



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Registration (Goa Amendment) Bill, 2022

(Bill No. 10 of 2022)

—————
(To be introduced in the Legislative Assembly of the State of Goa)
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GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
JULY, 2022

The Registration (Goa Amendment) Bill, 2022

(Bill No. 10 of 2022)

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BILL

further to amend the Registration Act, 1908 (Central Act 16 of 1908), as in force in the State of Goa.

5 BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Registration (Goa Amendment) Act, 2022.

10 (2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Omission of section 19 A.— In the Registration Act, 1908 (Central Act 16 of 1908), as in force in the State of Goa (hereinafter referred to as the “principle Act”), section 19 A shall be omitted.

15 **3. Amendment of section 20.**— In section 20 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely:—

“Provided that no such note is required to be made in the register where any document is registered and uploaded under online registration system.”.

20 **4. Substitution of section 32 A.**— For section 32 A of the principal Act, the following section shall be substituted, namely:—

“32A. Compulsory uploading of photograph, etc.— Every person presenting any document at the proper registration office under section 32 shall also upload digital photograph and digital 25 fingerprints of both the hands of each party to such document:

Provided that in case where any document is uploaded under online registration system such digital photograph and digital

fingerprints shall be obtained by the registering officer before admission of such document for registration.”.

5. Amendment of section 57.— In section 57 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:— 5

“(6) In case where the documents are registered by online registration system and the Books in respect of such documents as referred above are maintained digitally, the applications, payments and issue of copies thereto shall be in digital form.”.

6. Amendment of section 58.— In section 58 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:- 10

“(c) name, digitally obtained photograph, digitally obtained finger prints of both hands and signature of every person who is party to such document or of his duly authorized representative, 15 assignee or agent, if the same is executed by the latter.”.

7. Amendment of section 60.— In section 60 of the principal Act,- for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) After such of the provisions of section 34, 35, 58 and 59 as 20 apply to any document presented for registration have been complied with, the registering officer shall register such document under online registration system and generate a certificate of registration containing details such as unique registration number, book number and date of registration.”; 25

8. Insertion of new section 71A.— After section 71 of the principal Act, the following section shall be inserted, namely:-

“71 A.—Withholding registration of certain documents.— (1) The registering officer on direction of the Revenue

Department of the Government of Goa, may withhold registration of any document pertaining to the property as specified in such directions.

5 (2) The Registration officer on the direction of the Enforcement Directorate, Securities and Exchange Board of India, Income Tax Department or other Statutory Authority may also withhold registration of any document pertaining to the property as specified in such directions.”.

10 **9. Insertion of new PART XII A.**— After Part XII A of the principal Act, the following part shall be inserted, namely:-

“PART XII A

OF CANCELLATION OF FRAUDULENT DOCUMENTS

15 **77A. Institution of suit in case of fraudulent document.**— (1) Any investigating authority may institute a suit or a case before such court or Tribunal as notified by the Government for deciding any document as fraudulent or not.

20 (2) The investigating authority referred in sub-section (1) shall file a case before such Court or Tribunal only after ascertaining on exhaustive investigation that the document registered with the registering officer is fraudulent.

25 **77B. Order for cancellation.**— (1) The Court or Tribunal referred in section 77A may upon such enquiry as it deems fit order cancellation of a document which is found to be fraudulently registered before the Registering Officer and it may also order restoration of property in the name of original owner on cancellation of such document.

(2) The concerned registering officer shall cancel the document as ordered within two days from the date of receipt of Order of such Court or Tribunal.

30 **10. Substitution of section 80.**— For section 80 of the principal Act, the following section shall be substituted, namely:—

“80. Fees payable before presentation.— All fee for the registration of any document which would be presented for registration under this Act shall be payable electronically before presentation of such document. The payment of such fee shall be valid for a period of four months from the date of such payment.”.

10 **11. Amendment of section 86.**— In section 86 of the principal Act, for the expression “No registering officer shall be liable to any such claim or demand by reason of anything in good faith done or refused in his official capacity”, the expression “No registering officer shall be liable to any suit, claims or demand by reason of anything in good faith done or refused in his official capacity, except in case of proven misconduct or lapse in registering any document which is ordered to be cancelled under 77B.”.

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STATEMENT OF OBJECTS AND REASONS.

The Bill seeks to omit section 19A from the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the 'said Act') since the said provision has become redundant as the registration of documents are now on digital format under National Generic Document Registration System (NGDRS) which is implemented in Goa. Under this system the original document itself is scanned and uploaded on system hence true copy is not required.

The Bill also seeks to amend section 20 of the said Act since under the National Generic Document Registration System the original document itself being scanned and uploaded and hence there is no scope of interlineation, blanks etc. where the original documents are scanned and uploaded.

The Bill also seeks to substitute section 32A of the said Act as uploading of photographs and fingerprints would facilitate identification of the parties to the registration and would remain in the records of the Department.

The Bill also seeks to amend sections 57, 58 and 60 of the said Act so to incorporate the systemic changes that have occurred due to implementation of online registration system.

The Bill also seeks to insert section 71A in the said Act so as to provide for withholding the registration of any document on the direction of the Revenue Department and certain agencies such as Enforcement Directorate, Income Tax Department, Securities and Exchange Board of India, etc.

The Bill also seeks to insert PART XII A in the said Act so as to provide mechanism for security of documents which are fraudulent documents registered under the said Act and for their cancellation.

The Bill also seeks to substitute section 80 of the said Act to incorporate the systemic changes that have occurred due to implementation of online registration system.

This Bill seeks to achieve the above objects.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (2) of the Bill seeks to empower the Government to appoint the date for bringing into force the Act by Notification in the Official Gazette.

Clause 9 of the Bill empower the Government to issue notification for notifying a Court or Tribunal.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

Assembly Hall,
Porvorim, Goa.
14/07/2022.

Nilesh Cabral
Minister for Law, Judiciary &
Legislative Affairs.

Assembly Hall,
Porvorim, Goa.
14/07/2022.

Namrata Ulman
Secretary to the Legislative
Assembly Goa

ANNEXURE

Name Of The Bill: The Registration (Goa Amendment) Bill, 2022

| Sr. No. | Existing Provision in the Bill | Amendment proposed amendment | Justification for |
|---------|---|--|--|
| 1 | 2 | 3 | 4 |
| 1 | “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 it 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.”. | section 19 A shall be omitted | Section 19A from the Registration Act, 1908 (Central Act 16 of 1908) (hereinafter referred to as the ‘said Act”) since the said provision has become redundant as the registration of documents are now on digital format under National Generic Document Registration System (NGDRS) which is implemented in Goa. Under this system the original document itself is scanned and uploaded on system hence true copy is not required. |
| 2 | Section 20. Documents containing interlineations, blanks, erasures or alterations.— (1) The registering officer may in his discretion refuse to accept for registration any document in | In section 20 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely:-"Provided that no such note is required to be made | Section 20 of the said Act since under the National Generic Document Registration System the original document itself being scanned and uploaded and hence |

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| | which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such inter-lineation, blank, erasure or alteration. (2) If the registering officer registers any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration. | in the register where any document is registered and uploaded under online registration system.”. | there is no scope of interlineation, blanks etc. where the original documents are scanned and uploaded. |
| 3 | 32A. Compulsory affixing of photograph, etc.— Every person presenting any document at the proper registration office under section 32 shall affix his passport size photograph and fingerprints to the document: Provided that where such document relates to the transfer of ownership of immovable property, the passport size photograph and fingerprints of each buyer and seller of such property mentioned in the | For section 32 A of the principal Act, the following section shall be substituted, namely:— "32A. Compulsory uploading of photograph, etc. — Every person presenting any document at the proper registration office under section 32 shall also upload digital photograph and digital finger prints of both the hands of each party to such document: | To substitute section 32A of the said Act as uploading of photographs and fingerprints would facilitate identification of the parties to the registration and would remain in the records of the Department. |

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| | document shall also be affixed to the document. | Provided that in case where any document is uploaded under online registration system such digital photograph and digital fingerprints shall be obtained by the registering officer before admission of such document for registration.”. | |
| 4 | Section 57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.— (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all time open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies or entries in such books shall be given to all persons applying for such copies. (2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons | In section 57 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:- "(6) In case where the documents are registered by online registration system and the Books in respect of such documents as referred above are maintained digitally, the applications, payments and issue of copies thereto shall be in digital form.”. | To amend section 57 of the said Act so to incorporate the systemic changes that have occurred due to implementation of online registration system. |

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| | executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies. (3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative. (4) The requisite search, under this section for entries in Book Nos. 3. and 4 shall be made only by the registering officer. (5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents. | | |
| 5 | Section 58. Particulars to be endorsed on documents admitted to registration.— (1) On every document admitted to registration, | In section 58 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:-"(c) | To amend section 58 of the said Act so to incorporate the systemic changes that have occurred due to implementation of |

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| | other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely:— | name, digitally obtained photograph, digitally obtained finger prints of both hands and signature of every person who is party to such document or of his duly authorized representative, assignee or agent, if the same is executed by the latter.”. | online registration system. |
| | (a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent; | | |
| | (b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; | | |
| | and (c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution. | | |

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| 6 | Section 60. Certificate of registration.—(1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word “registered”, together with the number and page of the book in which the document has been copied. | In section 60 of the principal Act,- for sub-section (1), the following sub-section shall be substituted, namely:-“(1) After such of the provisions of section 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall register such document under online registration system and generate a certificate of registration containing details such as unique registration number, book number and date of registration.”; | To amend section 60 of the said Act so to incorporate the systemic changes that have occurred due to implementation of online registration system. |
| 7 | | Insertion of new section 71A. — After section 71 of the principal Act, the following section shall be inserted, namely:- "71 A.—Withholding registration of | To insert section 71A in the said Act so as to provide for withholding the registration of any document on the direction of the Revenue Department and certain agencies such as Enforcement Direc- |

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certain documents.—(1) The registering officer on direction of the Revenue Department of the Government of Goa, may withhold registration of any document pertaining to the property as specified in such directions.(2) The Registration officer on the direction of the Enforcement Directorate, Securities and Exchange Board of India, Income Tax Department or other Statutory Authority may also withhold registration of any document pertaining to the property as specified in such directions.”.

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Insertion of new PART XII A.—After Part XII A of the principal Act, the following part shall be inserted, namely:-

"PART XII A OF CANCELLATION OF FRADULENT DOCUMENTS

torate, Income Tax Department, Securities and Exchange Board of India, etc.

To insert PART XII A in the said Act, so as to provide mechanism for security of documents which are fraudulent documents registered under the said Act and for their cancellation.

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77A. Institution of suit in case of fraudulent document.—

(1) Any investigating authority may institute a suit or a case before such court or Tribunal as notified by the Government for deciding any document as fraudulent or not.(2) The investigating authority referred in sub-section (1) shall file a case before such Court or Tribunal only after ascertaining on exhaustive investigation that the document registered with the registering officer is fraudulent.

77B. Order for cancellation.—

(1) The Court or Tribunal referred in section 77A may upon such enquiry as it deems fit order cancellation of a document which is found to be fraudulently registered before the Registering Officer and it may also order restoration of property in the

