

APPENDIX A

ACTS & RULES

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NAGALAND ACT 3 OF 1965

The Nagaland Land (Requisition and Acquisition) Act, 1965 ACQUISITION ACT 1965

Received the assent of the President on the 20h April, 1965

[Published in the Nagaland Gazette-Extraordinary Dated the 22nd April, 1964]

An Act to consolidate the law for requisition and speedy acquisition of premises and land for certain public purposes

Preamble:

WHEREAS it is expedient to consolidate the law for requisition and speedy acquisition of premises and land for certain public purposes It is hereby enacted in the Sixteenth Year of the Republic of India, as follows:-

Short title, extent & commencement:

1. (1) The Act may be called the Nagaland Land (Requisition and Acquisition) Act, 1964.*
(2) It extends to the State of Nagaland.
(3) It shall come into force at once.

Definitions:-

2. In this Act unless there is anything repugnant in the subject or context

- (a) "Collector", "Land" and person interested" have the same meaning as in the Land Acquisition Act 1894 [Act I of 1894];

Explanation:- Land for the purpose of this Act includes trees, buildings and standing crops on it, and easement

- (b) "Court" means a principal Civil Court of original jurisdictions, and includes the Court of any Additional Deputy Commissioner, Assistant to the Deputy Commissioner whom the State Government may appoint, by name or by virtue of his office, to perform,

concurrently with any such principal Civil Court, all or any of the functions of the Court under this Act within any specified local limits

*Shall apply partially to the district of Tuensang vide Notification NO.JDL dated 16-11-66 of the Law Department of Nagaland.

(c) "displaced persons' means:

- (i) any person, who on account of civil disturbances or the fear of such disturbances in any area now forming part of Nagaland has he compelled to leave his original or ordinary place of residence in such area after the 15h day of August, 1947 and is in distress or;
- (ii) a person who has been displaced due to various acquisition proceedings relating to land in Nagaland since 1947.

(d) "owner' means proprietor or Patta holder and his co-sharer; and

(e) "prescribed" means prescribed by rules made under this Act

Power to requisition:-

3. (1) If in the opinion of the State Government or any person authorised in this behalf by the State Government it is necessary so to do, for maintaining supplies and services essential to the life of the community or for providing proper facilities for accommodation, transport, communication, irrigation, flood control and anti-erosion measures including embankment and drainage or for providing land individually or in groups to landless, flood affected or displaced persons, or to a society registered under any law for the time being in force, or a company incorporated under any law for the time being in force, formed for the benefit and rehabilitation of landless flood affected or displaced persons the State Government or the persons so authorised as the case may be, may by order in writing, requisition any land and may make such further orders as appear to it or to him to be necessary or expedient in connection with the requisitioning;

Provided that no land used for the purpose of religious worship shall be requisitioned under this section;

["Provided further that no land shall be requisitioned unless the person interested in the land has been given an opportunity of making representation against it within such time and in such manner as may be prescribed in this behalf]"

(2) An order under sub-section (1) shall be served in the prescribed manner on the owner of the land and where the order relates to land in occupation of tenant, also on such tenant,

- (3) When the order for requisition is made by any authority other than the State Government, any person interested in the land, within thirty days from the date of service of the order may appeal to the State Government and the decision of the State Government in such appeal shall be final.

Power to take possession of requisitioned land –

4. (1) Where any land has been requisitioned under section 3, the State Government or the person authorised in this behalf by the State Government may, by order in writing direct the owner, the tenant or any other person who may be in possession of land whether at the time of requisition or at anytime thereafter before the land is released from requisition under section 8 to surrender or deliver possession thereof to the Collector or any other person duly authorised by him in this behalf within such days of the service of the order as may be specified therein."
- (2) If any person refuses or fails to comply with an order made under subsection (1), the State Government or the person authorised in this behalf in addition to any other provisions in this Act, may take possession of the land and may, for that purposes, use such force as may be necessary.
- (3) An order under sub-section (1) shall be served in the prescribed manner on the owner of the land and where the order relates to land in occupation of a tenant or any other person also on such tenant or occupant.
- (4) If after service of the notice on the owner, tenant in the occupant, any person other than the person on whom the notice is served enters into possession of land, nothing in this sub-section shall be construed as requiring fresh notice on such person and such person shall deliver possession to Collector or any other person duly authorised by him in this behalf, on the date previously notified, notwithstanding that no fresh notice has been served on him.
- (5) If it is found that person entering into unauthorised possession of the land under sub-section (4) has raised any crop or erected any building or other construction on the land, the Collector or any other person duly authorised by him in this behalf shall have the power to confiscate or destroy the crop so raised or the buildings or other construction so erected by such person and such person shall not be entitled to any compensation for any loss or damage so done.

Repairs to buildings:-

5. Where any land with building standing thereon is requisitioned under section 3, the State Government or the person authorised in this behalf the State Government may order the owner to execute such repair as may be necessary and are usually made by landlord of that locality and as may be specified in the notice issued in this behalf within such reasonable time as may be mentioned therein and if the owner fails to execute any repairs in pursuance of such order, the State Government or the person authorised in this behalf by the State Government may cause repairs specified in the order to be executed at the expense of the owner and the cost thereof, may without prejudice to any other mode of recovery, be deducted from the compensation payable to the owner in such proportion and over such period as may be prescribed.

Provided that where an order is made by an authority other than the State Government, to carry out repairs at the expense of the owner, the owner or any other persons interested in the land, within thirty days, from the date of service of the order, may appeal to the State Government, and the decision of the State Government on such appeal shall be final.

Acquisition of land:-

6. (1) Where any land has been requisitioned under section 3, the State Government may use or deal with it in such manner as may appear to it to be expedient and may acquire such land by publishing in the Official Gazette, a notice to the effect that the State Government has decided to acquire such land in pursuance of this section:"

["Provided that before issuing such notice, the State Government shall call upon the owner or any other person, who, in the opinion of the State Government may be interested in such land to show cause why the land should not be acquired and after considering the cause, if any, shown by any person interested in the land and after giving the parties an opportunity of being heard, the State Government may pass such order as it deems fit]"

*Inserted vide Nagaland Acts of 1969 Published in Nagaland Gazette No.7 Extraordinary, dated 22-4-1969 the State Government free from all encumbrances and the period of requisition of such land shall end.

- (2) Whereas a notice as aforesaid is published in the Official Gazette, the requisitioned land and premises shall, on and from the beginning of the day on which the notice is so published, vest absolutely in.
- (3) Subject to the provisions of the Act, on such vesting the provisions of the Land Acquisition Act, 1894 Act 1 of 1894] with the rules framed there under shall, so far as may be, apply to such lands

Notice to person interested:-

7. (1) After the publishing of a notice under sub-section (1) of section 6 the Collector shall cause public notice to be given at convenient places on or near the land to be taken stating that the State Government has acquired the land, and that claims to compensation for all interests in such land may be made to him.
- (2) Such notice shall state the particulars of the land so acquired, and shall require all persons interested in the land to appear personally or be duly authorised agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claim to compensation of such interests. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

Release from requisition:-

8. (1) Where any land requisitioned under section 3 is not acquired and is to be released from requisition, it will revert to the owner and the Collector will deliver possession of the land to such owner or person interested who was recognised under sub section (3) of section 4 in as good a conditions as the land was when possession thereof was taken subject only to the changes caused by reasonable wear and tear and irresistible force.
- (2) The delivery of possession of such land to the person specified in the order made under sub-section (1) shall be full discharge of any liability of the State Government to deliver possession to such person as may have rightful claim to possession thereof but shall not prejudice any right in respect of such land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.
- (3) Where the person to whom the possession of any land requisitioned under section 3 is to be delivered cannot be found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf the State Government shall publish in the Official Gazette a notice declaring that such land is released from requisition and shall cause a copy thereof to be affixed on some conspicuous part of such land.
- (4) When a notice referred to sub-section (3) is published in the Official Gazette, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof; and the State Government shall not liable for any compensation or other claims in respect of such land for any period after the said date.

Speedy acquisition of land in certain case: -

9. (1) Notwithstanding anything contained herein before, if in the opinion of the State Government or the Collector it is necessary or expedient to acquire speedily any land for public works including any of the objects mentioned in sub-section (1) of section 3, the State Government or the Collector by order in writing acquire the land stating the area and boundaries thereof.

(2) The Collector shall cause the order passed under Sub-section (1) to be served in such manner as may be prescribed on the owner of the land and also the tenant or the occupant in cases where it is not in occupation of the land and also a notice to the same effect stating that claims to compensation for all interests in the land may be made to him within such time as may be prescribed;

Provided that when the person to be so served is not readily traceable or the ownership of the land is in dispute, the Collector shall cause the above order and notice to be published in such manner as may be prescribed.

Vesting and taking possession of land acquired under section:--

10. (1) when an order of acquisition is served or published under sub-section (2) of section 9, land shall vest absolutely in the State Government free from all encumbrances on the date the order is so served or published.

(2) The Collector may, at any time after the land becomes so vested, proceed to take possession thereof.

(3) On such vesting the order passed under sub-section (1) of section 9 shall be published in the Official Gazette in the manner prescribed.

Compensation:

11. (1) Subject to the provision of sub-section (2) whenever any land is acquired under section 6 or section 9 there shall be paid compensation the amount of which shall be determined by the Collector, in determining the amount of compensation the Collector shall take into consideration the market value of the land for a period of five years preceding the date of publication of the notice under sub-section (1) of section 6 where the land is acquired under the said section and where the land is acquired under section 9 from the date of passing the order under sub-section (1) of the said section, and the amount of compensation payable shall be on the basis of the average market value so arrived at:*

Provided that where any building is acquired under section 6, the compensation shall be payable at the market value of the building on the date of publication of the notice under sub-section (1) thereof.

“[Provided further that in addition to the market value of the land or building, as above provided, the Collector shall in every case award a sum 15% of such market value, in consideration of the compulsory nature of the acquisition]”

- (2) When the compensation has been determined under sub-section (1), the Collector shall make and award in accordance with the principles set out in section 11 of the Land Acquisition Act, 1894 [ACT 1 of 1894]**

*Inserted vide Nagaland Act 8 of 1969

**Deleted vide Nagaland Act 8 of 1969

- (3) Where any land is requisitioned under section 3, there shall be paid to every person interested such compensation as may be agreed upon in writing between such person and the Collector or in the absence of agreement, reasonable compensation in respect of –

(a) the requisition of such land; and

(b) the damage done during the period of requisition of such land other than what may have been sustained by reasonable wear and tear and irresistible force:

Provided that in determining the amount of compensation whether in the case of agreement or otherwise, such amount shall not exceed the rent payable at the prevailing market rate as may be determined by the Collector

Reference to Court:

- 12.** (1) The Collector shall in every case-

(a) where any person aggrieved by an award made under sub-section (2) of section 11 make an application requiring the matter to be referred to Court; or

(b) Where there is any disagreement with regard to the compensation payable under sub-section (3) of section 11 on the application of the person entitled to compensation requiring the matter to be referred to the Court; refer the matter to the decision of the Court.

(2) Subject to the provision of this Act, the provisions of the Land Acquisition Act 1894 [Act 1 and 1894] shall mutatis mutandis apply in respect of any reference made to the Court under sub-section (1)

Payment of Interest:-

- 13.** When the amount of any compensation payable under this Act is not paid or deposited within thirty days from the date of the award, the Collector shall pay the amount awarded with interest thereon at the rate of 6 percent per annum from the date of the award until have been so paid or deposited

Refund of land revenue:-

14. After the publication of the notice referred to in sub-section (1) of section 6 or after taking possession of the land under sub-section (2) of section 10, as the case may be, no land revenue shall be payable for any period thereafter and land revenue if any paid in respect of such period shall be refunded.

Power to enter upon land etc: -

15. The State Government may, with a view to requisitioning any land or for the purpose of determination by the Collector of the amount of compensation payable under this Act, by order-

require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be specified.

direct that the owner or occupier for the land shall not dispose of it or after it without permission from the Government till the expiry of such period as may be specified in the order;

authorise any person to perform in respect of any land all or any of the functions referred to in sub-section (2) of section 4 of the Land Acquisition Act, 1894 [Act 1 of 1894].

Penalty:-

16. If any person contravenes any order made under this Act he shall be punishable with imprisonment for a term which may extend to one year with fine which may extend to two thousand rupees or with both.

Saving:-

17. Save as otherwise expressly provided in this Act no decision or order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

Protection of action taken under this Act: -

18. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or any order made there under.

(2) Save as otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rule or order made there under.

Recovery of money payable to Government: -

19. Any money payable to State Government under this Act shall be recoverable as arrears of land revenue or as a public demand.

Power to make rules: -

20. The State Government may make rules for carrying out of the purposes of this Act.

In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely

- (a) The manner of service of orders on the owner or occupier of land referred to in sub-section (2) of section 3:
- (b) The manner of service of orders on the persons referred to in sub-section (2) of section 7 and in sub-section (2) of section 9 respectively
- (c) The manner and the conditions and terms on which land will be settled or disposed of by Government; and
- (d) The manner of disposal of any structure or tree standing on the land. Every rule made under this section shall be laid, as soon as may be after it is made, before the Nagaland Legislative Assembly while it is in session for a total period of seven days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, the Nagaland Legislative Assembly agree in making any modification in rule or the Nagaland Legislative Assembly that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

Validation of acquisition and compensation under any law: -

21. Notwithstanding anything contained in any judgement, decree or order of any court, all lands requisitioned, acquired, compensation paid for works undertaken nor purported to have been requisitioned, acquired, compensation paid or works undertaken under any law for the time being in force, shall be and shall be deemed always to have been, as validly requisitioned, acquired, paid or undertaken as if the provisions of this Act were in force at all material times when such requisition or acquisition was made or compensation was paid or works were undertaken, and accordingly:

no suit or other proceeding shall be maintained or continued in any Court against the State Government or any officer for the release of any land so requisitioned or acquired or for payment of any damages ,and

no Court shall enforce a decree or order directing the release of any land so requisitioned or acquired or for the payment of any damages.

GOVERNMENT OF NAGALAND
HOME DEPARTMENT: GENERAL ADMN. BRANCH

NOTIFICATION

Dated Kohima, the 12th August, 1968

NO.GEN-8/10'68:-The following Rules are hereby republished for general information

**THE NAGALAND LAND REQUISITION AND
ACQUISITION RULES, 1968**

In exercise of the powers conferred by section 20 of the Nagaland Land (Requisition and Acquisition) Act, 1965, the Governor of Nagaland is pleased to make the following Rules, namely :-

1. Short title and commencement:-

- (1) These Rules may be called the Nagaland Land (Requisition and Acquisition) Rules, 1968.
- (2) They shall come into force at once

2 . Definition:-In these Rules, unless there is anything repugnant in the subject or context

- (a) "The Act" means the Nagaland land (Requisition and Acquisition) Act, 1965:
- (b) "Form" means a form appended to these rules
- (c) "Section" means a section of the Act.
- (d) All words and expressions used in these rules and not defined herein but them in the Act.

3. Manner of submission of representation by interest person when land is necessary to be requisitioned for landless or displaced persons:-

Where it is necessary to requisition any land for landless or displaced persons, the person interested in the land shall be informed of the intension of requisitioning his land and such persons may make written representation, if any against it within 30 days from the date of receipt of such information. The information shall be in the form of a notice in form "A"

Such representation when received shall be disposed of by the State Government or the person authorised to requisition the land as the case may be after due consideration, if necessary by local enquiry by an officer below the rank of Sub-Divisional Officer.

4. An order of requisition under section 3 (1) shall be in Form "B" as far as may be, with such modification, if any, as may be necessary.
5. An order under section 4 (1) of the Act shall be in Form "C" where the surrender or delivery of possession to be made to any person other than the Deputy Commissioner, the latter shall issue an order authorising the person before an order for surrender or delivery of possession is issued.

6. Breaking open of locks on requisitioned property:

Where the possession of the requisitioned property is not handed over in compliance with an order issued under sub-section (1) of section 4 of the Act, and or the premises are found locked the Deputy Commissioner or any other person authorised by it in writing in this behalf may break open the lock in the presence of two witnesses and take possession of the property

Provided that(i) before any such action is taken, the competent authority shall satisfy itself that the order under sub-section (1) of Section 4 has been duly served on the party concerned and that the party is evading compliance with the order,(ii) powers under this rule shall not be exercised at any time after sunset or before sun-rise; and (iii) where possession is taken in pursuance of the powers conferred by this rule, an inventory of the articles found in the premises shall be made in the presence of two witness and such articles should be stored in safe custody.

7. A notice under section 6 (1) shall be in form "D"
8. A notice under Section 8(3) shall be in form "E"
9. An order under Section 9 (1) shall be in form "F", and a notice under section 9 (2) shall be in form "G". Publication of the order under section 9 (1) and of the notice under section 9 (2) as required by the proviso to the sub-section shall be made by affixing a copy each of

the order and notice in form 'F' and 'G' respectively in some conspicuous part of the land or premises acquired.

10. The publication of an order under section 9 (1) of the Act as required by section 10 (3) shall be in form "F".

11. Manner of service of order: - Every order passed under sub-section (1) of section 3, sub-section (1) of section 4 and sub-section (1) of section 9 and every notice given an opportunity to make representation under the second proviso to sub-section (1) of section 3 and every notice under sub-section

(1) of section 5 and which is under sub-section (2) of section 9 shall be served on the owner of the land or the tenant or the occupier, as the case may be, in the following manner : -

1. (a) in the case any order affecting an individual, corporation or firm, in the manner provided for the service of summons in rule 2 of order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908, (V of 1908)

(b) In the case of any order affecting an individual person (not being a corporation or a firm)

(i) by delivering or tendering to that person, or

(ii) if this cannot be so delivered or tendered, by delivering or tendering to any officer or such person or any adult member of the family of such person, or by affixing a copy thereof on the outer door or in some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain, or failing service by these manners:

(iii) By registered post;

Provided that when the person to be so served is not readily traceable and the order and the notice cannot be served without undue delay or when the ownership of the land is in dispute, the order and the notice shall be published in the Official Gazette.

(2) A return by the serving officer stating the date of affixing the copies under item (ii) of clause (b) to sub-rule(1) and attested by two persons present at the time of affixing shall be considered sufficient proof of service.

12. Allotment of requisitioned land:-

Soon after requisition of a particular area, it shall be properly demarcated and allotted to respective individuals or groups of individuals.

13. Manner of payment of compensation:-

The individuals or groups who are allotted land shall be jointly and severally liable to pay local rate and also compensation as assessed by Government (i) for use and occupation of the land during the period of requisition, (ii) for any damage wilfully caused to such land during the period under their occupation and (ii) for acquisition of such land if acquired at any time later.

14. Period for payment of compensation –

The compensation for use and occupation of land shall be payable annually during the period of requisition on or before the fifteenth day of February following the year of requisition and any area shall be realisable as public demand under the Bengal Public Demand Recovery Act, 1913 subject to rule 15;

Provided the compensation for any requisitioned building shall be payable Monthly.

15. Cancellation of allotment on failure to pay compensation:-

In case of default of payment of compensation or any part thereof as mentioned in rule 13 the allotment shall be liable to cancellation and the allottees to summary eviction.

16. Advance payment of compensation:-

The individuals or group may be allowed to make part payment of compensation for acquisition in advance if they so desire or after the actual allotment and such payment shall be credited to treasury under the head "TX- LAND REVENUE-Miscellaneous Miscellaneous Receipt (0029-Land Revenue-Misc. Receipt)

17. Disposal of trees and standing crops:-

Trees on requisitioned land when required to be felled and crops thereon shall be sold in public auction after due notice in the locality, concerned. The sale proceeds of the auction sale on trees shall be payable to the owner after deduction of the royalty if any, and also subject to rule 18

Provided that when the owner of the land wishes to take away the trees himself, he shall be allowed to do so within two months from the date of taking over the possession of the land on written assurance that the owner shall not claim any compensation for the

trees. In that case the forest department shall realize the royalty direct from the owner.

18. Government demand to be deducted from the compensation payable to the owner:-

From the amount realize under clause (i) of rules 13 and 17 local rates, if any, shall be deducted and the balance paid to be owner.

19. Apportionment of compensation in case of dispute:-

If any dispute arise the apportionment of the amount payable to the owner under rule 18the Deputy Commissioner or any other officer authorised under section 3 shall keep the amount in 'revenue deposit' until the dispute are finally disposed of by him, and on such disposal shall pay to the person or persons concerned the amount due to him or them.

20. Manner of settlement on acquisition of requisitioned land:-

After acquisition of any requisitioned land under section 6, settlement of the allotted land shall be offered to those allottees who make full payment of their share of compensation under rule 13 (i) and the outstanding compensation if any under rule 13 (i) and (ii) and if accepted, annual leases in the first instance shall be issued to them and thenceforth the land shall be assessable to annual land revenue and local rate at the rates payable for similar class or classes of land in the neighbourhood.

21. Annual lease of the land :-

Subject to any general prohibition or restriction laid down by government from time to time, the annual leases mentioned in rule 20 above shall be convertible to periodic when such land becomes fit to be made periodic under the revenue law in force and also when the annual lease-holders make full payment of their share of compensation under rule 13.

22. Summary eviction:-

If any allottee of any requisitioned land keeps the land fallow for one year from the date of allotment, he shall be liable to summary eviction at the end of the year.

23. Execution of bond for settlement of requisitioned land:-

The individuals or groups who are allotted land shall execute a bond in the terms of the conditions mentioned in the foregoing rules within thirty days from the date of allotment. It shall be specifically mentioned in the bond that all money payable to government shall be realisable as public demand. Failure to execute such a bond within the stipulated time shall make the allotments liable cancellation and the allottees to summary eviction.

24. Repairs to requisition premises:

(1) A notice under section 5 shall be in form "H". The time for execution of repairs to be specified in the notice shall be such as may be specified in the notice

(2) In case where the State Government or the person authorised by the State Government execute the repairs, the cost shall be realised from the owner in monthly instalments and ordinarily at a rate not exceeding 50 percent of the monthly requisition compensation payable to him and the number of instalments fixed accordingly provided that where the cost of repairs exceeds three times the monthly requisition compensation, the instalments may equal to 75 percent of the requisition compensation monthly payable.

FORM "A"

NOTICE AND ORDER

(See rule 3 and second proviso to Section 3 (1))

Whereas the land described in the Schedule hereto annexed is necessary to be requisitioned and it is proposed that the said land should be requisitioned for providing land to landless or displaced persons or public purpose.

Now, therefore, in exercise of the powers conferred by second proviso to Section 3 (1) of the Nagaland Land (Requisition and Acquisition) Act, 1965 (Act III of 1965), I, hereby call upon you being the person interested in the said land to make representation in writing within thirty days of the date of service of this notice why they said land should not be requisitioned.

SCHEDULE

To,

Shri

Secretary to the Govt. of Nagaland,

Land Revenue Deptt.

Or

Person authorised u/s 3 (1)

FORM B"

ORDER

(See rule 4 and second proviso to Section 3 (1))

In exercise of the powers conferred on me under Section 3 (I) of the Nagaland Land (Requisition and Acquisition) Act, 1965, Act No. III of 1965 under notification dated I, do hereby requisition under section 3 (1) of the Nagaland Land (Requisition and Acquisition) Act 1965, the land described in the Schedule below with effect from the date of this order, for the purpose of.....
.....
.....

SCHEDULE

District _____

Mauza _____

Village _____

Dag No _____

Patta No. _____

Area- _____

Name and address of the owner of the land _____

Name of the tenant, if any, in occupation of the land and his address.....

Boundaries of the land

North: -

South: -

Nagaland

East: -

West: -

Secretary to the Govt. of

Land Revenue Department

Or Person authorised u/s 3 (1)

FORM "C

(See rule 5 and Section 4 (1))

Whereas the land described below has been requisitioned under Section 3 (1) of the Nagaland Land (Requisition and Acquisition Act, 1965 (Act III of 1965), you, being the owner/tenant/person in occupation of the said land, are directed to surrender or delivery possession of the requisitioned land to the Deputy Commissioner of orbeing the person authorised in this behalf by the Deputy Commissioner within..... days from the date of service of this order.

DESCRIPTION OF THE LAND

District _____

Mauza _____

Village _____

Dag No. _____

Patta No. _____

Area No. _____

Name and address of the owner, if any _____

Name and address of the person in occupation, if any _____

Nagaland

Secretary to the Govt. of

Revenue Department

Or

Person authorised u/s 3 (1) &4

(1)

FORM "D

NOTICE

Dated.

Under Section 6 (1) of the Nagaland Land (Requisition and Acquisition) Act, 1965

No. _____ It is hereby notified that in pursuance of Section 6 (1) of the Nagaland Land (Requisition and Acquisition) Act, 1965 (Nagaland Act III of 1965), the Governor of Nagaland is pleased to decide the acquisition with effect from the date of publication of this notice of the land requisitioned under Section 3 (1) of the said Act as per schedule below, measuring an area of _____ Bigha _____ katha _____ Leasas/chittack in mauza village _____ in the district of _____ for _____

SCHEDULE

District _____

Mauza _____

Village _____

Dag No. _____

Patta No _____

BOUNDARIES

Secretary to the Govt. of Nagaland
Revenue Department

FORM "E

NOTICE

(See Rule 8 and sub-section 3 of Section 8)

Whereas the property specified in the schedule below was requisitioned by the order of the _____ No _____

Dated _____ with effect from _____ and Whereas, the State Government have decided that the said property shall be released from requisition;

And whereas, the person to whom the possession of the requisitioned land is to be delivered cannot be found or is not readily available or has no agent or other person empowered to accept delivery on his behalf

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 8 of the Nagaland Land (Requisition and Acquisition) Act 1965 (3 of 1965), the Governor of Nagaland do hereby declare that the said property is released.

SCHEDULE

District _____

Mauza _____

Village _____

Dag No _____

Patta No. _____

Secretary to the Govt. of Nagaland

Revenue Department

To

Shri _____

FORM "F"

(Form of order under sub-section 1 of Section 9)

Whereas in the opinion of the Governor of Nagaland/ the Deputy Commissioner of _____ it is expedient or necessary to acquire land speedily, for works or other developmental measures or connection with flood control and anti erosion measures, embankment and drainage, now, therefore, in pursuance of Section 9 of the Nagaland Land (Requisition and Acquisition) Act, 1965, the Governor of Nagaland/ the Deputy Commissioner of _____ is please to order that the land as per schedule below measuring an area of bighas _____ kathas _____ lessas/chittacks _____ in village _____ Mauza _____ in _____ sub-division _____ of _____ District shall be acquired.

SCHEDULE OF THE LAND

1. Area _____ Pattadar's Name _____
Patta No _____ Dag No _____

2. Description of the boundaries

North -

South -

East -

West -

3. Name of village and mauza in which situate.

To

Name and address of the owner _____

Name and address of the tenant, if any _____

Name and address of the occupant, if any _____

Secretary to the Govt. of Nagaland
Revenue Department

Dated _____

OR
Deputy Commissioner

FORM "G"

(Notice under sub-section 2 of Section 9

Whereas an order has been passed to require the land described below in _____ sub-division of _____ for works or other development measures in connection with flood control and anti-erosion measures, embankment and drainage, under sub-section 1 of Section 9 of the Nagaland Land (Requisition and Acquisition) Act, 1965.

Now, therefore, I hereby give notice that, claims to compensation if any, for all interests in the land shall be received by the Deputy Commissioner within 10 days of the service or publication as the case may be, of this notice.

Notice is further given that possession of the said land will be taken over by the Deputy Commissioner or any officer deputed by him on his behalf under sub-section 2 of the Act on _____ + _____

DESCRIPTION OF THE LAND

District _____

Mauza _____

Village _____

Block No. _____

Patta No. _____

Area _____

1. Description of the boundaries :-

North-

South-

East -

West-

2. Area _____

To,

Name and address of the owner of the land _____

Name and address of tenant, if any _____

Name and address of the person in occupation of the land, if any _____

Deputy Commissioner _____

Dated _____

FORM "H"
(See Rule 24 and Section 5)

NOTICE

Whereas the premises described below _____ have been requisitioned under section 3 (1) of the Nagaland Land (Requisition and Acquisition) Act, 1965 or are deemed to have been requisitioned under Section 21 of the said Act.

And whereas the said premises are in need of repairs specified in the Schedule hereto appended:

Now, therefore, in exercise of the powers conferred by Section 5 of the said Act I _____ (enter name) _____ (enter designation), being the person authorised under the said Act, do hereby order _____ the owner of the said premises to execute the repairs specified in the Schedule, being repairs which are necessary and are usually made by land-lords in the locality in which the premises are situated within a period of _____ from the date of service of the notice.

If the said owner fails to execute repairs specified in this order within the aforesaid period, I shall cause the same to be executed at his expenses and the cost thereof shall, without prejudice to any other mode or recovery be deducted from compensation payable to him in accordance with the rules framed in this behalf.

Description of the premises.

Schedule _____

Secretary to the Govt. of Nagaland,
Revenue Department
Or
Person authorised u/s 5 (1)

(THE NAGALAND ACT NO.8 OF 1969)
THE NAGALAND LAND (REQUISITION AND ACQUISITION)
FIRST AMENDMENT ACT, 1969

Received the assent of the President on the 11th April, 1969
An Act to amend the Nagaland Land (Requisition and Acquisition) Act, 1965

Preamble: - Whereas it is expedient to amend the Nagaland Land (Requisition and Acquisition) Act, 1965 in the manner herein after appearing

It is hereby enacted in the nineteenth year of the Republic of India as follows:

1. Short title, extend and commencement: (1) This Act may be called the Nagaland Land (Requisition and Acquisition) First amendment Act, 1969

(2) It extends to whole of Nagaland.

(3) It shall come into force at once

2. Amendment of Section 3 of Nagaland Act 3 of 1965:

In sub-section (1) of Section 3 of the Nagaland Land (Requisition and Acquisition) Act, 1965, for the existing second proviso, substitute the following

"Provided further that no land shall be requisitioned unless the person interested in the land has been given an opportunity of making representation against it within such time and in such manner as may be prescribed in this behalf"

3. Amendment of Section 6 of Nagaland Act 3 of 1965:

In sub-section (1) of Section 6 of the Nagaland Land (Requisition and Acquisition) Act, 1965, the following proviso shall be inserted.

"Provided that before issuing such notice, the State Government shall call upon the owner or any other person, who, in the opinion of the State Government may be interested in such land to show cause, why the land should not be acquired and after considering the cause, if any, shown by any person interested in the land and after giving the parties an opportunity of being heard, the State Government may pass such order as it deems fit"

4. Amendment of Section 9 of Nagaland Act 3 of 1965:

In sub-section (1) of Section 9 of the Nagaland Land (Requisition and Acquisition) Act, 1965, the words "Or other development measures" shall be Deleted.

5. Amendment of Section 11 of Nagaland Act 3 of 1965:

In Section 11 of the Nagaland Land (Requisition and Acquisition) Act, 1965.

(i) In Sub-Section (i), the following further proviso shall be inserted.

“Provided further that in addition to the market value of the land or building, as above provided, the Collector shall in every case award a sum 15% of such market value, in consideration of the compulsory nature of the acquisition.”

(ii) In sub-section (2), the words "but no amount referred to in sub-section (2) of Section 23 of that Act shall be included in the award" shall be deleted.

**THE NAGALAND EVICTION OF PERSONS IN
UNAUTHORISED OCCUPATION OF PUBLIC LAND ACT
1971 (THE NAGALAND ACT NO. 6 OF 1971)**

(Received the assent of the President on 22nd October, 1971 and published in the Nagaland Gazette Extraordinary Dated the 5th November, 1971)

It enacted by the Legislative Assembly of the State of Nagaland in the Twenty second year of the Republic of India as follows:-

1. (1) This Act may be called the Nagaland Eviction of persons in Unauthorised Occupation of Public Land Act, 1971.
(2) It extends to the whole of the State of Nagaland
(3) It shall come into force in the districts of Kohima and Mokokchung on the date on which the assent of the President is first published in the Nagaland Gazette and shall come into force in the Tuensang district on such date as the Governor may, on the recommendation of the regional Council, by public notification, direct.
2. In this Act, unless the context otherwise requires:
 - (a) "appropriate Officer" means,- (i) In relation to a public land belonging to taken on lease by, or requisitioned by or on behalf of the State Government such person as is authorised by the Governor of Nagaland to execute on his behalf any contract of assurance of property made in exercise of the executive power of the State of Nagaland.

(ii) In relation to a public land belonging to taken on lease by, or requisitioned on behalf of, any local authority, Government company or corporation or controlled by the Central or State Government, such Officer of the local authority or Government company or corporation, as the case may be, as is empowered to, enter into a contract on behalf of such local authority Government company or corporation.
 - (b) "Deputy Commissioner" includes an Additional Deputy Commissioner, a Sub-Divisional Officer and any Officer not below the rank of a magistrate of the first class, specially appointed by the State Government perform all or any of the functions of the Deputy Commissioner under this Act;

- (c) "Government Company" has the meaning assigned to it in section 617 of the companies Act 1958;
- (d) "land" includes buildings and other thing attached to the earth or permanently fastened to things attached to earth;
- (e) "local authority" means a Town committee established under the Assam tribal Areas (Administration of Town Committee) Regulation, 1950, and includes any area Council established under the Nagaland Village, Area and Regional Councils Act, 1971;
- (f) "notification" means a notification published in the Nagaland Gazette
- (g) "prescribed" means prescribed by rules made under this Act,
- (h) "public land" means any land belonging to, or taken on lease by the State Government, a local authority, a Government company or a corporation owned or controlled by the Central or State Government and includes any land requisitioned by or on behalf of the State Government, but does not include-
 - (i) any waste land within the meaning of the rules made under the Assam Land and Revenue Regulation, 1886;
 - (ii) any land within a reserved forest constituted under the Nagaland Forest Act, 1986; and
 - (ii) any road or highway within the meaning of any law for the time being in force on the subject;
- (j) "unauthorised occupation" in relation to any public land, means the use or occupation by any person of the public land without authority, in writing, of the appropriate Officer and includes-
 - (1) continuance in occupation by any person of any public land after the authority (whether by way of lease or any other mode of transfer) under which occupation of the public land was allowed, has expired or has been determined for any reason whatsoever, or
 - (2) the occupation of any public land on ostensible payment of land revenue or rent, where such payment was not authorised by the appropriate Officer.

3. The Provisions of this Act shall have effect notwithstanding any custom or usage which permit, or purposes to permit, the use or occupation of public land by any person or groups of persons without the sanction of the appropriate Officer.

4. (1) In the absence of a contract or local to the contrary, a lease of public land for agricultural or manufacturing purposes shall be deemed to be a lease from any year to year terminable on the part of either lessor or lessee after six months notice; and a lease of public land for any other purpose shall be deemed to be a lease from months to month terminable on the part of either lessor or lessee by fifteen days' notice.

(2) Every notice under sub-section (1) shall be in writing, signed by or on behalf Of the person giving it, and either be sent by post to the party who is intended to be bound by it or be tendered or delivered personally to such party unless he has an agent empowered to accept such notice, in which case the notice may be tendered or delivered to such agent, or where such party cannot be found and has no agent empowered to accept the notice on his behalf, the notice may be tendered or delivered to any adult male member of the family of such party, or if such tendering or delivery is not possible, such notice may be affixed to a conspicuous part of the property.

5. (1) If in respect of any public land, the Deputy Commissioner is of opinion that such land is in the unauthorised occupation of any persons, or persons, he shall issue a notice, in such form and containing such particulars as may be prescribed, calling upon all persons concerned to show cause before such date not being less than fifteen days after the date of the notice, as may be specified in the notice, why an order under sub-section (1) of section 6 should not be made and shall cause it to be served in the manner referred to in sub section

(2) A notice referred to in sub-section (1) shall, in addition to the prescribed particulars

(a) specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be in occupation of, or claim interest in the public land, to show cause if any, against the proposed order on or before such date as is specified in the notice

(3) A notice issued under sub-section(1) shall served by affixing it on a conspicuous part of the public land.

(4) Where the Deputy Commissioner knows or has reason to believe that any persons are in occupation of the public land, then without prejudice to the provisions of sub-section (3) he shall be cause a copy of the notice to be served on every such person by post or by delivering or tendering it to that person or in such other manner as may be prescribed.

(5) A notice served in the manner referred to in sub-section (3) shall be deemed to have been duly served.

6. (1) If after considering the cause, if any, showing by any person in pursuance of the notice issued under section 5 and any evidence adduced in support thereof and after making such further inquiry, if any, as he may deem necessary, the Deputy Commissioner is satisfied that the public land is in unauthorised occupation, he shall make an order of eviction directing all persons in such unauthorised occupation to vacate the public land and deliver possession thereof to him, after removing any structure or other property there from, within fourteen days from the date of the order.

(2) For the purpose of making an inquiry referred to in sub-section (1), the Deputy Commissioner or any person authorised by him in this behalf, may-

(a) enter upon the public land and inspect, measure or demarcate the same at any time between sun-rise and sun-set, and

(b) require, in such manner as may be prescribed, all persons concerned or another person to furnish information relating to the names and other particulars of person concerned and the persons concerned or any other person so required shall be bound to furnish such information.

(3) The Deputy Commissioner shall cause a copy of the order made under sub-section (1) to be served in the manner referred to in sub-section (3) of section 5

7. When an order of eviction has been made under sub-section (1) of section 6 in respect of any public land, the Deputy Commissioner may make an order directing any person who is, or has at any time been, in unauthorised occupation of the public land to pay, for the period during which he has or had, been in such occupation, damages at such rate not exceeding the rate of rent prevailing for similar lands with similar advantages in the vicinity, as may be prescribed, within such time, not being less than thirty or more than ninety days, as may be specified in the order;

Provided that no such order shall be made against any person without giving him an opportunity of showing cause against the proposed order.

8. (1) If, in respect of any public land or part thereof any person refuses or fails to comply with an order made under sub-section (1) of section 6 within the time specified in that sub-section then the Deputy Commissioner shall evict that person from and take possession of the public land and may for that purpose, use such force as may be necessary.

(2) The cost of obtaining possession of any public land after evicting the person in unauthorised occupation thereof shall be payable by such person within such time, not being less than thirty or more than ninety days from the date on which possession of the public land is taken or from the date of the public auction referred to in section 10, whichever is the latter, as the Deputy Commissioner may, by order, direct.

9. Any sum payable by any person as damages or costs by an order of the Deputy Commissioner under this Act shall be recoverable as an arrear of land revenue.

10. (1) Where any person has been evicted from any public land under section 8 the Deputy Commissioner may remove or cause to be removed, or dispose of, by public auction, any property remaining on such land.

(2) Where any property is sold under sub-section (1), the sale proceeds shall after deducting the expenses of the sale and the amount, if any, due to the State Government, local authority, Government company or corporation, as the case may be on account of arrears of rents, damages or costs, be paid to such person or persons who may appear to the Deputy Commissioner to be entitled to the same:

Provided that where the Deputy Commissioner is unable to decide as to the person or persons to whom the balance of the amount is payable, or as to the appointment of the same, he may refer such dispute to the court of competent jurisdiction for a decision thereon.

11. The Deputy Commissioner shall, for the purpose of any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely :-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) recurring the discovery and production of documents; and

(c) any other matter which may be prescribed

12. (1) An appeal shall lie from every order made by the Deputy Commissioner under sub-section (1) of section 6 or under section 7, in respect of any public land, to the Chief Judicial Officer, or such other Judicial Officer, within the limits of whose jurisdiction such public land is situated, as the State Government may, by notification, specify in this behalf.

(2) Every appeal referred to in sub-section (1) shall be preferred within fifteen days from the date of service of the order on the person concerned.

Provided that the Chief Judicial Officer or the Judicial Officer, as the case may be may entertain the appeal after the expiry of the said period of fifteen days if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period.

- (3) The Chief Judicial Officer or the Judicial Officer, as the case may be, may stay the operation of any order made by the Deputy Commissioner under sub-section (1) of section 6 or under section 7 for such conditions as he may deem fit.
 - (1) Every appeal preferred under this section shall be disposed of as expeditiously as possible in accordance with such procedure as may be prescribed.
 - (2) The Chief Judicial Officer or the Judicial Officer, as the case may be, after hearing the appeal, confirm, modify or reverse the order appealed from.
 - (3) The cost of every appeal preferred under this section shall be in the discretion of the Chief Judicial Officer or the Judicial Officer, as the case may be.

- 13.** Save as otherwise expressly provided in this Act, every order made under this Act by the Deputy Commissioner or the Chief Judicial Officer, or the Judicial Officer, as the case may be, shall be final and shall not be called in question in any court and no injunction shall be granted by any court in respect of any action taken or intended to be taken in pursuance of any power conferred by or under this Act.

- 14.** No suit or other legal proceedings shall lie in any Court in respect of the eviction of any person who is in unauthorised occupation of any public land on the recovery of any damages costs awarded under this Act or any portion of such damages or costs.

- 15.** (1) Where any person against whom any proceeding for determination of rent or for the assessment of damages or costs is to be, or has been taken, dies before the proceeding is taken or, as the case may be, continued against the heirs or legal representatives of that person.
 - (2) Any amount due to the State Government, local authority, Government company or Corporation as the case may be, from any person, whether by way of arrears of rent or damages or costs, shall after the death of such person, be payable by his heirs or legal representatives, but the liability of such heirs or legal representatives shall be limited to the extent of the assets of the deceased in their hands.

- 16.** No suit, prosecution or other legal proceeding shall lie against the State Government or the Deputy Commissioner for anything which is in good faith done or intended to be done by him in pursuance of this Act or any rule or order made there under.

- 17.** (1) If any person, who has been evicted from a public land under this Act. re-occupies such land without the sanction of the appropriate Officer he shall be punishable

with imprisonment of either description for a term which may extend to one year, with fine which may extend to one thousand rupees, or with both.

(2) Any magistrate convicting a person under sub-section (1) may summarily make an order for the eviction of that person from the public land and such eviction shall be without prejudice to any other action that may be taken against such person under this Act

18. (1) The State Government may, by notification in the Nagaland Gazette make rules for carrying out the provision of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-

(a) given under this Act and the manner in which it may be served

(b) the holding of inquiries under this Act:

(c) the procedure to be followed in taking possession of public land:

(d) the manner in which damages for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damage;

(e) the manner in which an appeal may be preferred and the procedure to be followed in appeals: and

(f) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of the State of Nagaland which is in session for a total period of seven days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Assembly agrees in the making any modification in the rule or the Assembly agrees that rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

O. KATHIPRI
Secretary to the Govt. of Nagaland,
Law Department.

**THE NAGALAND EVICTION OF PERSONS IN
UNAUTHROISED OCCUPATION OF PUBLIC LAND
(AMENDMENT) ACT, 1972**

(The Nagaland Act.No. 4 of 1972)

(Received the assent of the President on 14th July, 1972 and published
in the Nagaland Gazette Extraordinary Dated 26th July 1972)

An Act to amend the Nagaland Eviction of persons in
Unauthorised Occupation of Public Land Act, 1971 and
for matter connected therewith or incidental thereto.

It is hereby enacted by the Legislative Assembly of the State of Nagaland in the
twenty-third year of the Republic of India as follows :-

- 1 . (1) This Act may be called the Nagaland Eviction of persons in Unauthorised
Occupation of Public Land (Amendment) Act, 1972.

(2) It extends to the whole of the State of Nagaland

(3) It shall come into force at once.

- 2 . In section 2 of the Nagaland Eviction of persons in Unauthorised
Occupation of Public Land Act, 1971,-

(a) in sub-section (a) (ii) the word "central or" shall be omitted.

(b) in sub-section (h) the words "central or" shall be omitted

**RECEIVED THE ASSENT OF THE PRESIDENT ON THE
4TH JULY, 1973
THE NAGALAND EVICTION OF PERSONS IN
UNAUTHORISED OCCUPATION OF PUBLIC LAND
(SECOND AMENDMENT) ACT, 1973**

(The Nagaland Act No.3 of 1973)

An Act further to amend the Nagaland Eviction of persons in
Unauthorised Occupation of Public Land Act, 1971

It is hereby enacted in the twenty fourth years of the Republic of India as follows:-

Short title, extend & Commencement

1. (1) This Act may be called the Nagaland Eviction of Persons in Unauthorised Occupation of Public Land (Second Amendment) Act, 1973
(2) It extends to the whole of the State of Nagaland.
(3) It shall come into force at once.

2. Amendment of Section 2 of the Nagaland Act 6 of 1971.

In the Nagaland Eviction of persons in Unauthorised Occupation of Public Land Act, 1971 (hereinafter referred to as the Principal Act); in section 2 sub-clause (i) of clause (h) shall be omitted.

3. Substitution of Section 12 of the Nagaland Act 6 of 1971.

For section 12 of the principal Act, the following shall be substituted and shall always be deemed to have been inserted, namely:-

“APPEAL, 12,

- (1) An appeal shall lie from every order made by the Deputy Commissioner under sub-section (i) of section 6 or under section 7 in respect of any Public Land to an appellate Officer who shall be the Commissioner of the State of Nagaland
- (2) Every appeal referred to in sub-section (1) shall be preferred within fifteen days from the date of service of the order on the person concerned; Provided that where the Appellate Officer is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of fifteen days, he may allow the appeal to be preferred within a further period of thirty days.

(3) The appellate Officer may stay the operation of any order made by the Deputy Commissioner under sub-section (1) of section 6 or under section 7 for such period and on such conditions as he may deem fit.

(4) Every appeal preferred under this section shall be disposed of as expeditiously as possible in accordance with such procedure as may be prescribed

(5) The appellate officer may, after hearing the appeal, confirm, modify or reverse the order appealed from.

(6) The cost of every appeal preferred under this section shall be in the discretion of the appellate officer.

Amendment of section 13 of the Nagaland Act 6 of 1971

4. In section 13 of the principal Act for the words "Chief Judicial Officer or the Judicial Officer" the words "Commissioner of the State of Nagaland" shall be substituted and shall always be deemed to have been substituted.

**THE NAGALAND EVICTION OF PERSONS IN
UNAUTHORISED OCCUPATION OF PUBLICLAND
(AMENDMENT) ACT, 1976**

(The Nagaland Act.No. 1 of 1976)

(Received the assent of the President on 3rd March, 1976 and published
in the Nagaland Gazette Extraordinary Dated 5th March 1976)

An Act further to amend the Nagaland Eviction in Unauthorised
Occupation of Public Land Act, 1971

In exercise of the powers conferred by section 3 of the Nagaland State Legislature (Delegation of Powers) Act, 1975, (31 of 1975) the President is pleased to enact as follows:-

1 . Short title and Commencement.

This Act may be called the Nagaland Eviction of Persons in Unauthorised Occupation of Public Land (Amendment) Act, 1976

(2) It shall come into force at once

2 . Amendment of Section 12.

In section 12 of the Nagaland Eviction of Persons in Unauthorised Occupation of Public Land Act, 1971 (Nagaland Act 6 of 1971) (hereinafter referred to as the principal Act)

(i) in sub-section (1), after the words "the Commissioner of the State of Nagaland", the words "or in any case or class of cases specified by the Commissioner in this behalf, the Additional Commissioner of the State of Nagaland" shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) Without prejudice to the provisions of sub-section (1), the Commissioner of the State of Nagaland may, for reasons to be recorded by him in writing, transfer any appeal pending before him to the Additional Commissioner of the State of Nagaland who shall dispose of the appeal as an appellate officer under this section

3 . Amendment of Section 13.

In Section 13 of the principal Act, after the words "the Commissioner" the words "or the Additional Commissioner" shall be inserted.

**GOVERNMENT OF NAGALAND
LAW DEPARTMENT**

NOTIFICATION

Dated Kohima, the 30th September,
1978

NO.LAW-213/78:- The following Act of the Nagaland Legislative Assembly which received the assents of the Governor is hereby published for general information
Received the assent of the Governor on the 29-9-78

**"The Nagaland Land and Revenue Regulation (Amendment) Act 1978",
(Nagaland Act No. 8 of 1978)**

An Act to amend the Assam Land and Revenue Regulation, 1886
(Regulation 1 of 1886)

It is hereby enacted in the twenty-ninth year of Republic of India as follows:-

1. (i) This Act may be called the Nagaland land and Revenue Regulation (Amendment) Act, 1978.
(ii) It extends to the whole State of Nagaland.
(iii) It shall come into force on such dates and in such areas as the State Government may direct by Notification in the Official Gazette
2. (1) The following Sub-Section shall be inserted in section 162 after Sub Section (1) and the existing Sub-Section (2) and (3) shall be re-numbered as Sub-Section (4) and (5).

(2) "Notwithstanding anything to the contrary in any law, usage, contract or agreement no person (other than the indigenous inhabitants of Nagaland) shall acquire or possess by transfer, exchange, lease, agreement of settlement of any land in any area or areas constituted into bells or blocks in contravention of the provisions of Sub-Section (1).

(3) From and after the commencement of Nagaland land and Revenue Regulation (Amendment) Act, 1978, no documents evidencing any transaction for acquisition or possession of any land by way of transfer exchange, lease, agreement or settlement shall be registered under the Indian Registration Act, 1908 if it appears to the Registering authority that the transaction has been effected in contravention of the provisions of Sub-Section (2).

**GOVERNMENT OF NAGALAND
DEPARTMENT OF JUSTICE & LAW**

NOTIFICATION

Dated Kohima, the 15TH April,

2002

NOLAW/ACT-57/2001: The Nagaland (Land and Revenue Regulation (Amendment) Act, (Act No.1 of 2002) which received the assent of the Governor on the 27th March, 02 is hereby published for general information.

Sd/-
(KHANRINLAT. KOZA)
Deputy Secretary to the Govt. of
Nagaland.

**THE NAGALAND LAND AND REVENUE REGULATION
(AMENDMENT) ACT, 2002
(Act No. 1 of 2002)**

An Act further to amend the Assam Land and Revenue Regulation, 1886 (Regulation No. 1 of 1886).

It is hereby enacted in the fifty third year of the Republic of India as follows.

1. Short title, extent and commencement:
 - (1) This Act may be called the Nagaland Land and Revenue Regulation (Amendment) Act, 2002.
 - (2) It shall extend to the whole of Nagaland.
 - (3) It shall come into force from such date in such areas as the State Government may direct by notification in the official Gazette.

2. Amendment of Section 162 of the Assam Land and Revenue Regulation, 1886:

In Section 162, after sub-section (2), the following proviso shall be inserted:-

"Provided that nothing contained in this chapter or in the rules made thereunder shall affect any transfer by way of a mortgage in favour of any nationalised banks, a cooperative society registered under the Assam Cooperative Societies Act 1949 or such other financing institution as may be approved by the State Government.

Provided further that such nationalised banks, Cooperative Societies or financing institution shall not transfer any land to a person other than the indigenous inhabitants of Nagaland except with the previous sanction of the State Government or an authority appointed in this behalf"

**GOVERNMENT OF NAGALAND
LAND REVENUE DEPARTMENT**

NOTIFICATION

Dated Kohima the 15th July, 2015

NO.LR/9-1/REV/2003: In exercise of the powers conferred by Section 75 of the Indian Stamp Act 1899 (2 of 1899) as in force in the State of Nagaland, the Governor of Nagaland, hereby makes the following rules, namely:

RULES

1 . Short title and commencement

(1) These Rules may be called the Nagaland Stamp (Prevention of Under-valuation of Instruments) Rules, 2015

(1) They shall come into force with effect from the date of their publication in the Nagaland Gazette

2 . Definitions:- In these rules, unless the context otherwise requires,

(a). "Act" means the Indian Stamp Act, 1899) 2 of 1899).

(b). "Ad-valorem duty 'means stamp according to the value of the subject matter of the particular instruments or writings.

(c). "authorized agent" means a person duly authorised by written authority under the hand of his principal to act on his behalf,

(d). "Collector" means the Collector also mean "Deputy Commissioner" as defined in the Indian Stamp Act, 1899 (2 of 1899);

(e). "Form" means a form appended to these rules.

(f) . "Instrument" includes every documents by which any right or liability is, or purports to be created, transferred, limited, extended, extinguished or recorded.

(g) "Revenue Officer" also means the registering officer appointed under the Registration Act, 1908 (XVI of 1908); and

(h) Section" means a section of the Act.

3. Facts to be set forth in an instrument:- In the case of an instrument relating to immovable property chargeable with an ad-valorem duty, the following particulars shall also be fully and truly stated in the instrument in addition to the matter value of the property, namely:-

(A) In the case of agricultural land:

(1) Cadastral or Non-Cadastral area.

(2) Minimum price notified by the Government for valuation.

(3) Land use.

(B) In the case of non-agricultural land:

(1) Area of land in square metres/square feet as per Revenue Chitha record

(2) Minimum price fixed by the Government, if any

(3) Land use.

(C) In the case of buildings:

(1)(i) total covered area with open land, if any, in square metres Sq.ft

(ii) Plinth area in Sq.mtr./Sq.ft

(2)(i) Number of floors with covered area of each floor in square feet.

(ii) Lift provided or not (wherever applicable)

(3) Type of construction, ie. Pucca, semi-pucca or kutcha

(4) Year of construction.

(5) Type of colony

(6)(a) Status of building, whether located in commercial or non-commercial area

(b) in case of commercial building, the per sq mtr/sq.feet monthly rent of the covered area

(7) Location (mention the area or specific land marks which will help in locating the building)

4. Notification of minimum rates for valuation of land by the Government.-

(1) (a) The Government may, time to time, notify the minimum rates for valuation of land through a notification in the official Gazette, for various districts/areas forming part of the districts, on recommendation of Deputy Commissioner concerned or otherwise which shall be effective from the date of the publication of the notification in the official Gazette or as specified in the notification.

b) Before these rates, the Government may, at its discretion, place these rates the public domain for a period of fifteen days for inviting objections/suggestions thereon, and take a decision on the objections/suggestions so received.

(c) Any instrument setting from the market value of the land described in such instrument below such valuation shall be referred by the Revenue Officer to the Collector as provided herein below.

(2) As far as possible, once in two years in the month of April, the Deputy Commissioner of each district shall undertake the exercise of valuation of

the following categories of immovable properties, in consultation with the District Level Land Acquisition Authority, namely :-

(A)		In case of immovable properties (land rates)-
	(a)	In rural area
		Agricultural
		Commercial
		Residential
		Others
	(b)	In urban areas-
		(i) Special Commercial
		(ii) Commercial
		(iii) Residential
(iv) Others (pani kheti, fishery pond, waste land etc)		
(B)		Rates of construction in flats and buildings (fully built/semi-built)
		On above categories of immovable properties

(3) The valuation so fixed by the Government shall act as guide/indicator for the purposes of assessing the duty chargeable on the value or the consideration of any immovable property

4) Where the documents are not presented within the stipulated time, the documents may be accepted for the registration on payment of fine not exceeding 10 times the amount of the proper registration fees (as per the provision of Section 25 of the Registration Act, 1908)

5 . Statement of market value to be furnished to the Revenue Officer

(1) The party presenting an instrument relating to immovable property chargeable with an ad-valorem duty shall submit along with the instrument a statement in duplicate in Form-A.

(2) The documents may be registered within a period of 4 (four) months. (as stipulated under section 23 of the Indian Registration Act, 1908)

(3) The Revenue Officer may call for any additional information from the concerned parties or call for and examine any record maintained by a public officer or authority.

(4)The Revenue Officer shall forward one copy of the statement in Form-A received by him under sub-rule (3) to the concerned Collector, whenever the reference is made to the Collector under Section 7 A.

Explanation 1

If an instrument relates to different kinds of properties, the information asked for in respect of each such property shall be specified separately

Explanation II

If an instrument covers more than one immovable properties situated at different places, the value of each such property shall be specified separately.

6 . Reference to Collector on instruments under-valued

The Revenue Officer, while referring the documents to the Collector under Sub-Section (1) of Section 47 A of the Act, shall state clearly the facts and circumstances that prompted the Revenue Officer to come to the belief that the property or the consideration, as the case may be, has been under-valued.

7 . Assessment of duty.

(1) On receipt of reference under sub-section (i) of Section 47A, the Collector shall serve on the person or persons concerned, a notice in Form-B requiring him on a date and at place to be specified therein, either to attend in person or through an authorized agent, to produce or to cause to be produced any evidence on which such person or persons may rely in his or their support.

(2) The Collector, after taking such evidence as the person or persons may produce and after making such enquiry as he may deem proper including taking into account the prices determined as per rule 4, shall determine the value of property or consideration, as the case may be, and assess the amount of deficient duty recoverable from the person concerned

(3) If the person or person fails or fail to attend in response to the notice served under sub-section (1), the Collector shall proceed ex-parte and assess the deficient amount of duty, if any, to the best of his judgement.

8. Recovery of duty

(1) Notice in Form-C shall be issued by the Collector directing the person concerned to pay into Government Treasury the full amount of the deficient amount of duty due from him and to furnish a copy of receipted challan, showing the payment of such amount. The date for payment to be so specified in the notice shall be not less than thirty days from the date of service of such notice.

Provided that the Collector in respect of any particular person, for reasons to be recorded in writing, may extend the date of such payment: Provided further that when a person has presented an appeal under sub section (4) of Section 47A,

the Collector may, in his discretion, treat such person as not being in default so long as the appeal remains pending.

(2) A person making payment in compliance with a notice issued under sub-rule (1) shall be deemed to have made the payment and the challan from the Government Treasury shall constitute a good and sufficient discharge of the liability of such person. The Collector shall, then, make an endorsement on the instrument that the stamp duty has been duly paid

(3) The deficient amount of stamp duty which remains unpaid after the date specified in the notice issued under sub-rule (1) or on the expiry of the date extended subsequently shall be recoverable in the manner provided under section 48.

9 . Maintenance of Register

The cases shall be entered in a register in Form-D

10 . Return of instrument

Where an instrument has been referred to the Collector under Section 47A, the Collector of Stamp shall, when he has finally dealt with it, return it to the Revenue Officer concerned.

11 . Communication of Collector's order

A copy of the final order passed by the Collector shall be forwarded to the Registering Officer concerned in order to enable the latter to make the necessary entry in register in Form-E to be kept in his office and to communicate the to the person concerned.

12. Appeal

(1) Any person aggrieved an order of the Collector under sub-section (2) of section 47A may, within thirty days from the date of such order, prefer an appeal to the Commissioner, Nagaland against such order. All court fee stamps affixed to memorandum of appeal under sub-section (4) of Section 47A, shall be punched immediately in the presence of the authority concerned. The memorandum of appeal shall be signed by the appellant or his authorized agent and may be presented in person or by his authorized agent, in the appellate court.

(2) An appeal shall not be accepted or acted upon, if sent by post.

(3) Save as otherwise provided any law for the time being in force, every pleading shall be verified at the foot by the party or by one of the parties pleading or by

some other person who is acquainted with the facts of the case to the satisfaction of the court.

(4)The person verifying the pleading shall specify by the reference to the numbered paragraphs of the pleading what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(5)The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

13 . Summary rejection of appeal

(1)Save as provided in rule 20, if the appeal is not preferred in time, or the memorandum is not prepared in accordance with the provisions of these rules, the appellate authority may reject the appeal summarily.

(2)The appeal may also be summarily rejected on other grounds, which shall be recorded in writing by the appellate authority.

Provided that before the order rejecting an appeal is passed, the appellant shall be given a reasonable opportunity or being heard.

14 . Hearing of appeal

(1)If the appeal is not summarily rejected, the appellate authority shall fix a day and place for hearing the appeal and may, time to time, adjourn the hearing.

(2) The appellate authority may, before disposing of any appeal, make such further enquiry as it may fit or cause further enquiry to be made by the Collector concerned.

(3)The appellate authority shall not enhance the assessment unless the appellant had a reasonable opportunity of showing cause against such enhancement.

(4) If the order on appeal is likely to affect any person other than the appellant adversely, that other person shall also be given a reasonable opportunity of being heard before passing such an order.

15. Hearing in the absence of parties

If on the date fixed for hearing or on any other date to which the hearing may be adjourned, the appellant does not appear either in person or by his authorized agent when the appeal is called on for hearing, the District Judge may dismiss the appeal or may decide it on merits.

16. Passing of order

When the hearing of an appeal is completed, the District Judge shall pass his order in writing and his order shall be final.

17. Order on appeal to be communicated to the officer concerned

A copy of the order on appeal shall be sent to the Collector whose order forms the subject of appeal

18. Appearance through advocate or authorized agent

In any enquiry under these rules, any of the parties to the instrument may appear in person or through an advocate or an authorized agent.

19. Service of notices, etc

(1) All notices, orders and other documents required to be served upon in case of an individual, shall be deemed to be duly served if sent to his known address by registered post or tendered to the person or his agent, In cases, where the notice is required to be served upon a company firm, public body, corporation or society, it shall be deemed to be duly served, if it is sent or tendered at the registered or principal office of the company, firm, public body, corporation or society, as the case may be.

(2) If such notice cannot be served upon or is received back undelivered, it shall be affixed at a conspicuous place at the last known address of the person to whom it is concerned or at the registered/principal office of the company, firm, public body, corporation or society, as the case may be.

20. Condonation of delay

The appellate authority may entertain an appeal after the expiry of the period of appeal prescribed under rule 12 if it is satisfied that there was sufficient cause for not filing it within that period.

21. Deciding question relating to procedure not specifically provided

by the Act or these rules In deciding any question relating to procedure not specifically provided by the Act or these rules, the appellate authority shall, as far as possible be guided by the provisions contained in the Code of Civil Procedure, 1908 as applicable

**GOVERNMENT OF NAGALAND
LAND REVENUE DEPARTMENT**

NOTIFICATION

Dated Kohima the 15th July, 2015

No. LR/9-1/REV/2003(PT) - (I) In exercise of the Rules under the Nagaland Stamp (Prevention of Under-Valuation of Instruments) Rules, 2015, the Governor of Nagaland is pleased to notify the minimum circle rate of land for the purpose of the registration of mutation of ownership of land under Dimapur Mauza as per different categories of land and rates specified in the Annexure A& B.

- 2 . No transaction shall be permitted below the fixed minimum circle rate at the time of registration.
- 3 The rates shall come into force with effect from the date of issue of this Notification.
- 4 . This issues with the approval of the Cabinet conveyed vide O.M No.CAB-2/2013 Dt.01.07.15 and Dt.14.07.15

Sd /

(PANKAJ KUMAR) IAS

Chief Secretary to the Government of Nagaland

Copy to:

1. The Commissioner & Secretary to the Governor, Raj Bhavan, Nagaland
Kohima
2. The Principal Secretary to Chief Minister, Nagaland, Kohima.
3. The S: P.S. to all the Ministers/Parliamentary Secretaries, Nagaland, Kohima.
4. The OSD to Chief Secretary, Nagaland, Kohima.
5. The Commissioner, Nagaland, Kohima.
6. All the Administrative Heads of Departments in the Secretariat, Nagaland
Kohima.
7. The Secretary, Nagaland Legislative Assembly, Nagaland, Kohima.
8. All Deputy Commissioners/ Addl. Deputy Commissioners of Nagaland.
9. All the Heads of Departments in the State
10. The Publisher, Nagaland Gazette, Kohima for publication in the Gazette
11. Guard file/Office Copy

(CHUBASANGLA ANAR) IAS

Secretary to the Government of

Nagaland

ANNEXURE-A

MINIMUM CIRCLE RATE UNDER DIMAPUR MAURA

(Figures in Rs. per square feet)

	Special Commercial	Comme- rcial 'A'	Comme- rcial 'B'	Reside- ntial 'A'	Reside- ntial 'B'	Others
Block-1	400	150	100	75	50	35
Block 2	400	250	150	100	75	35
Block-3	500	400	300	250	150	100
Block -4	500	400	300	250	150	100
Block-5	250	100	60	50	30	20
Block 6	1000	750	500	250	100	50
Block-7	500	350	-	300	-	100
Block 8	400	150	-	75	-	35
Block 9	500	400	300	250	-	100
Block-10	250	100	-	50	-	20
Block-11	500	400	300	250	-	35
Revenue Villages	250	100	60	50	30	20

(CHUBASANGLA ANAR) IAS

Secretary to the Government of Nagaland

ANNEXURE-B

CATEGORISATION OF LAND UNDER DIMA PUR MAUZA

BLOCK - 1		
Sl. No.	Class of Land	Location
1	Special Commercial	Old Dhansiri Bridge to Circuit House Junction
2	Commercial – ‘A’	Circuit House Junction to Assam Rifle Camp
3	Commercial – ‘B’	Bye Land Roads
4	Residential – ‘A’	Plot behind Special Commercial & Commercial – ‘A’
5	Residential – ‘B’	Plot behind Commercial- ‘B’
6	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.
BLOCK - 2		
1	Special Commercial	Circuit House Junction to Nagarjan Junction
2	Commercial – ‘A’	Nagarjan Junction to BSF Transit Camp
3	Commercial – ‘B’	Bye Land roads
4	Residential – ‘A’	Plot behind Special Commercial
5	Residential – ‘B’	Plot behind Commercial-A & Commercial -B
6	Others	Panikheti, Waterlogged, Wasteland& Fisheries, etc.
BLOCK - 3		
1	Special Commercial	Circuit House Junction to Flyover via SP's Office. New field Check Gate to Burma Camp Charali via Tragopan Point. Tragopan Point to Khermahal Police Point, Blue Hill Line Road, Zakiesatuo Road.
2	Commercial – ‘A’	Old Golaghat Road (Burma Camp Charali to Nui Colony). Naga Cemetery Road, Public Commerce College Road, Burma Camp Power House Road, Anwar Hussain Road, Walford Road.
3	Commercial – ‘B’	Bye Lane Roads
4	Residential – ‘A’	Plot behind Special Commercial
5	Residential – ‘B’	Plot behind Commercial- A'&Commercial-'B
6	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.
BLOCK - 4		
1	Special Commercial	Dhobinala to Khermahal via City Tower. Dhobinala to West Police Satation.
2	Commercial – ‘A’	City Tower to Fellowship Colony Junction
3	Commercial – ‘B’	West Police Station to DC Court Junction. Fellowship Colony Junction to DC Court Junction via DABA
4	Residential – ‘A’	Plot behind Special Commercial.All Colonies,
5	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.
BLOCK - 5		
1	Special Commercial	DC Court Junction to Dillai Check Gate via Sub Jail Junction
2	Commercial – ‘A’	DABA Junction to Firing Range via Lima Aier Memorial School
3	Commercial – ‘B’	Bye Land Roads

Sl.no.	Class of Land	Location
4	Residential – 'A'	Plot behind Special Commercial
5	Residential – 'B'	Plot behind Commercial-'A' & Commercial-B
6	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.
BLOC K - 6		
1	Special Commercial	Nyamo Lotha/Church Road, G. S. Road, M. P Road ,Hong kong Market Area, Kalibari Road, New Market Area
2	Commercial – 'A'	Plot behind Nyamo Lotha / Church Road, G. S Road , M. P. Road, Kalibar. Road
3	Commercial – 'B'	Nagarjan Junction to Flyover via SBI Main Branch
BLOC K - 7		
4	Residential – 'A'	Netaji Colony, Civil Hospital Colony, NST Bus Station Area
5	Residential – 'B'	Half Nagarjan Area
6	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc
BLOC K - 7		
1	Special Commercial	Army Supply Road
2	Commercial – 'A'	Bye Lane Road
3	Commercial – 'B'	Colonies
4	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.
BLOC K - 8		
1	Special Commercial	NH 36, Lhomithi Colony Road
2	Commercial – 'A'	Bye Lane Road
3	Commercial – 'B'	Colonies
4	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.
BLOC K - 9		
1	Special Commercial	Dhobinala to West Police Station
2	Commercial – 'A'	West Police Station to DC Court Junction
3	Commercial – 'B'	Bye Lane Road
4	Residential – 'A'	Colonies
5	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.
BLOC K - 10		
1	Special Commercial	DC Court junction to Sub Jail Junction
2	Commercial – 'A'	Bye Lane Road
3	Commercial – 'B'	Colonies
4	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.
BLOC K - 11		
1	Special Commercial	New Dhansiri Bridge to Burma Camp Charali
2	Commercial – 'A'	Old Golaghat Road, Walford Road
3	Commercial – 'B'	Bye Lane Road
4	Residential – 'A'	Colonies

Sl.no.	Class of Land	Location
5	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc
REVENUE VILLAGES		
1	Special Commercial	NH 29 (Purana Bazaar to 7th Mile)
2	Commercial – 'A'	NH 29 to Dairy Farm Road, NH29 to CIHSR Gate
3	Commercial – 'B'	Nagarjan Road
4	Residential – 'A'	Purana Bazaar, Padampukhuri, Naharbari, Darogapathar, Ekranigaon, Chekiye, Diphupar Jail Area, Agri Farm, Model Village, 7th Mile, Nagarjan
5	Residential – 'B'	All other Revenue Villages
6	Others	Panikheti, Waterlogged, Wasteland & Fisheries, etc.

(CHUBASANGLA ANAR) IAS

Secretary to the Government of Nagaland

**GOVERNMENT OF NAGALAND
LAND REVENUE DEPARTMENT**

NOTIFICATION

Dated Kohima the 15th July, 2015

- No. LR/9-1/REV/2003(PT)-(II):** 1. The Governor of Nagaland is pleased to revised the rates of annual land revenue and land premium under Dimapur Mauza as per the different categories of land and rates specified in Annexure A & B:
2. The annual land revenue and land premium will be reviewed every three year
 3. The revised rates shall come into force with effect from the date of issue of this Notification.
 4. This issues with the approval of the Cabinet conveyed vide O.M. No. CAB-2/2013 Dt. 01.07.15

Sd/

(PANKAJ KUMAR) IAS

Chief Secretary to the Government of Nagaland

No. LR/9-1/REV/2003(PT) - (II)

Dated Kohima the 15th July, 2015

Copy to:

1. The Commissioner & Secretary to the Governor, Raj Bhavan, Nagaland Kohima .
2. The Principal Secretary to Chief Minister, Nagaland, Kohima
3. The Sr. P.S. to all the Ministers/Parliamentary Secretaries, Nagaland, Kohima.
4. The OSD to Chief Secretary, Nagaland, Kohima.
5. The Commissioner, Nagaland, Kohima.
6. All the Administrative Heads of Departments in the Secretariat, Nagaland, Kohima.
5. The Secretary, Nagaland Legislative Assembly, Nagaland, Kohima
6. All Deputy Commissioners/ Addl. Deputy Commissioners of Nagaland
7. All the Heads of Departments in the State
8. The Publisher, Nagaland Gazette, Kohima for publication in the Gazette
9. Guard file/Office Copy

(CHUBASANGLAANAR) IAS

Secretary to the Government of Nagaland

ANNEXURE-A

RATE OF ANNUAL LAND REVENUE & LAND PREMIUM

UNDER DIMAPUR MAUZA

(Figures in Rs. Per bigha & Sqft)

Land Classification	Dimapur Town				Revenue Villages			
	Annual Land Revenue		Land Premium		Annual Land Revenue		Land Premium	
	Per Bigha	Per Sqft	Per Bigha	Per Sqft	Per Bigha	Per Sqft	Per Bigha	Per Sqft
Spl. Commercial	5,351	0.38	59,986	4.18	2,140	0.15	13,324	0.93
Commercial - A	3,476	0.27	33,337	2.33	1,605	0.12	13,324	0.93
Commercial - B	2675	0.19	19,960	1.39	1,070	0.075	13,324	0.93
Commercial - C	1,605	0.12	13,324	0.93	535	0.038	13,324	0.93
Residential - A	535	0.038	5,324	0.38	27	0.002	1,311	0.10
Residential - B	401	0.028	3,318	0.24	27	0.002	1,311	0.10
Residential - C	267	0.018	1,980	0.14	27	0.002	1,311	0.10
Residential - D	134	0.010	1,311	0.10	27	0.002	1,311	0.10
Others	54	0.004	1311	0.10	27	0.002	1,311	0.10

2. PENALTIES

(a) 5% of due payable shall be levied for delay in payment of dues beyond the due date.

(a) If the dues are delayed for more than one year, 10 % shall be levied and so on for each additional year of delay.

(CHUBASANGLA ANAR) IAS

Secretary to the Government of Nagaland

ANNEXURE "B"

Categorization of land under Dimapur Mauza.

1. **Special Commercial:** Front row plots on both sides of roads:- Railways Crossing (New Overhead Bridge)- Hotel Deluxe Jn. (along Church Road) Tri Jn. Police Pt-Police Point at Dhobinalla, Marwari Patti - (along Mhalie Peseyie Rd)-Manipur Hotel and all other business established area in Block No. 6
2. **Commercial "A" :** Front row plots on both sides of roads:- Golaghat Rd Railway Crossing (New Overhead Bridge) Jn. - City Tower Police Pt-Holy Cross School Police Pt-: X:- (along Eros Cinema Rd)-: X Hotel Deluxe Jn. - (along Friends Talkies Rd) - Circular Rd Policed Pt-: X:- Railway Crossing (New Overhead Bridge) - NST Bus Station - (along Dimapur Kohima Road) - Dhansiri Bridge (Old) and Naga Shopping Arcade area.
3. **Commercial "B":** Front row plots on both sides of roads-: Hotel Tragopan Police Pt - (along Golagahat Road) - Check Gate (near Amar Flour Mills)-: :- City Tower Police Pt- (along Golaghat Rd) - Check Gate (near Amar Flour Miles) X - City Tower Police Pt - (along Circular Rd) ADC's Court Tri -Jn Police Pt - (along Rd to PWD) - Dhobinalla Police Pt X-Army Supply Rd-Petrol (IOC) Depot-X.-Walford Tri-Jr. Burma Camp Police Pi-Overhead Bridge (Old) Police Pt-Public College of Commerce jn.
4. **Commercial "C":** Front row plots on both sides of main roads in Town not specified above
5. **Residential "A":** Areas confined within bounded by roads specified under Commercial "A.
6. **Residential "B":** Areas confined within/bounded by roads specified under Commercial "B
7. **Residential "C":** Areas confined within/bounded by roads specified under Commercial "C
8. **Residential "D":** Residential areas which are not specified in 5, 6 and 7 Above
9. **Others:** All lands under Dimapur Mauza which had so far been categorized as homestead, fishery, panikheti, waterlogged, barren etc. are henceforth placed under one category as "Others"

(CHUBASANGLAANAR) IAS

Secretary to the Government of Nagaland.

**GOVERNMENT OF NAGALAND
LAND REVENUE DEPARTMENT**

NOTIFICATION

Dated Kohima the 15th July, 2015

No. LR/9-1/REV/2003(PT)-(LIII): In exercise of the powers conferred by Sections 78 & 79 of the Registration Act, 1908 as adopted in the State of Nagaland, the Governor of Nagaland hereby notifies the Registration fee and miscellaneous fee chargeable at the time of registration of various documents pertaining to sale of lands and immovable/movable properties in the State of Nagaland for the purpose and intent of the said Act and the rules made there under, as specified in the table below.

The rates shall be taken into consideration by all the Registering Authorities at the time of registration of instruments under the provisions of the said Act, having jurisdiction on the transaction placed before them for registration.

These rates shall come into force from the date of issue of this Notification.

The table for Registration fee and Miscellaneous fee

For Registration of Documents

Sl. No.	Description	Fee Leviable
1	In Book 1, the register of documents such as conveyance deed/sale deed, gift deed, partition deed, etc. Relating to immovable property	
	(a) For all compulsorily registered documents (other than leases of immovable property)	1% of the consideration amount set forth or value as per minimum circle rate
	(b) If the value or consideration be not at all expressed	Rs. 1000/- for each instrument
	(c) For lease of immovable property/lease deed	Rs. 1000/- for each instrument
2	In Book III i.e, Register of Wills and Authorities to adopt	Rs. 1000/- for each instrument
3	In Book IV i.e. Miscellaneous registration of all other documents	Rs. 500/- for each instrument

Exemption: The following classes of documents are exempted from the payment of registration fees.

- (a) Documents executed by or in favour of Government.
- (b) Security bonds and penalty bonds executed in favour of Government or local authorities by public servants of all classes and their sureties.
- (c) Mortgage bonds executed by Government Officers in favour of Government as security for building advances.

Miscellaneous fee chargeable

Sl No.	Item	Fee chargeable
1	For an appeal under Section 72 or an application under section 73 and enquiry under section 74 of the Registration Act, 1908 or for an enquiry made by a registering Officer about the fact of execution etc. When an document, will or authority to adopt, is presented after the death of the executants or the testator	Rupees 1000/-
2	For an application filed under Section 25, Section 34 or under Section 36 of the registration Act, 1908	Rupees 1000/-
3	For every application filed before a Registering Officer relating to any official matter or registration business or proceedings.	Rupees 1000/-
4	For inspection or searches by Registering Officer under Section 57. Search for or per document per year.	Rupees 1000/-
5	For making or granting copies of reasons for entries or of documents before or page after registration.	Rupees 10/- per page
	For the issue of commissions and for attending at private residences.	
	(a) When a satisfactory certificate is produced as to sickness or infirmity or when the person to be examine in jail.	Rupees 1000/-

6	(b) In all cases	Rupees 200/- Note: In addition to the above fees, a travelling allowance is to be levied Rs. 10/- per kilometre of distance from office to visiting place to and fro. In case of persons appointed to execute a commission under Section 33 or Section 38 of the Registration Act, 1908, same rate shall apply. The persons on whose behalf the journey referred to Para 19 of the Registration Manual, are performed shall pay to the government such sum, as may be necessary to cover the travelling cost of the Registering Officer or any person appointed to execute the commission.
7	For filling translations	Rupees 50/-
8	For deposit of WILL under Section 42, withdrawal of Will under Section 44 and opening of Sealed Will under Section 45	Rupees 100/- each
9	For authentication of a Power of Attorney under Section 33	Rupees 100/-
10	For the safe custody of documents remaining unclaimed after registration or after registration is refused. When application for return of registered document or of a document whose registration has been refused is made after one week from the date of such registration or refusal.	Rupees 50/- per week subject to maximum of Rs. 500/- in case of single

Sd /

(PANKAJ KUMAR) IAS

Secretary to the Government of Nagaland

**No. LR/9-1/REV/2003(PT) - (III)
2015**

Dated Kohima the 15h July,

Copy to:

1. The Commissioner & Secretary to the Governor, Raj Bhavan, Nagaland, Kohima.
2. The Principal Secretary to Chief Minister, Nagaland, Kohima
3. The St. P.S. to all the Ministers/ Parliamentary Secretaries, Nagaland, Kohima.
4. The OSD to Chief Secretary, Nagaland, Kohima.
5. The Commissioner, Nagaland, Kohima
6. All the Administrative Heads of Departments, Nagaland, Kohima.
7. The Secretary, Nagaland Legislative Assembly, Nagaland, Kohima.
8. All Deputy Commissioner/Addl. Deputy Commissioner, Nagaland
9. All the Heads of Departments
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(CHUBASANGLA ANAR) IAS

Secretary to the Government of Nagaland

**INDIAN STAMP DUTY
(NAGALAND AMENDMENT) ACT, 1989
(THENAGALAND ACT NO. 6 OF 1989)**

(Received the assent of the Governor on 30h Jun '89 and published in the Nagaland Gazette extraordinary dated 30th June '89)

An Act to amend the Indian Stamp Duty Act, 1989, in its application to Nagaland.

Preamble

Whereas, it is expedient to amend the Indian Stamp Duty Act, 1899, (Act 11 of 1899) hereinafter called the Principal Act, in its application to Nagaland in the manner hereinafter appearing.

It is hereby enacted in the Fortieth year of the Republic of India as follows:

1. Short title, extent and commencement.

(1) This Act may be called the Indian Stamp Duty (Nagaland Amendment) Act, 1989

(2) It shall come into force on such date as the State Government may, by notification in the official gazette, appoint.

2. Amendment of Schedule 1 of Act II of 1899.

In Schedule 1 to the principal Act, the following shall be substituted namely

**SCHEDULE 1
Description of Instrument
(1)**

- 1. *ACKNOWLEDGEMENT of*** debt exceeding twenty rupees in amount of value, written or signed by or on behalf of, a debtor in order to supply evidence of such debt in any book. (Other than a bankers pass-book) or on a 'separate piece of paper when such book or paper is left in the creditor's possession: provided that such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods other property

Fifty paise

- | | |
|--|--|
| <p>2. ADMINISTRATION BOND including a bond given under section 6 of the Govt. Savings Banks Act, 1875, or Section 291 or section 375 or section 376 of the Indian Succession Act, 1925.</p> <p>(a) Where the amount does not exceed Rs. 1000/-</p> <p>(b) In any other case.</p> | <p>The same duty as a Bond Duty</p> <p>No.15 for such amount.</p> <p>Thirty rupees</p> |
| <p>3. ADOPTION DEED, that is to say, any instrument (other than a will) recording an adoption or conferring of or purporting to confer an authority to adopt.</p> | <p>Sixty rupees</p> |
| <p>4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing</p> | <p>Ten rupees</p> |

EXEMPTIONS

Affidavit or declaration in writing when made

- (a) as a condition of enlistment under the Indian Army act, 1950.
- (b) for the immediate purpose of being field or use in any court or before the Officer of any Courtier.
- (c) for the sole purpose of enabling any person to receive any pension or charitable allowance

5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT

One rupee

(a) if relating to the scale of a bill of exchange.

(b) if relating to the scale of a Govt. Security

Subject to a maximum of eighty rupees and fifty Paise for every Rs. 10,000/- or part thereof of the value of the security.

(c) if relating to the purchase or sale of shares, scripts, stocks bonds, debentures, debenture stocks or any other marketable Security of a like nature in or of any incorporated company or other body corporate:

(i) When such agreement or memorandum of an agreement or memorandum of an agreement is with or through a member or between members of a Stock-exchange recognised under the Securities Contracts (Regulation) Act, 1956.

One rupees for every Rs.25,00/- or part thereof of the value of the Security at the time of its purchase or sale as the case may be.

Description of Instrument

(ii) in other cases

Two rupees for every Rs.500/- Or part thereof of the security at the time of its purchase or sale, as the case may be.

(d) if executed for service or for performance of work in any estate whether held by one person, or more persons, than one as coowners, and

whether in one or more blocks, and situated in Assam/Meghalaya where the advance given under such

agreement does not Exceed (fifty rupees

One rupee

(e) if not otherwise provided for

Four rupees

Exemptions

Agreement or memorandum of agreement

- (a) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No 43:

- (b) made in the form of tenders to the Government of India for or relating to any loan:

AGREEMENT TO LEASE

Sec Lease (No.35)

6. AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWNS OR PLEDGE, that is to say, any instrument evidencing an agreement relating to:

- (1) The deposit of title deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security) or

- (2) The pawn or pledge or movable property where such deposit, pawn or pledge has been made by way of security for the repayment of money

advanced or to be advanced by way of loan or an existing or future debt:

- | | |
|--|--|
| (a) If such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement if the amount of loan does not exceed Rs.500/- if it exceedsRs.500/- and not exceed Rs.1000/-and thereof in Ten rupees if the amount excess of Rs. 1000/- | Five rupees if the amount of loan does not exceed Rs.500/- exceed Rs. 1000/- Ten rupees for every Rs.1000/- or part for every Rs.1000/- or part thereof in excess of Rs.1000/- |
| (b) If such loan or debt repayable not more than three months from the date of such instrument | Half the duty payable under subclause (a) |

Exemptions

Instrument of pawn or pledge of good if Unattested

7. APPOINTMENT IN EXECUTION OFA POWER

Whether of trustees or a property, movable or immovable, where made by any writing not being a will:

- | | |
|--|---------------|
| (a) Where the value of the property Does not exceed Rs. 1000/- | Fifty rupees |
| (b) in any other case | Ninety rupees |

8. APPRAISEMENT OR VALUATION

made otherwise than under an order of the Court in the course of a suit

The same duty as in Bottomory Bond (No.15) for such amount

- (a) where the amount do not exceed Rs. 1000/-

Description of Instrument

Proper Stamp Duty

(b) in any other case

Twenty four rupees
seventy-five paise

Exemptions

- (a) Appraisal or valuation made for the information of one party only and not being in any manner obligatory between parties either by agreement or operation of law.
- (b) Appraisal of crops for the purpose of ascertaining the amount to be given to a landlord as rent.

9. APPRENTICESHIP DEED

including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment.

Twenty-four rupees
seventy-five paise

Exemptions

Instruments of apprenticeship executed by a Magistrate under the apprentices Act, 1961, or by which a person is apprenticed by or at the charge of any public charity.

10. ARTICLES OF ASSOCIATION OF A COMPANY

(a) Where the company has no share capital does not exceed Rs. 2,500/-

Sixty-one rupees ninety paise

(b) Where the nominal share capital exceeds Rs.2,500/-

Eighty two rupees fifty paise

(c) Where the nominal share capital exceeds Rs.5,500/-but exceeds Rs. 1,00,000/- One hundred twenty three rupees seventy five paise.

(d) Where the nominal share capital exceeds Rs. 1,00,000/- Two hundred forty seven rupees fifty paise

Exemptions

Articles of any association not formed for profit and registered under the section 25 of the Companies Act, 1956, see also Memorandum of Association of the Company (No.39)

ASSIGNMENT See conveyance (No23) transfer (No 62) and transfer of lease (No 63) as the case may be.

ATTORNEY-See adoption-deed (No-3)

12. **AWARD**-That is to say, decision in Writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the court in the course of a suit.

The same duty as a Bond (No 15) for the amount or value of the property to which the award relates, as set forth in such award subject to a maximum of one hundred twenty three rupees seventy five paise.

15. **BOND** (as defined by Section 2 (5) not being a DEBENTURE (No 27) and not being otherwise provided for by this Act, or by the Court fees Act, 1870-where the amount or value secured does not exceed Rs. 10/-

Where it exceeds Rs. 10/-and does not exceed Rs. 50/-

Where it exceeds Rs. 50/- and does not exceed Rs. 100/-

Where it exceeds Rs. 100/- and

Eighty two paise

One Rupees sixty five paise

does not exceed Rs. 200

Four rupees and ten paise

Description of Instrument	Proper Stamp Duty Six
Where is exceeds Rs. 200/- and does not exceed Rs. 300	Six rupees and twenty paise
Where is exceeds Rs. 300/-and does not exceed Rs. 400	Eighty rupees and twenty paise
Where is exceeds Rs, 400/- and does not exceed Rs. 500	Eleven rupees and twenty paise
Where is exceeds Rs. 500/-and does not exceed Rs. 600	Fourteen rupees and ninety paise
Where is exceeds Rs. 600/-and does not exceed Rs. 700	Seventeen rupees and thirty five Paise
Where is exceeds Rs. 700/- and does not exceed Rs. 800	Nineteen rupees and eighty paise
Where is exceeds Rs. 800/- and does not exceed Rs. 900	Twenty two rupees and thirty paise
Where is exceeds Rs. 900/- and does not exceed Rs. 1000	Twenty four rupees and seventy five Paise
and for every Rs.500/-or part thereof in excess of Rs.1000/-	Twelve rupees and thirty paise
See (No 2), Bottomry (No 16), Custorus No 26), Indemnity (No 34), Respondentia (No 56) Security Bond (No 57)	Administration- Bond Bond Bond Bond Bond Bond

Exemptions

Bond, when executed by

- (a) headman nominated under rules Framed in accordance with the Bengal Irrigation Act 1876, Section 99, for the due performance of their duties under that Act;
- (b) any person for the purpose of guaranting that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specific sum per mensem.

16. BOTTOMRY BOND, that is to say, any instrument whereby the master seagoing ship borrows money on the security of the ship to enable to preserve the ship or prosecute her voyage.

The same duty as a Bond
(No.15) of such of a amount

17. CANCELLATION- Instrument of (including any instrument by which Any instrument previously executed is cancelled) if attested and not otherwise provided for, See also

Twenty four rupees and seventy five paise

Release (No 55) Revocation of Settlement (No 58-B) Surrender of Lease (No 61) Revocation of trust (No 64-B)

18. CERTIFICATE OF SALE

(in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by a public auction by a Civil or Revenue Court, or Collector or other Revenue Officer:-

(a) Where the purchase-money does not exceed Rs. 10/-

Seventy paise

(b) Where the purchase-money exceeds Rs 10/-but not exceed Rs. 25/-

One rupees thirty paise

(c) In any other case

The same duty as a conveyance (No 23) for a consideration equal to the amount of the purchase money only.

19. CERTIFICATE OR OTHER DOCUMENTS, evidencing the right or title of the holder thereof or any share script or stock in or of any incorporated company or other body corporate or to become proprietor of share, script or stock in or any such company or body See also Letter of Allotment of shares (No 36).

Forty-five paise

20. ACHARTERED PARTY, that is to say any instrument (exceptan agreement for the hire of a tugsteamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the character, whether it includes a penalty clause or not.

Four rupees and ninety five paise

22. COMPOSITION DEED, that is to say, any instrument executed by a Debtor whereby he conveys his Property for the benefit of his Creditors, or

Forty-nine rupees and fifty Paise

Whereby payment of a composition or dividend on their debts is secured to the creditors or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letter of license, for the benefit of his creditors.

23. CONVEYANCE (as defined by section 2 (10) not being a transfer charged or Exempted under No 62:-

Where the amount of value of the consideration for such conveyance as set forth therein does not exceed Rs. 50/-

Four rupees and thirty paise

Where it exceeds Rs. 50/- but does not exceed Rs. 100/-

Four rupees and fifty paise

Where it exceeds Rs. 100/- but does not exceed Rs. 200/-

Nine rupees

Where it exceeds Rs.200/- but does not exceed Rs.300/-

Thirteen rupees and fifty paise

Where it exceeds Rs. 300/- but does not exceed Rs.400/-

Eighteen rupees

Where it exceeds Rs. 400/- but does not exceed Rs.500/-

Twenty-two rupees and fifty paise

Where it exceeds Rs. 500/- but does not exceed Rs. 600/-

Twenty seven rupees

Where it exceeds Rs. 600/- but does not exceed Rs. 700/-	Thirty one rupees and fifty paise
Where it exceed Rs.800/-but does not exceed Rs. 900/-	Forty rupees and fifty paise
Where it exceed Rs.900/- but does not exceed Rs. 1000/-	Forty five rupees
For every Rs.500/- or part (thereof in excess of Rs. 1000/-	Twenty two rupees and fifty paise
Where it exceeds Rs,50,000/-but does not exceed Rs.90,000/-	Forty nine rupees and fifty paise for every one thousand rupees.
Where it exceeds Rs,90,000/- but does not exceed Rs.1,50,000/-	Sixty six rupees and fifty paise for every one thousand rupees
And where it exceed Rs.1,50,000/-	Eighty two rupees and fifty paise for every one thousand rupees.

Provided that where the "instrument" or the conveyance is in respect of an Industrial Loan, certified as such by the Director of Industries, Nagaland the stamp duty shall be half of the above rate

Description of Instrument	Proper Stamp Duty
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Exemptions

Assignment of copyright under the Indian Copyright Act, 1957.
 CO-PARTNERSHIP-DEED-
 See Partnership (No.46)

23. COPY OR EXTRACT

Certified to be true copy or extract by or order of any public officer and not chargeable under the law for the time being in force relating to court fees:-

(i) if the original was not chargeable with duty with which it was chargeable exceed one rupee

Two rupees and fifty paise

(i) in any other case not falling within the provisions of section 6-A

Four rupees and ninety five paise

Exemptions

(a) Copy of any paper which a Public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.

(b) Copy of, or extract from any register relating to births, baptisms, naming, dedications, marriage, divorces, deaths or burials.

24. COUNTERPART OR DUPLICATE

of any instrument chargeable with duty and in respect of which the proper duty has been paid :-

(a) if the duty with which the original instrument is chargeable does not exceed two rupees.

The same duty as is payable on the original.

(b) in any other case not falling within the provisions of Section 6-A

Four rupees and ninety five paise

Exemptions

Counterpart of any lease granted

to a cultivator when such lease is exempted from duty

25. Customs Bond :-

(a) Where the amount does not Exceed Rs. 1,000/

The same duty as a Bond (NO.15) for such amount

(b) In any other case

Thirty three rupee forty paise

26. DELIVERY ORDER IN

RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods laying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods upon the safe or transfer of the property therein, when such goods exceed in value twenty rupees

DEPOSIT OF TITLE DEEDS

See Agreement relating to Deposit of Title Deeds, Pawn or Pledge (No 6)

DISSOLUTION OF PARTNERSHIP

See Partnership (No 46)

29. Divorce-Instrument of that is to say, any instrument by which any person effects the dissolution of his marriage.

Sixteen rupees and fifty paise

DOWER Instrument of See

Settlement (No 58)

DUPLICATE- see Counterpart (No.25)

1. EXCHANGE OF PROPERTY

Instrument of **EXTRACT**-See Copy

The same duty as a conveyance (No 23) for a consideration

(No.24)

equal to the value of the property of greatest value as set forth in such instrument.

32. FURTHER CHARGE-Instrument

of that is to say, any instrument imposing a further charge on mortgaged property-

(a) When the original mortgage is one of the description referred to in clause (a) of Article 40 is with possession)

The same duty as a conveyance (No23) for consideration (that equal to the further charge secured by such instrument.

(b) when such mortgagage is one of the description referred to in clause (b) of Article No.40 (that is with-Out procession)-

(i) if at time the of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument

The same duty as a Conveyance (No 23) for a consideration equal to the total amount of the charge (including the original mortgaged and any further charged already made) less the duty already paid on such original mortgaged any further charge

(ii) if possession is not so given	The same duty as a bond(No 15) for the amount of the further charge secured by such instrument.
33. GIFT- Instrument of not being a Settlement (No 58) or will or Transfer (No 62)	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument
HIRING AGREEMENT, or agreement for service, See Agreement (No. 5)	The same duty as a Security Bond (No. 57) for the same amount
34. INDEMNITY BOND INSPECT-ORSHIP DEED, See Composition Deed (No. 22)	
35. LEASE, including an underlease Any agreement to let or sublet (a) where by such lease the rent is fixed and no premium is paid or delivered-	
(i) where the lease purports to be term of less than one year.	The same duty as Bond (No. 15) for the whole amount payable or deliverable under such lease
(ii) where the lease purports to be for a term of not less than one year but not more than five years;	The same duty, as a Bond (No 15) for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term exceeding five years and not exceeding twenty years	The same duty as a conveyance (No. 23) for a consideration equal to be amount or value of the average annual rent reserved.

(iv) where the lease purports to be term exceeding ten years and not exceeding twenty years.

The same duty as a for a for a conveyance (No.23) for a consideration equal to twice the amount or value of the average annual rent reserved.

(v) where the lease purports to be for a term exceeding twenty years not exceeding thirty years of the average annuals rent

The same duty as a conveyance (No.23) for a consideration equal to three times the amount or value reserved.

(vi) where the lease purports to be for a term exceeding twenty years not exceeding thirty years

The same duty as a conveyance (No.23) for a consideration equal to four times the amount or value of the average annuals rent reserved.

(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity.

The same duty as a conveyance (No.23) for a consideration equal in the case of granted solely for agricultural purposes to one-tenth and in any other case to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.

(viii) where the lease purports to be exceeding one hundred years or in perpeculity.

The same duty as a for a term conveyance (No.23) for a consideration equal in the case of a lease granted solely for

agriculture purposes to one-tenth and in any other case to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.

(viii) where the lease does not purports to be for any definite term;

The same duty as a conveyance (No.23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.

(b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved.

The same duty as a conveyance (No.23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.

(c) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.

The same duty as a conveyance (No.23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease. In addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered.

Exemptions

(a) Lease, executed in the case of a cultivator and for the purpose of cultivation (including a lease of trees for the production of food or drink)

without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

36. Letter of allotment shares: - In any company or proposed company, or in respect of any loan to be raised by any company or proposed company.

Re. 1/-

38. Letter of licence :- That is say, any agreement between a debtor and his creditor that the letter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.

39. Memorandum or Association of a Company-

(a) if accompanied by articles of Association under Sec.26 of the Indian Companies Act, 1956

Rs. 200/-

(b) if not so accompanied

(c) where the nominal share capital does not exceed one lakh of rupees;

Rs. 500/-

i) where the nominal share capital Exceeds one lakh of rupees

Rs. 800/

Exemption

Memorandum of any association not formed for profit and registered under Sec.25 of the Indian Companies Act, 1956

40.Mortgage-deed:- Not being an agreement relating to deposit of title-deeds, pawn or pledge (No 6), bottomry bond (No.16), Mortgage of a corp (No.41), respondentia Bond (No.56), or security bond (No.57)

(a) when possession of the property or any part of the property comprised in such deed is given by the mortgage or agreed to be given;

The same duty as a conveyance (No.23) for a consideration equal to the amount secured by such deed.

(b) when possession is not given or agreed to be given as aforesaid;

The same duty as a Bond (No15) for the amount secured by such deed.

Explanation:-Amortgaror who Gives to the mortgage a power of attorney to collect rents or a lease of the property mortgaged or part thereof is deemed to give possession within the meaning of this Article.

(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped.

Rs.5/-

for every sum secured not exceeding Rs. 1,000;

Rs. 5/-

Exemptions

(1) Instruments, executed by persons taking advances under the Land

Improvement Loans Act, 1883 (19 of 1883) or the Agriculturists Loan Act, 1884 (12 of 1884) or by their sureties as security for the repayment of such advances.

(2) Letter of hypothecation accompanying a bill of exchange.

41. Mortgage of a crop, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage:-

(a) when the loan is repayable nor more than three months from the date of the instrument-

Re.1/-

for the sum secured not exceeding Rs. 200;

Re.1/-

(b) when the loan is repayable more than three months but not more than (eighteen months), from the date of the Instrument.

for every sum secured not exceeding Rs. 100.

Rs. 2/

and for every Rs, 100 or part thereof secured in excess of Rs. 100

Rs. 2/-

42. Notarial Act:- That is to say, any instrument, note, attestation, certificate or entry not being a Protest (No.50) made or signed by a Notary Public in the execution of the duties of his office by any other person lawfully acting as

Rs. 10/-

a Notary Public. See also Protest of bill or note (No 50)

43. Note or Memorandum:- Send by a broker or Agent to his principal intimating the purchase or sale on account of such principal-

(a) of any goods exceeding in value twenty Rupees

Re. 1/-

(b) of any stock or marketable security exceeding in value twenty rupees.

Two rupees for every Rs. 5,000 or part thereof of the value of the stock as security subject to a maximum of Rs. 100

44. Note of protest by the master of a ship- See also Protest by the master of a ship (No.51) Order for the payment of money-

Rs. 10/-

45. Partition- Instrument of (as defined Sec. 2 (15))

The same duty as a by Bond (No.15) for the amount of the value of the separated share or shares of the property

46. Partnership:-

A. Instrument of

(a) where the capital of the partnership Does not exceed Rs. 1000;

The same duty as Bond (No 15)

(b) in any other case

Rs. 100/-

B. Dissolution of-
Pawn or pledge See Agreement 50/-
relating to Deposit of title-deeds, pawn
or pledge (NO.6)

48. Power of attorney- (as defined by
Sec. 2 (21) not being proxy (No 52)

(a) when executed for the sole purpose of
procuring the registration of one or
more documents in relation to a single
transaction or for admitting execution
of one or more such documents.

(b) when required in suits or proceedings
under the Presidency Small Causes
Courts Act, 1882, Rs.5/-

(c) when authorizing one person or more
to act in a single transaction other than
the case mentioned in Cl.(a). Rs.10/-

(d) when authorizing not more than five
persons to act jointly and severally in
more than one transaction or generally. Rs. 50/-

(e) When authorizing more than five but not
more than ten persons to act jointly and
severally in more than one transaction
or generally Rs. 100/-

(f) when given for consideration and
authorizing the attorney to sell any
immoveable property The same duty as a
conveyance (NO.23) for the
amount of the consideration.

(g) in any other case

Rs. 10/-

Explanation:- For the purpose of this Article more person than one when belonging to the same firm shall be deemed to be one person unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.

See also Note of Protest by the Master of ship (No.44)

Re. 1/-

53. Receipt, (as defined by Sec. 2 (23) for any money or other property the amount of value of which exceeds twenty rupees.

Exemptions:

Receipt

(a) endorsed on or contained in any instrument duly stamped (or any instrument exempted) under the proviso to Sec.3 (instrument executed on behalf of the Govt.) (or any cheque or bill of exchange payable on demand) acknowledging the receipt of the consideration money therein expressed of the receipt of any principal, money interest or annuity secured;

(b) for any payment of money without consideration;

c) for any payment of rent by a cultivator on account of land assessed to Govt. Revenue.

d) for pay or allowances by non commissioned (or petty) officers (Soldiers, sailors or airmen) of the Indian military, (Naval or air Forces), when serving in such capacity, or by mounted police constables;

e) given by holders or family certificates in cases where the person from whose pay or allowances the sum comprised in the receipt has been assigned is a non-commissioned (or petty) Officer (soldiers), (sailor or airmen), of (any of the said forces) and serving in such capacity

f) for pension or allowances by persons receiving such pensions or allowances in receipt of their services as such non-commissioned (or petty) Officers, (Soldiers) (Sailors or airmen) And not serving the Govt. in any other Capacity

g) given by a headman or lambardar for land or taxes collected by him,

h) given for money or securities for money deposited in the hands of any banker to be accounted for;

Provided that the same is not expressed to be received or by the hands of, any other than the person to whom the same is to be accounted for;

Provided that this exemption shall not extend to a receipt or acknowledgement for any sum paid or deposited for or upon a letter of allotment of a share of, or in an incorporated company or other body corporate or such or intended company or body or respect of a debenture being a marketable security (See also Policy of Insurance (No 47 B (2)

54. Reconveyance of mortgaged

Property

(a) if the consideration for which the Property was mortgaged does not Exceed Rs. 1,000, in

The same duty as a conveyance (N023) for the amount of such consideration as set forth in the conveyance.

(b) in any other case.

Rs. 80/-

55. Release, that is to say, any instrument (not being such a release as is provided bySec.23-A) whereby a person renounces a claim upon another person or against any specified property.

(a) if the amount or value of the claim exceeds Rs. 1000; as

The same duty as a Bond (No 15) for such amount or value as set forth in the release

(b) in another case

Rs. 50/-

56. Respondentia bond, that is to say,

The same duty as a Bond (No

any instrument securing a loan on the cargo laden on board a ship and making repayment contingent on the cargo at the port of destination.

Revocation of any trust or settlement
See settlement (No 58) Trust (No.64)

15) for the amount of the arrival of the loan secured.

57. Security bond on mortgagage, deed.

executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract.

(a) when the amount secured does not exceed Rs. 1000;

The same duty as a Bond (No 15) for the amount secured.

(b) in any case....

Rs. 50/-

Exemptions

Bond or other instrument, when Executed

(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation act, 1876 (Ben. Act 3 of 1876) Sec.99, for the due performance of their duties under that act.

(b) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem;

(c) under No. 3-A of the rules made by the (State Government) under Sec 70

of the Bombay Irrigation Act, 1879
(Bom. Act 5 of 1879);

(d) executed by persons taking advance under the Land Improvement Loan Act, 1883 (19 of 1883), or the Agriculturists Loan Act, 1884, (12 of 1884), or by their sureties, as security for the repayment of such advances

(e) executed by officers of (the Government)) or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof

58. Settlement-

Instrument or (including a deed of dower)

The same duty as a conveyance (No. 23) for a sum equal to the amount or value of the property settled as set forth in such settlement: Provided that when an agreement to settle is stamped required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed Rs.4/-

Exemption

(a) deed of dower executed on the occasion of a marriage between Mahammedens

B. Renovation of-See also Trust (No.64)

The same as a Conveyance (No

23) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Renovation, but not exceeding Rs.50/-

59. Share warrants, to bearer issued Under the (Indian Companies Act,1882 (6 of 1882))

One-and-a-half times the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the share specified in the warrant

Exemption

Share warrant when issued by a Company pursuant of the (Indian Companies Act, 1882 (6 of 1882) Sec 30 to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue, of-

(a) (one and a half) per centum of the whole subscribed capital of the company, or

(b) if any company which paid the said duty or composition in full, subsequently issues an addition to its subscribed capital-(one and a half) per centum of the additional capital so issued. Script see Certificate (No.19)

60. Shipping order, for or relating to the

Re. 1/-

conveyance of goods on board of any vessel

61. Surrender of lease-

(a) when the duty with which the lease is chargeable does not exceed forty rupees

The duty with which such lease is chargeable

(b) in any other case

Rs. 40/-

Exemption

Surrender of lease, when such lease is exempted from duty

63. Transfer of lease by way of assignment and not by way of underlease

The same duty as Conveyance (No.23) for a consideration equal to amount of the consideration for the transfer.

Exemption

Transfer of any lease exempt from duty.

64. Trust-

A. Declaration of-of, or concerning, any property when made by any written not being a will

The same duty as a Bond (No.15) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding Rs. 80/-

B. Renovation of-of, or concerning, any property when made by any instrument other than a will. See also Settlement (No.58) Valuation See Appraisalment (No.8) Vakil See Entry as a Vakil (No.30)

The same duty as a Bond (No.15) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding Rs. 80/-

65. Warrant for goods, that is to say, any instrument evidencing the title of any person therein named, or is assigns, of the holder thereof, to the property in any goods lying in or upon the dock warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.

Rs.5/-

NOTE: - In respect of the clauses (items) not included in this amended schedule
1. The rates of stamp duty as prescribed in the Indian Stamp Act (act -2 of 1899) (as amended upto date) shall continue to apply.

**THE INDIAN STAMP (NAGALAND THIRD
AMENDMENT) ACT, 2004
(Act No.6 of 2004)**

Received the assent of the Governor on 27.03.2004 and published in the Nagaland Gazette Extra-Ordinary date 11.08.2004

An Act to further amend the Indian Stamp Act, 1899 (Act No. II of 1899) in its application to Nagaland.

Be it enacted in the Fifty-fifth year of the Republic of India as follows

1. Short title and extent

(1) This Act may be called the Indian Stamp (Nagaland Third Amendment) Act, 2004

(2) It shall extend to the whole of Nagaland

Amendment of Section 10

2. In the Indian Stamp Act, 1899 (Act No. II of 1899), for existing Section 10, the following may be substituted, namely;

“10 (1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps-

- (a) according to the provisions herein contained, or
 - (b) when no such provision is applicable thereto, as the Government may by rule direct.
- (2) The rules made under Sub-Section (1) may, among other matters, regulate-
- (a) in case of each kind of instruments the description of stamps which may be used
 - (b) in the case of instruments stamped with impressed stamps the number of stamps which may be used.
- (3) Subject to the rules made under Clause (b) of Sub-Section (1), the Chief Controlling Revenue Authority or any other Officer empowered by the State Government in this behalf, may authorize any person, body of organisation including Post Offices and Banks, to use a machine for making impression of stamps indicating the payment of stamp duty on the instrument."

Insertion of Section 10A

3. In the Indian Stamp Act, 1899 (Act No. II of 1899), after the existing Section 10 as substituted by this Act in its application to Nagaland, the following may be inserted namely;

“10A. (1) Notwithstanding anything contained in Section 10, the stamp duty payable on an instrument may also be paid in cash by challan in the Banking Treasury or Treasury, countersigned by an Officer empowered by the State Government by notification in this behalf or by Demand Draft or by pay Order drawn on a Branch of any scheduled Bank. The Officer so empowered shall on production of such challan and after such verification that the duty has been paid, or upon production of Demand Draft or pay Order, as the case may be, certify in such manner as may be prescribed by endorsement on the instrument, of the amount of duty so paid.

(2) An endorsement made on any instrument under Sub-Section (1) shall have the same effect as if the duty of an amount equal to the amount stated in the endorsement has been paid in respect thereof and such payments has been indicated on such instrument by means of stamps, in accordance with the requirement of Section 10."

**GOVERNMENT OF NAGALAND
FINANCE DEPARTMENT
(REVENUE BRANCH)**

NOTIFICATION

NO.FIN/REV-3/ARM/44/10 (PT)

Dated 30th July, 2015

1. In exercise of the powers conferred by clause (a) of sub-section (1) of Section 9 of the Indian Stamp (Nagaland Amendment) Act 1989 (as amended), the Governor of Nagaland is pleased to make the following amendments to Schedule-I of the Act, namely :-

In Schedule- I the existing entry Sl. No. 23 shall be replaced by the following entry namely:-

"23 Conveyance (as defined by section 2 (10), not being a Transfer charged or exempted under No. 62,;-

All conveyance of any amount or value of consideration-to be liable to stamp duty at the flat rate of 3% of the total value of the conveyance."

5. The notification shall come into effect from the date of its publication in the Gazette.

Sd/

TEMJEN TOY

Principal Secretary & Finance Commissioner