The Tamil Nadu Document Writers Licence Rules, 1982

(G.O.MS.No.397, Commercial Taxes and Religious Endowments Dept., dated 12th April 1982)

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In exercise of the powers conferred by Section 89-B of the Registration Act, 1908 (Central Act XVI of 1908) the Governor of Tamil Nadu hereby makes the following Rules:-

1. Short title, extent and commencement.- (a) These Rules may be called the Tamil Nadu Document Writers' Licence Rules, 1982.

(b) They shall extend to the whole of the State of Tamil Nadu.

(c) They shall come into force on the 14th of April 1982.

(IA) Rules not to apply to Advocates and Pleaders.- Nothing in these Rules shall apply to any person who is an Advocate or a pleader practising before any Court or to Documents written by such Advocate or Pleader.

2. Definitions.- In these Rules, unless the context otherwise requires-

(a)**"Act"** means the Registration Act, 1908 (Central Act XVI of 1908);

(b)**"Copy writer"** means a person holding a licence under the Tamil Nadu Copy Writers' Licence Rules, 1971;

(c)**"Document"** means a document written or type-written for presentation to Registering Officer.

(d)**"Document writer"** means and includes a person 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 on the stamp paper or plain paper for registration.

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(e) **"Form"** means a Form appended to this rules;

(f) **"Licence"** means Document Writer's Licence granted under these rules;

(g) **"Licensing Authority"** means the Inspector General of Registration; or the Deputy Inspector General of Registration of the respective zone authorised by him in this behalf in respect of State Licenses and the District Registrar in respect of District and Sub-district Licenses

(h) **"Registering Officer"** means the Registrar or Sub-Registrar appointed under the Act.

3. Person by whom documents shall be written.- (1) All non-testamentary documents required to be registered under the Act shall be prepared only by a document writer licensed in this behalf by this Licensing Authority and shall be duly attested by him with his full name and licence number.

(2) A document, the draft of which is prepared by a Document writer, may be written by a Copy writer on stamp papers or plain papers, as the case may be, and such document shall be attested by both the Document Writer and the Copy Writer with their full names and licence numbers.

(3) If the document is type-written, it shall be attested by the Document writer who prepared the draft.

(4) No non-testamentary document shall be accepted for registration by the Registering Officer unless it conforms to the provisions in sub-rules (1) to (3).

(5) These Rules shall not apply to the following documents namely:-

(a) Documents written by the executant himself where it is drafted using the model format hosted in the registration web site.

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(b) Documents executed by the Official Receiver or Official Assignee; or any other authority under the Civil Procedure Code or any other law to be authorised in this behalf.

(c) Documents executed by on behalf of the Government of India or Government of any State in India or Local Authority or Co-operative Societies or Banks or Foreign Embassies or Corporate Bodies and Institutions which may be notified by the Government in this behalf;

[(d) Documents executed by their members in favour of Co-operative Societies, registered or deemed to have been registered under the Tamil Nadu Co-operative Societies Act, 1961 (Act 53 of 1961)]

(6) Government may by notification in the Tamil Nadu Government Gazette, exempt any class of documents from the provisions of these rules.

4. Eligibility for licences.- (1) No person shall be eligible for a licence unless he has passed the Document Writers' Licence Test held by the Inspector General of Registration.

(2) Notwithstanding anything contained in sub-rule (1) above, the following persons are eligible for the grant of a licence:-

(i) [***] Omitted

(ii) A member of the Institute of Chartered Accountants of India constituted under the Chartered Accountants Act, 1949 (Central Act XXXVIII of 1949);

(iii) Any retired official of the Registration Department who has served in a post not below the rank of Sub-Registrar.

(iv) Any holder of Certificate in Document Writing issued by recognized Universities in Tamil Nadu.

5. Disqualification for issue of a licence.- A licence shall not be granted to a person-

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(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 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 part;

(d) if he has been convicted by a Criminal Court for offence involving moral turpitude:

(e) if he is a deaf-mute;

(f) if he is a person suffering from leprosy or any other form of contagious disease;

(g)*[***]

(h) in the case of a retired official, if his retirement having been the result of misconduct;

(i) if his licence has at, any time been cancelled and the order cancelling the licence had not been quashed by the competent authority;

(j) if he or any member of his family is a stamp vendor licensed under the Indian Stamp Act, 1899 (Central Act II of 1899);

(k) if he is a retired employee of the Registration Department and has not completed a period of three years from the date of retirement:

Provided that such retired employee of the Registration Department may be granted a licence to the registration district or to the sub-district excluding the registration districts or sub-districts where he worked during the last three years of his service; and

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(l) if, for any other reason to be recorded in writing, the Licensing Authority consider it is not desirable to issue licence to him.

(m) if he is in employment part-time or full time, either in Government service or Government Undertakings or Local Bodies of Private Firms or Company or Organisation

6. Test.- (a) (i) The '[Inspector General of Registration] shall conduct as often as he considers necessary, a test called "Document Writers' Licensing Test" for licensing persons as "Document Writers".

(ii) The test shall be held at the headquarters of every Registration District after calling for application, for admission to the test atleast a month in advance by means of notices published on the notice boards of all registration offices and in one or two Tamil dailies;

(iii) The application for admission to the test shall be in the Form prescribed by the '[Inspector General of Registration];

(iv) The fee for admission to the test shall be [Rs. 200/-(Rupees Two hundred only).

(b) The test shall consist of two papers of the duration of three hours each-

(i) Paper I shall be on Registration Procedure and Acts and Rules bearing on the registration of documents - Questions shall be set on the Acts set out below connected with registration-

(1) The Registration Act, 1908 and the Rules thereunder including the Table of Fees;

(2) The Indian Stamp Act, 1899 and the Rules made thereunder;

(3) The Transfer of Property Act, 1882 (Central Act IV of 1882);

(4) The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Tamil Nadu Act 58 of 1961)

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(5) The Tamil Nadu Urban Land (Ceiling and Regulations) Act, 1978 (Tamil Nadu Act 24 of 1978);

(ii) Paper II shall be on drafting of several kinds of documents (any standard work on drafting of documents as prescribed by the Inspector General of Registration in the notice calling for application).

(c) The results of the examination shall be published in the notice board of all registration offices and on the notice board of the Office of the Inspector General of Registration.

7. Age.- (1) No person shall be eligible to apply for Document Writers' Licence Test unless he has completed twenty five years of age on the date of calling for applications.

(2) **Other qualification for admission to the Document Writers Test.-** No person shall be eligible to apply for Document Writers' Licensing Test unless he possess the following qualifications, namely:-

(1) A degree from a recognised University;

(2) Typewriting either by lower or higher grade both in Tamil and English:

Provided that in the case of a person who has obtained a licence under the Tamil Nadu Copy Writers' Licence Rules 1971, before 15.02.2013 whether renewed or not, should have passed S.S.L.C., examination or its equivalent examination

Provided further that the above qualification shall not apply to the licensees who have already been granted licence before the date of this Notification, and in respect of renewal of licences by such licensees.

Provided also that the persons who apply for the Tamil Nadu Document Writer's Test should have taken Tamil as a subject either as first language or second language in the S.S.L.C., examination or its equivalent examination.

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8. Procedure for applying for licence.- (1) Every application for a licence shall be submitted through the Sub- Registrar to whose office the applicant desires to be attached.

(2) Application for District and State licence shall be submitted through the Sub-Registrar within whose jurisdiction the applicant resides.

9. Form of application and licence.- Application for grant of licence shall be in Form A. The licence granted shall be in Form B.

10. Fees for licence.- The following fee shall be levied for the grant of and for renewal of licence:-

		For grant of licence	**For renewal of licence**
		Rs.	Rs.
1	Licence granted for one Registration sub-district	750	300
2	Licence granted for one Registration district	1000	450
3	Licence granted for all offices in the State	2000	600

11. Validity of licence.- Each licence shall be only for the registration sub-district or the Registration District or the whole of the State mentioned therein.

12. Period of licence.- Every licence granted or renewed shall be valid for five years up to the 31st December of the fifth year in which the licence was issued or renewed.

12-A. Refund.- Any fee that is unearned other than the fee paid for admission to the test under sub-clause (iv) of clause (a) of Rule 6 shall be refunded by the District Registrar to the applicant concerned.

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Explanation.- The expression "fee that is unearned" in this Rule means, fee paid for the grant of licence or for its renewal where such licence is not granted or renewed at the request of the applicant or otherwise.

13. Renewal of licence.- (a) The licence shall be renewed by the respective Licensing Authority. Renewal of licence shall be made in Form B.

(b) Every application for renewal shall be submitted in Form C through the connected Sub-Registrar on or before the 30th November of the fifth year together with the requisite fees.

(c) The Licensing Authority may, in respect of licences to be renewed by them may, condone a delay of thirty days in presenting the application for renewal, if he is satisfied that the applicant has sufficient cause for not presenting it on or before the 30th November of the fifth year.

(d) Applications received after the 30th November of the fifth year shall be refused unless the delay is condoned by the licensing authority. The Licensing Authority may, for reason to be recorded in writing and communicated to the applicant refuse to renew the licence. Such refusal shall not be a bar against granting fresh licence.

(e) If the Licensing Authority is satisfied that a licence, defaced, lost, destroyed or otherwise rendered useless, he may, on payment of a fee of rupees ten issue a duplicate licence.

14. Maintenance of accounts. (1) Every document shall maintain daily account in Form D.

(2) His account book and receipt books shall be produced for inspection to the Sub-Registrar within whose jurisdiction document writer is attached.

(3) Every document writer shall issue receipt for fees charged by him in Form G.

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(4) Every document writer shall charge fees for writing documents as prescribed in the Table of Fees appended to these Rules.]

15. List of document writers to be exhibited on notice boards.- A list of document writers attached to each Sub-Registrar Office shall be put up on the notice board for the information of the registering public.

16. Suspension and cancellation of the licence.- (1)The District Registrar shall have the power to suspend the district licence or sub- district licence of the document writer in his district for a period not exceeding six months at a time for misconduct or unsatisfactory work.

(2) The Inspector General of Registration shall have power to suspend for any length of time the state licence, district licence or sub- district licence of a document writer for misconduct or unsatisfactory work.

(3) The Licensing Authority shall have the powers to revoke or cancel the licence of a document writer issued by him for misconduct or unsatisfactory work or for any disqualification prescribed in Rule 5, or for breach of any of the conditions of the licences after giving him an opportunity to show cause against the action proposed to be taken against him. The Inspector-General of Registration shall also have the power to revoke or cancel any licence of a document writer.

17.Appeals.- (a) An appeal against an order passed by the District Registrar under Rule 16 shall be made to the Inspector General of Registration within two months from the date of the order.

(b) An appeal against the orders of the Licensing Authority other than the orders of the District Registrar shall lie to the State Government within two months from the date of the order.

18. Register of licences and renewals.- (1) The Licensing Authority shall maintain a register in Form E for each category of licence issued. He shall also maintain a register in Form F for each category of licences renewed by him.

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(2) Each Registrar shall maintain a register in Form F for district licences and another for licences renewed by him.

19. Remittance of fees.- All fees payable under these Rules shall be paid by the Licensee into the under the Head "030" Stamps and Registration Fees" AA. Registration fees-AB other receipts-06 other items-Fees for Documents Writer's Test Licence D.P.C. No. 0030 ABAA 0607" and the Duplicate challan, produced to the authorities with the concerned applications.

20. Interim arrangements.- (a) Till the first Document Writers' Licensing Test for licensing document writers is held and licences are issued, the present practice of documents being written by unlicensed document writers will be continued. In the Registration districts of Kanyakumari and Marthandam and sub-district of Shencottah or Tenkasi Registration district, the existing document writers under Travancore Cochin Document Writers' Licences Rules, 1955 will be allowed to write documents till licences are issued under these Rules.

(b) The date on and from which it will be illegal for an unlicensed document writer to write document will be notified, giving all notice of atleast 15 days, by the Licensing Authority in the Tamil Nadu Government Gazette.

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Form - A
(see rule 9)

Application for Document Writer's Licence

1.	Full Name of the applicant with Father's Name	
2.	Residential Address	
3.	Age and date of birth	
4.	Nationality	
5.	Educational qualification	
6.	(a) Has the applicant passed the Document Writers' Licence Test (Give details of registration number, year and the centre at which the test was held.) (b) If he has not passed the said Test how his is entitled to a Licence	
7.	Nature of licence applied for (a) State or District or Sub-District (b) Name of the District or Sub-District in respect of which the licence is applied for	
8.	Amount of fees paid the number and date of the chalan for payment and the name of the Treasury into which the fee has been paid.	

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DECLARATION

I (enter full name) do hereby solemnly declare that the particulars furnished herein are true and correct to the best of my knowledge and belief and that the licence for which I hereby apply will be used only by me.

2. I further declare that I do not suffer any of the disqualifications mentioned in Rule 5.

Date:

Encl: Chalan Receipt

Signature

Note. The licence issued on the basis of this application is liable to suspension or cancellation at any time if it is found that any of the particulars furnished in the application is false or incorrect.

No. Office of the Sub-Registrar
Dated:

Sub-Registrar

To.
Licence Authority

No. Office of the Licencing Authority
Dated:

Licence No……..is issued

Office seal Licensing Authority

[Note. If the Application is for the State licence. It should be forwarded to the Inspector General of Registration with the recommendation thereon)

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Form - B
(see rule 9 and 13(a)

Serial Number of Licence: of

Name of Document Writer:

Address:

The aforesaid ……..having passed the Document Writers' Licensing Test held in. ...../having been exempted from passing the Document Writers Licensing Test is hereby authorised to practice as Document Writer in all office in the State/Office of the District Registrar/Office of the Sub-Registrar…….. from …….. to 31st December day of…….. Dated the ……day of……..

(Office Seal) (Licensing Authority)

Signature of the Licence holder.

Note.- Application for renewal should be submitted in Form 'C through the concerned Sub-Registrar on or before the 30th November of the year upto……..which the licence has been issued renewed.

Office of the District Registrar /
Inspector General of Registration

Renewed from the …….. ending with the……

(Office Seal) (Licensing Authority)

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CONDITIONS

(a) The Licensee shall abide by the Tamil Nadu Document Writer's Licence Rules, 1982.

(b) He shall maintain the registers, receipt books and other records prescribed under these Rules to be maintained or requested to be maintained.

(c) He shall not demand or receive any sum from parties in the name of any person connected with the Registration Offices.

(d) He shall not abet or participate in any illegal transactions or dealing with the staff attached to the Registration Offices.

(e) He shall maintain upto date accounts. He shall render true and correct account for the money received from the parties and produce the records maintained by him for inspection, at any time before such officer as may be authorised by the Licensing Authority for the said purpose.

(f) He shall prepare and write documents neatly and legibly in clear and unambiguous terms and in accordance with the instructions or direction that may be issued to him from time to time by the Inspector General of Registration regarding preparation of documents.

(g) He shall set forth fully and truly the consideration or the 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.

(h) He shall not act as Tout.

(i) Except in cases in which the document writer is personally interested:-

(i) he shall not appear as an identifying witness for anybody connected with the registration of a document.

(ii) he shall not take delivery of any registered document copy or encumbrance certificate from the registration office; and

(iii) he shall not present any application for a single or general search or for certified copies of extracts.

[j) He shall not enter into the registration office for the purpose of work relating to registration unless he is directed to do so by the registering officer concerned.

(k) A document writer shall not have any pecuniary relationship with the persons working in a registration office.

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Form - C
(see rule 13(b))

Application for Renewal of Document Writer's Licence

1.	Full name with father's name	
2.	Residential Address	
3.	Details of Licence Number	
4.	Period for which renewal is sought	
5.	Date of last renewal	
6.	Amount of fees paid, the number and date of the chalan for payment and the name of the treasury into which the fee was paid.	

DECLARATION

1. I ……(full name), do hereby solemnly declare that the particulars furnished herein are true and correct to the best of my knowledge and belief.

2. I further declare that I do not suffer any of the disqualifications mentioned in rule 5.

Date:

Encl: Chalan Receipt Signature

Note. The renewal made on the strength of this application is liable for suspension or cancellation at any time if it is found that any of the particulars furnished in the application is false or incorrect.

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Office of the Sub-Registrar
Dated:

No.

(Recommendation)

Sub-Registrar

To.
Licence Authority

Office of the Licencing Authority
Dated:

No.

*Renewed from ……..to……

Office seal Licensing Authority

[*Note.- In case of State License, the application for renewal along with orginal license shall be forwarded with the recommendation to the Inspector General of Registration for renewal)

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Form- D
(see rule 14(1))

Account to be maintained by a Document Writer

1.	Name and address of the Document Writer	
2.	Licence Number and date	
3.	The period upto which the licence is valid	(These Particulars should be given on the front page of the Register)
4.	(a) Nature of licence State /District/Sub-District Name of the Registration Sub-District or District to which he is attached.	

S.No (1)	Name of the executant (2)	Name of claimant (3)	Name of document (4)
Value of consideration (5)	(fees charged) for examination of title and drafting (6)	(Fees charged) For writing the document (7)	If the document is not written by the document writer, the name of the copy writer who wrote the document (8)
Acknowledgement of the copy writer for receipt of the fees in column (9)	(fees charged) for other items (with particulars) (10)	Document writer initials (11)	Remarks (12)

Note. For the words "Fees levied" the words "Fees Charged" substituted by G.O.Ms.No.198 C.T & R.E dated.30.05.1996

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Form - E
(see rule 18(1))

Register of Document Writer's Licence

Sl.No	Licence Number and date	Name of Licensee	Address
(1)	(2)	(3)	(4)
Nature of licence State/District/ Sub-district	Name of the Registration Office or Sub-District to which the licensee is attached	Date with effect from which Licence is vaild	Remarks
(5)	(6)	(7)	(8)

Form - F
(see rule 18(1) and (2))

Register of Renewal of Document Writer's Licence

Sl.No	Licence Number and date	Date of order of renewal	Name of Licensee	Address
(1)	(2)	(3)	(4)	(5)
Nature of licence State/District/ Sub-district	Name of the Registration Office or Sub-District to which the licensee is sanctioned	Date with effect from which Licence is renewed		Remarks
(6)	(7)	(7)		(8)

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FORM G

(See Rule 14 (3)]

Receipt

Serial Number Dated:

Received from Thiru/Thirumathi ……residing at..... the sum of Rs.....(Rupees..... only) being the charge of Document detail.

[Signature of Document Writer]

Licence Holder

Licence No.....)

[Note:- For the expression "Signature of licence holder, Licence No..... "the expression" Signature of Document Writer Licence holder Licence No……..)" substituted by GO. Ms. No. 198, CT&RE, dated 30.5.96,]

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