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PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT STAMP (AMENDMENT) BILL, 2013.

GUJARAT BILL NO. 31 OF 2013.

A BILL

further to amend the *Gujarat Stamp Act, 1958*.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Stamp (Amendment) Act, 2013. Short title and commencement.
 - (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Gujarat Stamp Act, 1958, in Schedule 1,- Amendment of Schedule I to Bom. LX of 1958.
 - (1) in article 6,-
 - (A) in clause (1), in sub-clause (a),-

(a) in item (i), the words "Subject to maximum of one lakh rupees," shall be deleted;

(b) in item (ii), for the words "Subject to maximum of three lakh rupees," the words "Subject to maximum of eight lakh rupees," shall be substituted;

(B) in clause (2),-

(a) in item (i), the words "Subject to maximum of one lakh rupees," shall be deleted;

(b) in item (ii) for the words "Subject to maximum of three lakh rupees," the words "Subject to maximum of eight lakh rupees," shall be substituted;

(2) in article 14,-

(a) in item (i), the words "Subject to maximum of one lakh rupees," shall be deleted;

(b) in item (ii), for the words "Subject to maximum of three lakh rupees," the words "Subject to maximum of eight lakh rupees," shall be substituted;

(3) in article 18, in column (1), the following Explanation shall be added, namely :-

"Explanation.- For the purpose of this article, the value of shares, scrip or stock includes the amount of premium, if any.;"

(4) in article 20,-

(a) in clause (d), for the words "Subject to maximum ten crores rupees", the words "Subject to maximum twenty-five crores rupees" shall be substituted;

(b) in ***Explanation I***, after the words "for the purpose of this Article", the words, brackets, letters and figures "and subject to sub-item (a) of item (ii) of clause (f) of article 45" shall be inserted;

(5) in article 27, in clause (b),-

(i) in item (ii), in sub-item (a), the words "Subject to maximum of one lakh rupees," shall be deleted;

(ii) in item (ii), in sub-item (b), for the words "Subject to maximum of three lakh rupees.", the words "subject to maximum of eight lakh rupees." shall be substituted;

(6) in article 45, the existing clause (f) shall be renumbered as item (i) of that clause and after item (i) as so renumbered, the following sub-item shall be added, namely :-

“(ii) when authorising to sell or transfer immovable property without consideration or without showing any consideration, as the case may be, -	
(a) if given to the father, mother, brother, sister, wife, husband, son, daughter, grandson, granddaughter;	One hundred rupees.
(b) in any other case.	The same duty as is leviable on a conveyance under article 20 for the amount of consideration or, as the case may be, market value of the immovable property whichever is greater.”;

(7) for article 49, the following article shall be substituted, namely:-

"49. RELEASE- that is to say, any instrument (not being such a release as is provided for by section 24) whereby a person renounce a claim upon another person or against any specified property-	
(a) if the release deed of an ancestral property or part thereof is executed by or in favour of brother or sister (children of renouncer's parents) or son or daughter or son of predeceased son or daughter of predeceased son or father or mother or spouse of the renouncer or the legal heirs of the above relations;	One hundred rupees.
(b) in any other case	The same duty as is leviable on a conveyance under article 20 for the amount of consideration or, as the case may be, market value of the share, interest, part or claim renounced in immovable property whichever is greater.”.

STATEMENT OF OBJECTS AND REASONS

Articles 6, 14, 20 and 27 of the Schedule I to the Gujarat Stamp Act, 1958 relate to Agreement or Memorandum of Agreement relating to deposit of Title Deed, Pawn, Pledge or Hypothecation, Bond, Conveyance and Further Charge respectively. The prevailing maximum amount of stamp duty payable under these articles is applicable since 2006. Since the maximum duty under the said articles is very low, it is, considered necessary to revise the maximum amount of stamp duty chargeable on the said instruments. Sub-clauses (1), (2), (4) and (5) of clause 2 of the Bill proposes to amend the said articles suitably.

The existing Article 18 of the Schedule I provides for the duty payable on the value of share, scrip or stock. However it is considered necessary to include the amount of premium, if any, charged on the share, scrip or stock and therefore, to clarify the position, the Explanation to article 18 is added. Sub-clause (3) of clause 2 of the Bill proposes to amend the said article.

It is proposed to amend article 45 to provide that the stamp duty shall be charged at the rate of hundred rupees, if the power of attorney is given without consideration to the father, mother, brother, sister, wife, husband, daughter, son, grandson, granddaughter and in other cases, the stamp duty shall be charged as is payable on conveyance. Sub-clause (6) of clause 2 of the Bill proposes to amend the said article.

Article 49 is proposed to be substituted to provide that the stamp duty shall be charged at the rate of hundred rupees in case where a claim is renounced in respect of ancestral property to brother or sister, or son or daughter, or son of predeceased son, or daughter of predeceased son, or father or mother or spouse of the renouncer, or the legal heirs of the above said relation and in other cases, the stamp duty shall be charged as is payable on conveyance or the market value of the claim, whichever is greater. Sub-clause (7) of clause 2 of the Bill proposes to substitute the said article.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

ANANDIBEN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in following respect :-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 22nd March, 2013.

ANANDIBEN PATEL.

Gandhinagar,
Dated the 22nd March, 2013.

By order and in the name of the Governor of Gujarat,

C. J. GOTHI,
Secretary, to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.