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EXTRA ORDINARY

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NOTIFICATION

No.H-12017/24/95-LJD, the 1st April, 1997. In exercise of the powers conferred under section 78 of the Indian Registration Act, 1908 (Act XVI of 1908), the Governor of Mizoram is pleased to charge with immediate effect the rates of fees for registration of documents as follows :-

I. ORDINARY FEES

A. The fees for registration of documents described below shall be regulated on an ad-volorem scale of one percent subject to a maximum of rupees five thousand to be calculated according to the value of the right, title and interest affected.

DESCRIPTION OF DOCUMENTS

Conveyances and reconveyances, Bills of sale, deeds of gift or dowers, settlements, deeds of partition, leases, deeds of mortgage, and/or instruments of further charge, bonds of all kinds including indemnity and security bonds, assignments of any interest secured by a bond or mortgage deeds, policies of insurance bills of exchange and promissory notes and generally

LEDGEMENTS OR ORDINARY RECEIPTS FOR MONEY RECEIVED, certificates of sale, award directing a partition, declaration of trust of the nature of settlement, deeds of exchange of property, transfer of lease for consideration, assignment by a partner of his share and interest to his co-partner on dissolution of partnership for a consideration, etc of the nature of those herein mentioned.

B. The fee for registration of a separate instrument acknowledging the receipt or payment of any sum of money, whether as consideration on account of any deed of sale or mortgage or as rent on account of any lease or other value expressed in any document, shall be calculated according to the amount received, on the scale prescribed in the foregoing article, provided that, if any instrument referring to the same transaction has already been registered, the fee shall not exceed.

Rs. 15 00

C. The Fees to be paid :-

(1) for the deposit of a sealed cover containing a will shall be Rs. 30.00

(2) for opening of such cover in addition to the cost of copying the contents which shall be charged

according to the scale laid down in this table for the granting of certified copies Rs. 30.00

(3) for registration of a will when opened. Rs. 50.00

(4) for withdrawal of any sealed cover containing a will. Rs. 30.00

EXPLANATION :- When a will is forwarded to any Court under Section 46 of the Act, it shall be accompanied by a memorandum of the fee for opening the cover and of the charges for copying, and it shall be the duty of the court to levy such fee and charges and remit them to the Registrar.

D. The fee for registration of a certified copy of a or decree or order of a court shall be Rs. 20.00

E. The fee for registration of an agreement for personal service shall be Rs. 10.00

F. The fee for registration of (a) any document whereby rent, remuneration or hire is paid partly in money and partly in kind, and the money value of the portion payable in kind is not expressed, shall be Rs. 10.00

and (b) any document of a description not mentioned above shall be Rs. 10.00

G. The following documents viz, release, surrender of lease, revocation of trust and settlement deed of partnership, divorce, agreement deed of reconveyance, dissolution of partnership and deed of cancellation (other than cancellation of will) are chargeable with registration—fee as follows :-

(1) Release Rs. 20.00

(2) Surrender of lease Rs. 20.00

(3) Revocation Rs. 20.00

(4) Partnership deed—

(a) Where the Capital is expressed in the deed Rs. 5.00 per thousand or part thereof

(b) Where the capital is not expressed in the deed Rs. 200.00

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| (5) All kinds of Agreement | Rs. 20.00 |
| (6) Dissolution of partnership— | |
| (a) Where the capital was upto Rs. 5000.00 | Rs. 10.00 |
| (b) Where the capital was exceeding Rs 5000.00 but did not exceed Rs. 10,000.00 | Rs. 20.00 |
| (c) Where capital was exceeding Rs. 10,000.00 but did not exceed Rs. 25,000.00 | Rs. 30.00 |
| (d) Where the capital was exceeding Rs. 25,000.00 but did not exceed Rs. 50,000.00 | Rs. 40.00 |
| (e) Where the capital was exceeding Rs. 50,000.00 or capital was not expressed in the original deed | Rs. 50.00 |
| (7) Deed of cancellation | Rs. 20.00 |

H. The fees payable for inspection or searching the indices registers etc., shall be as follows :—

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| (1) For the 1st year, for each entry of the name of persons or property contained in and in respect of each document, for which inspection or search of indices of a specified office is made | Rs. 5.00 |
| (2) For every additional year as aforesaid | Rs. 3.00 |
| (3) For inspection of copy of each document in Register Book - I (including files of copies, memorandum and sale certificates) or indices relating to the Book I or for search of copy for each document in other Register Book III or IV or search or inspection of any other Book or Register for any particular year. | Rs. 5.00 |
| (4) When an applicant requires the inspection or search to be made within three days, he shall have to pay double the fees prescribed in sub-clauses (1)(2) or (3) as the case may be. | |

Provided that —

- (i) No fee for search or inspection of the indices of any one office in respect of any one name of person or property contained in respect of each document shall exceed Rs. 25.00.
- (ii) If in any application for a copy of an entry or for inspection or search of an entry, the nature of the document, the date of registration, the register and volume in which it is copied and its number in such volume are shown in the application by a person who is interested in an

entry or document, no fee for search or inspection of the indices shall be levied. But in cases where the particulars furnished by the applicant are incorrect and a search or inspection becomes necessary, the necessary fees should be levied.

(iii) No fee for search or inspection need be levied in respect of application for copies of entries in Book II, by the party concerned.

(iv) Every application for the grant of a certified copy except at the time of the registration of a document or as provided in sub-clauses (3) and (4) above, should be accompanied by the fee necessary to trace the entry in the indices at the above rates.

(v) A requisition for information from any Court or Revenue authority shall if it necessitates search in the registers, be accompanied by the necessary fee for search, but officers of Government shall be permitted to see or inspect for bonafide public purposes, the register Books and indices without fee. On the occasion of the annual enquiries prescribed by Government regarding the securities of mauzadars and ministerial officers, the usual fee must be paid when the search is made by a clerk of the Registration office, but no fee will be charged if the search is made by a clerk deputed by the Officers making the enquiries.

(vi) When a Register Book is called for by any Court, the fee for search should be levied by Court, from the party and at whose instance the register is called for.

I (1) For making or granting copies of reasons, entries or documents, before or after registration, a fee shall be charged at the rate of twenty five paise for every hundred words in the Vernacular character, and forty five paise for every hundred words in the English character.

(2) When an applicant required his copies to be furnished on the day of application and extra fee of rupees three (or if the copies exceed four pages of 300 words) of Rupee one for each shall be charged on all copies so furnished.

Provided that Government officers requiring to take copies of entries documents or maps, for bonafied public purposes, are exempted from payment to fees.

(3) When a trained hand for making copies of any schedule or plan is temporarily engaged, the registering officer shall personally assess the cost which should be reasonable, leviable in each case and the amount so realised as cost from the parties should be paid to such copies as his remuneration.

(4) Co-operative Societies shall have to pay the fees under Art.I (a) when the copies are wanted on the day of application.

- (5) When an application requires the inspection or search to be made urgently he shall have to pay double the fees prescribed in sub-clauses (a), (b) and (c) above; Provided that the total fees leviable under sub clauses (1) and (2) above will not exceed double the amounts prescribed therein.
- (6) Co-operative Societies shall have to pay the extra fees under Art. II if they want the inspection or search to be made urgently.
- (7) When an application presents a printed or typed copy of a document already registered and applies to have it certified as a true copy of the same fees for comparing the same shall be half the amount leviable under this article.

II. EXTRA OR ADDITIONAL FEES

- J (1) For every (a) copy and (b) memorandum of a document to be forwarded to another office under Section 64-67, the fee equivalent to that paid under Arts. A,B,D,F; provided that the fee for a shall not exceed Rs. 5.00.

- (2) For registration by any Registrar under Section 30(1) and extra fee equal to the ordinary fee, or Rs. 12.00 whichever is less shall be levied;

Provided that an additional fee shall not be payable when an instrument registered by a Registrar acting as Sub-Registrar or in consequence of the Sub-Registration section 29 being a party interested in the transaction to which such instrument relates.

- K (1) The fee for the attendance under section 31 of Indian Registration Act, 1908, of an officer at a private residence for acceptance for registration of any one document or for deposit of any will or authority shall be Rs. 34.00.

- (2) The fee for attendance at a private residence when the present or is so ill as to be unable without risk to attend at the Registration Office, or at jail, for the acceptance for registration of any document or for deposit of any will or authority shall be Rs. 34.00.

Provided that where two or more persons who executed the same document reside together, only one fee shall be charged if such persons are

- (3) Travelling expenses realised from the party for whose document the fee is paid and appropriated by the registering officer, at the rate of Rs. 5.00 a kilometre for all distances exceeding one kilometre from the Registration Office; provided that in places where carriages are available on hire and one is in fact hired for the journey, registering officers shall be entitled to carriage-hire for two hours in lieu of travelling allowances whether the distance

travelled is greater or less than one kilometre and in places where motor taxis are available for hire affixed charge of Rs. 25.00 may be made for taxi hire of that method of conveyance if actually used.

- (4) For every attendance at a private residence of a nurse or female assistant if required to accompany a registering officer to take the thumb impression of one or more female executants who are pardanashin or of high birth an extra fee of Rs. 50.00 shall be charged and paid to such nurse or female assistant, irrespective of the number of documents registered at such private residence;

Provided that no fee shall be charged when a nurse or female assistant is required but cannot be provided.

- L (1) If a Sub-Registrar or one of his staff pays visit in respect of a document executed in favour of Government, the Deputy Commissioner or the other officer at whose instance the document is to be registered may pay the prescribed fee under Art K to the Registration Department. Any travelling allowances for such visit should be drawn and debitted against the budget of the Registration Department, if admissible under the ordinary rules.

- (2) The fees fixed under Art K (1) and K (2) shall also cover (i) acceptance for registration of any document, (ii) acceptance and recording admission of execution (3) acceptance for deposit of a will.

- M. Before the issue of a commission, or before the registering Officer or Magistrate personally proceeds to any dwelling-house or jail to obtain evidence as to the voluntary nature of the execution of the power of attorney under section 33 and before the issue of commission or before the registering Officer personally proceeds to any dwelling house or jail for the examination of any person under sub-section (2) of section 38, the following fees shall be paid and credited to Government on account of persons exempted from appearance.

- (1) If the person has been exempted on account of bodily infirmity such as to make it impossible without risk of life to attend at the Registration Officer or having been confined to jail ... Rs. 15.00.
- (2) If the person be exempted by law from personal appearance in Court—Rs. 30.00.
- (3) Travelling allowances and extra fees for female assistant shall be realised and appropriated as provided under Art. K.

Provided that (i) Fees for any Commissions executed by Officer of the Registration Department in accordance with the procedure laid down in Sub-Section (4) of section 75 of the Registration Act shall also be credited to the Registration Department.

(ii) The provisions regarding visit referred in Article I shall this Article also apply to visit or commissions under this Article.

N. (1) For Admissa document to registration, under Section 25 of Section 35 after the expiration of the time prescribed, fines shall be levied in the following manner, namely—

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| (i) If presented within seven days of the time prescribed. | Twice the fees payable on account of such document. |
| (ii) If presented within a month of the time prescribed. | Four times the fee. |
| (iii) If presented within two months of the time prescribed. | Seven times the fee. |
| (iv) If presented within 3 months of the time prescribed. | Nine times the fee. |
| (v) If presented within four months of the time prescribed. | Ten times. |

Provided that (i) The fine so charged shall be exclusive of the ordinary fees leviable.

(2) When two or more copies of documents executed by the same parties are presented for registration at the same time, the ordinary fee shall be payable for each copy, but any extra or additional fee which is payable under clause (J), (K), (L) and (M) shall be calculated as for one document only, irrespective of how many copies of the document may be registered.

(3) The time during which an impounded document remains with the Collector of adjudication of stamp duty shall not be excluded in calculating the period of four months under Section 34 of the Act. So also the time during which a document remains with the Collector for adjudication of stamp duty shall not be excluded in computing the period of four months under section 25 of the Indian Registration Act 1908 (XVI of 1908).

O. For authentication or attesting the execution of any power of attorney, fees shall be levied as follows :—

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| (1) If it is a special power of attorney | Rs. 8. |
| (2) If it is a general power of attorney | Rs. 15. |

Provided that :— (i) A single fee shall be levied for the attestation of a power of attorney whatever may be the number of signatories to it, if all of them

appear simultaneously for examination. When they do not so appear, separate fee shall be levied for each set of person appearing at the same time.

- (ii) The duplicate or triplicate of any power-of-attorney presented for authentication shall be treated as a separate instrument and a separate attestation fee be levied thereon.
- P. (1) The fee for service of summons under the provision of section 37 shall be regulated according to the scale in force in the Revenue Courts in the same District.
- (2) The travelling expenses and remuneration of witness shall, be paid at the rate fixed by the registering officer with reference to the rules for the time being in force under Rule 2, Order XVI, of the Code of Civil Procedure and must be deposited with the application for issue of summons.
- Q. Besides the fees payable under Art. (A), (B) (C), (D), (E), and (F) of this Schedule, there shall be paid for the registration of every document of such length as to occupy more than two pages of the register, an extra copying fee at the rate of rupee one for every page or part thereof in excess of the first two pages.
- R. When a document remains unclaimed for more than one month after completion of registration, a fee of rupee one shall be charged for every day or part of a day beyond the first month after completion of registration.

Provided that a Registrar is empowered in his discretion to remit, in whole or in part, fees leviable under this Article by himself or by any registering officer subordinate to him, in cases it appears to him ameliorative of undue hardship or injustice.

- S. When a document remains unclaimed for more than one month after refusal of registration, a fee of rupee one shall be charged for every day or part of a day beyond the first month after such refusal of registration. The amount of the fee shall not, however, exceed Rs. 25 in any case.

Provided that a Registrar is empowered in his discretion to remit in whole or in part, fees leviable under this Article by himself or by any registering officer subordinate to him, in cases it appears to him ameliorative of undue hardship or injustice.

T. EXEMPTION

The following classes of documents are exempt from payment of the registration fees :

- (1) Documents executed by or in favour of the State Government, on which as such, no stamp duty is leviable under the law for the time being in force (vide Sec. 3 proviso of the Indian Stamp Act).

- (2) Security bonds and penalty bonds executed in favour of the State Government or local authorities by public servants of all classes and their sureties.
- (3) Mortgage bonds executed by Government employees in favour of the State Government as security for House Building Advances.
- (4) Instruments executed by persons taking advances under the Agricultural Loans Act, or by their sureties as security for the payment of such advances.
- (5) Security bonds executed by students or their sureties in favour of the State Government binding themselves to enter Government service on the completion of their studies.
- (6) Any society registered or deemed to be registered under the Mizoram Co-operative Societies Act 1991 is exempted from paying the following fees payable, namely :—
 - (a) All fees payable by or on behalf of any Co-operative Society for the time being registered or deemed to be registered under the Act.
 - (b) All fees payable in respect of any instruments executed by an officer or member of such society and relating to the business thereof, with exception of the following fees, namely.
 - (i) Fees for attendance at a private residence.
 - (ii) Safe custody fees for unclaimed documents.
 - (iii) Fees for issuing summons and commissions and
 - (iv) Fees for delay in the presentation of documents or in the appearance of parties.
- (7) Bonds executed by Non-Gazetted or menial staff of the State Government for the due performance of their duties and bond; or mortgage deed executed by private parties as security to the Government for the due performances of their duties.
- (8) Mortgage deeds executed by Government employees for securing the repayment of advances received by them from the Government for the purchase of a motor boat, motor cycle, a horse, a cycle or a type writer.

P. Chakraborty,
Secretary to the Govt. of Mizoram.