

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.

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.

(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.

3. **Amendment of section 20.**— In section 20 of the principal Act, after subsection (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.”.

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 finger prints 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:-

“(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:-

“(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, 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 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.”;

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.

(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.”.

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

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 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.

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.”.

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.”.