

THE PONDICHERRY DOCUMENT WRITERS LICENCE RULES 1977

GOVERNMENT OF PONDICHERRY

Revenue Department

No. 3363/77/C.

Pondicherry the 23rd June, 1977

NOTIFICATION

G.S.R.No.10.- In exercise of the powers conferred by clause (bb) of sub-section (1) of section 69 of the Registration Act 1908 (XVI of 1908) as in force in the Union territory of Pondicherry and subsequently amended by the Registration (Pondicherry Amendment) Regulation, 1977, the Inspector General of Registration, Pondicherry hereby makes the following rules with the approval of the Government as required by sub-section (2) of the said section :

RULES

1. Short title.- (1) These rules may be called the Pondicherry Document Writers Licence Rules, 1977.

2. Commencement.- These rules shall come into force at once.

3. Definition.- In these rules, unless the context otherwise requires.-

(1) "Document Writers" means and includes.-

One who is engaged in the profession of preparing documents, namely doing the work of conveyancing including investigation of title, preparation of draft deeds and engrossing the deed in Stamp paper for registration :

(2) "Form" means a form appended to these rules :

(3) "Licence" means a Document Writers` licence granted under these rules :

(4) "Licensing Authority" means the licensing authority specified in Rule 15 :

(5) "Scribe" means one who holds a Scribe Licence granted under the Pondicherry Registration (Filing of True Copies) Rules, 1970 :

4. Prohibition of unlicensed persons.- From and after a date to be notified by the Licensing Authority, no person who is not licensed under these rules shall engage himself in the profession of a document writer.

5. Licence to whom granted.- Subject to the provisions of these rules, a licence may be granted to-

- (i) any person who possesses a degree in Law of a recognized University in India or any other equivalent qualification :
- (ii) any advocate or pleader practising before any Court in the Union territory of Pondicherry.
- (iii) any retired officer of the Judicial or Registration Department of the Union territory of Pondicherry ; and

(iv) any person who has passed the Document Writers Licensing Test ;

Provided that a provisional licence may be granted to any other person who proved to the satisfaction of the Licensing Authority that he is well conversed with the preparation of deeds of conveyance, etc., and has been in continuous practice as Document Writer in the Union territory of Pondicherry for a period of not less than five years immediately preceding the date on which these rules come into force subject however to the condition that he secures a pass in the "Document Writers` Licensing Test" prescribed in rule 17 within the period of two years from the date of issue of licence to him ;

Provided further that the Government may on the recommendation of the Licensing Authority in appropriate cases exempt any person or class of person from the provisions of this rule.

6. Non-testamentary documents to be prepared by licensed persons only.- (1) From and after a date notified by the Licensing Authority every non-testamentary document presented for registration shall be prepared by a document writer licensed in this behalf by the Licensing Authority.

(2) From and after a date notified under sub-rule(1), no non-testamentary document shall be accepted for registration unless it is attested by the document writer.

Note:- This rule shall not apply to documents executed outside the State or by or on behalf of the Government of India or the Government of a State or Union territory in India or of Local Authorities or other bodies corporate and institutions which may by notification in the Gazette be specified by Government in this behalf.

7. Disqualification.- A Licence shall not be granted to a person -

- (a) if he is a minor ;
- (b) if he has been declared by a competent court to be of unsound mind ;
- (c) if he is an undischarged insolvent or being a discharged insolvent has not obtained from the Court which adjudged him as insolvent, a certificate that his insolvency was caused by misfortune without any misconduct on his report ;
- (d) if he is an advocate or pleader who has been dismissed or is under suspension from practising as such by an order of any competent court ;
- (e) if he has been convicted by a Criminal Court for an offence involving moral turpitude ;
- (f) if he is a person suffering from leprosy ;
- (g) in the case of a retired officer, if his retirement has been the result of misconduct;
- (h) if his licence has at any time been cancelled and the order cancelling the licence has not been quashed by the competent authority ;
- (i) if for any other reason to be recorded in writing, the Licensing Authority consider it not desirable to issue a licence.

8. Application for licence.- An application for licence shall be in Form "A" and for renewal shall be in Form "B" appended to these rules.

(9) **Mode of application.**- (1) Application for Document Writers` Licence shall be presented in person or by Agent or sent by registered post to the Sub-Registrar under whose jurisdiction the application ordinarily resides or to whose office he desires to be attached primarily.

(2) All applications received by the Sub-Registrar shall be forwarded with his remarks to the District Registrar who shall forward the same to the Licensing Authority with this recommendations.

(3) Fees prescribed under these rules for the grant of a Licence or its renewal shall be remitted into the State Bank of India or the Treasury as the case may be to the departmental head and the chalan therefor enclosed with the applications :

Provided that the fee remitted shall be refunded to the applicant if the licence or the renewal applied for is refused .

10. **Fees.**- Fees at the following rates shall be levied for the grant of licence and for its yearly renewal.-

	For the first year or any part of a Calendar year	For renewal in the second or any of the succeeding Calendar year.
	Rs.	Rs.
1. For the sub-district ...	75	15
2. For the entire Union Territory ...	100	20

(2) If a licence is lost or destroyed a duplicate may on adequate proof of such loss or destruction be issued to the licensee on payment of Rs.3.

Explanation.- (i) In this rule, a sub-district shall be deemed to include all the Registration Offices whether principal, additional, temporary or joint having if any, collateral jurisdiction over the entire area of the sub-district.

(ii) Documents to be registered by a "Registrar" under section 30 of the Act may be prepared and wirtten by licensees attached to the headquarters sub-district of the district or by the licensees attached to the sub-district where the property or one of the properties effected in the document is situate.

11. **Issue of licence.**- (1) Licences granted by the Licensing Authority shall be in Form "C" appended to these rules and shall be issued through the Sub-Registrar to whom the application for Licence was sent or presented.

(2) Any licence issued to a document writer shall be in force till the last day of the calender year for which it was granted subject to renewal before that date by the Licensing Authority on an application of licence holder in Form "A".

(3) Any non-observance of the conditions of the licence or any misconduct of the licence holder during the continuance of the licence shall be treated as a disqualification to obtain renewal of a licence ;

Provided that an appeal from an order of refusal to renew a licence shall lie to the Government.

(4) A licence which has not been renewed within a period of six calendar months after the expiry of the calendar year for which it was granted shall stand cancelled.

(5) If for any reason a licence has not been renewed on or before the due date, the licensee shall not be eligible to apply for a renewal in the succeeding year unless the default to renew at the due date has been condoned by the Licensing Authority.

(6) The Licensing Authority may on sufficient reasons shown condone such defaults on payment over and above the usual renewal fee, a fine as prescribed below :

(i) when the delay does not exceed two calendar months a fine equal to renewal fee ;

(ii) when the delay exceeds two calendar months but does not exceed four months - fine equal to five times the renewal fee.

(iii) when the delay exceeds four calendar months but does not exceed six months- a fine equal to five times the renewal fee.

12. Conditions attached to the licence.- The following shall be the conditions of a licence, namely :-

(a) that the licensee shall abide by these rules for the time being in force;

(b) that he shall maintain the registers, receipt books and other records in the manner prescribed by these rules :

(c) that he shall not levy more than the fee prescribed on the Table of fees appended to these rules ;

(d) that he shall not demand or receive any sum from parties in the name of any person connected with Registration Offices ;

(e) that he shall not cheat or participate in any illegal transaction or dealings with the staff attached to the Registration Office :

(f) that he shall render true and correct account of the money received from the parties and produce the records maintained by him for inspection at any time before such officer as may be authorized to inspect them by the Licensing Authority ;

(g) that he shall prepare and write documents neatly and legibly in clear and unambiguous terms and in accordance with the instructions that may be issued from time to time by the Licensing Authority ;

(h) that he shall instruct the parties or their duly authorised agents to present documents and to pay the fees in person direct to the Registering Officers and not through any other agency ;

(i) that he shall obey any direction that may from time to time be issued by the District Registrar regarding the preparation of documents;

(j) that he shall set forth fully and truly the consideration or the market value and other facts and circumstances affecting the chargeability of any instrument with duty or the amount of duty with which it is chargeable under the Indian Stamp Act, 1899 as amended from time to time;

(k) that he shall not act as a tout ;

(l) that he shall not appear as an identifying witness of anybody connected with the registration of any document ; and

(m) that he shall not take delivery of any registered document from the Registering Officer or present any application for a single or general search or for a certified copy or extract.

Provided that the Registering Officer may in his discretion exempt any licensee under these rules, from the operation of this rule, if he is satisfied that the licensee is personally interested in the matter :

(n) every non-testamentary document written by a licensee shall be attested by him in the following manner, namely :-

“Prepared and written by (name in full with licence number of the licensee and signature)”

Explanation. Documents executed by or on behalf of the Government shall not be subject to this rule.

13. List of document writers to the published.- The licence numbers and the full name of document writers for the whole Union territory and the sub-district writers for the whole Union Territory and the sub-district concerned shall be published on the Notice Board in each Sub-Registry Office.

14. Registers.- (a) A document writer shall maintain -

(i) a register in Form “D”; and

(ii) a receipt book with counterfoil in Form E. He shall give receipts for all moneys received on account of the work connected with every document prepared by him;

(b) The completed registers and receipts books maintained under the rules shall be surrendered to the District Registrar at the end of each calendar year :

Provided that if the licensee dies or his licence expires or be revoked or suspended, the registers and such receipt books shall be so surrendered within 15 days from the date of such death, expiry, revocation or suspension by the representative in the case of the deceased licensee and by the licensee in other cases.

15. Licensing Authority.- The District Registrar shall be the Licensing Authority for the purpose of these rules.

16. Powers and duties of licensing authority.- (1) The Licensing Authority shall have power to-

(a) grant Licence to Document Writers ;

(b) renew Licences;

(c) cancel, revoke or suspend licences granted under the rules ; and

(d) issue to the document writers such directions as may be necessary for effectively carrying out their purposes of these rules.

(2) The Licensing Authority shall maintain a register in Form "F".

17. Document writers` licensing test.- (1) An examination to be called "The Document Writers` Licensing Test" shall be conducted by the District Registrar. The time and place of the examination and the language in which the candidates will be examined and fees payable therefor shall be notified by the District Registrar from time to time in the Pondicherry State Gazette.

(2) The test shall consist of an examination in -

- (i) the Registration Act, 1908 and the rules and the Table of fees thereunder ;
- (ii) the Indian Stamps Act, 1899 and the rules thereunder ;
- (iii) the Transfer of Property Act, 1882 and
- (iv) conveyancing.

(3) The list of successful candidates of each examination shall be published in the Pondicherry State Gazette.

18. Qualification.- A study upto S.S.L.C. Examination or its equivalent shall be the minimum qualification for admission to the licensing test ;

Provided that this rule shall not apply to the person specified in the first proviso to clause (iv) of rule 5.

19. Application.- Application for admission to the Document Writers` Licensing Test shall be sent to such authority in such manner and in such form as may be notified in the Official Gazette.

20. Suspension of document writers` licence.- A Licence granted under these rules may be suspended, if the Licensee-

- (i) fails to maintain the registers and to issue receipts prescribed under these rules regularly and correctly ;
- (ii) collects more than the scheduled fees ;
- (iii) contravenes any of the provisions of these rules or any of the conditions of the licence or is found guilty of disobedience to any lawful order passed under these rules.
- (iv) is found guilty of abetment of or participation in any illegal transactions or dealings with the staff attached to Registration Offices or
- (v) if he has acted as a tout.

21. Concillation of licence.- A licence granted under these rules may be cancelled if.-

- (i) the licensee has been suspended three times ;
- (ii) he becomes disqualified on any of the grounds specified in rule 7 ;

(iii) he has furnished false or incorreced information or particulars in the application for licence.

22. Power to cancel or suspend licences.- The Licensing Authority may suspend any licence granted under these rules for any period or may cancel such licence.

23. Appeal.- (1) (i) An appeal from the order of suspension or cancellation of a licence under these rules passed by the Licensing Authority shall lie to the Inspector-General of Registration.

(ii) Every Licensee preferring an appeal shall do so separately and in his own name .

(iii) Every appeal preferred under these rules shall contain all material statements and arguements relied on by the appellant and shall contain no disrespectful or improper language and be complete in itself.

(2) An appeal shall be summarily rejected if -

(i) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which affords grounds for a reconsideration of the case :

(ii) it is addressed to the authority to which no appeal lies under these rules ;

(iii) it is not preferred within two months from the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay ; and

(iv) it does not comply with the provisions of clause (iii) of sub-rule (1).

(3) The appellate authority shall consider -

(i) whether the facts on which the order of suspension or cancellation is based are established :

(ii) whether the facts established afford sufficient ground for taking action and

(iii) whether the penalty imposed is excessive, adequate or inadequate and after such consideration shall pass such order as it thinks just and equitable having regard to all the circumstances of the case.

SCHEDULE OF FEES FOR PREPARATION OF DRAFTS AND DOCUMENTS

Sl.No.	Value of Documents/Consideration	Fees for drafts and preparation of Documents
(1)	(2)	(3)
		Rs. P.
1.	When the value does not exceed Rs.100	2.00
2.	When the value exceeds	But does not exceeds
	Rs.	Rs.
	100	500
	500	1,000
	1,000	5,000
	5,000	10,000
	Above Rs.10,000	-----
		30.000 for the first Rs.10,000 and Rs.5 for every Rs.1,000 or part thereof.
3.	When the document is not susceptible of money valuation or when no value or consideration is expressed.	20.00
4.	Special or General Power of Attorney or deed for divorce	6.00

FORM-A

(Rules-8)

APPLICATION FOR DOCUMENT WRITERS` LICENCE

1. Full name with father`s name :
Address (Permanent home address) :
2. Age and date of birth :

3. Nationality :
4. Education qualifications, if any whether he has passed the Document Writer's Licensing Test :
5. Service as Document Writer with approximate number of documents prepared and presented for registration during the past one year :
6. If advocate, pleader or retired Government servant -
- (i) particulars with length of service at the Bar or under Government :
- (ii) whether dismissed or suspended at any time from practising by any order of a competent court :
- (iii) if a retired Government servant, post held immediately before retirement :
- (iv) whether dismissed or compulsorily retired for misconduct :
7. Nature of Licence applied for whether it is for a single office (to be named) or for the whole Union territory :
8. State here the amount, number and date of chalan receipt and the name of the treasury :
9. Has an application for licence ever been refused. If so, when and for what reason, give particulars :

DECLARATION

I..... do hereby solemnly declare that I am not suffering from leprosy, that I have not been declared to be of unsound mind or convicted for any offence involving moral turpitude or adjudged as insolvent by any court of competent jurisdiction and that the information and particulars furnished herein are true and correct to the best of my knowledge and belief and the licence for which I hereby apply will be used only by myself.

Date : Signature :

Place :

Encl: Chalan Receipt

*Note: (1) The Licence issued on the strength of this application is liable to suspension or cancellation at any time if it is found that any information or particulars furnished in the application are false or not true or incorrect.

2. The application shall be accompanied by a true extract of his name with other particulars published in Pondicherry State Gazette in token of securing a pass in the document Writer`s Licensing Test or a true copy of the degree in Law or Pleadership Certificate as the case may be duly attested by a Gazetted Officer or a M.L.A or M.P.
3. The Duplicate of the chalan issued by the Treasury or Bank shall also be enclosed.

No. Sub-Registry Office,
Dated :

RECOMMENDATION

To
The District Registrar,

Sub-Registrar
District Registrar`s Office
Dated :

ORDER

Licence No. Issued on
District Registrar
dated
District Registrar

FORM - B

(Rule 8)

APPLICATION FOR RENEWAL OF DOCUMENT WIRTERS` LICENCE

- 1.Full name with father`s name :
2. Address (Present home address) :
3. Changes in local address :
4. Details of Licence number :
5. Period for which renewal in sought :

6. Date of last renewal :

7. Amount, number, date and amount
of treasury of chalan receipt :

DECLARATION

I..... do hereby solemnly declare that I have not been declared to be of unsound mind or convicted for any offence involving moral turpitude or adjudged as insolvent by any court of competent jurisdiction during the past.....years.

Place :

Date : Signature

Encl: Chalan Receipt and licence in original.

NOTE ; The renewal made on the strength of this application is liable to suspension or cancellation at any time if it is found that any information or particulars furnished in the application are false or not true or correct.

No. Sub-Registry Office.

Date :

RECOMMENDATIONS

Sub-Registrar

To

The District Registrar

No. District Registrar`s Office

Date :

ORDER

Renewed for the year..... ending.

District Registrar

FORM - C

(Rule- I)

DOCUMENT WRITER`S LICENCE

Number of Licenceof.....

Name of Document Writer :

Address :

The aforesaid..... having paid the necessary fees and having made the necessary declaration is hereby authorised to practice as a document writer attached to the Sub-Registry Office(s) in

Dated the..... day of.....

Office of the District Registrar,

Pondicherry

District Registrar.

Signature of the Licence Holder

(to be made as soon as the Licence is received)

CONDITIONS

- (a) The licensee shall abide by the rules relating to the licensing of document writers.
- (b) He shall maintain the register, receipt books and other records prescribed by the rules to be maintained or that may be required to be maintained by the Licensing Authority.
- (c) He shall surrender to the licensing authority registers and receipt books at the end of each calendar year or if his licence is expired, revoked or suspended within 15 days from the date of the expiry, revocation or suspension.
- (d) He shall not demand or accept any sum from parties in the name of any person or persons connected with the Registration Office.
- (e) He shall render true and correct accounts of the moneys he received from the parties and produce records maintained by him for inspection at such time before such officers as may be authorised to inspect them by the licensing authority.
- (f) He shall write or cause to be written documents legibly in clear and unambiguous terms and in accordance with the instructions that may be issued from time to time by the District Registrar.
- (g) He shall instruct the parties or their duly authorised agents or holders of powers of Attorney to present documents or petitions and to pay the fees themselves direct to the Registering Officer and not through any other agency.

(h) He shall obey any direction that may from time to time be issued by the District registrar regarding preparations of deeds for registrations.

(i) He shall not levy more than the fee prescribed in the schedule of fees appended to the rules.

(j) He shall not elect or participate in any illegal transaction or dealings with the staff attached to Registration Offices.

(k) He shall set forth fully and truly the consideration or the market value and all other facts and circumstances affecting the chargeability of any instrument with duty or the amount of duty with which it is chargeable under the Stamp Act.

(l) He shall not act as a tout.

(m) He shall not appear as identifying witness of any one connected with the registration of documents.

(n) He shall not take delivery of any registered documents from the Registering Officer or present any application for single or general search or for a certified copy or extract unless he is personally interested in the matter.

Note :- The Licence will be liable to suspension or cancellation for a breach of any of the above conditions.

FORM - D

[Rule (a) (i)]

REGISTER OF DOCUMENTS

Prepared in the Office of (name of Document Writer).....
.....Holder of Licence No. attached to the Office of

SL No.	P a r t	Name of party executant or claimant of the deed	Nature of document	Value of consideration	Fees of Document writer	Number of stamps produced with value
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Name of the Sub-Registry Office of registration

(8)

Signature of the party in token of receipt of document
writer date

(9)

Remarks

(10)

Note :- Alteration, erasures and interlineation should be attested by the document writer concerned with initials

FORM - E

[Rule (a) (ii)]

Counterfoil

No.

Station :

Date:

Received from..... the sum of
Rs.....(Rupees.....) . It has been dealt with as shown hereunder :

(a) Value of (i) Stamp papers | if purchased
(ii) Other papers | through him :-----

(b) Search fee (i) Paid to the department

(ii) Document writers remuneration.....

(c) Fee for conveyancing

Total

Excess amount returned to party

Document No.....if known,
with the office of Registration.

Documnet writer

FORM - F

[Rule 16(2)]

REGISER OF DOCUMENT WIRTTERS` LICENCE

Serial No.

Licence No

Date

Name of Licence

Address

Date of payment Chalan No

Treasury/Bank at where remitted

Whose Union territory

Sub-District

Date of issue of Licence

Posting of renewal with dte

Remarks