, society or association of individuals as the case may be, carries on business, or by sending it by registered post acknowledgement due, addressed to the company, society or association of individuals, as the case may be:

(b) in the case of any firm,

(i) upon any one or more of the partners;

(ii) at the principal place at which the partnership business is carried on, upon any person having control or management of the partnership business at the time of service;

(c) in the case of a family, upon the manager of such family or of the property of such family, in the manner specified in sub-rule (d),

(d) in the case of an individual,

(i) by delivering or tendering the notice or order to the individual concerned or his counsel or authorised agent; or

(ii) by delivering or tendering the notice or order to some adult member of the family; or

(iii) by sending the notice or order to the person concerned by registered post acknowledgement due; or

(iv) if none of the aforesaid modes of service is practicable, by affixing the notice or order In some conspicuous part of the last known place of residence or business of the person concerned.

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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ANNEXURE-I

1. Description of Building .. Please denote by a tick () mark the relevant item involved in the following:

(a) Construction of the structure ...Cement or lime Partly cement mortar or lime and partly mud mortar. Mud mortar.

(b) Depth of foundation 3 to 4 feet Above 4 feet (c) Thickness of walls 9|| 1'-1 1/2|| (d) Weather teakwood used throughout Yes No (e) Flooring Mosaic

Ordinary/Shabad
stone/Cuddapah
stone/plastered.

II. (a) Date of commencement of construction of the building :

(b) Date of completion of the construction

I
I

iv^I Built up area (each type of the construction involved in each (floor).
Note.—Areas open to sky such as courtyards, etc., should be deducted from the built up area, if any.

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**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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V. Area of separate garage, if any, and type
of construction:

VI. (a) Length of compound wall, if any ...

(b) Length of barbed wire or chain link fence.

VII. Well, if any, with diameter and depth...

VIII. Is there a separate latrine or septic tank. IX.
Electrical installations:

(a) Number of points. (fe) Number of
fans. (c) Number of electric motor pump
sets*

X. Annual rental value.

XI. The executant's estimate of the market
value of the building.

Date :
Executant.

Signature of the

CERTIFICATE

I do hereby declare that what is stated above is true to the best of my
knowledge and belief.

Date.

Signature of (he Executant.

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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FORM I

(See rule 4)

- | | |
|---|------|
| 1. Document No.
Book | Year |
| 2. Date of presentation and name and address of presentant. | |
| 3. Date of execution. | |
| 4. Name and address of executant. | |
| 5. Name and addresses of claimants. | |
| 6. Nature, market value (Or consideration) as mentioned in the document. | |
| 7. Stamp borne by the document. | |
| 8. Nature, market value (or consideration) of the document as in the opinion of the registering officer together with the stamp duly with which it has to be charged. | |
| 9. Deficit stamp duty. | |
| <hr/> | |
| 10. Remarks (Explain how the details in column 8 are arrived at). | |

Note: Enclosure: Copy of the document

Station ;

Date :

SIGNATURE.

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**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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**FORM II (See
rule 4)**

Form of notice prescribed under rule 4 of the Andhra Pradesh Star (Prevention of Under-valuation of Instruments) Rules, 1975 .

To,

Sri/Smt.

Please take notice that under sub-section (1) of section 47-A of the Indian Stamp (Andhra Pradesh Amendment) Act, 1971 (Act No. 22 of 1971) a reference has been received from the registering officer for determination of the market value of the properties/the consideration, covered an instrument registered as document No ...of and the duty payable on the above instrument.

(A copy of the reference is enclosed)

2. You are hereby required to appear either in person or through a counsel on at before the undersigned.

You are also required to lodge your objections or representation, if any in writing why the market value of the properties/the consideration should not be determined on the internal available and duty examined, there on.

3. If no objection or representation is received within the time specified above the matter will be disposed off on merits.

Office :
Station : Date
:

COLLECTOR.

FORM III

"Omitted"

RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra Pradesh Amendment 1971)

FORM IV FORM OF REGISTER OF REFERENCES TO BE MAINTAINED BY THE

Pending Document No. 1 Year	Nature of Document	Value of consideration as set forth in the document	Market value arrived at by the Registering Officer.	Deficit stamp duty and fees to be collected.	Number and date of reference to the collector	Number and date of acknowledgement by the Collector or his Subordinate Officer.	Number and date of receipt of the Collector's order and its gist	Date of expiry of appeal period.	If appeals preferred, number and date of order of Appellate Authority for receipt of the order.	Gist of the order of Appellate Authority	Nature of final disposal with Number and date Remarks
(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14)											

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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<p style="text-align: center;">FORM V TO BE MAINTAINED BY COLLECTORS UNDER SECTION 47-A OF THE STAMP ACT, 1899.</p>												
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

Date of receipt	
Case No. Year.	
Document and No. Year.	
Nature and value of document.	
Market Value fixed Registering officer	
Deficit Stamp duty and fees reported.	
Market value determined by the Collector.	
Deficit Stamp duty and fees determined,	
Deficit Stan-and fees disregarded if any.	
Date of communication of the order of determination.	
Date of collection of deficit stamp duty & fees.	
Number and date of challan of remittance into the treasury.	
Number and intimation of collection Deficit Duty fees t Registering officer .	

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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RULES UNDER SECTION 73

In exercise of the powers conferred by section 75 of the Indian Stamp Act, 1899 (Central Act II of 1869) and of all other powers hereinto enabling and in supersession of the rules issued in G.O. Ms. No. 702, Revenue, dated the 19th April 1961 and published at page 284 of Part -I , Rules Supplement of the Andhra Pradesh Gazette, dated the 4th May, 1961, the Governor of Andhra Pradesh hereby makes the following rules for the collection of duties secured in the course of inspection under section 73 of the Indian Stamp (Andhra Pradesh Amendment) Act, 1986. These rules shall come into force on the 16th day of August, 1986,

RULES 1. In these rules unless the context otherwise requires:—

(a) 'Act' means, the Indian Stamp (A.P. Amendment) Act, 1986.

(b) "Inspector-General of Registration and Stamp|| includes the person authorised in writing by him as the Collector appointed under section 73 of the Act to exercise the powers under that Section.

(c) ,Head of Office' means the head of the Office inspected by the Inspector General of Registration and Stamps under section 73.

(d) 'Section' means a section of the Act.

(e) 'Any premises' includes any public office or any place where registers, books, documents etc, are kept under the custody of a person the inspection whereof may tend to secure any duty.

2. (1) The notes of inspection under section 73 shall be sent to the Head of office with a copy to the Head of the District office, if the office Inspected is subordinate to him, or with a copy to the Head of the Department concerned, if the office inspected is the District or Regional office.

(2) The first reports of compliance shall be sent to the Inspector General of Registration and Stamps, immediately on receipt of the notes of inspection by the Head of Office, with a copy to the Head of the District office concerned, if the office inspected is subordinate to him or which a copy to the Head

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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of the Department, if the office inspected is a District or Regional Office

3. When deficitly stamped documents are detected during the course of inspection the following procedure shall be followed :—

(i) The Inspector General of Registration and Stamps or the person authorised by him shall seize and impound such documents and after giving an opportunity to the parties levy deficit duties if any, without penalty and collect the same from the persons liable to pay under sub-section (3) of the section 73 and add the following certificate on the original document: --

"I hereby certify that the deficit/proper stamp duty of Rs. (Rupees) has been levied in respect of this instrument document from Sri S/o Resident of

Station :

Date :

Seal :

Collector under the Stamp Act.

(ii) If the parties fail to pay the deficit duty under sub-rule (i), shall be collected by the head of office. The amounts so collected shall be remitted to the Treasury under the following head of account by means of a challan.

Deficit duties. Major Head: "M.H. 030
Stamps & Registration fee. Minor Head: M. H. C-Stamps
Non-Judicial. Sub Head: 010 Duty on impressing of
documents."

The Head of office shall then forward the original challan to the Inspector General Registration and Stamps who shall add the certificate

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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prescribed in this sub-rule on the original documents and return them to the Head Office.

Note :—When complete postal address or sufficient particulars of the parties are available in the documents, the notice providing them an opportunity against the levy of deficit stamp duties shall be issued by the Inspector General of Registration and Stamps direct. If such addresses are not available in the documents or if such notice issued in the first instance are returned un-delivered, the notices shall be served by the Head of Office inspected.

(iii) If the parties failed to pay such deficit duties, the Inspector General of Registration and Stamps shall forward the original document to the Collector exercising powers under section 48 of the Indian Stamp Act, 1899 over the area for effecting recovery by coercive process. After the amounts are so collected, the procedure laid down in sub-rule (i) shall be followed.

(vi) In the absence of original documents, and on the basis of copies of such documents, if they are found to be not duly stamped, the procedure for collection of the duty as laid down in rule (iii) shall be followed.

4. if the parties are aggrieved by the levy of duties they may apply to the Inspector General of Registration and Stamps for revision before the certificate prescribed under rule 3 is added.

5. In the event of deficit duties not being recovered even after adopting the procedure outlined in rule 3 or if the circumstances of any case do not permit the recovery of the loss to the Government from the parties, the Inspector General of Registration and Stamps shall report the matter to the Head of the Department concerned for taking such appropriate action as he deems fit against the person adjudged as responsible for the loss sustained by the Government.

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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6. Every public officer shall keep copies of all documents produced before him and returned to the parties before or after the disposal of the case.

7. The Inspector General of Registration and Stamps may write off irrecoverable arrears of deficit stamp duty levied during the inspection upto Rs. 1,000/and the Commissioner of Survey, Settlement and Land Records may write off sums exceeding rupees 1,000/—. The Inspector General of Registration and Stamps may authorise any of his subordinate officers to write off the irrecoverable arrears of stamp duty upto Rs. 500/—.

**RULES UNDER THE INDIAN STAMP ACT, 1899 and (Andhra
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**INDIAN STAMP ACT NOTIFICATION NOTIFICATION
NO. 13, Dated 17th December, 1938,**

In exercise of the powers conferred by clause (a) of Section 9 Indian Stamp Act, 1899 (Act 11 of 1899) and in supersession of all previous notifications issued from time to time under the said clause of the said section, in so far as they relate to the province of Madras (hereinafter referred to said Province) except the Notification of the Government of India in the Finance Department (Central Revenues) No. 6, stamps, dated the 14th A 1937, as subsequently amended, the Government of Madras are hereby pleased to reduce to the extent setforth in each case, the duties chargeable the said Province under the said Act in respect of the Instruments hereinafter described under Nos. 30, 34, 35, 47, 49, 51, 59, 72, 85 and 86 and to remit the duties so chargeable in respect of instruments of the other classes after described.

(A) Land Revenue :

1. Deleted.
2. Instrument executed for the purpose of securing the repayment of a loan made, or to be made, under the Land Improvement Loans Act 1883 (XIX of 1883), or the Agriculturists' Loans Act, 1884 (XII of 1884) including an instrument whereby a landlord binds himself to consent the transfer, in the event of default in such repayment, of any land, interest in land, on the security of which any such loan is made to his tenant.
3. Patta granted by an officer of the Government in the said Province to a holder of land under a ryotwari settlement.
4. Deleted.

(B) Opium, Excise and Hemp Drugs : 5. Bonds when executed by the Surety of a middleman (Lambardar or Khattadar) taking an advance for the cultivation of the property for the Government

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6. Agreement or memorandum made by a raiyat or a middleman (Lambardar or Khattadar) for the cultivation of the poppy for the Government

7. Power of attorney executed in favour of a lambardar or Khattadar by an opium cultivator, who does not attend personally to receive an advance or to enter into a contract for the cultivation of the poppy for the Government.

8. Instruments of the nature of a mortgage deed when executed by the surety of a middleman (Lambardar or Khattadar) taking an advance for the cultivation of the poppy for the Government.

9. Agreement or memorandum of agreement for the cultivation of the Hemp plant made by a cultivator in the said Province.

10. Deleted.

11. Instruments in the nature of a conveyance by the Government, of standing trees or any other forest produce in a Government forest and also the following instrument—

(i) to (xi) deleted.

(xii) Agreement for the sale or protection of sandalwood trees growing on patta lands.

(C) Scholarships. Stipends, etc. :

12. Agreement bond or security bond required to be executed by or on behalf of the holder of a scholarship or stipend awarded by Government.

13. Security bond taken under the authority of the Government from a Military Medical Student of the Assistant Surgeon Branch of the Indian Medical Department or from a woman stipendiary of the Government Ayurvedic and Unani Colleges in the State or from the surety of any such student or woman stipendiary.

14. Agreement or security bond required to be executed by a student or his sureties previous to his entry into the Government Veterinary College in the state.

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(O) Educational Institutions :

15. Instrument executed in favour of Government by the Managing authority of an Educational Institution in the said province aided by Government, with the object of securing by hypothecation of land and buildings belonging to the institution, that grants-in-aid to the institution are refunded if the said land and building are not used for educational purposes or if the education given by the institution is defective or unsatisfactory.

(E) Posts and Telegraph Department :

16. Letter which a person depositing money in a Post Office Savings Bank, as security to the Government or a local authority for the due execution of an office or for the fulfillment of a contract or for any other purpose, is required to address to the post-master in-charge of the Post Office Saving Bank agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon.

(F) Railways and Inland steamer Companies :

17. Deleted.

18. Agreement or indemnity bond given to a Railway authority or an Inland Steamer Company by a passenger permitted to travel without payment of fare, indemnifying such authority or company from any claim for damages in case of accident or injury.

19. Agreement or indemnity bond given to a Railway authority or an Inland Steamer Company by a consignee (when the railway receipt or bill of lading is not produced) in respect of the delivery of articles carried at half-parcels rates or at goods rates, namely fresh fish, fruits, vegetables bazar baskets, bread, meat, ice and other perishable articles.

20. Agreement made with the Railway company or Administration which purports to limit the responsibility of the Company or Administration as declared by the Indian Railway Act, 1890 (IX of 1890) Section 72, sub-section (1) and is in a form approved by the Governor-general in Council under

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sub-section (2) of that section.

(G) Government Officers and Contractors :

21. Agreement paper passed by a Contractor of the Royal Indian Army Service Corps where his security deposit is transferred to a Post Office Savings Bank.

22. Instruments in the nature of a memorandum or agreement furnished to, or made or entered into with an officer of the Royal Indian Army Service Corps by a Contractor.

23. Agreement or declaration by which a tender made to an officer of the Royal Indian Army Service Corps is accepted as a Contract, where the deposit of the contractor as security for his contract is made in Government of Indian Promissory Notes or in Cash.

24. Instrument in the nature of a memorandum, agreement or security bond furnished to or made, or entered into by a contractor for the execution of any work entrusted to him by, or for the due performance of any contract with—

(a) the Indian Army Ordnance Corps Department

(b) the Ordnance and Clothing Factories, or (c) the Military Farms Department, or

(d) the Opium Department, or (e) the Forest Department, or (f) the State Railway Department, or

(g) the Public Works Department, or any other administration Department empowered to execute public works, or

(h) the Revenue Department in the said Province in respect of minor irrigation works contracts.

25. Agreement and security bond executed by contractor in respect of village chavadies and cattle pounds in the said province.

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26. Instrument furnished to or made entered into With any of the Departments Corps and factories mentioned in item 25 by a contractor under which due performance of any contract is secured by the deposit of money or of Government or other securities, and an instrument under which materials belonging to a contractor are mortgaged as security for an advance made to him by any such Department, Corps or Factory.
27. Mortgage deed executed by a person in the service of the Andhra Pradesh Government or Government of India for securing repayment of advance received by him from the Andhra Pradesh Government or the Government of India for constructing, purchasing or repairing a dwelling house for his own use.
28. Instrument of reconveyance or Mortgage deed executed by the Andhra Pradesh State Government in favour of any person in the service of the Andhra Pradesh Government or Government of India on repayment of advance received by him from the Andhra Pradesh Government or Government of India for constructing or purchasing or repairing a dwelling house for his own use.
29. Instrument of reconveyance executed by Government in respect of property mortgaged by an officer of Government of his surety as security for the due execution of an office or the due accounting for money or other property received by virtue thereof.
30. Agreement which has been or may be entered into in compliance with the rules prescribed in Appendix XXII-A of Regulations for the Army in India for regulating the deposits of regimental funds with private banks or firms or such other rules for that purpose as may hereafter be in force. Duty reduced to the amount payable in respect of a bond for like amount or value or to Rs. 5 whichever shall be less.
31. Mortgage deed or agreement executed by an officer of the Government for securing the repayment of an advance received by him from

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Government for the purpose of purchasing a motor car, a motor boat, motor cycle a house, a cycle, or a typewriter.

32. Agreement executed by an officer of the Government relating to the repayment of an advance received by him from the Government for defraying the cost of passages for himself or his family or both.

33. Authority in writing executed under rule 1, order XXVII Code of the Civil Procedure, 1908 (Act V of 1908) by an officer or soldier actually serving the Government in a military capacity authorizing any person to sue or defend in his stead in a Civil Court.

(H) Other Documents :

34. Letter of authority or power-of-attorney executed for the sole purpose of authorising one or more of the joint holders of a Government security to give on behalf of the other or others of them, or anyone or more of them, a discharge for interest payable on such security or on any renewed security issued in lieu thereof Duty reduced to Rs. (1-00) one only.

35. Sanad or Jagir, or other instrument conveying land granted to an individual by the Government otherwise than for a pecuniary consideration duty reduced to Rs. 5.00 (five only).

36. Instrument of exchange executed by a private person where land is given by him for public purposes in exchange for other land granted to him by the Government.

37. Deleted. 38. 39.

40. Instrument of transfer of shares registered in a branch register in the United Kingdom under the provisions of Section 41 of the Indian Companies Act, 1913 (VII of 1913), which has paid the Stamp duty leviable thereon in accordance with the law for the time being in force in the United Kingdom

41. Deleted.

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- 42.
- 43.
44. Instrument of transfer of Government Stock registered in the book debt account.
45. Instrument of release referred in Section 48 of the Indian Merchant Shipping Act, 1923 (XXI of 1923).
46. Award of the arbitrators in any dispute in which a Co-operative society in the said province is a party.
47. Declarations in the prescribed form accompanying the return of election expenses of candidates at elections to the Provincial and Central Legislatures - Duty reduced to Rs. (3.00) three only.
48. Deleted.
49. Certificate of sale granted to the purchaser of any property sold by public auction by a Registrar of Cooperative Societies in the said Province. Duty reduced to the amount of duty chargeable on a similar certificate granted by a civil or Revenue Court.
50. Deleted.
51. Mortgage deed being collateral or auxiliary or additional security or being by way of further assurance-Duty reduced to Rs. 15,00 provided that duty paid on the principal or primary security exceeds the amount specified.
52. Instrument cancelling a Will.
53. Indemnity Bond executed in pursuance of paragraph 8 of Royal Air Force Instruction (India) No. 33 of 1935 by a non-entitled person undertaking passenger flights in accordance with clause (iii) of paragraph 7 thereof,
54. Mortgage deed securing the repayment of, loan advanced or to be

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advanced under the Madras State Aid to Industries Act, 1922 (Madras Act No. V of 1923) to a cottage industrialist or owner of a small concern, the capital outlay of which does not exceed one thousand rupees.

55. Agreement or memorandum of agreement relating to the hire of a bicycle for a period of less than a week.

56. Certificates of shares of the Reserve Bank of India Nos. BI/to B. 27942, C-1 to C. 23890, D-1 to D. 23000, M-1 to M. 14000 and R-1 to R. 3157, dated 26th March, 1935.

57. Transfer to Government of shares of the Reserve Bank of India under clause (ii) of Section 4 of the Reserve Bank of India Act, 1934 (II of 1934).

58. Deleted.

59. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under Stamp Law for the time being in force in the said areas has been paid accordance with the said law and in respect of which a higher duty becomes chargeable in this Provinces—Duty reduced to the difference between the amount of duty chargeable in the said areas and the amount of duty chargeable in this Province.

60- Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the Stamp Law for the time being in force in the said areas is equal to or higher than the duty chargeable on such instrument in this Province and such duty has been paid in accordance with the said Laws.

61. Bond executed by an evacuee from outside India for the repayment of such sum or sums as have been or may, in future, be expended by the Government whether in cash or otherwise for his maintenance and accommodation while in India or for the maintenance and accommodation of any persons dependent on him as their parent or guardian.

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62. Omitted.

63. Sale certificates issued under sub-section (5) of section 38 of the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864).

64. Security bonds executed by permanent Government servants as sureties in connection with evacuation advances granted to officiating or temporary Government servants.

65. Security bonds executed in favour of the Government by borrowers and their sureties for loans not exceeding Rs. 100 in each case for the repair of dwelling houses damaged by enemy action.

66. Agreements made by the authorities empowered to requisition or acquire under the Defence of India Rules on behalf of the Governor-General in Council or the Governor of Madras with the person or persons receiving compensation in respect of the property requisitioned or acquired.

67. Bonds executed by persons taking custody of articles dis-trained under Rule XXVI of the rules under the Madras Co-operative Societies Act 1932 (Madras Act VI of 1932).

68. Agreements made on behalf of the Governor of Madras with the owner or owners of immovable property on which slit trenches or air raid shelters have been or are proposed to be constructed in cases where the owners agree to forgo claims to compensation on conditions that the trenches or shelters are handed over to them free of charge when they are no longer needed.

69. Agreements executed by Government servants stationed in threatened areas in the province of Madras undertaking to be bond by the agreements executed by their nominees for family allotments and to pay on demand to the Government of Madras the amount which may be found due to.

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70. Agreements executed by persons who take on licence compounds of Government offices for cultivation of food crops subject to an undertaking to be bound by the terms of the licences granted to them in that behalf.

71. Deleted.

72. Bonds executed under the Tobacco (Excise Duty) Rules, 1943—Duty reduced to that payable in respect of customs bonds.

73. Agreements executed by ryots under the schemes for the cultivation and supply of vegetables to military stations in the Province of Madras, undertaking to repay in monthly installments the cash advances given for cultivation expenses and the cost of seed manure supplied and to supply the vegetables at specified price and at prescribed places.

74. Deleted. 75.

Deleted.

76. Deleted.

77. Deleted. 78.

Deleted. 79.

Deleted. 80.

Deleted. 81.

Deleted.

82. Agreements executed by agents appointed by the Collector of Vizagapatnam for the procurement of paddy and millets agreeing to abide by such conditions as may be prescribed by competent authority from time to time.

83. Agreements made by the producers of food grains with an officer of the Government of Madras for the delivery of specified quantities of food grains when the crop is still on ground.

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84. Powers-of-Attorney executed by Ex-members of the Defence services or their eligible heirs of dependants in favour of their agents or representatives for the purpose of representing them at the hearing of their appeals under the pensions appeal Tribunal Rules, 1945.

85. Instruments of partition relating to land held on revenue

settlement for a period not exceeding forty five years and paying the full assessment Duty reduced to the amount of duty chargeable on a Bottomry Bond or the amount equal to twenty five times, the annual revenue on the separated or shares of the land.

86. All gifts or settlements for charitable or religious purposes- Duty reduced to one-half of the duty leviable on such instruments under Article 29 and 49-A respectively of Schedule I-A.

87. Agreement executed by ryots to-run seed farms in furtherance activities of the Agricultural Department.

88. Deleted.

89. Deleted,

90. Instruments other than bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts executed in connection with the business of Rehabilitation Finance Administration constituted under the Rehabilitation Finance Administration Act, 1948 (Central Act XII of 1948).

91. Security bonds executed in connection with the scheme approved in G.O.No. 272, E & PH dated 9th February, 1948. by non-muslim refugee students from Pakistan and their sureties.

92. Survey bonds executed in connection with the receipt of special advances of pay by displaced Government servants who have migrated from Pakistan.

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93. Agreements executed by persons to whom charkas are supplied by the Government on installment system under 'Khadi Schemes'.

94. Stamp duty payable for enrolment as an advocate of the High Court of Judicature of Andhra Pradesh, by any displaced advocate who has migrated from Pakistan provided he has been enrolled as an advocate of any other High Court in India on payment of an enrolment fee prior to the partition of India.

Note ; Item Nos. 40, 56 and 57 : These items relate to Transfer of Shares. Levy of duty on share transfers was included in Legislative List by Act No. XLIII of 1955.

Notifications issued Subsequent to 1-10-1953 and Notifications not found in the Main Notification.

95. Bonds executed under the Central Excise Rules, 1944—Duty reduce to that payable in respect of customs-Bonds.

96. Agreements executed by the authorised agents under the Women's Savings Campaign,

97. Instruments of transfer, etc., effected in the course of the winding up of a banking company and on an application or other proceedings by such a company in liquidation.

98. All instruments to be executed under the subsidised Industrial Housing Scheme.

99. Affidavits filed by the Displaced persons from West Pakistan Settled in the Andhra Pradesh State.

100. Deeds (stamp duty of which is chargeable under Articles 9 and 32 of Schedule I-A of the Stamp Act) for the registration of the Articles and the Memorandum of Association of the Andhra Scheduled Tribes Finance and Development Corporation.

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101. Bonds to be executed by the candidates trained by the Central Social Welfare Board as (1) Gram Sevikas, (2) Midwives, (3) Dais and (4) Supervisory and Administrative Personnel for Social and Moral Hygiene and After Care Programme.
102. Agreements both for cash security and for personal security executed by Primary School Teachers as authorised agents on Commission basis for the sale of the 12-year National Savings Certificates and 10-year National Plan Certificates, under the Rural Agency system.
103. Undertakings and agreements to be executed by the beneficiaries under the Local Development Works Programme.
104. Security bonds or mortgages executed by way of security for repayment of loans under agricultural schemes for Development of fruit production and cashew production (with effect from 5-1-1959).
105. All instruments relating to transfer of properties by Foreign Missions (Missionaries) to Indian Missions (Missionaries).
106. Agreements executed in favour of the Government by ryots to whom tractors and bulldozers are hired out for- ploughing and levelling operations under the Thungabhadra Project Reclamation Scheme with effect from 1-1-1955.
107. Loan agreements executed in favour of the State Khadi and Village Industries Board by or on behalf of Societies and other bodies registered under the Societies Registration Act' 1860 (Central Act XXI 1860) or such other enactment as is applicable to the State of Andhra Pradesh engaged in the promotion of village industries or for public approved for the purpose and relating to the business of such society or public trust.
108. Instruments of gift executed from 1-7-1961 in favour of Village Panchayats, Panchayat Samithis, Zilla Parishads, Municipal Committees and the Municipal Corporation of Hyderabad.

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109. Agreements to be obtained from beneficiaries for the execution of soil conservation works.

110. Transfer deeds in respect of Treasury Savings Deposit certificates.

111. Transfer deeds in respect of the 41/2 ½ % Defence Deposit Certificates.

112. Loan Agreements executed in favour of Khadi and Village industries Commission by or on behalf of the Andhra Pradesh Khadi Board.

113. Bonds when executed by the individual members of Goldsmiths Societies and individuals on their personal security securing the repayment of loans amounting to Rs. 1,64,845 (Rupees one lakh sixty four thousand and eight hundred forty five) only advanced under the Rehabilitation of Displaced Goldsmiths Scheme.

114. Conveyance deeds transferring all the properties both moveable and immovable, belonging to Colleges taken over by the Government for educational purposes.

115. Bonds executed under rule 7 of the Rules for sanction of vocational aid by the Social Welfare Department for the Schedule Caste and Schedule Tribes, when the aid amount does not exceed Rs. 50/- for person.

116. Bonds executed by the individual members of Goldsmith Societies and individuals on their personal security securing the repayment of the loans amounting to Rs. 30 lakhs (Rupees thirty lakhs) advanced under the Rehabilitation of the displaced goldsmiths scheme.

117. Security bonds executed by the loanees for sinking tube-wells in all the districts of Andhra Pradesh State under the scheme for 'Advancing loans to cultivators for sinking tube-well'.

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118. Affidavits presented before the Commission of inquiry appointed in the Notification No. 9/28/64-T, dated 8th January, 1965 of the Government of India, Ministry of Home Affairs to enquire into the EXODUS of minorities from the East Pakistan to India.

119. Security bonds executed in favour of Government by the Gumasthas appointed by the Watandars in the Telangana region of the State of the Andhra Pradesh, to secure the due execution of their office or to account for money or other property received by virtue thereof.

120. Memorandum of and Articles of Association registered under the Andhra Pradesh Non-Trading Companies Act, 1962.

121. Bonds executed by the migrants from East Pakistan in connection with the sanction of loans to them for Agricultural and non-Agricultural purposes in connection with their rehabilitation.

122. Indemnity bonds executed by the guardians of minor dependants of deceased members of the Andhra Pradesh Coal Mines Provident Fund Scheme in the State for the purposes of obtaining refund of the Coal Mines Provident Fund Contributions (with effect from 24-4-65).

123. Instruments of gifts and settlements executed in favour of the Government.

124. The following instruments executed under Industrial Disputes Act, 1947.

(i) Memoranda of settlement signed by the parties under Section 12(3) of the Industrial Disputes Act, 1947.

(ii) Agreement entered into by the employer and workmen under section 18(1) of the Industrial Disputes Act, 1947.

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125. Assignments of fixed deposit receipts issued by the Andhra Pradesh State Financial Corporation to third parties.

126. Affidavit or declaration in writing when made for the immediate purpose of being filed or used in any Court or before the Officer of any Court.

127. Mortgage deeds and security bonds executed by fishermen in connection with the loans granted by Panchayat Samithis under the Fisheries Development Schemes.

128. Lease deeds under which lease rights are granted by the Government for fishing in favour of Panchayats for one year or less, whether such lease deeds are executed by the Presidents of Panchayats or by Government or both.

129. Documents executed by or in favour of the United Nations Children Fund (UNICEF).

130. Security bonds to be executed by the Indian Nationals returning from Burma in connection with the loans granted by the Government of Andhra Pradesh under G.O.Ms. No. 1592, Revenue dt. 6-10-64, for their rehabilitation.

131. Unattested instruments evidencing an agreement relating to the hypothecation of movable property where such hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan or of an existing or future debt-duty reduced to that chargeable under Article 35-B of Schedule I-A to the Indian Stamp Act, subject to a maximum of Rs. 5-00.

132. Unattested instrument evidencing an agreement of pawn or pledge of goods (i.e., the pawn or pledge of moveable property where such deposit pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt-Duty reduced to that chargeable under Article 6 of Schedule I-A to the Indian Stamp Act, 1899, subject to a maximum of Rs. 5-00.

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133. Attested instrument evidencing an agreement relating to the hypothecation of movable property where such hypothecation has been made by way of security for the repayment of money advanced or to be advanced by way of loan-Duty reduced to that chargeable on similar instruments evidencing an agreement relating to deposit of title deeds, pawn or pledge under Article 6 of Schedule I-A to the Indian Stamp Act, 1899.

134. Settlement deeds executed in favour of Panchayats, panchayat Sammithis, Zilla Parishads, Municipal Councils and the Municipal Corporation of Hyderabad for charitable and religious purposes.

135. Mortgage deeds executed by Ex. Servicemen or their dependents mortgaging their properties for loans advanced from the Special Fund for reconstruction and rehabilitation of the Ex. Servicemen set up by the Government of India, Ministry of Defence, New Delhi with the Governor of Pradesh as its Chairman.

SCHEDULE AREAS

1. The Baluchistan Tribal Areas, namely-- (a) The Kohlu Tahsil (b) The Loralai District (c) The Zhob District (d) The Dallbandin Tahsil in Chagai District.

2. The Baluchistan Leased Areas, namely-- (a) The Quetta District
(b) The Nasirabad Tahsil (c) The Bolan, Nushki and Kachhi Railway District
(d) The Mushiki Tahsil in the Chagai District.

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3. The District of Abu. 4. The Cantonments of Mhow and Neemuch, the Civil Lines of

Now-gong and the Indore Residency area, in the Central India Agency.

5. The Baroda Cantonment. 6. Railway lands within the limits of the Cent'al India and Rajputana

Agencies over which the Crown Representative exercises jurisdiction

7. The area in the Hyderabad State over which the Crown Representative exercises jurisdiction.

8. The Civil and Military Station of Bangalore.

9. Railway lines in the Mysore State over which the Crown Representative exercises jurisdiction.

10. Railway lands in State within the political charge of—

(a) the resident for Kollapur and the Deccan States :

(b) the resident for Baroda and the Gujarat States ; and

(c) the resident for the States of Western India, over which the Crown Representative exercises jurisdiction and to which the provisions of the Indian Stamp Act, 1899 have been applied.

11. Railay lines win Jammu and Kashmir and in States within the political charge of the Resident for the Punjab States' over which the Crown Representative exercises jurisdiction.

12. The Kollapur Residency Area.