

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 3rd May, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 21 of 2012

A Bill further to amend the Registration Act, 1908 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Tamil Nadu Amendment) Act, 2012.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

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

Central Act
XVI of 1908

2. In section 17 of the Registration Act, 1908 (hereinafter referred to as the principal Act),—

Amendment of
section 17.

(1) in sub-section (1) for clause (f), the following clause shall be substituted, namely:—

“(f) instruments of agreement relating to construction of building as referred to in clause (i) under Article 5 of Schedule I to the Indian Stamp Act, 1899 (Central Act II of 1899);

(g) instruments of agreement relating to sale of immovable property of the value of one hundred rupees and upwards;

(h) instruments of Power of Attorney relating to immovable property other than those executed outside India;

(i) instruments evidencing an agreement relating to the deposit of title deeds;”;

(2) in sub-section (2), the *Explanation* shall be omitted.

3. In section 28 of the principal Act,—

Amendment of
section 28.

(1) in clause (a), for the expression “clauses (a), (b), (c), (d) and (e)”, the expression “clauses (a), (b), (c), (d), (e), (f), (g), (h) and (i)” shall be substituted;

(2) to clause (a), as so amended, the following proviso shall be added, namely:—

“Provided that every document mentioned in clause (h) of sub-section (1) of section 17 may also be presented for registration in the office of the Sub-Registrar within whose jurisdiction the principal ordinarily resides;”.

4. After section 34-A of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
34-B.

“34-B. *Procedure for Registration of document of Power of Attorney relating to immovable property.*—Subject to the provisions of this Act, no document of Power of Attorney relating to immovable property shall be registered, unless passport size photographs and finger prints of the principal, the agent and of the identifying witnesses are affixed to the document and the agent has also signed such document.”.

5. In section 50 of the principal Act, in sub-section (1), for the expression “clauses (a), (b), (c) and (d) of section 17”, the expression “clauses (a), (b), (c), (d), (f), (g), (h) and (i) of section 17” shall be substituted.

Amendment of
section 50.

6. After section 64 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
64-A.

“64-A. *Procedure where instrument of Power of Attorney presented in office of Sub-Registrar relates to immovable property not situate in sub-district.*—Every Sub-Registrar on registering an instrument of Power of Attorney including instrument of revocation or cancellation of such Power of Attorney relating to immovable property not

situate in his own sub-district, shall make a copy and send the same together with a copy of the map or plan (if any) mentioned in section 21, to every other Sub-Registrar in whose sub-district the whole or any part of such property is situate and such Sub-Registrar shall file the same in his Book No.1:

Provided that where such instrument relates to immovable property in several districts, shall forward the same to the Sub-Registrars concerned, under intimation to the Registrar of every district in which any part of such property is situate.”.

STATEMENT OF OBJECTS AND REASONS.

Section 17 of the Registration Act, 1908 (Central Act XVI of 1908) provides for the compulsory registration of certain documents specified therein. At present instruments of agreement relating to sale of immovable property, instruments of Power of Attorney relating to immovable property and instruments evidencing an agreement relating to the deposit of title deeds are not required to be compulsorily registered. Generally, the public execute the above documents either on white paper or on a stamp paper of nominal value and do not opt for registration of such documents, since they are not compulsorily registerable and thereby they tend to evade payment of proper stamp duty resulting in loss of revenue to the Government. That apart, such inadequately stamped documents are invalid in law and cannot be admitted as evidence unless they are adjudicated. The Government have, therefore, decided to make the registration of the aforesaid documents, other than the instruments of Power of Attorney relating to sale of immovable property executed outside India, compulsory and to provide for registration of instruments of Power of Attorney relating to immovable property in the office of the Sub-Registrar within whose jurisdiction the principal ordinarily resides. It has further been decided to prescribe procedure to be followed by the Sub Registrar, where instrument of Power of Attorney presented in the Office of the Sub-Registrar relates to immovable property not situate in his own sub-district. It has also been decided to require the agent and the identifying witnesses to affix their photographs and finger prints in addition to that of the Principal, on the documents of Power of Attorney relating to immovable property and also to sign such documents.

2. The Government have, therefore, decided to amend the Registration Act, 1908 (Central Act XVI of 1908) suitably for the purposes in view.

3. The Bill seeks to give effect to the above decision.

C.Ve.SHANMUGAM,
*Minister for Commercial Taxes and
Registration, Law, Courts and Prisons.*

A.M.P. JAMALUDEEN,
Secretary.