

PART-V

NOTIFICATION

NO.AS/LEG-09/2024/1413::

Dated Kohima, the 27th February, 2024.

The Nagaland Goods and Services Tax (Eight Amendment) Bill, 2023 together with the Statement of Objects and Reasons and the Financial Memorandum which was introduced in the Nagaland Legislative Assembly on Tuesday, the 27th February, 2024, is published for general information as required under Rule 72 of the Rules of Procedure and Conduct of Business in the Nagaland Legislative Assembly.

Sd/-
KHRUHITUONUO RIO
Secretary-In-Charge
Nagaland Legislative Assembly
Secretariat: Kohima

**THE NAGALAND GOODS AND SERVICES TAX
(EIGHT AMENDMENT) BILL, 2023.**

Nagaland Goods and Services Tax (Eight Amendment) Bill, 2023

A Bill

further to amend the Nagaland Goods and Services Tax, Act 2017 (Act No. 4 of 2017) to incorporate the amendments made to the CGST Act, 2017 to bring uniformity in the application of the CGST and SGST Acts.

Be it enacted by the Legislature of Nagaland in the Seventy-fourth year of the Republic of India as follows: -

- Short title and commencement* 1. (a) This Act may be called the Nagaland Goods and Services Tax (Eight Amendment) Act, 2023.
(b) It shall extend to the whole of Nagaland.
(c) It shall come into force on such date as the State Government may, by notification appoint.

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

- Amendment of section 2* 2. In section 2 of the Nagaland Goods and Services Tax Act, 2017 (hereinafter referred to as the principal Act),—
- i. After clause (80), the following clauses shall be inserted, namely:—
 - '(80A) "online gaming" means offering of a game on the internet or an electronic network and includes online money gaming;
 - (80B) "online money gaming" means online gaming in which players pay or deposit money or money's worth, including virtual digital assets, in the expectation of winning money or money's worth, including virtual digital assets, in any event including game, scheme, competition or any other activity or process, whether or not its outcome or performance is based on skill, chance or both and whether the same is permissible or otherwise under any other law for the time being in force;'
 - ii. after clause (102), the following clause shall be inserted, namely:—'(102A) "specified actionable claim" means the actionable claim involved in or by way of—
 - i. betting;
 - ii. casinos;
 - iii. gambling;
 - iv. horseracing;
 - v. lottery; or
 - vi. online money gaming;

- iii. in clause(105), the following proviso shall be inserted at the end, namely:—
"Provided that a person who organizes or arranges, directly or indirectly, supply of specified actionable claims, including a person who owns, operates or manages digital or electronic platform for such supply, shall be deemed to be a supplier of such actionable claims, whether such actionable claims are supplied by him or through him and whether consideration in money or money's worth, including virtual digital assets, for supply of such actionable claims is paid or conveyed to him or through him or placed at his disposal in any manner, and all the provisions of this Act shall apply to such supplier of specified actionable claims, as if he is the supplier liable to pay the tax in relation to the supply of such actionable claims;"
- iv. after clause (117), the following clause shall be inserted, namely :—'(117A) "virtual digital asset" shall have the same meaning as assigned to it in clause (47A) of section 2 of the Income-tax Act, 1961;'

*Amendment
of section 24*

- 3. In section 24 of the principal Act,—
 - i. In clause (xi), the word "and" occurring at the end, shall be omitted;
 - ii. After clause (xi), the following clause shall be inserted, namely:—
"(xia) every person supplying online money gaming from a place outside India to a person in India; and".

*Amendment
of Schedule III.*

- 4. In the principal Act, in Schedule III, in paragraph 6, for the words "lottery, betting and gambling " the words " specified actionable claims" shall be substituted.

*Transitory
provision.*

- 5. The amendments made under this Act shall be without prejudice to provisions of any other law for the time being in force, providing for prohibiting, restricting or regulating betting, casino, gambling, horse racing, lottery or online gaming.

STATEMENT OF OBJECTS AND REASONS

The Goods and Services Tax (GST) has been implemented with effect from 1st July 2017. The GST consists of the Central Goods and Services Tax (CGST) and the State Goods and Services Tax (SGST). The Central Government has amended the Central Goods and Services Tax Act, 2017 to provide more clarity regarding taxability of casinos, horse racing and online gaming. State Governments have to affect corresponding amendments in the State Goods and Services Tax Act.

As the Legislative Assembly was not in session and the matter was urgent, the Governor of Nagaland, in exercise of powers conferred under clause (1) of Article 213 of the Constitution of India, promulgated the Nagaland Goods and Services Tax (Eight Amendment) Ordinance, 2023 on 6th October 2023 which was notified in the Nagaland Gazette Extraordinary.

The Nagaland Goods and Services Tax (Eight Amendment) Bill, 2023 will make the Nagaland Goods and Services Tax Act, 2017 more comprehensive and trade friendly.

The proposed Bill seeks to give effect to the above objects.

Sd/-
NEIPHIU RIO
Chief Minister

FINANCIAL MEMORANDUM

The introduction of the Nagaland Goods and Services Tax (Eight Amendment) Bill, 2023 will not entail expenditure on the Consolidated Fund of the State as it can be implemented by the existing administrative set up.

Sd/-
NEIPHIU RIO
Chief Minister