



The Indian Stamp (Mizoram Amendment) Act, 2019

Act No. 4 of 2019

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NOTIFICATION

No.H.12017/55/2018-LJD, the 15th March, 2019: The following Act is hereby published for general information.

The Indian Stamp (Mizoram Amendment) Act, 2019
(Act No. 4 of 2019)

(Received the assent of the Government of Mizoram on 26.3.2019)

Land Revenue & Settlement Department,
Government of Mizoram.

THE INDIAN STAMP (MIZORAM AMENDMENT)
ACT, 2019

An
Act,

Further to amend the Indian Stamp Act, 1899, in its application to the State of Mizoram.

Be it enacted by the Legislative Assembly of Mizoram in the Seventieth Year of the Republic of India as follows:-

1. Short title, extent and commencement.-

- (1) This Act may be called the Indian Stamp (Mizoram Amendment) Act, 2019.
- (2) It extends to the whole of the State of Mizoram.
- (3) It shall come into force on the date of publication in the Official Gazette.

2. Amendment of Section 2.-

In the Indian Stamp Act, 1899 (Act No. 2 of 1899), (hereinafter referred to as the Principal Act), in section 2,

- (i) After clause (7), the following shall be inserted, namely:-
"(7A) Chief Controlling Revenue Authority means the Secretary to the Government of Mizoram,

Land Revenue & Settlement Department."

- (ii) In clause (13), after sub-clause (b), the following sub-clauses shall be inserted, namely:-
 "(c) impression by franking machine;
 (d) impression by any such machine as the State Government may, by notification in the Official Gazette, specify."

3. Amendment of Section 10.-

In section 10 of the Principal Act, after sub-section (2), the following sub section shall be inserted, namely:-

- "2(A) The Chief Controlling Revenue Authority may, subject to such conditions as he may deem fit to impose, authorise use of franking machine or any other machine specified under sub-clause (d) of clause (13) of section 2, for making impressions on instruments chargeable with duties to indicate payment of duties on such instruments.
- (2B) (a) Where the Chief Controlling Revenue Authority is satisfied that having regard to the extent of instruments executed and the duty chargeable thereon, it is necessary in public interest to authorise any person, body or organization to use franking machine or any other machine, he may, by order in writing, authorise such person, body or organisation.
 (b) Every such authorisation shall be subject to such conditions, if any, as the Chief Controlling Revenue Authority may, by any order, specify in this behalf.
- (2C) The procedure to regulate the use of franking machine or any other machine as so authorised shall be such as the Chief Controlling Revenue Authority may, by order, determine.
- (3) Notwithstanding anything contained in sub-section (1), where the Government, in relation to any area in the State, is satisfied that on account of temporary shortage of stamps in any area in the State, duty chargeable cannot be paid and payment of duty cannot be indicated on instruments by means of stamps, the Government, may, by notification in the Official Gazette, direct that, in such area and for such period as may be specified in such notification, the duty may be paid in cash or by demand draft or by pay order in any Government Treasury or Government Sub- Treasury or any other place as the Government may, by notification in the Official Gazette, appoint in this behalf and the receipt or challan shall be given by the Officer-in-Charge thereof. Such receipt or challan shall be presented to the Chief Controlling Revenue Authority who shall, after due verification that the duty has been paid in cash or by demand draft or by pay order, make an endorsement on the instrument to the following effect, after cancelling such receipt or challan so that it cannot be used again, namely :-

Stamp duty of Rs. Paid in cash or by demand draft or by pay order vide Receipt/
 Challan No. Dated the

Signature of the
 Chief Controlling Revenue Authority

Provided that the period to be specified in the notification shall not exceed three months.

Explanation : For the purpose of this sub-section, the expressions "demand draft" and "pay order" mean the demand draft or pay order issued by the State Bank of India constituted under the State Bank of India Act, 1955, or, a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, or under section

3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or any other bank being a Scheduled Bank as defined in clause (e) of section 2 of the Reserve Bank of India Act, 1934.

- (4) An impression made under sub-section (2A), (2B) and (2C), or, as the case may be, an endorsement made under sub-section (3), or any instrument, shall have the same effect as if duty of an amount equal to the amount indicated in the impression or, as the case may be, stated in the endorsement has been paid in respect of, and such payment has been indicated on such instrument by means of stamps, under sub-section (1)"

4. Amendment of section 47B.-

In section 47B of the Principal Act as inserted by the Indian Stamp (Mizoram Amendment) Act, 2016 :

- (1) In sub-section (1), the words "Inspector General of Registration and Commissioner of Stamps" shall be substituted by the words "Chief Controlling Revenue Authority, Land Revenue & Settlement Department."
(2) In sub-section (2), the words "Valuation Committee" shall be substituted by the words "the State Government."

5. Amendment of the Schedule.-

- (1) Article 33 of the Schedule I to the Principal Act as amended by the Indian Stamp (Mizoram Amendment) Act, 1996 shall be substituted by the following, namely -
"33. Gift - Instrument of not being a Settlement (No.58), or Will or Transfer (No.62)

- | | |
|--|---|
| (a) When the donee is not a member of the family of the donor. | The same duty as a Conveyance (No.23) for a market value of the property which is the subject matter of gift; |
| (b) When the donee is a member of the family of the donor. | At the rate of one per cent of the market value of the property which is the subject matter of gift, subject to a maximum of Rs. 500.00 |

Explanation: For the purpose of this Article, family in relation to the donor shall mean the donor's father, mother, husband or wife, son, daughter, daughter-in-law, sister, brother, grandparents and grandchildren."

Secretary,
Law & Judicial Deptt.
Govt. of Mizoram.

STATEMENT OF OBJECTS AND REASONS

In order to save the Government huge costs of printing non-judicial stamps and commission to stamp vendors as also to prevent fraud and avoidable hassles to the public, stamp duty on instruments shall be paid through alternative modes of payment, namely, demand draft, banker's cheque, pay order, money order, postal order, challan, cash.

Therefore, the Indian Stamp Act, 1899 (Central Act No. 2 of 1899) as in force in the State of Mizoram is proposed to be amended so as to provide for use of Franking Machines for making impressions on instruments chargeable with duties in token of payment of duties payable on such instruments.

Further, with regard to the unique administrative set up of the State Government, the Chairman of the Valuation Committee is proposed to be the Secretary, Land Revenue and Settlement as the Director, Land

Revenue and Settlement Department who is Selection Grade of Mizoram Civil Service is the ex- officio Inspector General of Registration and Commissioner of Stamps. And, the State Government is proposed and administration of the market value guidelines in the State and for the constitution of market valuation sub-committees in each sub-district and district instead of giving authority in the hands of the Valuation Committee.

Article 33 of the Schedule 1 to the Principal Act as amended by the Indian Stamp (Mizoram Amendment) Act, 1996 is also proposed to be amended so that gift among the family member may paid stamp duty at a nominal rate.

FINANCIAL MEMORANDUM

The Bill involved an expenditure of Rs. 12.79 lakh for purchasing Franking Machine which has been purchased as per approval of the Government after duly concurred by Finance Department. Further expenditure for maintenance of the machines may be required which may be met from Office Expenses as and when necessary.

MEMORANDUM OF DELEGATED LEGISLATION

1. Registration of deeds and documents is a subject included in the Concurrent List of the Seventh Schedule to the Constitution of India at Entry 6 of List III. In accordance with article 246(2), the Parliament and State Legislature have concurrent powers to make laws on the subject.
2. The powers delegated are normal and not of an exceptional character.

Lalruatkima,
Minister,
Land Revenue and Settlement Department,
Government of Mizoram.

