



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 801)

CHENNAI, TUESDAY, NOVEMBER 7, 2000

Aippasi 22, Vikrama, Thiruvalluvar Aandu—2031

Part IV — Section 1

Tamil Nadu Bills.

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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 the 7th November 2000 is published together with Statement of Objects and Reasons for general information ;—

L.A. BILL NO. 41 OF 2000

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 Fifty-first year of the Republic of India as follows :—

1. (1) This Act may be called the Registration (Tamil Nadu Second Amendment) Act, 2000. Short title
extent and
commencement

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

(3) It shall be deemed to have come into force on the 25th day of July 2000.

Central Act
XVI of 1908

2. In section 2 of the Registration Act 1908 (hereinafter referred to as the principal Act), in clause (2), the following expression shall be added at the end, namely :— Amendment
of section 2.

“and the information storage devices like floppy disk, hard disk or compact disk or any other electronic media”.

3. In section 16 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :— Amendment
of section 16.

“(2-A) The State Government shall also provide for the office of every Registering Officer notified by the State Government under sub-section (1) of section 70-B, the information processing and storage devices like computer and scanners along with the software prescribed by the Inspector-General from time to time, necessary for the purposes of this Act.”

4. In section 51 of the principal Act, in sub-section (1) :—

Amendment
of section 51.

(1) for the expression “The following books”, the expression “The following books and the information storage devices” shall be substituted;

(2) The following shall be added at the end, namely :—

“C—In the office of the Registering Officer notified by the State Government under sub-section (1) of section 70-B.—

Information storage devices as specified in sub-section (2-A) of section 16.

5. In section 61 of the principal Act, in sub-section (1), the following proviso shall be added, namely :— Amendment
of section 61.

“Provided that in the office of the Registering Officer notified by the State Government under sub-section (1) of section 70-B the copying of the items referred to above may be done using electronic devices like scanner.”

6. After PART-XI of the principal Act, the following PART shall be inserted, namely :— Insertion of
PART XI-A.

PART XI-A.

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES.

70-A. Application of this Part. — This Part shall apply to the areas only in respect of which a notification is issued by the State Government under sub-section (1) of section 70-B.

70-B. Documents scanned by electronic devices in areas notified by the State Government. —

(1) The State Government may by notification, in the Tamil Nadu Government Gazette, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Act, or any other law for the time being in force, a copy of any document registered and scanned using the electronic devices and certified or attested by the Registering Officer in-charge of the office shall also be received in evidence of any transaction as is described in the said document.

70-C. Saving. — Nothing in this Part shall apply. —

(i) to any document which in the opinion of Registering Officer is not in a condition fit to be processed by means of electronic devices ;

(ii) in the case of unforeseen eventuality like break down of the computerised system of registration :

Provided that the Registering Officer shall record the reasons in writing therefor :

Provided further that the Registering Officer shall ensure that the data and images of the documents registered due to a breakdown of the computerised system, are duly incorporated into the computer system, after the same is restored, in the manner prescribed by the Inspector General.

7. In section 89 of the principal Act. —

(1) in the marginal heading, after the expression "and filed", the expression "or scanned" shall be inserted ;

(2) After the expression "if his Book No. 1" wherever it occurs, the expression "or get it scanned" shall be inserted.

8. (1) The Registration (Tamil Nadu Second Amendment) Ordinance, 2000 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or take under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

In the State of Tamil Nadu, it is proposed to computerise the activities relating to registration of document. As a first step towards such modernisation, the Government decided to preserve copies of registered documents in Compact Disk in the Sub-Registrar Offices, where computers are provided, to retrieve the same when required and to receive such copies in evidence of any transaction as is described in the said document. Accordingly, the Government decided to amend the Registration Act, 1908 (Central Act XVI of 1908), suitably. To give effect to the above decision, the Registration (Tamil Nadu Second Amendment) Ordinance, 2000 (Tamil Nadu Ordinance 2 of 2000) was promulgated by the Governor on the 21st July 2000 and the same was published in the Tamil Nadu Government Gazette Extraordinary dated the 25th July 2000.

2. The Bill seeks to replace the said Ordinance.

I. PERIYASAMY,

Minister for Rural Industries and Registration.

Tamil Nadu
Ordinance 2 of
2000

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New section 70-B proposed in clause 6 of the Bill empowers the State Government to notify the offices of Registering Officers, wherein electronic devices shall be used to carry out the purposes specified therein. New sub-section (2-A) of section 16 proposed in clause 3, and new section 70-C proposed in clause 6, of the Bill empowers the Inspector General of Registration to prescribe the software for the purposes of the Act and to prescribe the manner in which the data and images of the document shall be incorporated into the computer system, respectively.

2. The powers delegated are normal and not of an exceptional character.

FINANCIAL MEMORANDUM

The Bill when enacted would involve expenditure from the Consolidated Fund of the State. The expenditure to be incurred as a result of the proposed legislation will be approximately Rs. 8709.78 lakhs non-recurring and Rs. 969.58 lakhs per annum, recurring.

I. PERIYASAMY,
Minister for Rural Industries and Registration.

V. RAJARAMAN,
Secretary.