

1THE
REGISTRATION (KARNATAKA
AMENDMENT) ACT, 2023

[KARNATAKA ACT NO. 47 OF 2024]

**(Received the assent of the President on the 8th day
of October, 2024)**

An Act further to amend the Registration Act, 1908 (Central Act 16 of 1908) in its application to the State of Karnataka.

Whereas, it is expedient further to amend the Registration Act, 1908 (Central Act 16 of 1908) in its application to the State of Karnataka for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventy fourth Year of the Republic of India, as follows.—

1. Short title and commencement.—(1) This Act may be called the Registration (Karnataka Amendment) Act, 2023.

(2) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

2. Amendment of Section 2.—In Section 2 of the Registration Act, 1908 (Central Act 16 of 1908), (hereinafter referred to as the principal Act), after clause (10), the following shall be inserted, namely.—

“(11) "Forged document" shall have the same meaning as assigned to it in Section 470 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).”

1. Published in the Karnataka Gazette Extra-ordinary on the 19th day of October 2024.

3. Insertion of new Sections 22-B, 22-C and 22-D.—In the Principal Act, after Section 22A, the following shall be inserted, namely.—

"22-B. Refusal to register forged documents and other documents prohibited by law.—

Notwithstanding anything contained in this Act, the registering officer shall refuse to register the following documents, namely.—

- (1) forged document;
- (2) document relating to transaction, which is prohibited by any Central Act or State Act for the time being in force;
- (3) document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority under any Central Act or State Act for the time being in force or any Court or Tribunal;
- (4) any other document as the State Government may, by notification, specify.

Explanation.—(a) “Forged document” shall have the same meaning as assigned to it in Section 470 of the Indian Penal Code, 1860.

(b) For the purpose of considering the case of forged documents the cases involving question of title will be excluded.

22-C. Cancellation of registered documents in certain cases.—The District Registrar either suo motu or on a complaint received from any aggrieved person is of the opinion, that registration of a document is made in contravention of Section 22-B shall issue a notice to the executants and all the parties to the document and parties to subsequent documents, if any, and all other persons who, in the opinion of the District Registrar, may be affected by the cancellation of the document, to show cause as to why the registration of the document shall not be cancelled. On consideration of reply, if any received therefor, the District Registrar may cancel the registration of the document and

cause to enter such cancellation in the relevant books and indexes.

Explanation.—(a) “Aggrieved person” means and includes any person being affected by the execution of the document and includes any party whose personal, property, or financial interests or rights are impacted by another’s action and further in case of registration of a document pertaining to Government property includes any general public as the case may be.

(b) For determining the complaint the provision of Limitation Act as specified under Indian Limitation Act including the power to condone the delay in appropriate case on showing sufficient cause is entrusted upon the District Registrar or Appellate authority.

22-D. Appeal.—Any person aggrieved by an order of the District Registrar under Section 22-C may prefer an appeal to the Inspector General of Registration within thirty days from the date of cancellation of the document and the Inspector General of Registration shall pass an order confirming, modifying or cancelling the order of the District Registrar.”

4. Amendment of Section 69.—In the principal Act, in Section 69, in sub-section (1), after clause (l), the following shall be inserted, namely.—

"(m) regulating the process of cancellation of a registered document referred to in Section 22-C."

5. Insertion of new Sections 81-A and 81-B.—In the Principal Act, after Section 81, the following shall be inserted, namely.—

“81-A. Penalty for registering documents in contravention of Section 22-B.—

(1) Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with registering the documents presented for registration under this Act, registers documents in contravention of the provisions of Section 22-B,

shall be punishable with imprisonment for a term which may be extend up to three years, or with fine, or with both.

(2) Nothing contained in this section shall apply in the case of registration of a document made in good faith.

Explanation.—For the purpose of this sub-section, the expression "good faith" means any act believed or done by a person in good faith with due care, caution and sense of responsibility or by mistake of fact believing himself justified by law under Section 79 of the Indian Penal Code, 1860.

81-B. Offences by companies.—(1) Where an offence under this Act has been committed, by a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in sub-section (1) shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence, has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be, liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section.—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm".