



भारत सरकार / Government of India

# सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन  
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND  
DAMAN AND DIU

## असाधारण EXTRAORDINARY

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

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Daman	21 <sup>st</sup> April, 2022	1 Vaisakha, 1944 (Saka)	No. : 41
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U.T. Administration of Dadra and Nagar Haveli  
and Daman and Diu  
Department of Law and Justice  
Vidyut Bhawan, Nani Daman

### NOTIFICATION

No. LAW/U.T. Merge (4) /Adapt. State Law/2022/97

Dated: 20/04/2022

In exercise of the powers conferred by section 19 of the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019 (44 of 2019) and in pursuance of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Law, State Laws and Presidential Regulations) Orders, dated 18<sup>th</sup> January, 2022 a copy of “**The Registration Dadra and Nagar Haveli and Daman and Diu (Amendment) Act, 1985**” dated 20/04/2022 is hereby publish in the Official Gazette of this Union territory of Dadra and Nagar Haveli and Daman and Diu for implementation and for general information.

Sd/-  
(**Rohit P. Yadav**)  
Secretary Law  
Dadra and Nagar Haveli and  
Daman and Diu

**The Registration <sup>1</sup>[Dadra and Nagar Haveli and] Daman and  
Diu (Amendment) Act, 1985**

(Act No. 24 of 1985)

AN

ACT

*to amend the Registration Act, 1908.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-sixth Year of the Republic of India as follows, namely:—

**1. Short title and commencement.**— (1) This Act may be called the Registration <sup>2</sup>[Dadra and Nagar Haveli and] Daman and Diu (Amendment) Act, 1985.

(2) It shall come into force at once.

**2. Amendment of section 2 of the Indian Registration Act, 1908 (Central Act 16 of 1908).**— In section 2 of the Indian Registration Act, 1908 (hereinafter referred to as the principal Act), in clause (1), before the words “his father’s name”, the word “his marital status, and” shall be inserted.

<sup>3</sup>[2A. In Section 2, clause (2) of the Principal Act, for "or portion of a book", substitute "or portion of a book and also includes a book in electronic form".

**2B. In Section 2,** after clause (10) of the Principal Act, the following clause shall be inserted, namely:-

“(11) 'tout' means a person who habitually frequents the precincts of a registration office, for the purpose of employment for himself or for any other person in connection with any registration business”.

**2C. In Section 17,** of the principal Act.—

(i) after clause (e) of sub-section (1), the following clause shall be inserted, namely:-

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<sup>1</sup> Substituted for the word and expression “Goa,” by the Dadra and Nagar Haveli and Daman and Diu (Adaptation of State Law) Fourth Order dated 18/01/2022 is herein after referred to as the Fourth Order, 2022.

<sup>2</sup> Substituted for the word and expression “Goa,” by the Fourth Order, 2022.

<sup>3</sup> Inserted by the Fourth Order, 2022.

"(f) any decree or order or award or a copy thereof passed by a Civil Court, on consent of the defendants or on circumstantial evidence but not on the basis of any instrument which is admissible in evidence under section 35 of the Indian Stamp Act, 1899 (Central Act 2 of 1899) such as registered title deed produced by the plaintiff, where such decree or order or award purports or operate to create, declare, assign, limit, extinguish whether in present or in future copy right, title or interest whether vested or contingent of the value of one hundred rupees and upwards to or in immovable property; and

(g) agreement of sale of immovable property of the value of one hundred rupees and upwards;

(h) power-of-attorney relating to transfer of immovable property possession whereof has been or is handed over to the purported attorney holder".

(ii) in clause (iv) of sub-section (2), for the words "any decree or order of a Court", substitute "any decree or order of a Court, not being a decree or order or award falling under clause (f) of sub-section (1)";

(iii) in clause (v) of sub-section (2), for "any document not in itself creating", substitute "any document except an agreement of Sale as mentioned in clause (g) of sub-section (1) not in itself creating";

(iv) omit explanation of sub-section (2).]

**3. Insertion of section 19 A.**— After section 19 of the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

**“19A. Documents presented for registration to be accompanied by true copies thereof.** — (1) No document shall be accepted for registration unless it is accompanied by a true copy thereof.

(2) The true copy referred to in sub-section (1) shall be neatly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf.”

<sup>4</sup>[**3A. In Section 20**, sub-section (1) of the Principal Act, after "persons executing the document", insert "and in the case of document for sale of property, the persons claiming under that document also."

**3B. Insertion of Section 22A.**— After section 22 of the principal Act, the following section shall be inserted, namely: -

**“22A. Document’s registration of which is opposed to public policy.** (1) The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is opposed to public policy.

(2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable.”

**3C. In Section 28**, of the principal Act, for "clauses (a), (b), (c), (d) and (e) of section 17, sub-section (1), substitute "clauses (a), (b), (c), (d), (e), (f), (g) and (h) of section 17.”

**3D. In Section 34**, of the principal Act—

(i) in sub-section (1), after "persons executing the document", insert "and in the case of document for sale of property, the persons claiming under that document";

(ii) in clause (b) of sub-section (3), after "executed the document", insert "or they are claiming under the document".

**3E. Insertion of Section 34A.**— After section 34 of the Principal Act, the following section shall be inserted, namely: -

**“34A. Person claiming under document for sale of property also to sign document.** Subject to the provisions of this Act, no document for sale of property shall be registered under this Act, unless the person claiming under the document has also signed such document.”]

**4. Amendment of section 45.**— In section 45 of the principal Act,—

(a) in sub-section (1), for the words, letters and figure “cause the contents thereof to be copied into his Book No. 3”, the words, letters and figure “cause a true copy of the contents thereof to be made and filed in his Book No. 3” shall be substituted;

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<sup>4</sup> Inserted by the Fourth Order, 2022.



(b) in sub-section (2), for the words “copy has been made”, the words “true copy has been filed” shall be substituted.

**5. Amendment of section 46.**— In section 46 of the principal Act, in sub-section (2),—

(a) for the words “unless the will has been already copied”, the words “unless a true copy of the will has already been filed” shall be substituted;

(b) for the words, letters and figure “cause the will to be copied into his book No. 3”, the words, letters and figure “cause a true copy of the will to be made and filed in his Book No. 3” shall be substituted.

<sup>5</sup>[**5A. In Section 50, of the principal Act** for "clauses (a), (b), (c), (d) and (e) of section 17, sub-section (1), substitute "clauses (a), (b), (c), (d), (e), (f), (g) and (h) of section 17."]

**6. Amendment of section 51.**— In section 51 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In Book 1 shall be filed—

- i. true copies of all documents; and
- ii. all memoranda,

registered under sections 17, 18 and 89 which relate to immovable property, and are notwills.”;

(b) in sub-section (3), for the words “entered all documents”, the words “filed true copies of all documents” shall be substituted.

<sup>6</sup>[(c) in the Principal Act, after sub-section (4), the following sub-section shall be inserted, namely: -

“(5) If, any of the books mentioned in sub-section (1) is destroyed or in the opinion of the Registrar is in danger of being destroyed, or becoming illegible

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<sup>5</sup> Inserted by the Fourth Order, 2022.

<sup>6</sup> Inserted by the Fourth Order, 2022.

wholly or partially, the Registrar may, by a written order, direct such book or such portion thereof as he thinks fit, to be reconstructed or recopied, as the case may be and authenticated in such manner as may be prescribed under section 69, and the copy prepared and authenticated under such direction shall for the purpose of this Act, be deemed to have taken the place of and to be the original book or portion and all references in this Act, to the original book or portion shall be deemed to be references to the book or portion so prepared and authenticated."]

**7. Amendment of section 52.**— In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:—

“(c) subject to the provisions contained in section 62, where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission.”

<sup>7</sup>[**7A. in Section 53 of the Principal Act**, the following proviso shall be inserted, namely: -

“Provided that where Book is in electronic form, all entries and numbers in that Book and the Book maintained manually shall be identical.”]

**8. Amendment of section 54.**— In section 54 of the principal Act, for the words “copied or filed a memorandum of,” the words “filed a true copy or a memorandum of” shall be substituted.

**9. Amendment of section 55.**— In section 55 of the principal Act,—

- (a) in sub-section (2), for the words “document entered or memorandum filed”, the words “document of which a true copy or a memorandum, is filed” shall be substituted;
- (b) in sub-section (4), for the words “authority entered”, the words “authority of which a true copy is filed” shall be substituted;
- (c) in sub-section (5), for the words “document entered”, the words “document of which a true copy is filed” shall be substituted.

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<sup>7</sup> Inserted by the Fourth Order, 2022.

<sup>8</sup>[**9A. In Section 58 of the Principal Act,—**

(i) in sub-section (1), after cause (a) the following clause shall be inserted, namely:-

“(aa) in the case of a document for sale of property, the signature and addition of every person admitting the claim under such document, and, if such claim has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;”

(ii) in sub-section (2), after “execution of a document”, insert “and in the case of a document for sale of property, any person admitting the execution of such document, or any person admitting the claim under that document.”]

**10. Amendment of section 60.—** In section 60 of the principal Act, in sub-section (1), for the words “the document has been copied”, the words “the true copy of the document has been filed” shall be substituted.

**11. Amendment of section 61.—** In section 61 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented alongwith the document, and the true copy of the map or plan (if any) mentioned in section 21 shall also be filed along with the true copy of the document.”

**12. Amendment of section 62.—** In section 62 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) When a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book.”

[**“78 A. Power to reduce or remit fees.—** If the Government of Dadra and Nagar Haveli and Daman and Diu is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territory,

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<sup>8</sup> Inserted by the Fourth Order, 2022.

any fee or fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class or classes of cases and in respect of persons generally or any particular class or classes of persons.”]

<sup>9</sup>[**12A. New Sections 68A and 68B.**— After section 68 of the Principal Act, the following sections shall be inserted, namely: -

**[68A. Prohibition of unlicensed person.** (1) No person who is not licensed as provided under section 68-B, shall engage himself in the profession of document-writer and document drawn-up and signed by a person who does not hold a license shall not be accepted for registration by the registering officers:

Provided that no advocate or pleader or mukhtar shall be required to have a license under section 68-B.

(2) Nothing in this section shall prohibit an executant of document to draw up a document to be presented for registration or to do any other act for himself for which a licensed document-writer could have been otherwise engaged.

(3) Nothing in this section shall apply to document executed out of India or out of the Union territory or to a will or to document scribed by document-writer holding license for one sub-district or one district and presented for registration in another sub-district or another district as the case may be, or to documents executed by or on behalf of the Union territory or local authorities or other corporate bodies.

**68B. Grant of license to document-writers.** (1) The Registrar of district or any other officer authorized by him in this behalf may grant a license, to be valid in one sub-district or one district in the prescribed form to document-writer or apprentice to document-writer on an application made in this behalf, on such term and conditions as may be prescribed by the Inspector-General of Registration in this behalf after conducting a written test as may be prescribed.

(2) A licence may be granted to any person who has been in the profession of the document-writer for at least ten years prior to the date of the Dadra and Nagar Haveli and Daman and Diu (Adaptation of Central Laws and State Laws) Fourth Order, 2022 came into force, without requiring him to appear in the written test referred to in sub-section (1), if the Registrar of a district or any other officer authorized by him

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<sup>9</sup> Inserted by the Fourth Order, 2022.

in this behalf is satisfied that he is otherwise fit to take the profession of a document-writer.

(3) A licence granted under sub-sections (1) and (2) shall remain valid till the 31st December of the year in which the same was issued and shall be subject to renewal before the expiry of its period of validity on such terms and conditions as may be prescribed.

(4)(a) The licence granted under sub-sections (1) and (2) may, at any time, be suspended or cancelled on the breach of conditions prescribed or for such suspended or cancelled on the breach of conditions prescribed or for such other reason to be recorded in writing by the Registrar of district or the officer authorized by him, after the document writer has been given sufficient opportunity to show cause against the proposed suspension or cancellation of the licence and after the same has been duly considered.

(b) An appeal shall lie before the Inspector-General of Registration against any order passed under this section.

Explanation. - For the purpose of sections 68A and 68B,

(i) "Document-writer" means and includes one who is engaged in the profession of preparing documents, namely, doing the work of conveyancing, including investigation of titles, preparation of draft deeds and engrossing and transcribing the deed, including copies, if any, for registration, or making searches and inspection under the Act.

(ii) "Apprentice" means one who assists a document-writer in the preparation of document and transcribes them (including copies, any) to be presented for registration.

**12B. In Section 69,** For sub-section (1) of the Principal Act, after clause (b) the following clause shall be inserted, namely: -

"(bb) providing for the grant of licences to document-writers and apprentices to document-writer, the suspension and cancellation of such licences, the terms and conditions under which such licences may be granted and generally for all other purposes connected with the writing of documents to be presented for registration."

**12C. After section 70 of the principal Act, insert-**

"PART XI-A REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES."

**70A. Application of this Part.** This part shall apply to the areas only in respect of which a notification is issued by the Union territory under section 70B.

**70B. Documents scanned by electronic devices in areas notified by the Union territory.** (1) The Union territory may, by notification, in the Official Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks on copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything in this Act or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the registering officer in charge of the office shall also be received in evidence of any transaction as is described in the said document.

**70C. Saving.** Nothing in this Part shall apply, -

- (i) to any document which in the opinion of registering officer is not in a condition fit to be processed by means of electronic devices;
- (ii) in the case of unforeseen eventuality like break down of the computerized system of registration:

Provided that the registering officer shall record the reasons in writing therefor:

Provided that the registering officer shall ensure that the data and images of the documents registered during the period of non-application of this Part, due to a breakdown of the computerized system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector General of Registration.

**12D. Insertion of Sections 80A to 80G.**— After section 80 of the Principal Act, the following sections shall be inserted, namely: -

**80A. Recovery of fees and provision for refund.** (1) If on inspection or otherwise,

it is found that any fee payable under this Act has not been paid or has been paid insufficiently, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector-General of Registration, be recovered as an arrear of land revenue from the person from whom such demand is made. The certificate of the Inspector General shall be final and shall not be called in question in any Court or before any authority:

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

- (2) Where the Inspector-General of Registration finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Act, upon an application in writing or otherwise, refund the excess.

**80B. Powers to frame and publish lists of touts.** (1) Every Registrar of a district as regards his own office and the offices subordinate thereto and every Sub-Divisional Magistrate as regards the registration offices within his own jurisdiction may frame and publish lists of persons proved to his satisfaction or to the satisfaction of any Sub-Registrar as provided in section 80-C, by evidence of general repute or otherwise, habitually to act as touts, and may from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published by a Sub-Divisional Magistrate under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the Registrar of the district for the removal of his name from such list and the orders of the Registrar, passed after such inquiry (if any) as he considers necessary on such application shall be final.

**80C. Inquiry by a Sub-Registrar regarding suspected touts.** Any Registrar of a district or Sub-Divisional Magistrate may send to any Sub-Registrar within the jurisdiction of such authority the name of any person alleged or suspected to be a tout and request the Sub Registrar to hold an inquiry in regard to such person and the Sub-Registrar shall thereupon hold an inquiry into the conduct of that person,

and, after giving him an opportunity of showing cause as provided in sub-section (2) of section 80B, shall report to the authority who has made the request whether the person has been proved to the satisfaction of the Sub-Registrar to be a tout; and that authority may include the name of any person who has been so proved to be a tout in the list of touts framed and published by him under sub-section (1) of section 80B:

Provided that such authority shall hear such person who before his name has been so included, appears before him and desires to be heard.

**80D. Display of lists of touts in registration offices.** A copy of every such list shall be conspicuously displayed in every registration office to which the same relates.

**80E. Exclusion of touts from precincts of registration offices.** A registering officer may, by general or special order, exclude from the precincts of his registration office any person whose name is included in any such list.

**80F. Presumption as to touts found within precincts of registration offices-** Every person who having been excluded from the precincts of a registration office under section 80E is found within the precincts of any registration office, without written permission from the registering officer shall be deemed to be acting as a tout for the purposes of section 82A:

Provided that this section shall not apply where such person is a party to a document intended for registration at such office or has been directed to appear by any process of the registering officer.

**80G. Arrest and trial of touts.** (1) Any registering officer may, by an order in writing, direct any person named in the order to arrest any such tout found within the precincts of the registration office. Such tout may be arrested accordingly and shall be forthwith produced before the registering officer.

(2) If the tout admits his offence the provisions of section 345 of the Code of Criminal Procedure, 1973 (2 of 1974) shall be applicable, so far as may be, to his detention, trial and punishment.

(3) If the tout does not admit his offence the provisions of section 346 of the said Code shall be similarly applicable to his detention, trial and punishment.

(4) A registering officer shall be deemed to be a Civil Court for the purposes of



sections.]

**13. Amendment of section 81.**— In section 81 of the principal Act, —

(a) for the words “or registering of any document”, the words “registering, or filing a true copy of, any document” shall be substituted;

(b) for the words “or registers such document”, the words “registers or files a true copy of, such document” shall be substituted.

**14. Amendment of section 82.**— In clause (b) of section 82 of the principal Act, for the words and figures “section 19 or section 21”, the words “this Act or the rules made thereunder” shall be substituted.

<sup>10</sup>[**14A. Insertion of Sections 82A and 82 B.**— After Section 82 of the Principal Act, the following sections shall be inserted, namely: -

**82A. Penalty for writing documents without licence.** “On and from such date as the State Government may, by notification, appoint in this behalf, no person shall write a document for another person for presentation to a registering officer except under a licence granted in accordance with the rules made under this Act:

Provided that nothing in this sub-section shall apply where the writer of such document is an authorized agent of the executant or a pleader engaged by the executant for drawing up the document or the registered clerk of such pleader,

Provided further that whoever contravenes the provisions of this section shall be punishable with fine which may extend to two thousand rupees.”

**82B. Penalty.** “Whoever acts as a tout whilst his name is included in a list of touts framed and published under this Act:

Provided that for the first offence such imprisonment shall not be less than three months and fine shall not be less than five thousand rupees:

Provided further that for the second offence such imprisonment shall not be less than six months and fine shall not be less than ten thousand rupees; and

Provided also that for the third or subsequent offence such imprisonment shall not be less than one year and fine shall not be less than twenty thousand rupees.”]

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<sup>10</sup> Inserted by the Fourth Order, 2022.

**15. Amendment of section 83.**— In section 83 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely: —

“(1) No prosecution for any offence under this Act shall be commenced save by or with the permission of the Inspector General or any officer empowered in this behalf by the Government”.

<sup>11</sup>[**15A. Insertion of Section 87A.**— After Section 87 of Principal Act, the following section shall be inserted, namely: -

**“87A. Delegation of powers.** The Union territory administration of Dadra and Nagar Haveli and Daman and Diu may, by order, delegate all or any of the powers conferred on them under this Act to the Inspector-General of Registration, who shall exercise the same subject to such restrictions and conditions as the Union territory administration of Dadra and Nagar Haveli and Daman and Diu may impose and they may, in like manner, withdraw any power so delegated.”]

**16. Insertion of section 89A.**— After section 89 of the principal Act, the following section shall be inserted, namely: —

**“89A. Power to make rules for filing of true copies of documents.**— (1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

- (a) the manner in which true copies of documents shall be prepared; and
- (b) the manner of filing and pasting of such copies;

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the

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<sup>11</sup> Inserted by the Fourth Order, 2022.

session immediately following, the Legislative Assembly makes any modification in the rule or decides 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.”

**17. Amendment of section 90.**— In section 90 of the principal Act, in sub-section (1), in sub-clause (d), for the words “grants or assignments by Government of land or of any interest, in land”, the words “grants, assignments or leases by Government of immovable property or of any interest in immovable property” shall be substituted.

By order and in the name of the  
Administrator of U.T. of Dadra &  
Nagar Haveli and Daman & Diu.

Secretariat,  
Daman.

Dated: 20, April, 2022

Sd/-  
(Rohit P. Yadav)  
Law Secretary  
Department of Law & Justice

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