



# The Indian Stamp (Mizoram Amendment) Bill, 2024

Land Revenue & Settlement Department  
Government of Mizoram

# THE INDIAN STAMP (MIZORAM AMENDMENT) BILL, 2024

## A BILL

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

Whereas it is expedient further to amend the Indian Stamp Act, 1899, in its application to the State of Mizoram, in the manner hereinafter appearing;

Be it enacted by the Legislative Assembly of Mizoram in the Seventy Fifth 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) Bill, 2024.
- (2) It extends to the whole of Mizoram.
- (3) It shall come into force on the date of publication in the Official Gazette.

### 2. Amendment of the Schedule - I.-

In the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act) insofar as it pertains to the state of Mizoram in Schedule - I, for the article nos. 18, 23, 33, 40 and 54, the following shall be substituted namely: -

<i>Article</i>	<i>Description of Instrument</i>	<i>Proper Stamp Duty</i>
18	<p>CERTIFICATE OF SALE.</p> <p><i>Explanation : For the purpose of this Article, widow means and includes</i></p> <p><i>(a) woman who lost her spouse through death or through divorce or through any other means living in separate house and using separate kitchen.</i></p> <p><i>(b) woman having children out of marriage living in separate house and using separate kitchen.</i></p>	<p>(a) 2.5% of the market value of the property in case of widow solely.</p> <p>(b) In any other case, 3% of the market value of the property.</p>
23	<p>CONVEYANCE - As defined by section 2 (10) not being a transferred charge or exempted under No. 62.</p>	<p>a) 2.5% of the market value of the property in case of widow solely.</p>

	<p><i>Explanation : For the purpose of this Article, widow means and includes</i></p> <p><i>(a) woman who lost her spouse through death or through divorce or through any other means living in separate house and using separate kitchen.</i></p> <p><i>(b) woman having children out of marriage living in separate house and using separate kitchen.</i></p>	<p>(b) In any other case, 3% of the market value of the property.</p>
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.	<p>(a) 2.5% of the market value of the property in case of widow solely.</p> <p>(b) In any other case, 3% of the market value of the property.</p>
(b)	When the donee is a member of the family of the donor.	1% of the market value of the property subject to a maximum of Rs. 5,000.00.
	<p><i>Explanation I: For the purpose of this Article, widow means and includes</i></p> <p><i>(a) woman who lost her spouse through death or through divorce or through any other means living in separate house and using separate kitchen.</i></p> <p><i>(b) woman having children out of marriage living in separate house and using separate kitchen.</i></p> <p><i>Explanation II : 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.</i></p>	

40	MORTGAGE.	
(a)	With possession	(a) 2.5% of the market value of the property in case of widow solely.  (b) In any other case, 3% of the market value of the property.
(b)	Without possession (Equitable mortgage) when possession is not given or agreed to be given.	1% of the market value of the mortgage property subject to a maximum of Rs. 1,000.00.
	<p><i>Explanation : For the purpose of this Article, widow means and includes</i></p> <p><i>(a) woman who lost her spouse through death or through divorce or through any other means living in separate house and using separate kitchen.</i></p> <p><i>(b) woman having children out of marriage living in separate house and using separate kitchen.</i></p>	
54	RECONVEYANCE OF MORTGAGED PROPERTY.	
(a)	If the consideration for which the property was mortgaged does not exceed Rs. 5,000.00	Rs. 1,000.00
(b)	In any other case.	Rs. 2,000.00

## STATEMENT OF OBJECTS AND REASONS

1. The prevailing Act prescribe stamp duty at the rate which is much lower as compared to other states in India. At present most of the states collected 3% - 9% of the market value of the property. The rates of stamp duty collected by North Eastern States are as below :

1	Assam	1% of the value set in the document in favour of women solely 2% of the value set in the document in case of joint registration with women 3% of the value set in the document in favour of male or other juridical person
2	Tripura	5% of the market value
3	Meghalaya	4.6 % (up to Rs.50,000) of consideration 6 % (Rs.50,000 to Rs.90,000) of consideration 8 % (Rs.90,000 to Rs.1,50,000) of consideration 9.9% (above Rs.1,50,000) of consideration
4	Nagaland	4.5%
5	Sikkim	Sikkimese origin - 5% Others - 10%
6	Arunachal Pradesh	1% - 3%

2. Certificate of Sale which also transfer of property in nature needs to be prescribed as the same rate as conveyance.
3. Due to increase in prices of goods and services, the maximum ceiling prescribe needs to be revised.
4. Prescribing the rate of stamp duty on Re-conveyance of Mortgage property as the same rate as conveyance is not justifiable as the deed is issued for return of title to be original owner when a mortgage has been paid in full.

Dated Aizawl,  
the 1<sup>st</sup> February, 2024.

  
(B. LALCHHANZOVA)  
Minister,  
Land Revenue & Settlement Department,  
Mizoram, Aizawl.

## FINANCIAL MEMORANDUM

The proposed "the Indian Stamp (Mizoram Amendment) Bill, 2024 does not involve any recurring or non-recurring expenditure of the Consolidated fund of the State but to increase the revenue exchequer of the state.

Dated Aizawl,  
the 1<sup>st</sup> February, 2024.

  
(B. LALCHHANZOVA)

Minister,  
Land Revenue & Settlement Department,  
Mizoram, Aizawl.

## MEMORANDUM ON DELEGATED LEGISLATION

1. Stamp duties other than duties on fees collected by means of judicial stamp is a subject included in the Concurrent List of the Seventh Schedule to the Constitution of India at entry 44 of List III. In accordance with article 246 (2) of the Constitution, 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.

Dated Aizawl,  
the 1<sup>st</sup> February, 2024.

  
(B. LALCHHANZOVA)

Minister,  
Land Revenue & Settlement Department,  
Mizoram, Aizawl.