

**COMMERCIAL TAXES AND
REGISTRATION DEPARTMENT**

**DEMAND NO.11-STAMPS AND
REGISTRATION**

POLICY NOTE 2016-2017

INTRODUCTION

Registration Department plays an important role in generating revenue to the State and it is one of the departments where the Public contact is very high. Registration Department started its functioning in the year 1864 and has been continuously serving the Public for the past 152 years. The primary function of the department is to register documents relating to property transactions. While registering such transactions, it is ensured that proper Stamp Duty, as required under the Indian Stamp Act, 1899 is paid and Registration Fee, as required under the Registration Act, 1908, is

also collected. Marriages held under various Acts, Chits conducted by Chit Fund Companies, Societies under the Tamil Nadu Societies Registration Act, 1975, Partnership Firms under the Indian Partnership Act 1932, are also registered by the Department. Births and Deaths registers pertaining to Village Panchayats, after a period of two years, are kept under safe custody by the Registration Department and extracts from these registers are also given by the department.

In the year 2015-2016, the department generated a revenue of Rs.8562.38 crores and 25,28,561 documents were registered. Due to its multifarious functions, the department has got the distinction of serving a large number of Public as well as generating revenue to the exchequer. On an average, about 1 crore

people visit the offices of this department every year.

Details of Revenue Collected and Documents Registered

The following is the Revenue collected and Documents registered from the year 2004-2005:

Year	Revenue (Rs.in crores)	No. of documents
2004-05	1,881.53	17,61,696
2005-06	2,348.64	20,11,566
2006-07	3,407.50	24,92,294
2007-08	4,232.36	26,91,002
2008-09	4,099.54	28,32,686
2009-10	3,818.25	27,31,026
2010-11	5,020.50	32,80,503
2011-12	6,619.98	35,18,435
2012-13	7,455.41	26,90,351
2013-14	8,055.74	26,53,291
2014-15	8,279.64	25,73,931
2015-16	8,562.38	25,28,561
2016-17 (upto July'16)	2,732.80	8,03,805

2. OFFICES OF THE DEPARTMENT

Based on the provisions contained in the Registration Act, 1908, various offices of the department have been formed and they are as listed below:-

2.1 OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION

As provided under the Registration Act, 1908, the Inspector General of Registration, having his office at Chennai, is the head of the department. Due to the handling of various Acts by the department, he is conferred with several statutory functions. They are, Chief Controlling Revenue Authority under the Indian Stamp Act, 1899, Registrar under the Tamil Nadu Societies Registration Act, 1975 and the Chit Funds Act, 1982. The Inspector General of Registration, apart from being the administrative head of the department,

exercises several statutory powers. Appeals, revision petitions under various statutes are filed before him and he is the authority to dispose them off. In the headquarters, the following officials are there to assist the Inspector General of Registration to perform his functions:-

- Additional Inspector General of Registration (Stamps and Registration)
- Additional Inspector General of Registration (Guideline)
- Additional Inspector General of Registration(Intelligence)
- Additional Registrar of Chits (in the cadre of Additional Inspector General of Registration)
- Personal Assistant (General) (in the cadre of Deputy Inspector General of Registration)
- Assistant Inspector General of Registration (Computerisation)
- Assistant Inspector General of Registration (Vigilance Cell)
- Personal Assistant (Chits) (in the cadre of District Registrar)
- District Registrar (Guideline)
- District Registrar (Inspection)

- District Registrar (Computerisation)
- District Registrar (Revenue)
- District Registrar (Legal)
- District Registrar (Disciplinary Proceedings)
- Accounts Officer (on deputation from the Treasuries and Accounts Department)

2.2 ZONAL OFFICES

To have effective administration, the State is divided into 9 Registration Zones with headquarters at Chennai, Vellore, Cuddalore, Salem, Tiruchirappalli, Thanjavur, Coimbatore, Madurai and Tirunelveli and each zone is headed by an officer in the cadre of Deputy Inspector General of Registration. Each zone comprises of several Registration Districts and the Deputy Inspector General of Registration supervises the proper functioning of the offices in the zone. The

Registration Districts under the control of each zone is tabulated below:-

Sl. No:	Registration Zone	Registration Districts in the zone
1.	Chennai	Chennai (North), Chennai(South), Chennai (Central), Chengalpattu and Kancheepuram.
2.	Vellore	Vellore, Cheyyar, Arakkonam and Thiruvannamalai.
3.	Cuddalore	Cuddalore, Villupuram, Kallakurichi, Chidambaram, Tindivanam and Virudhachalam.
4.	Salem	Salem(East), Salem(West), Krishnagiri, Namakkal and Dharmapuri.
5.	Tiruchirappalli	Tiruchirappalli, Ariyalur, Karur and Pudukottai.

6.	Thanjavur	Thanjavur, Nagapattinam, Mayiladuthurai, Pattukottai and Kumbakonam.
7.	Coimbatore	Coimbatore, Thiruppur, Uthagamandalam, Erode and Gobichettipalayam.
8.	Madurai	Madurai(North), Madurai(South), Dindigul, Palani,Periyakulam, Ramanathapuram, Sivagangai, Virudhunagar and Karaikudi.
9.	Tirunelveli	Tirunelveli, Palayamkottai, Tenkasi, Thoothukudi, Kanyakumari, Cheranmahadevi and Marthandam.

2.3 REGIONAL OFFICES

In the zones of Chennai, Coimbatore, Madurai and Tiruchirappalli, there are

regional offices, each headed by an Assistant Inspector General of Registration. He assists the Deputy Inspector General of Registration in discharging his duties.

2.4 DISTRICT REGISTRAR OFFICES

There are 50 Registration Districts in the State formed as per the provisions of the Registration Act, 1908. Registration Districts at North Chennai, South Chennai, Central Chennai, Tiruchirappalli, Madurai North, Madurai South, Tirunelveli, Vellore, Coimbatore, Tiruppur, Erode, Salem East and Salem West are headed by officers in the cadre of Assistant Inspector General of Registration while the remaining districts are headed by District Registrars. Apart from being the overall administrative head of the district, the District Registrars exercise several statutory functions under the Indian Stamp Act, 1899 and the Registration Act,

1908. They also act as Registrar of Societies, Deputy Registrar of Chits, Registrar of Marriages and Registrar of Partnership Firms within their jurisdiction. Licences to Stamp Vendors are also issued by them.

2.5 DISTRICT REGISTRAR (AUDIT) OFFICES

There are 45 District Registrar (Audit) offices in the State, each headed by a District Registrar. The District Registrars (Audit) conduct a thorough check of all the registered documents to ensure that proper Stamp Duty and Registration Fee are collected on them and there is no leakage of revenue.

2.6 SUB REGISTRAR OFFICES

The Registration Act, 1908 provides for creation of registration sub-districts and accordingly 578 Sub-Registrar Offices, including 3 camp offices at Kulathur, Kolli

hills and Padukkapathu have been formed in the State. The Sub-Registrar Offices are spread throughout the State catering to the needs of the Public. The number of Sub-Registrar Offices in our State is comparatively higher than other States of bigger size and larger population. The primary function of the Sub-Registrar is to register documents relating to property transactions and to collect proper Stamp Duty and Registration Fee on them. He also registers marriages and gives extract from the birth and death registers relating to Village Panchayat areas that are preserved by them.

2.7 DISTRICT REVENUE OFFICERS (STAMPS) / SPECIAL DEPUTY COLLECTORS (STAMPS)

Section 47-A of the Indian Stamp Act, 1899 provides for levy of Stamp Duty on the market value of the property in case of

conveyance, exchange, gift, release of benami right or settlement deed. In the instances where the Registering Officer has reason to believe that the market value of the property has not been truly set forth in the document, after registering the document, he refers it to the 'Collector' for determination of the market value and the proper duty payable thereon. 2 District Revenue Officers (Stamps) and 9 Special Deputy Collectors (Stamps) have been notified as 'Collectors' for the purpose of section 47-A. These 2 District Revenue Officers are having their offices at Chennai and Coimbatore and the nine Special Deputy Collectors are having their offices at Tiruchirapalli, Madurai, Salem, Vellore, Cuddalore, Thanjavur, Tirunelveli, Thoothukudi and Virudhunagar.

2.8 INTELLIGENCE CELL

In respect of property transactions involving buildings, Stamp Duty and Registration Fee have to be paid on the value of the building also. To ensure their proper collection, an Intelligence Cell is functioning in the department with the Additional Inspector General of Registration (Intelligence) as its head. Two Assistant Executive Engineers, one each at Chennai and Madurai, conduct inspection of buildings of higher value and special nature to verify whether the buildings are correctly valued and proper Stamp Duty and Registration Fee are paid.

2.9 REGISTRATION TRAINING INSTITUTE

With a view to educate the officials and staff on the various Acts administered by the department, there is a Registration Training Institute at Chennai, which commenced its

operations in the year 1996. The Institute also imparts training on the amendments carried out to the Acts then and there and also on the use of Information Technology. An officer in the cadre of Deputy Inspector General of Registration is the Director of the Institute and there are two lecturers, one in the cadre of Assistant Inspector General of Registration and another in the cadre of District Registrar. Hostel facility is also there for the trainees.

3. ACTS ADMINISTERED BY THE DEPARTMENT

Registration Department is administering the following Acts:

a) Fully administered Acts:

- 1) The Indian Stamp Act, 1899 (Central Act 2/1899)
- 2) The Registration Act, 1908 (Central Act 16/1908)

- 3) The Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27/1975)
- 4) The Chit Funds Act, 1982 (Central Act 40/1982)

b) Partially administered Acts:

- 1) Indian Christian Marriage Act, 1872(Central Act, 15/1872)
- 2) The Births, Deaths and Marriages Act, 1886(Central Act, 6/1886)
- 3) The Parsi Marriage and Divorce Act, 1932 (Central Act 2/1932)
- 4) The Indian Partnership Act, 1932 (Central Act 9/1932)
- 5) The Special Marriage Act, 1954 (Central Act 43/1954)
- 6) The Hindu Marriage Act, 1955 (Central Act 25/1955)
- 7) Dowry Prohibition Act, 1961 (Central Act 28/1961)
- 8) Births and Deaths Act, 1969 (Central Act 18/1969)
- 9) The Tamil Nadu Registration of Marriages Act,2009 (Tamil Nadu Act 21/2009)

4. REVENUE EARNED AND DOCUMENTS REGISTERED

Apart from collecting Stamp Duty and Registration Fees while registering documents, the department also collects the prescribed fees for registration of Marriages, Chits, Societies, Firms and for issuing of encumbrance certificates, certified copies of registered documents and extracts from the Birth and Death registers preserved by the department. Further, in respect of documents relating to Sale, Gift, Exchange, Mortgage with Possession and Lease in Perpetuity, the department collects Transfer Duty, as a surcharge on Stamp Duty, on behalf of the Local Bodies, while registering them. During the year 2015-16, 25,28,561 documents have been registered and a sum of Rs.8562.38 Crores has been collected by the department.

4.1 PERFORMANCE OF SPECIAL DEPUTY COLLECTOR (STAMPS)/ DISTRICT REVENUE OFFICER (STAMPS) UNDER SECTION 47A OF THE INDIAN STAMP ACT

In respect of the documents referred to them for determination of market value under section 47A of the Indian Stamp Act, 1899, the District Revenue Officer (Stamps) /Special Deputy Collector (Stamps) conduct field inspection and determine the Market value of the property. Deficit stamp duty, if any, is collected by them accordingly and if the registrant fails to pay the deficit stamp duty within 2 months from the date of notice issued to him, the document is referred for recovery of deficit stamp duty under the Revenue Recovery Act.

Registrants aggrieved over the orders of the District Revenue Officer (Stamps) / Special Deputy Collector (Stamps) shall prefer an appeal against the same to the

Inspector General of Registration under section 47A(5) of the Indian Stamp Act. There is also a provision to prefer appeal to the High court under Section 47A(10) of the said Act, if the registrant is not satisfied with the orders of the Inspector General of Registration. The Inspector General of Registration can also take up "suo-motu" revision of the orders passed by District Revenue Officer(Stamps) / Special Deputy Collector (Stamps) under section 47A(6) of Indian Stamp Act. Collection under Section 47A(1) of the Indian Stamp Act for the year 2015-16 is as follows:

Total no. of Documents referred to District Revenue Officer (Stamps)/Spl. Deputy Collector (Stamps)	17,544
No. of final orders passed	15,850
No. of cases in which collection done	14,433
Collected amount	Rs. 116.01 crores

4.2 MARKET VALUE GUIDELINES

As the Indian Stamp Act, 1899 stipulates that the Stamp Duty has to be paid on the market value of the property, it is imperative that the registering officers have a fair idea on the market value of properties. To achieve this, Guideline Value Registers, villagewise, are prepared.

The Government have constituted a Valuation Committee under the chairmanship of the Inspector General of Registration to devise the methodology for arriving at the Market Value Guidelines. The Government have also constituted Valuation Sub-Committees in each district headed by the District Collector to fix the Market Value Guidelines based on the methodology prescribed by the Valuation Committee. The Market Value Guidelines prepared by the Valuation Sub-Committees were

implemented with effect from 1.4.2012 and they are still in existence.

The guideline values for 3.97 Crore survey Numbers and 1.84 lakhs streets are available in the department website www.tnreginet.net

Anomalies, if any, in the market value guidelines are rectified by the Valuation Committee and Valuation Sub-committees. Necessary steps are taken to rationalize the Market Value Guidelines so that they reflect the true Market Value.

Based on the decisions of the Valuation Committee, revision of Market Value Guidelines have been put off for the years 2013, 2014, 2015 and 2016.

5. TRANSFER OF SURCHARGE ON STAMP DUTY TO LOCAL BODIES

The Surcharge on Stamp Duty, collected by the department, in respect of

certain instruments, is a main source of revenue to the Local Bodies. Out of the amount collected as surcharge, 3% is retained by the department and balance 97% is transferred to the concerned local bodies. During the year 2015-16, a sum of Rs.1562 crore has been collected as Transfer Duty. Out of this, an amount of Rs.1515 crore has been transferred to the Local Bodies and the remaining sum of Rs.47 crore has been retained by the department.

6. METHODS OF PAYMENT OF STAMP DUTY

According to the Indian Stamp Act, 1899, Stamp Duty has to be paid by means of Non-Judicial Stamp Papers and adhesive stamps. However, in case of non-availability of Stamp Papers, Section 41 of the Act provides for payment of Stamp Duty by cash. In order to facilitate the Public, the following

alternative methods have been prescribed for payment of Stamp Duty:

- Payment by Demand Draft
- Online / Offline payment through banks
- e-Stamping (in offices in the Chennai Zone)

6.1 PROCUREMENT OF STAMP PAPERS

The Non-Judicial Stamp Papers are printed at the India Security Press, Nasik and at the Security Printing Press, Hyderabad. The Treasuries and Accounts Department places indent with these presses and procures the requisite Stamp Papers. After their procurement, the Stamp Papers are distributed to the Treasuries and Sub-Treasuries throughout the State based on their requirement. The Licensed Stamp Vendors purchase the Stamp Papers from the Treasury/Sub-Treasury concerned and sell it to the Public.

7. SUPPLEMENTARY FUNCTIONS

7.1 SOCIETIES REGISTRATION

Registration of Societies is done as per the provisions of the Tamil Nadu Societies Registration Act, 1975. Societies have to get their registration with the jurisdictional District Registrar and it is mandatory for them to file their audited annual accounts with him. In cases of delayed filing of returns prescribed under the Act, the District Registrar / Inspector General of Registration / Government have been empowered to condone the delay, depending upon the period of delay. As on 1.04.2016, there are 1,64,980 registered societies functioning in the state.

7.2 CHITS REGISTRATION

Chits conducted by authorized Chit Fund Companies are registered with the District Registrar concerned under the Chit

Funds Act, 1982. Registration of Chits ensures that the subscribers receive their prize money without any hassle. There are three Chit Arbitrators, 2 in Chennai and 1 at Coimbatore to hear and pass orders regarding the disputes arising out of Chit groups and their functioning. In the remaining areas, the District Registrar concerned exercise the function of the Chit Arbitrator. Government is the appellate authority against the orders passed by the Chit Arbitrators. As on 01.04.2016, there are 2524 chit companies functioning in Tamil Nadu which are running 60314 chit groups.

7.3 PARTNERSHIP FIRMS REGISTRATION

The Indian Partnership Act, 1932, mandates for the registration of a Partnership Firm with the District Registrar concerned and accordingly they are

registered. As on 01.04.2016, there are 6,20,783 registered partnership firms in Tamil Nadu.

7.4 MARRIAGE REGISTRATION

Registration of Marriages is done under various Acts like the Hindu Marriage Act, the Special Marriage Act and the Indian Christian Marriage Act, depending on the religion to which the Bride and the Bridegroom belongs. However, registration of marriages under the above said Acts is only optional. In order to make the registration of all the marriages held in the State as compulsory, the Tamil Nadu Registration of Marriages Act, 2009 has been enacted. According to the Act, all marriages held in the State have to be compulsorily registered with the jurisdictional Sub-Registrar. During 2015-2016, a total of 83,505 marriages have been registered under the said Act. Similarly, 74,789

marriages have been registered under Hindu Marriage Act and 9332 marriages have been registered under the Special Marriage Act, 1954. The Department has collected a fee of Rs.2.07 crore on registration of these marriages. In the year 2015, 5501 applications for issuing certified copies under the Indian Christian Marriages Act, 1872 has been received and issued and an amount of Rs. 2.20 lakhs as fees has been collected.

8. REDUCTION OF STAMP DUTY

As announced during the Budget Session for 2015-2016, Stamp Duty on instruments of Settlement among non-family members, Lease beyond 99 years, Gift, Release of Right in favour of Co-owner/partner among non-family members has been reduced from 8% to 7% with effect from 8.6.2016.

9. ISSUE OF CERTIFIED COPIES OF DOCUMENTS AFFECTED BY FLOODS AT FREE OF COST

Due to the unexpected floods in December, 2015, many people in the districts of Chennai, Kancheepuram, Tiruvallur and Cuddalore have lost their original documents relating to properties. With a view to provide relief to them, certified copies of documents were issued to them free of cost. An endorsement was also made in those certified copies that these documents shall be treated as original by virtue of the provisions of section 57(5) of the Registration Act, 1908. A total number of 6632 certified copies of documents were issued in the Special Camps conducted between 7.12.2015 and 28.12.2015.

10. USAGE OF INFORMATION TECHNOLOGY IN THE DEPARTMENT

10.1 COMPREHENSIVE WEB BASED SOFTWARE

Registration Department - a pioneer in computerisation, initiated a new approach to migrate to an end-to-end web based environment to improve the quality of service through optimized services delivery to the Citizen. It includes features like seamless online interactions, e-payment, online checking of revenue records, online issue of digitally signed Certified Copies, uniform upgradation of software throughout the state.

A global tender had been floated and M/s TCS was selected to implement the project. M/s TCS has to Design, Develop, Test, Implement, Supply Hardware, Operate, Maintain & Manage the end to end complete integration of Registration Application in

Tamil Nadu and maintain it for 5 years after go-live. Software preparation for Land Registration and its associated Modules have been completed and Pilot run has commenced from 6/1/2016 in 20 SROs. The project will be rolled out throughout the State shortly.

10.2 IP CAMERA

In order to monitor the functioning of Sub Registrar offices from the Office of the Inspector General of Registration and from the Office of the Deputy Inspector General of Registration concerned, each Sub Registrar office has been installed with two IP cameras.

10.3 E-PAYMENT THROUGH BANKS

As an alternative method for payment of stamp duty and registration fee, online/offline payment through banks has

been implemented with effect from 12.1.2015.

10.4 ONLINE VIEWING OF ENCUMBRANCE DETAILS

With a view to simplify the process of obtaining Encumbrance Certificates, a facility to view the encumbrance details online has been introduced. Public can log on to the department's website and fetch the encumbrance details of a particular survey number and take print out of the same free of cost.

10.5 e-VISIT

As a part of simplification in the Registration process, an Online Appointment System for fixing appointment with the Registering officer has been introduced.

10.6 e-STAMPING

e-Stamping is another mode available for payment of Stamp Duty. M/s Stock

Holding Corporation of India Limited, an agency selected by the Government of India, is authorised to generate e-Stamp Certificates. At present, e-Stamping is available in all the Sub-Registrar Offices in Chennai Zone. The e-Stamping collection details for the past five years are as follows:-

Year	e-Stamp certificates generated	Amount (Rs. in crores)
2011-12	6478	113.74
2012-13	11924	180.90
2013-14	32121	253.90
2014-15	67062	236.94
2015-16	82384	347.78

10.7 USAGE OF WEB CAMERA AND BIO METRIC DEVICE FOR CAPTURING THE IMAGE AND FINGERPRINTS OF THE REGISTRANTS

Registration Act,1908 emphasises the affixing of photographs and fingerprints of the registrants in the documents. In order to

facilitate this, Web camera is used to capture the image and bio-metric device is used to take the fingerprints of the registrants. These images are stored and scanned as part of the registered document. This ensures an higher level of safety.

11. CONSTRUCTION OF BUILDINGS

As a large number of offices of the department were housed in private buildings and some of the offices in Government buildings were in a dilapidated condition, it has been decided to construct new Government buildings to all these offices. Accordingly, 52 Sub-Registrar Offices were constructed at a cost of Rs.26.00 crores in the year 2011-2012. 17 integrated Registration complexes, housing 29 Sub-Registrar Offices and 48 Stand alone Sub-Registrar Offices were built in the year 2012-2013 at a cost of Rs.48.90 crores. For

the year 2013-2014, construction of 4 integrated registration complexes, housing 11 Sub-Registrar Offices and 35 Sub-Registrar Offices at a cost of Rs.30.00 crore has been sanctioned and these buildings are under construction. During 2014-2015, construction of 4 integrated registration complexes, housing 10 Sub-Registrar Offices and 25 Sub-Registrar Offices at a cost of Rs.21.62 crores has been sanctioned and work is under progress. During the calendar year 2015-2016, construction of 2 Sub-Registrar Offices at a cost of Rs.1.10 crore has been sanctioned.

12. RIGHT TO INFORMATION ACT, 2005

Registration Department is one of the departments with higher Public interaction and it is essential to provide a transparent administration. Right to Information Act,

2005 plays a vital role in this regard and the information available with the department are shared with the Public whenever they are sought for. During the calendar year 2015, i.e. from 1.1.2015 to 31.12.2015, the department received 15027 applications under the Act and the requested information was provided.

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