

(Rules – Licensing of document Writers)

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ENGLISH TRANSLATION

(Authorised By His Highness the Rajpramukh)

EXCISE AND TAXATION DEPARTMENT NOTIFICATION

Jaipur, April 25, 1956.

No. F.49(8)SR/51-The following rules made by the Inspector General of Registration, Rajasthan in exercise of the powers conferred by sub-section (1) of section 69 of the Indian Registration Act, 1908 (Act No. XVI of 1908) as amended in its application to Rajasthan by the Indian Registration (Rajasthan Amendment) Act, 1953 (Rajasthan Act No. XVIII of 1953) have been approved by the Government of Rajasthan under subsection (2) of section 69 of the said Act and are hereby published as required by the said sub-section (2).

**THE RAJASTHAN REGISTRATION
(LICENSING OF DOCUMENT WRITERS)
RULES, 1956**

1. Short title and commencement : These rules may be called the Rajasthan Registration (Licensing of Document Writers) Rules 1956 and shall extend to the whole of Rajasthan. They shall come into force on the date of their publication in the Rajasthan Gazette.

2. Definitions : In these rules unless the context otherwise requires.

(a) "Act" means the Indian Registration Act, 1908 (XVI of 1908);

(b) "District Registrar" means the Registrar of a Registration District appointed under the Act; and

(c) "Registration" means registration of a document under the Act.

3. Necessity of license: No person shall, for remuneration of any kind, write any document for registration of application for copies, search and inspection to be presented before a registration office, except under a license issued in this behalf by the District Registrar of the Registration District concerned.

Exception- No license shall be necessary for a legal practioner entitled by law to practise as such.

¹[3-A. Fixing maximum number of licensed Document writers for different places : (1) The maximum number of licensed Document Writers for different places at the headquarters of each district, sub-division or Tehsil shall be fixed by the District Registrar with prior approval of the Inspector General, Registration and Stamps, Rajasthan.

(2) While fixing the number of licensed Document Writers recommendations received from Sub-Divisional Officers, Tehsildars, Sub-Registrars, Local Bodies and general public, may be taken into consideration.]

1. Added by Notification No. F.2(23)FD/Tax/2011-33 dated 20.07.11.

"4. Qualification for appearing in written examination.- The applicant, who possesses the following qualifications, may be permitted to appear in written examination,-

- (i) he is not less than 18 years of age;
- (ii) he is of good character; and
- (iii) he has passed the Senior Secondary School examination or any other equivalent examination."

¹[5. Procedure for grant of license : ²[(1) Application for appearing in written examination from eligible persons as the provisions of rule 4, may be invited once in every two calender years or at any time before the expiry of two calender years with prior approval of the State Government.]

(2) Notice for inviting application shall be published in two daily State level newspapers, in circulation, in concerned District.

(3) Application, indicating the places in order of preference for which license is sought for, shall be made in form 'B' appended to these rules, within 15 days from the date of publication of the notice, along with a fee of rupees one hundred in the form of Indian Postal Order, Demand Draft or cash.

(4) No candidate shall be admitted to the examination unless he holds a certificate of admission granted by the District Registrar. Before granting such certificate, the District Registrar shall satisfy himself in each case that application has been made strictly in accordance with the provisions of these rules.

(5) The District Registrar shall conduct a written examination for eligible candidates to adjudge their elementary knowledge about,-

- (i) The Rajasthan Stamp Act, 1998 (Act No. XIV of 1999) and rules made thereunder;
- (ii) The Registration Act, 1908 (Act No. XVI of 1908) and rules made thereunder; and
- (iii) Drafting of Deeds.

(6) For Written examination one question paper having questions on all the three subjects as mentioned in sub-rule (5), shall be prepared. maximum and minimum qualifying marks for the question paper shall be 100 and; 40 respectively. The duration for answering the question paper shall be 3 hours.

(7) District Registrar shall prepare a merit list of qualified candidates as per vacancies available in accordance with rule 3A for different places, on the basis of marks obtained by them in written examination.

(8) Qualified candidates, who stand in merit list as prepared under sub-rule (7) shall be granted license in the Form 'A' appended to these rules according to the number of vacancies and preferences of places given by the candidates in their application form.

1. Substituted by Notification No. F.2(23)/FD/Tax/2011-33 dated 20.07.2011.

2. Substituted by Notification No. F.2(23)/FD/Tax/11-78 dated 21.11.2012 published in Raj. Gazette E.O. Part 4 (Ga) (II) dated 30.11.2012 (w.e.f. 30.11.2012).

(9) Expenditure for inviting applications and conducting examination shall be incurred from the fee received as per sub-rule (3).

(10) The District Registrar may appoint an officer not below the rank of Additional Collector, for conducting written examination.]

6. Fees of license : Every licensed document writer shall pay a fee of Rupees ¹[100/-] per year payable in advance. The year shall commence on the first day of the month of January.

7. Writing Charges : The Inspector General shall, for the entire registration offices in the state from time to time, fix the rates of charges for writing documents for registration and applications for copies, search and inspection to be presented before in the registration office, and no licensed document writer shall ask for a accept any amount in excess of the rates so sanctioned.

A table of the rates so sanctioned in Hindi shall be exhibited in a conspicuous place outside every registration office and if any document writer asks for or accepts any amount in excess of the rates so fixed, the District Registrar or Sub-Registrar concerned may, on complaint being made to him, order the return of the amount received in excess. Such action shall be without prejudice to the cancellation of the license under the provisions hereinafter contained.

8. Signature and endorsement of fee : Every licensed document writer shall sign the document, application or other paper drawn up by him, with the date of drawing it up, and shall enter below his signature the fees charged by him for drawing it up. The number which the document, application or paper bears in the register maintained under rule 9 of these rules shall also be entered thereon.

9. Register of documents : Every licensed document writer shall maintain a register of documents, applications and papers drawn up by him, and shall enter therein the following details :

- (a) The name of the person for whom the documents, application, or paper was written.
- (b) Nature of the document, application, or paper.
- (c) Details regarding the immovable property if any which is subject-matter of the document.
- (d) Date of writing the document etc.

1. Substituted vide Notification No. F.2(23)/FD/Tax/2011-33 dated 20.07.2011 for "200".

- (e) Fees charges.
- (f) Registration office to which the document, application or paper is to be presented.
- (g) Remarks by the Registration Officer **or D.I.G.** of Registration inspecting the Register.

Entries made in the register shall be numbered serially. The register shall be produced for inspection by the District Registrar or Sub-Registrar concerned and also by the Dy. Inspector General of Registration appointed by the Government of Rajasthan for the area.

10. Production of license : A license issued under rule 3 shall be produced whenever required by the District Registrar or Sub-Registrar concerned, or by any Dy. Inspector General of registration appointed for the area by the Government of Rajasthan.

11. Cancellation of license : (1) A license issued under rule 3 may be cancelled by the District Registrar on any of the following grounds :

- (a) that the document writer has not paid the fees for the quarter,
- (b) that the said document writer has become a legal practitioner's clerk,
- (c) that the document writer has not attended office regularly without sufficient cause,
- (d) that the document writer is a tout as defined in the legal Practitioners Act, 1879 (Act XVIII of 1879),
- (e) that the document writer has been convicted by a Criminal Court of an offence involving moral turpitude, such conviction not having been set aside in appeal or revision,
- (f) That the document writer has been found guilty of abetment or participation in any illegal transaction or unfair dealing,
- (g) that the document writer has been found to be inefficient,
- (h) that the document writer has been guilty of unruly behaviour or disobedience of lawful order issued under these rules, or breach of any these rules.

¹[(i) that the Document writer has not written his name, License Number, Fee charged or put his signature on each document drafted by him.]

(2) No license shall be cancelled without giving the document writer a reasonable opportunity of showing cause against the proposed cancellation.

1. Inserted by Notification No. F.2(23)/FD/Tax/2011-33 dated 20.07.2011.

(3) A license shall not be cancelled except on any of the grounds mentioned in sub-rule (1).

12. Register of licenses : Every District Registrar shall keep a register showing the names of all persons licensed as document writers in the District, their names, dates of issue of license, fees paid such other particulars as may be necessary. A copy of this register shall be kept in the office of every Sub-Registrar.

13. Unlicensed document writer not to enter : No unlicensed document writers or tout shall be allowed to enter the premises or the office compound of registration office.

- (a) except for the purpose of transacting business in connection with the registration of their private document, or
- (b) unless they hold a power of attorney granted or a receipt duly endorsed in their favour by the presenter of a document or other person desirous of making a search or obtaining a copy.

14. Change of office : If during the continuance of his license a document writer wishes to practise his profession at another office, than that entered in the license, the District Registrar may, at his discretion, correct the license accordingly without extra charge.

15. Registration not be refuse : Nothing in the foregoing rules authorises any registering officer to refuse acceptance of a document or an application for copies, search or inspection on the ground that it is written by an unauthorised document writer. Persons presenting documents, for registrations are free to get their documents and petitions written how and where they please.

FORM "A"

LICENSE FOR WRITING DOCUMENTS

No. of license

Name of document writer

Place of writing

..... son of is hereby authorised to sit in the compound of the office at and to write documents and petitions.

The holder of this license as a condition of the license remaining in force is required to abide by the following rules:

- (1) That he shall pay a quarterly fee of Rs. 5/- or Rs. 2/8/- (if reduced under the proviso to rule 6).
- (2) That he shall attend the office regularly.
- (3) That he will not carry on the profession of a tout as defined in the legal Practitioners Act, 1879 (No. XVIII of 1879) or accept the muharrirship of a pleader.
- (4) That he shall not charge remuneration for writing deeds in excess of what is laid down in the scale of fees drawn up by the District Registrar, a copy of which should be kept by him.
- (5) That he shall write deeds legibly and observe the instructions relating to the writing of documents and the provisions of the Rajasthan Registration (Licensing of Document Writers) Rules, 1956.
- (6) That he shall not abet or participate in any illegal transaction of unfair dealing.
- (7) This license will be liable to cancellation for a breach of any of the above conditions or of the rules.

District Registrars

¹ FORM "B"
PERFORMA OF THE APPLICATION FORM

1. Name of the applicant :
2. Father's name :
3. Permanent address :
4. Name of the places in orders of preference :
for which license of Document writer is
sought for
5. Other Information :
 - (i) Date of Birth :
 - (ii) Educational Qualifications :
 - (iii) Two characters certificates attached :
(character certificate should be
issued by the officer not below
the rank of Tehsildar or equivalent)

Place :

Date :

Signature of the applicant

1. Inserted by Notification No. F.2 (23) FD/Tax/2011-33 dated 20.7.2011.