



TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 1

Tamil Nadu Bills

BILL INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF TAMIL NADU

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 2nd September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 27 of 2021

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 Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Registration (Tamil Nadu Second Amendment) Act, 2021.

Short title, extent and commencement.

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

(3) It shall come into force at once.

Central Act
XVI of 1908

2. In section 2 of the Registration Act, 1908 (hereinafter referred to as the principal Act), after clause (5), the following clause shall be inserted, namely:—

Amendment of section 2.

“(5-A) “forged document” shall have the same meaning assigned to it in section 470 of the Indian Penal Code, 1860;”.

Insertion of new section 22-B.

3. After section 22-A of the principal Act, the following section 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.”.

Insertion of new sections 77-A and 77-B.

4. After section 77 of the principal Act, the following sections shall be inserted, namely:—

“77-A. Cancellation of registered documents in certain cases.— (1) The Registrar, either suo motto or on a complaint received from any person, is of the opinion, that registration of a document is made in contravention of section 22-A or section 22-B, shall issue a notice to the executant and all the parties to the document and parties to subsequent documents, if any, and all other persons who, in the opinion of the 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 Registrar may cancel the registration of the document and cause to enter such cancellation in the relevant books and indexes.

(2) The power under sub-section (1) may also be exercised by the Inspector General of Registration.

77-B. Appeal.- (1) Any person aggrieved by an order of the Registrar under sub-section (1) of section 77-A 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 Registrar.

(2) In the case of an order passed by the Inspector General of Registration under sub-section (2) of section 77-A, an appeal shall lie to the State Government within thirty days from the date of the order.”.

5. After section 81 of the principal Act, the following sections shall be inserted, namely:—

“81-A. Penalty for registering documents in contravention of sections 22-A and 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 section 22-A or section 22-B, shall be punishable with imprisonment for a term which may be extended 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.

Insertion of new sections 81-A and 81-B.

Central Act XLV of
1860.

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 this sub-section 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 it 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 anybody corporate and includes a firm or other association of individuals, and

(b) “director” in relation to a firm means a partner in the firm.”.

STATEMENT OF OBJECTS AND REASONS.

It has come to the attention of the Government that despite efforts taken by the Government to curtail fraudulent registrations of documents, the unscrupulous persons, through forged sale deeds still encumber properties, causing much suffering to the real land owners. Several circulars have been issued by the Inspector General of Registration in regard to verification of original title deeds, encumbrance certificates, revenue records, etc., before registration by the Registering Officers, to prevent fraud, forgery and impersonation in registration of immovable properties. Despite taking precautionary measures, registration of forged documents continues to take place and the aggrieved parties are approaching for cancellation of the same. The provisions of the Registration Act, 1908 (Central Act XVI of 1908) do not empower the registering officer or any other authority to cancel a document once registered, even on the ground of fraud, impersonation, etc., causing grave hardship to the public at large. Recently, the Hon'ble High Court of Madras has given instructions to the Government to frame appropriate rules to incorporate circular issued by the Inspector General of Registration for the purpose, so that it would get a statutory backing.

2. To mitigate the sufferings of the registrant public, the Government have decided to amend the said Central Act XVI of 1908 in its application to the State of Tamil Nadu, suitably for the above said purpose.

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

P. MOORTHY,

Minister for Commercial Taxes and Registration.

Chennai-600 009,
2nd September 2021.

K. SRINIVASAN,
Secretary.