

THE  
Himachal Pradesh Document Writers Licensing Rules, 1971

GOVERNMENT OF HIMACHAL PRADESH  
REGISTRATION DEPARTMENT  
NOTIFICATION

Simla-4, the 19th January, 1972

**No. 8-5/Reg./67.**-In exercise of the powers conferred by clause (bb) of sub-section (1) of section 69 of the Indian Registration Act, 1908 (Act No. XVI of 1908), the Inspector General of Registration Himachal Pradesh with the previous approval of the Govt. of Himachal Pradesh hereby makes the following rules for carrying out the purposes of the said Act, namely:-

RULES.

**1. Short title, application and commencement.**-(1) These rules may be called the Himachal Pradesh Document Writers Licensing Rules, 1971.

(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 the 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 of 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, Himachal Pradesh;

(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 Registrar or a Sub-Registrar appointed under the Act.

**3. Person 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 licence 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 of, if licensed, to continue as a document writer, if such person-

(a) is less than 18 years 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; or

(g) he is not a bonafide resident of Himachal Pradesh.

**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 provision of this rule shall not apply to a person who has ordinarily practised as a document-writer 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 member of Licences for each registration district and sub-district shall, from time to time be notified 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 the 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 qualification 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 certificate;
  - (c) an attested copy of the Character Certificate obtained from a respectable person or from the Head of Institution which the applicant last attended.
- (3) The fee shall be deposited in the treasury under Head "XV-Registration Miscellaneous".

8. Scrutiny of application.--(1) On receipt of an application under rule 7, the licensing authority may accept the same and send an intimation to the applicant accordingly or may reject it if the applicant is not eligible for obtaining a licence under rule 4 or does not fulfill the academic qualification 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.--(1) 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 marks  |
| (b) Legal Procedure   | 100 marks  |
| (i) The Indian Registration Act, 1908;                              |            |
| (ii) The Punjab Registration Manual as applied to Himachal Pradesh; |            |
| (iii) The Indian Stamp Act, 1899;                                   |            |
| (iv) Section 54, 197 and 123 of the Transfer of Property Act, 1882; |            |
| (v) The Indian Stamp (Himachal Pradesh Amendment) Act, 1970;        |            |
| (c) Dictation and Calligraphy in Hindi and Urdu (.....)             | 100 marks. |

(2) No candidate shall be deemed to have qualified in the special examination unless he obtained 33% marks in each of the three subjects and 50% 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 list.--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 name of candidates of that district who have qualified the special examination and send a copy thereof to the concerned Licensing Authority.

11. Issue of Licenses.--(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 Licence in the order of merit keeping in view the number of document-writers to be licensed for that district and shall require them to deposit a licence fee of rupees five each within a month of the receipt of such intimation.

(2) The Licence fee shall be deposited in the treasury under Head "XV-Registration" 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 (2) 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 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, commencement of practice/continuance as a document writer, and if he was previously in service, the date of his leaving service and the date of his re-employment, if any and the date of termination of his re-employment and 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 a licence fee of rupees five.

(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.

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 rupees five 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:-

Sl. No.	Nature of Document	Approved Scale Fee	
1.	An application for copy inspection or search or other simple application.	One Rupee	
2.	An application for the issue of process	One Rupee	
3.	An application for the extension of period under Section 25 of Section 34 of the Act.	Two Rupees	
4.	An appeal under section 72 of the Act.	Two Rupees	
5.	A document in which the value of the property or the amount of consideration is specified as:		
		<u>Original</u>	<u>Copy</u>
	(i) 1 to 1,000	Four Rupees	Two Rupees
	(ii) 1,000 to 10,000	Eight Rupees	Two Rupees
	(iii) 10,000 to 20,000	Twelve Rupees	Two Rupees
	(iv) 20,000 to 50,000	Sixteen Rupees	Two Rupees
	(v) 50,000 or above	Twenty Rupees	Two Rupees
6.	A document certifying or amending a previously registered document	Two Rupees	
7.	A special power of attorney	Two Rupees	
8.	An agreement	Two Rupees	
9.	A counterpart or duplicate drawn up under Article 25 of Schedule 1-A of the Indian Stamp Act, 1899.	Two Rupees	
10.	A consent deed without consideration	Five Rupees	
11.	Will, authority to adopt, adoption deed general of attorney or divorce deed.	Ten Rupees	
12.	A document in which no value or amount of consideration is given	Ten Rupees	
13.	A document for which no scale has been prescribed above	Five Rupees	

Note:-The value of the property of the amount of consideration for the purpose of writing charges shall be the same as for stamp duty.

1. Substituted by notification No. Rev.(LR) A-5(9)/80 II dated July 1981 issued by I.G.R. H.P.

(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 fee shall be exhibited conspicuously by each Document Writer; 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. Condition 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 expenses, with a seal on which shall be engraved in the regional 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 charges 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;

Provided that in the case of a petition writer-cum-document writer such a permission shall be accorded only with the approval of the High Court of Himachal Pradesh;

- (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;
- (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 truly and correctly whatever information is called for from him.

**15. Grant of Licence to the Government employees serving in the registration district.-**(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 employee 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 which 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 licence shall be deemed to have been cancelled on his quitting Government service or on his transfer from the aforesaid registration district to any other place in the State of Himachal Pradesh.

**16. 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) Any action taken under sub-rule (1) and sub-rule (2) shall be recorded on the licence by the Licensing Authority.

17. Authority to hear appeals manner of presentation of appeals and period of limitation.-(1) Any person aggrieved by an order of the Licensing Authority or the Inspector General of Registration, suspending or cancelling the licence under these rules, may within a period of six months from the date on which the order is communicated to him prefer an appeal to the Divisional Commissioner, Himachal Pradesh. The memorandum of appeal shall be submitted through the authority from whose order the appeal is preferred

(2) A memorandum of appeal shall be written in a respectful proper language and it shall contain the following particulars:-

- (a) the date of the order appealed against.
- (b) the name and designation of the officer who passed the orders;
- (c) all material statements and arguments relied upon by the appellant.

18. Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order, for the reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of persons, or any deserving individual cases.

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Inspector General of Registration.

**FORM 'A'**  
(See Rule 11)

Form of Licence for a Document Writer

In the office of the Registrar.....District.....  
 Certified Shri.....son of Shri.....resident  
 of.....has this day been licenced as a Document Writer, and is hereby  
 permitted to practise as such, in the office of the Sub-Registrar.....  
 subject to the provisions of the Himachal Pradesh Document-writers Licencing Rules, 1971 till the 31st  
 day of December, 19

Given under my hand and seal of this office, this.....day of.....19.....  
 at.....

Registrar of the Registration  
 District  
 Renewing Officer.

(Seal)

Date of renewal of the Licence.....

**FORM 'B'**  
(See Rule 14)

Register to be maintained by a Document Writer

Sl. No. of document	Date on which document was written	Name and address of executant	Nature and value of document	Brief abstract of the document
1	2	3	4	5

1. Added by notification No. R-2-5 (Reg.)/67, dated 1st December, 1976 by H.P. I.G.R. with the prior approval of H.P. Government.

Value of Non-Judicial stamp on which the document was written	Fee charged for writing the document	Signature of the document writer	Signature or thumb marks of the employer	Remarks
6	7	8	9	10

**FORM 'C'**  
(See Rule 14)

**RECEIPT BOOK TO BE MAINTAINED BY A DOCUMENT WRITER**

Serial No.....	Serial No.....
Date.....	Date.....
Received Rs.....	Received Rs.....
from Shri.....	from Shri.....
as writing charges of the.....	as writing charges of the.....
document.	document.

Fee of writing original document	Fee of writing duplicate copy	Total fee charged	Fee of writing original document	Fee of writing duplicate copy	Total fee charged
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Date.....	Signature	Date.....	Signature of Document Writer.
	of Document Writer.		Document Writer.