

Grant of Certified Copies Rules

TAMILNADU

India

Grant of Certified Copies Rules

Act 1490 of 1960

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Grant of Certified Copies RulesPublished vide Notification No. G. O. Ms. No. 865, Revenue, dated 15th February 1960 - SRO No. A-1490 of 1960Original rules published in Rules Supplement to Part I, of the Fort St. George Gazette, dated 29th June, 1960 (Page 277).G. O. Ms. No. 865, Revenue, dated 15th February 1960 - SRO No. A-1490 of 1960. - In exercise of the powers conferred by clause (vi) of sub-section (2) of section 116 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Governor of Tamil Nadu hereby makes the following Rules, namely:-

1.

These Rules may be called the Grant of Certified Copies Rules.

2.

(i)A party to a proceeding or a person having interest who is not a party to a proceeding under any provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) may apply for a certified copy of any application, memorandum or statement filed or document relied upon by any other party thereto and of any order or decision made in such proceeding.(ii)(a)If any person having interest applied for a certified copy of any other official document relating to a religious institution, his application shall be supported by a Court certificate that its production is necessary in some suit or proceeding.(b)If the application is not supported by a Court certificate, he shall file an affidavit to satisfy the authority empowered to grant the copy that he is so interested in the subject-matter of the document concerned and that he requires the copy bona fide for his own use.(iii)If the application is supported by a Court affidavit and if the authority empowered to grant the copy considers that the document is one in respect of which privilege under section 123 of the Indian Evidence Act, 1872 (Central Act I of 1872), should be claimed if summons for its production were received from the Court, he shall refuse to grant the copy to the applicant and inform the Court which issued the certificate, that the document will be produced under the

ordinary rules relating to the production of privileged documents if summons are issued by the Court.(iv)[Subject to the conditions mentioned in sub-rules (ii) and (iii), the Government, [the Commissioner, the Joint Commissioner, the Deputy Commissioner or the Assistant Commissioner, as the case may be] [Substituted by G. O. Ms. No. 506, C. T. & R. E., dated the 13th December 1991.], may grant copies of the records of the respective offices.]

3.

(i)The Commissioner is responsible for the grant of copies of documents of the records of his department and it rests with him to determine in the case of every application for a copy (except in the case of records referred to in Rule 2 above, copies of which, [the Joint, Deputy or the Assistant Commissioners] [Substituted by G. O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.] can grant on their own authority), whether the document is of such nature that it can be granted without injury to the public interest or without breach of confidence. It is also within the Commissioner's discretion to prohibit, by a general order, the grant of any class of documents not otherwise provided for in these rules.(ii)If an application for a copy is made to a Joint, Deputy Commissioner or an Assistant Commissioner and the document is one of which a copy cannot be granted by him, he should forward the application to the Commissioner with his remarks.

4.

(i)The grant of copy should not be refused merely on the ground of the document being an official report; the general rule in regard to this matter being that no copy should be granted of a report of a confidential character and that the officer to whom the report is addressed should, in every case, decide whether a copy of it may be granted.(ii)If the Commissioner considers that the grant of a copy is objectionable, he should reject the application stating briefly his reasons for doing so.(iii)(a)If the Commissioner is satisfied that there is no objection for the grant of a copy and the document is only a record of the office of the [Joint Commissioner, Deputy Commissioner or the Assistant Commissioner] [Substituted by G. O. Ms. No. 275, C. T. & R. E., dated the 16th July 1997.], he may direct the Joint, Deputy or Assistant Commissioner concerned to furnish the required copy or he may direct the party to apply for copies to the Joint, Deputy or Assistant Commissioners concerned.(b)If the document in question be a communication from the Government or the [Board of Revenue] [By virtue of section 10(1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be reference to the State Government of the Appropriate Authority specified in the notification under section 4(1) of the said Act.] the Commissioner shall, in the first instance, address the Government or the [Board of Revenue] [By virtue of section 10(1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be reference to the State Government of the Appropriate Authority specified in the notification under section 4(1) of the said Act.], as the case may be, for permission to furnish the copies or direct the party to apply for copies to the authority which issued the communication.(c)When the Government or the [Board of Revenue] [By virtue of section 10(1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be reference to the State Government of the Appropriate Authority specified in the notification under section 4(1)

of the said Act.] accord sanction for the grant of a copy of a document to one individual, the Commissioner may, without further reference to those authorities, grant a copy of the same document to other individuals, provided that the claim of those individuals to a copy is founded on grounds equal to those of the first. In cases in which a copy was given in the first instance to a person, who possessed some special claim to a copy, the mere fact that a copy has been granted to him must not be held to entitle any other person not possessing such special claim, to a copy. Copies of petitions addressed to Government or to the [Board of Revenue] [By virtue of section 10(1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be reference to the State Government of the Appropriate Authority specified in the notification under section 4(1) of the said Act.] may not be granted to private persons other than the signatories to such petition. The Commissioner may, however, grant, on application by the parties concerned, copies of orders passed by the Government or the [Board of Revenue] [By virtue of section 10(1) of the Tamil Nadu Board of Revenue Abolition Act, 1980 (Tamil Nadu Act 36 of 1980), any reference to the Board of Revenue shall be deemed to be reference to the State Government of the Appropriate Authority specified in the notification under section 4(1) of the said Act.] on petitions presented to those authorities, but passages containing remarks on the conduct of officer or which, for any other reason, should not be communicated to the parties or to the public, shall be omitted when such copies are granted. The Commissioner and the other officers of the Hindu Religious and Charitable Endowments Administration Department may grant copies of Government orders or other papers which have been published in the Gazette or marked "Press".

5.

Every application for grant of copies of records shall be stamped with Court fee stamps of the value of fifty naya paise and shall be made to the authority to whose office the record in question belongs. The application shall set out the name of the applicant, and the number, date and description of the document, of which a copy is required. Application for copies should be entered in a register maintained for the purpose in the Form given in Appendix I, to these rules. If there is no objection to the grant of a copy applied for, the applicant should be required to produce or send the requisite number of copy stamp papers within a reasonable time. If the stamp papers are not received within the time, the applications shall be lodged.

6.

(1) Every person requiring a search to be made among the records of an office for the purpose either of inspecting a document or for taking copies or extracts thereof must submit an application to the authority to whose office the records in question belong, in the form given in Appendix-II to these rules, stamped with a Court fee stamp of the value of fifty naya paise. Explanation I. - A separate application need not be presented in respect of each document of which inspection or copy or extract is required. Explanation II. - Enclosures or annexure to letters, accounts or other documents form part of the documents to which they appertain and are not reckoned for the purpose as separate documents. (2) Applications from subordinates of all classes of the Hindu Religious and Charitable Endowments Administration Department for copies of orders relating to departmental punishments are exempt from payment of stamp duty.

7.

When the document applied for belongs to a year previous to the current calendar year, a search fee in Court-fee stamp according to the subjoined scale must be affixed to the application:-(A)When the document belongs to any year prior to the current calendar year, but is not more than ten years old -(a)When the applicant gives the number and date of the document required-(i)for the document applied for, or if more than one document is applied for, for each document included in the same application except those specified in sub-clause (ii) - Re. 1;(ii)for every document other than the first included in the same application and connected with the same subject-fifty naya paise.(b)When the applicant does not know to which year a document belongs -(i)for the document applied for, or if the application is for more than one document, for each document included in the same application except those specified in sub-clause (ii) of clause (a) for the first year of search - Re. 1 for every year other than the first year - Fifty naya paise.(ii)for every document other than the first, included in the same application and connected with the same subject and belonging to the same year-fifty naya paise.(B)When the document is more than ten years old-(a)When the applicant gives the number and date of the document required-(i)for the document applied for, or if the application is for more than one document, for each document included in the same application, except those specified in sub-clause (ii)-Rs. 2;(ii)for every document other than the first included in the same application and connected with the same subject-Re. 1.(b)When the applicant does not know to which year a document belongs-(i)for the document applied for, or if the application is for more than one document, for each document included in the same application except those specified in sub-clause (ii)-for the first year of search Rs. 2 for every year other than the first year-Re. 1.(ii)for every document other than the first, included in the same application and connected with the same subject and belonging to the same year-Re. 1.Notes. - 1. Only one search fee need be paid for all papers filed together and forming a single record.

2. Search fee shall not be levied on application for the return of documents.

3. A search shall not be commenced until the applicant pays the prescribed search fee.

4. The applicant should specify in his application the number and date of the document of which copies are required or the period to which the document relates and search will be confined to the year or period specified.

5. If the applicant is not able to specify the number and date of the document or the period to which the document relates, he should be asked to state the period over which he requires the search to be conducted and pay the search fees at the prescribed rates. If the document is found without the search having to be conducted over the full period specified by the applicant, proportionate refund of the search fee collected will not be made.

8.

Where the documents are such as can be copied on copy stamp papers, both sides of the copy stamp paper should be used for writing, whether in English or in an Indian language. A maximum of 175 words should be written in the first (embossed) page of the copy stamp paper. The copying fee for this page will be thirty five paise. By suitable ruling, a maximum of thirty lines containing a maximum of 240 words at the rate of eight words for each line should be written on the reverse side of the copy stamp paper. The copying fee to be charged for the reverse side will be as follows:-When the number of words written does not exceed 175-seventy naya paise. When the number of words written exceeds 175-ninety naya paise. When the reverse of the copy stamp paper is to be written, an adhesive Court-fee label of the value of seventy naya paise or forty-five naya paise, as the case may be, should be affixed at the top right hand corner of that side.

9.

Copies of documents granted shall be certified as "True Copy" under the signature of -(a)the Assistant Secretary, Under Secretary or Deputy Secretary in the department concerned in respect of copies granted by the Government;(aa)the Section Superintendent authorised by the Commissioner in this behalf in respect of the copies granted by the Commissioner;(aaa)the Manager authorized by the Joint Commissioner and the Deputy Commissioner in respect of copies granted by the Joint Commissioner or the Deputy Commissioner or by the Head Clerk authorised by the Assistant Commissioner in respect of copies granted by the Assistant Commissioner.

10.

(i)The copies shall be sent to the applicant with the unused copy stamp papers, if any, by post in an official cover superscribed "Certified copies Service Unpaid", or "Certified copies and copy stamp papers-service unpaid", as the case may be. If the cover is returned undelivered for any reason, the head of the officer should pay the 'postage out of his office contingencies.(ii)(a)The cover and its contents shall, then, be retained for two weeks so that, if the addressee appears and applies for the copies in person, they may be handed over to him after recovering the cost of the postage paid from the contingencies. If he does not so appear, the certified copies should be destroyed and a note of such destruction made in the remarks column of the copy application register against the item concerned.(b)The unused copy stamp-papers, if any, should be sent to the nearest Sub-Treasury Officer and his acknowledgement obtained. Appendix I Register showing the receipt and disposal of applications for copies in at the Office

Petition Number	Date of receipt	Name and address of the applicant	Number date and description of record, inspection or copy of which is required	Number and value of Court-fee stamps affixed to the application for search of records	Order of the head of office as to whether copies may be granted or not with date of order
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Total number of words to be copied	Total number of Seventy paise stamp papers required but 175 words a paper or the amount of fee payable incash	Date on which information of the number of stamped papers required or the fee to be paid was given to the applicant	Number of stamped papers or amount of cash deposited, with initials of the head Ministerial Officer and date	Name of clerk or typist to whom they were handed over for copying and his initials in token of receipt	When copy was ready
7	8	9	10	11	12

Name of comparer and the date on which the copy was examined with his initials	When copy was delivered or sent by post	Signature of the applicant when delivered in person	Signature of the clerk or typist and comparer in token of having received the fee paid in cash	Number of stamped paper copied and compared and number of returned unused with initials of the Head Ministerial Officer and date in each case	Remarks
13	14	15	16	17	18