

# **Punjab Document Writers Licensing Rules, 1961**

PUNJAB

India

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### **Rule PUNJAB-DOCUMENT-WRITERS-LICENSING-RULES-1961 of 1961**

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Punjab Document Writers Licensing Rules, 1961Published vide Registration Department Notification No. R/3- 192/384, dated the 16th December, 1961.Registration Act

#### **1. Short title, application and commencement.**

(1)These rules may be called the Punjab Document-Writers Licensing Rules, 1961.(2)Nothing in these rules shall apply to the legal practitioners.(3)They shall come into force at once.

#### **2. Definitions.**

- In these rules, unless the subject or context otherwise requires, -(a)'Act' means the Indian Registration Act, 1908;(b)'document' means a document written for presentation to a registering officer and includes an application for copy, inspection, search, extension of period and issue of summons or warrants and an application under section 73 or a memorandum of appeal under section 72 of the Act;(c)'document-writer' means a person holding a licence for practising as a writer of documents for hire;(d)'Form' means a form appended to these rules;(e)'Inspector-General of Registration' means the Inspector- General of Registration, Punjab;(f)'Licence' means a licence granted under these rules;(g)'Licensing Authority' means the Registrar of the Registration district in which the applicant desires to practise as a document-writer;(h)'Registering Officer' means a Registrar or Sub-Registrar appointed under the Act.

#### **3. Persons by whom documents may be written.**

(1)After a month of the publication of these rules in the official Gazette, no person shall practise as a document-writer except under a license granted by the Licensing Authority.(2)No registering officer shall accept any document for registration which is not written by a licensed document writer or the executant himself.

#### **4. Eligibility for licence.**

- No person shall be eligible for being licensed as a document-writer or, if licensed, to continue as a document-writer, if such person -(a)is less than 18 year's of age; or(b)is in the employment of Government or Local Authority or any other person; or(c)is of unsound mind; or(d)is an undischarged insolvent; or(e)has been dismissed from the service of Government or any Local Authority; or(f)has been convicted of any offence involving moral turpitude.

#### **5. Academic qualification for obtaining licence.**

- No person shall be licensed under these rules unless he has passed Matriculation or Higher Secondary Examination or any other examination of an equivalent standard and has qualified in the special examination held under rule 6; Provided that -(a)the provisions of this rule shall not apply to a person who [has ordinarily practised] [Substituted for 'has been practising' by Punjab Government Notification No. R/3/192/IV/2243, dated 23rd October, 1964.] as a document-writer for seven years or more on the date of enforcement of these rules; (b)the Licensing Authority may, in deserving cases of candidates belonging to any backward class or scheduled caste or scheduled tribe, relax the minimum educational qualification prescribed above and allow any such candidate who has passed the Middle School Examination to sit in the special examination referred to in this rule.

#### **6. Special examination.**

(1)The number of licenses for each registration district and sub-district shall, from time to time, be fixed by the Inspector-General of Registration, who shall hold a special examination for issuing fresh licences, if necessary, keeping in view the requirements of each district and sub-district. (2)the date of examination shall be notified in the official Gazette and also in a daily newspaper having wide publicity in the State.

#### **7. Application for taking special examination.**

(1)An application for permission to sit in the special examination shall be made to the Licensing Authority and shall contain the following particulars filled in by the applicant in his own hand :- (a)The applicant's name, father's name, date of birth (according to the British Calendar), residence and present occupation, if any; (b)The names of two responsible persons to whom reference may be made as to the applicant's character; (c)Whether the applicant was ever convicted of any offence involving moral turpitude; (d)The place where the applicant desires to practise as a document-writer; (e)Academic qualifications of the applicant. (2)Every application presented under sub-rule (1) shall be accompanied by -(a)a Treasury Challan in proof of a deposit of rupees five as fee; (b)an attested copy of the Matriculation or Higher Secondary Examination Certificate; (c)an attested copy of the character certificate obtained from a respectable person or from the Head of the Institution which the applicant last attended. (3)The fee shall be deposited in the Treasury under Head [IX - Registration-Miscellaneous] [Substituted for 'XI - Registration-Miscellaneous' by GSR No. 68, dated 10th February, 1969, published in the legislative supplement dated 17th July, 1970.]"

## 8. Scrutiny of applications.

(1) On receipt of an application under rule 7 of the Licensing Authority may accept the same and sent an intimation to the applicant accordingly or may reject if the applicant is not eligible for obtaining a licence under rule 4 or does not fulfil the academic qualifications prescribed by rule 5. (2) The name of each applicant whose application is accepted by the Licensing Authority shall be entered by him in a register maintained for the purpose.

## 9. Syllabus for special examination.

- Each candidate whose name is entered in the register referred to in sub-rule (2) of rule 8 shall be examined in the following subjects :-

|                                                                                                                                                                                                                 |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| (a) Document-writing                                                                                                                                                                                            | 100<br>Marks |
| (b) Legal Procedure                                                                                                                                                                                             | 100<br>Marks |
| (i) The Indian Registration Act, 1908; (ii) The Punjab Registration Manual; (iii) The Indian Stamp Act, 1899; (iv) The Indian Stamp Manual; (v) Sections 54, 107 and 123 of the Transfer of Property Act, 1882. |              |
| (c) Dictation and Caligraphy                                                                                                                                                                                    | 100<br>Marks |

(2) No candidate shall be deemed to have qualified in the special examination unless he obtains 33 per cent marks in each of the three subjects and 50 per cent marks in aggregate. (3) The result of the special examination shall be notified in the Official Gazette and shall also be published in one of the daily newspapers having wide publicity in the State.

## 10. Preparation of merit lists.

- After the result of the special examination has been published under sub-rule (3) of rule 9, the Inspector-General of Registration shall prepare a merit list in respect of each registration district containing the names of candidates of that district who have qualified the special examination and sent a copy thereof to the concerned Licensing Authority.

## 11. Issue of Licences.

(1) The Licensing Authority, shall, on receipt of the merit list under rule 10, send an intimation to such candidates who are eligible to obtain licences in the order of merit keeping in view the number of document-writer to be licensed for that district and shall require them to deposit a licence fee of [rupees five] [Substituted for 'rupees twenty' by Punjab Government notification No. R/3/192/IV/2234, dated 23rd October, 1964] each within a month of the receipt of such intimation. (2) The Licence fee shall be deposited in the Treasury under Head ['XV- Registration'] [Substituted for 'XI-Registration' by GSR 68, dated 10th February, 1969 published in Legislative

Supplement, dated 17th July, 1970] and an intimation regarding such deposit shall be sent to the Licensing Authority immediately after the deposit is made.(3)If any candidate to whom an intimation is sent under sub-rule (1) fails to deposit the licence fee within the time fixed for that purpose, the Licensing Authority may require the candidate appearing next on the merit list to deposit the licence fee.(4)[ Any person who has ordinarily practised as a document-writer for seven years or more on the date of enforcement of these rules may apply to the Licensing Authority for issue of a licence giving true and correct particulars regarding his age, the period during which he was practised as such, and if he was previously in service, the period during which he has been so serving the Licensing Authority may, on being satisfied that the applicant is eligible for the grant of licence, issue him a licence after the applicant has deposited licence fee of rupees five] [Substituted by ibid].(5)A licence under these rules shall be issued in Form "A".(6)[ A duplicate copy of the licence may be issued to a licensee on payment of a fee of rupee one only if the licensing authority is satisfied that the original licence has been lost or damaged.] [Inserted by Punjab Government notification No. R/3/192/IV/2234, dated 23rd October, 1964]

## 12. Validity of licence.

- A licence issued under these rules shall be valid till the 31st December of the year in which the same is issued and shall be renewable on payment of a fee of [rupee five] [Substituted for 'rupees ten' by ibid] by making an application for the same to the Licensing Authority at least fifteen days before the date of expiry of the licence. Provided that the Licensing Authority may, if satisfied that the licensee was prevented from applying for renewal for sufficient cause, entertain an application for renewal of licence made after the expiry of the prescribed period and renew the same.

## 13. Fees for writing documents.

- [(1) No Document Writer shall charge fees for writing Documents in excess of these mentioned below] [Substituted vide Punjab Government Notification, dated 30.10.1991] :-

| Sl. No. | Nature of Document                                                                                                                                                      | Sale of fee               |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| (i)     | An application for copy, Inspection or search or othersimple application                                                                                                | Two rupees                |
| (ii)    | An application for issue of process<br>An application for the extension of period under section 25or section 34 of the Act or an application under section 73 ofthe Act | Two rupees                |
| (iii)   | An appeal under section 72 of the Act                                                                                                                                   | Two rupees                |
| (iv)    | A document of any value of the property or amount ofconsideration                                                                                                       | (a) Original(b) copy      |
| (v)     | A document modifying or amending a previously                                                                                                                           | Twenty rupeesFive rupees. |
| (vi)    |                                                                                                                                                                         | Four rupees               |

## registered document

|        |                                                                                                          |             |
|--------|----------------------------------------------------------------------------------------------------------|-------------|
| (vii)  | A special power of Attorney                                                                              | Four rupees |
| (viii) | An agreement                                                                                             | Four rupees |
| (ix)   | A counterpart or duplicate drawn up under Article 25 of Schedule I-A of the Indian Stamps Act, 1899      | Two rupees. |
| (x)    | A consent deed without consideration or an exchange deed                                                 | Two rupees  |
| (xi)   | Will, authority to adopt, adoption deed or General Power of Authority                                    | Ten rupees  |
| (xii)  | A document in which no value or amount of consideration is given though it is capable of being expressed | Ten rupees  |
| (xiii) | A document for which no fee has been specified                                                           | Four rupees |

(2) A table indicating the fees prescribed under sub-rule (1) shall be exhibited at a conspicuous place in every registration office. A similar table of fees shall be exhibited conspicuously by each document-writing at the place where he carries on the business of writing documents. (3) Each document-writer shall maintain a printed receipt book containing foils and counterfoils and shall give a receipt for the amount of fee received by him for writing any document.

#### 14. Conditions of licence.

- A document-writer - (a) shall maintain a register in Form "B" and shall on demand produce the same for inspection by the registering officer; (b) shall provide, at his own expense, with a seal on which shall be engraved in the rational language of the district where he carries on his business, his name and the year in which he was licensed; (c) shall write documents briefly, properly, plainly and legibly; (d) shall sign every document written by him, affix his seal and enter therein the number which it bears in his register and also the fee charged for writing the same; (e) shall not dictate any document or cause a document written by any other person; (f) shall not write or cause to be written by any other document-writer any document which he knows to be unnecessary or fraudulent in nature; (g) shall be responsible to see that the document is written on a stamp paper of proper value and that the document is classified according to its substance; (h) shall not act as a recognised agent or witness in respect of the execution of any document written by him; (i) shall not charge fees in excess of those prescribed in these rules; (j) shall not engage himself in any other trade or business without the previous permission in writing of the Inspector-General of Registration; [and in the case of a document-writer who is also a petitioner writer, such permission shall not be granted without the prior approval of the High Court] [Added by G.S.R. 68, dated 20th February, 1969, published in Legislative Supplement, dated 17th July, 1970]; (k) shall not change his place for which he holds the licence without the previous permission of the Inspector-General of Registration; (l) shall re-write free of charge the document written by him in an incomplete and defective manner and indemnify the party concerned for the loss suffered by it as a result of the document being re-written; (m) shall surrender to the Licensing Authority his licence if it is suspended or cancelled. (n) [shall exhibit the table of fees prescribed in rule 13(1) conspicuously at the place, where he carries on the business of writing documents; [Clauses (n) need (o) added by Punjab Government notification No. R/3/192/IV/2234, dated 23rd October, 1964]] (o) shall maintain the printed receipt book [in form C]

containing foils and counterfoils and give a receipt for the amount of fee received by him for writing any document.](p)[ shall furnish to the Licensing Authority or any Officer of the Registration Department specified in this behalf truly and correctly such information in relation to his practice as a document writer as may be required from him.] [Clause (p) added by ibid]

**14A. [ Grant of license to the Government employees serving in Spiti registration district. [Rule 14-A inserted by notification No. R/3/192/IV/2234, dated 23rd October, 1964]**

(1)Notwithstanding anything contained in clause (b) of rule 4 or in rules 5, 6, 7, 8, 9, 10 and 11; the Inspector-General of Registration may on an application recommended by the Local Registrar grant to any Government employees serving in the aforesaid registration district, a licence to practise as a document writer in that district. No fee shall be charged for the grant or renewal of such a licence.(2)A Government employee to whom a licence is granted under sub-rule (1) shall not charge any remuneration or fee from any person for writing any document.(3)A licence issued under sub-rule (1) may be cancelled by the Inspector-General of Registration when in his opinion the services of such a document writer are not required and such a license shall be deemed to have been cancelled on his quitting the Government service or on his transfer from the aforesaid registration district to any other place in the State of Punjab, whichever is earlier.]

**15. Penalty for breach of conditions of licence.**

(1)The Licensing authority or the Inspector-General of Registration may, after giving the document-writer an opportunity of being heard, suspend his licence or cancel the same if he is found to have committed a breach of any of the conditions of his licence.(2)Without prejudice to the provisions of sub-rule (1) the Licensing Authority or the Inspector-General of Registration may, on an application made to it or him in writing, get the fee charged by a document-writer in excess of the prescribed scale refunded to the applicant.(3)An action taken under sub-rule (1) and sub-rule (2) shall be recorded on the licence by the Licensing Authority.

**16. [ Authority to her appeals, manner of presentation of appeal and period of limitation. [Rule 16 inserted by G.S.R. 68, dated 20th February, 1969]**

(1)Any person aggrieved by an order of the Licensing Authority or the Inspector- General of Registration passed under these rules, may, within a period of sixty days of the order, prefer an appeal to the Commissioner of the Division in which such person had been practising.(2)A second appeal from the order of the Commissioner of the Division shall be to the Financial Commissioner within a period of ninety days of the order of the Commissioner:Provided that an appeal under sub-rule (1) or sub-rule (2) may be admitted after the period prescribed therein, if the appellant satisfied the Commissioner of the Division or the Financial Commissioner, as the case may be that he had sufficient cause for not preferring the appeal within such period.(3)A memorandum of appeal shall contain the following particulars -(a)the date of the order appealed against;(b)the name and designation of the officer who passed the order; and(c)all material statements and grounds of

| Serial No.                                                    | Date on which document was written | Name and address of the executant    | Nature and value of document      | Brief abstract of the document            |
|---------------------------------------------------------------|------------------------------------|--------------------------------------|-----------------------------------|-------------------------------------------|
| 1                                                             | 2                                  | 3                                    | 4                                 | 5                                         |
| Value of non-Judicial stamp on which the document was written |                                    | Fee charged for writing the document | Signatures of the document writer | Signatures or thumb-mark of the executant |
| 6                                                             |                                    | 7                                    | 8                                 | 9                                         |
|                                                               |                                    |                                      |                                   | 10                                        |

[Form 'C'] [Form C added by G.S.R. 68, dated 20/2/1969 published in Legislative Supplement, dated 17.7.1970] (See Rule 14(O) Receipt Book to be maintained by a document writer Sr. No. \_\_\_\_\_, Dated \_\_\_\_\_ Sr. No. \_\_\_\_\_, Dated \_\_\_\_\_ Received Rs. \_\_\_\_\_, from \_\_\_\_\_ Received Rs. \_\_\_\_\_ from Shri \_\_\_\_\_ as, writing Shri \_\_\_\_\_ as writing charges, charges of the \_\_\_\_\_ document, of the \_\_\_\_\_ document. Fee of writing original document, Fee of writing duplicate copy, Total fee charged, Fee of writing original document, Fee of writing duplicate document, Total fee charged, Dated \_\_\_\_\_ Signature of Document writer \_\_\_\_\_ Dated \_\_\_\_\_ Signature of Document writer \_\_\_\_\_