

The Registration (Amendment) Act. 2004

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন-- (১) এই আইন The Registration (Amendment) Act. 2004 নামে অভিহিত হইবে।

(২) এই আইন ১লা জুলাই ২০০৫ইং তারিখে কার্যকর হইবে।

২। Act. No XVI of 1908 এর সংশোধন।- The Registration Act. 1908 (Act. No XVI of 1908), অতঃপর উক্ত Act বলিয়া উল্লিখিত, এর সর্বত্র "of the value of one hundred taka and upwards", শব্দগুলি ও কমাটি বিলুপ্ত হইবে।

৩। Act. No XVI of 1908 এর Section 17 এর সংশোধন।-উক্ত Act এর-

(ক) Section 17 এর Sub-Section (1) এর-

(অ) Clause (a) এর পর নিম্নরূপ নতুন Clause (aa) সন্নিবেশিত হইবে, যথা :-

"(aa) declaration of heba under the Muslim Personal Law (shariat);"

(আ) Clause (c) এর পর নিম্নরূপ নতুন Clause (cc) সন্নিবেশিত হইবে, যথা :-

"(cc) instrument of mortgage referred to in section 59 of the Transfer of Property Act.1882)" এবং

(ই) Clause (e) এর পর নিম্নরূপ নতুন Clause (f) এবং (g) সংযোজিত হইবে, যথা :-

"(f) instrument of partition of immovable property effected by persons upon inheritance according to their respective Personal Laws;

(g) instrument of sale in pursuance of an order of the court under section 96 of the state Acquisition and Tenancy Act. 1950"

(খ) Sub-Section (2) এর Explanation বিলুপ্ত হইবে।

৪। Act. No XVI of 1908 এ নতুন 8sections 17A এবং 17B এর সন্নিবেশ ---- উক্ত Act এর section 17 এরপর নিম্নরূপ নতুন দুইটি sections 17A এবং 17B সন্নিবেশিত হইবে, যথা:-

"17A. Registration of contract for sale etc. --- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, a contract for sale of any immovable property shall be in writing executed by the parties therto and registered.

(2) A contract for sale reffered to in sub-section (1) shall be presented for registratrion within thirty days from the date of execution of the contract and the provisions regarding registration of instruments shall apply.

17B. Effect of unregistered contract for sale executed prior to section 17A becomes effective. -- (1) Where a contract for sale of immovable property is executed but not registered prior to coming into force of section 17A-

(a) the parties to the contract shall, within six months from the date of coming into force of that section. ---

(i) present the instrument of sale of immovable property under the contract for registration. or

(ii) present the contract for sale itself for registration : or.

(b) either of the parties, if aggrieved for non compliance with any of the provisions mentioned in clause (a) shall notwithstanding anything contained to the contrary in any law for the time being in force as to the law of Limitation institute a suit for specific performance or recession of the contract within six months next after the expiry of the period mentioned in clause (a)

failing which the contract shall void.

(2) The provision of sub-section (1) shall not apply to any contract for sale of immovable property on the basis of which a suit has been instituted in a civil court before coming into force of section 17A"

৫। Act. No. XVI of 1908 এ নতুন section 22A এর সন্নিবেশ : - উক্ত Act এর section 22 এর পর নিম্নরূপ নতুন section 22A সন্নিবেশিত হইবে, যথাঃ-

"22A. Instrument of transfer. -- (1) Every instrument of transfer required to be compulsorily registered under this Act shall contain the particulars necessary to convey the intention of the parties complete description of the properties to be transferred and nature of the transaction.

(2) Photographs of both the executant and the recipient shall be pasted on every instrument and the parties shall sign and put their left thumb impressions across their photographs in the instrument.

(3) The government shall, within three months of coming into force of the Registration (Amendment) Act. 2004 by notification in the official Gazette, prescribe a format for the purposes of this section. "

৬। Act. No. XVI of 1908 এর section 23 এর সংশোধন -- উক্ত Act. এর section 23 এর উল্লিখিত, four months" শব্দগুলির পরিবর্তে "three months" শব্দগুলি প্রতিস্থাপিত হইবে।

৭। Act. No. XVI of 1908 এ নতুন section সন্নিবেশিত হইবে, যথাঃ-

"52A. Registering Officer not to register unless certain particulars are included in an instrument of sale. --- Upon presentation of an instrument of sale of any immovable property, the Registering Officer shall not register the instrument unless the following particulars are included in and attached with the instrument, namely----

(a) the latest khatian of the property prepared under the State Acquisition and Tenancy Act. 1950, in the name of the seller, if he is owner of the property otherwise than by inheritance :

(b) the latest Khatian of the property prepared under the State Acquisition and Tenancy Act. 1950, in the name of the seller or his predecessor, if he is owner of the property by inheritance:

(c) nature of the property :

(d) price of the property :

(e) a map of the property together with the axes and boundaries :

(f) a brief description of the ownership of the property for last 25 (twenty-five) years : and

(g) an affidavit by the executant affirming that he has not transferred the property to any person before execution of this instrument and that he has lawful title thereto. "

৮। Act. No. XVI of 1908 এ নতুন section 78A এর সন্নিবেশ -- উক্ত Act. এর section 78 এর পর নিম্নরূপ নতুন section 78A সন্নিবেশিত হইবে, যথাঃ-

78A. Registration fee for contract for sale, heba and mortgage. -- Notwithstanding anything contained in section 78 or any other law for the time being in force. ---

(a) registration fee payable for registration of a contract for sale of any immovable property shall be. ---

(i) five hundred taka, where valuation of the property is not more than five lakh taka.

(ii) one thousand taka, where valuation of the property is above five lakh taka and not more than fifty lakh taka and

(iii) two thousand taka where valuation of the property is above fifty lakh taka :

(b) registration fee payable for registration of a declaration of heba of any immovable property under the Muslim Personal Law (Shariat) shall be one hundred taka irrespective of the value of the property. if such heba is made between spouses, parents and children grand parents and grand children, full brothers, full sisters and full brothers and full sisters :

(c) registration fee payable for registration of an instrument of mortgage referred to in section 59 of the Transfer of Property Act. 1882 shall be as follows. ---

(i) where the amount of money to be secured does not exceed five lakh taka :-

1% (One per centum) of the amount of money to be secured but not less than two hundred taka and not more than five hundred taka.

(ii) where the amount of money to be secured is above five lakh taka but does not exceed twenty lakh taka---

0.25% (zero point two five per centum) of the amount of money to be secured but not less than fifteen hundred taka and not more than two thousand taka and

(iii) where the amount of money to be secured is above twenty lakh taka. ---

0.10% (zero point one zero per centum) of the amount of money to be secured but not less than three thousand taka and not more than five thousand taka.

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Registration Act, 1908 (XVI of 1908) এর সংশোধন

৭। Act. No. XVI of 1908 এর PART XI এর সংশোধন। Registration Act. 1908 (Act No. XVI of 1908). অতঃপর Registration Act. বলিয়া উল্লিখিত এর PART XI এর sub-part (B) এর পর নিম্নরূপ নতুন (sub-part (BB) সন্নিবেশিত হইবে যথাঃ-

" (BB) Special Duties of Registering Officer.

63A, Procedure where document not properly valued (1) Notwithstanding anything contained in this Act or in any other law for the time being in force where it appears to the registering officer that the value of any document presented for registration is less than the market value determined in the policy made under section 69, the registering officer shall for the purpose of realising proper duties and other fees require the presentant to submit the duties and fees so required and after realising duties and fees he shall register the said document.

(2) Where it is found upon inspection or otherwise that by non-compliance of the provision of sub-section (1), a document has been registered by a registering officer with improper duties and fees such non-compliance of the said registering officer shall be deemed to be misconduct and the unpaid amount of duties and fees shall be realised from the concerned registering officer".