

The [Uttar Pradesh] Indian Partnership Rules, 1933

U.P Government notification No.480-VII-171, dated the 22nd April, 1933 In exercise of the powers conferred by sub-section (2) of Section 71 of the Indian Partnership Act, 1932 (IX of 1932), the Government in Council is pleased to make the following rules, the same having been previously published as required by sub-section (3) of the said section:-
Rules

1. Short title and Commencement-These rules may be called the [Uttar Pradesh] Indian Partnership Rules, 1933.

They shall come into force on the 1st May, 1933.

2. Definition –In these rules, unless there is anything repugnant in the subject of context:

I - “The Act” means Indian Partnership Act, 1932 (IX of 1932);

II - “ the firm” means a body of persons consisting of two or more partners, to which the Act applies;

III - “Registrar” means an official appointed by the State Government under Section 57 of the Act to perform the functions for the Registrar of Firms for the [Uttar Pradesh]: and

IV-“Document” includes statements, intimations and notices prescribed by the Act;

V-“Form” means a form appended to these rules.

3. Application for registration – The statement required to be sent or deliver

ed to the Registrar

under Section 58(1) of the Act shall be in Form 1 appended to these rules.

4.Verification under Section 58(2)- The verification of the statement under Section 51 (1) of the Act required by Section 58 (2) shall be made in the same manner as that of a plaint in a civil suit.

Forms prescribed for statements, intimations and notices under Section 60,61,62 and 63 – The statement, intimations and notices required under Section 60,61,62 and 63 of the Act shall be in prescribed form. The forms prescribed

for such statements, intimations and notices are Forms II,III,IV,V,VI,VII and VIII appended to these rules

Register of Firms- The Register shall maintain a book entitled the “Register of Firms” (hereinafter called the “Register”) in which the following particulars shall be entered, a separate page being assigned to each firm.)

- (1) Firm's name
- (2) Principal place of business of the firm

Note: Each entry is to be made in a separate line at the top of the registrar

- (3) Date of registration
- (4) Act under which registered
- (5) Serial number of document filed
- (6) Description of document
- (7) By whom filed,when,and to whom certificate is granted

Note: To form the heading of the columns

Notice of facts to be recorded shall be printed or type-written and may be sent to the Registrar through post (in registered cover) or delivered to him or left at his office during business hours. No fact shall be recorded on

a mere oral notice.

Procedure to be adopted by the Registrar when disputes arise- The registrar may in his discretion institute such inquiries or make such investigation in respect of any matter as may in his opinion be necessary for the proper performance of his duties and the administration of the Act; in particular when a dispute arises amongst the several partners of a firm, the Registrar may in his discretion call upon any of the partners or all of them to produce any original deed, document or such other evidence as he thinks fit in order to ascertain the rights of the respective parties.

Inspection of the documents-Subject to the payment of fees prescribed in Rule 14, the register and all the documents recorded shall be available for public inspection during business hours; such inspection shall take place in the presence of the Registrar or some person appointed by him in that behalf.

Grant of Copies – Subject to the payment of the fees prescribed in Rule 14, any person requiring a copy or extract of any document recorded in the register or copy of a certificate of registration shall be furnished with such copy or extract, as the case may be, certified by the Registrar to be true and sealed with the seal of his office.

Elimination of Registers and Documents etc-(I) . The following registers and papers shall be permanently retained;

- (a) Register of firms.
- (b) All registered documents of existing firms.
- (c) Certificate of Registration of the dissolved firms.
- (d) Dissolution order .
- (e) Reference to legal Remembrancer to Government Uttar Pradesh.
- (f) Legal Remembrancer's opinion.
- (g) Reference to Provincial Government, as to alterations in legislature; and replies to the same.
- (h) Index Register,

(II) The following registers and papers will be destroyed after five years:

- (a) Cash book.
- (b) Register of Fees.
- (c) Papers, other than the above, of firms which have been dissolved,
- (d) Reference to State Government other than the above.

(III) The following registers and papers will be destroyed after two years from the succeeding first April;

- (a) Receipt Book.
- (b) Despatch Register.
- (c) Other routine correspondence.
- (d) Indents for forms, etc.
- (e) Treasury Receipts.

(IV) The following registers and papers will be destroyed after one year from the succeeding first April;

- (a) Reminders.
- (b) Explanations of Delay

Certificate of filing of documents. On filing any document along with the payment of the fee prescribed therefore the Registrar shall furnish the firm concerned with a certificate in the following form, under his signature and seal of his office.

In the Office of the Registrar of Firms, Uttar Pradesh

In the matter ofI hereby certify that the undermentioned documents have this day been duly filed and registered pursuant to the provisions of the Indian Partnership Act, 1932.

Given under my hand and seal thisand of
.....

one thousand nine hundred and

Fee Rs.

Seal,

Registrar

11. Maintenance and form of Index- The Registrar shall maintain, with respect to each firm an Index Register in the prescribed Form No. X with the prescribed particulars in respect thereof.

12. Return- If any statement required to be delivered to the Registrar for registration is found to be incomplete

or defective in any of the particulars required by law, the Registrar shall return it for rectification and he shall

not register or file it until all the requirements of the law have been complied with when the registrar is satisfied

that the provisions prescribed in respect thereof have been duly complied with, he shall record and entry of the statement

in the register and shall file the statement .

Fees-The following fees shall be levied for inspection and grant of copies under the provisions of the sections 66 and 67 of the Act.

(1) For each inspection under Rule 12, Fifty paise for inspecting one volume of the

register or all documents relating to the firm.

(2) For a certified copy or extracts of any

document under Rule 13. Twenty five paise for each hundred words or part thereof.

(3) For certified copy of certificate of

registration. One Rupee.

Fees payable under the Act or these Rules by a firm or person shall be credited into the local treasury

and the treasury receipts shall be presented or transmitted to the Registrar's office in token of such payment.

Fee Book- The Registrar shall keep a book called the "Fee Book" in the prescribed Form No. XI in which shall be entered, day by day, all fees realized and the Act and these rules. The Registrar may prescribe such other subsidiary registers as may from time to time appear

necessary.

Forms-The State Government prescribes and directs that the Form appended to these rules shall be

used in all matters to which these Form relate.

