

# **Bihar Instruments Valuation Rules, 1991**

BIHAR

India

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## **Rule BIHAR-INSTRUMENTS-VALUATION-RULES-1991 of 1991**

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Bihar Instruments Valuation Rules, 1991Published vide Notification No. S.O. 815, Bihar Gazette (Extra-ordinary) dated 27.12.1991S.O. 815, dated the 27th December, 1991. - In exercise of the powers conferred by Section 75 of the Indian Stamp Act, 1899 (Act II of 1899), the Governor of Bihar is pleased to make the following Rules for the purposes of Section 47A.

## **2. This shall be brought into force with effect from the date of issue of Notification.**

### **1. Short Title, Extent and Commencement.**

- These Rules may be called the Bihar Instruments Valuation Rules, 1991.

### **2. It shall extend to the whole of the State of Bihar.**

### **3. It shall come into force on such date as the State Government may by Notification in the Bihar Gazette appoint.**

### **2. Definitions.**

- In these Rules; unless there is anything repugnant in the subject or context -(a)"Act" means the "Indian Stamp Act, 1899" (Act II of 1899).(b)"Appendix" means appendix to these Rules.(c)"Registering Officer" means Registering Officer appointed under the Registration Act, 1908.(d)"Rule" means a rule framed under these Rules.(e)"Section" means a Section of the Indian Stamp Act, 1899.

### 3.

Under Section 27 of the Act, it will be essential to describe, besides consideration and any other facts, the following particulars in the instruments relating to immovable property: -(a)For agricultural land;(i)Whether the land is irrigated or unirrigated(ii)Whether land is single crop bearing or double crop bearing.(iii)Other particulars relating to the nature of the land i.e. - Diara, Chaur, Hilly, Sandy, Orchard, Garden etc.(b)For non agricultural land of urban or rural area particulars whether residential, commercial or industrial;(c)In case of building the following particulars -(i)Whether Kaccha or Pucca.(ii)Plinth area and precinct or adjoining open space.(iii)Area where the building is constructed and the use residential, commercial or industrial.(iv)If on rent, its annual rent.

### 4.

The District Collector within the area of his district shall after classifying the land of rural, urban area, determine the minimum value of the land/property of that category on the basis of instruments relating to conveyances of the highest value that has been registered/presented for registration in the preceding financial year.

### 5.

Procedure for the fixation of minimum value. -(i)The District Collector shall obtain from the concerned Registering Officers the figures relating to the highest value of conveyances of every category of land/property situated within each Halka of all circles and ward of notified area/Municipality/Corporation Registered/presented in the preceding financial year.(ii)The highest value on which a deed of conveyance of land/property of an area was registered/presented for registration in the preceding financial year would be deemed to be the minimum value of land/property of that area:Provided that, if no conveyance of land/property of any area was made in the preceding financial year, the Collector shall obtain from the concerned Registering Officer the registration figure of conveyance made in adjoining areas.

### 6.

After so determining the minimum value of land, the Collector shall send without delay, the list of minimum values to the Registering Officers concerned for needful and shall also send a copy to the Inspector-General of Registration.

### 7.

The Collector shall redetermine the minimum value of land/property after every two years.

## 8.

(a) Instruments, in which the value set forth is less than the minimum value fixed by the Collector shall be referred by the Registering Officer to the Collector at the time of admission for fixation of market value. (b) The Registering Officer shall refer such instruments to the Collector along with Form I referred to in the Appendix of the Rules and maintain one copy of the form in his office as a record.

## 9.

(a) if the value set forth in an instrument is according to the minimum value determined by the Collector but the Registering Officer has reasons to believe that the market value is higher than the determined minimum value, he shall refer such instrument to the Collector at the time of admission and after recording his reasons in writing, for determination of the proper market value. (b) The Registering Officer shall refer such instrument to the Collector in Form I referred to in the Appendix of the Rules and shall maintain a copy of the same in his office as a record.

## 10.

Procedure to be followed under Section 47(a)(i), (ii) of the Act on receipt of the reference: (a) In the matter of instruments which are referred by the Registering Officer to the Collector under Section 47(a)(i) of the Act for determination of the market value or the instruments called for by the Collector under Section 47(a)(3) of the Act - notice will be given to the following persons by the Collector in Form II or III (as the case may be) appended to the Rules - (i) Every executant. - by whom the instrument is executed. (ii) Every claimant. - in whose favour the instrument is executed. (b) Through the above notice the parties or the persons concerned will be directed by the Collector to file their representation and adduce evidence regarding the value of the property. (c) If the Collector considers it necessary he may record the statement of any person to whom the notice is given under sub-rule (a). (d) For the purpose of enquiry the Collector - (i) may call for information or record from any officer of a Government Office or Officer of autonomous bodies. (ii) may examine any Government Official or Authority and record their statements. (iii) may inspect properties after giving notice to the parties concerned.

## 11.

Order of determination of market value - (a) Considering the objections and representations received from persons to whom the notice is given under sub-rule (1) and (b) of Rule 9 - (i) after examining the records produced, and (ii) after carefully considering all factors and evidences adduced - the Collector shall pass the order of determination of market value and the stamp duty and shall inform the parties concerned and if there is any difference in the amount of Stamp Duty shall take necessary action to recover the same. (b) A copy of the order passed by the Collector shall be sent to the Registering Officer. (c) After the deposit of the deficit Stamp Duty by the party concerned, a certificate of its being properly stamped shall be recorded by the Collector, on the

instrument.(d)After the certificate of duty/properly stamped being recorded by the Collector, the instrument shall be returned to the Registering Officer concerned for necessary action. Form I Statement [See Rule 8(b) and 9(b)]

- 1. Document No.**
- 2. Name and address of the executant with the date of presentation.**
- 3. Date of execution.**
- 4. Name and address of the executants.**
- 5. Name and address of the claimants.**
- 6. Nature of the deed and valuation.**
- 7. Value of Stamps that the document bears.**
- 8. In the opinion of the Registering Officer the nature of the deed, consideration money with the Stamp duty chargeable on the document.**
- 9. Deficit duty.**
- 10. Remarks (on what ground the statement in column 8 is furnished) [in case of reference under Rule 9 (b) explain the reasons to believe so.]**

Place: Date: Name of the Registering Officer and Signature. Form II [See Rule 10(a)] The prescribed form of Notice under Rule 9, Sub-rule (a) of Bihar Instruments Valuation Rules, 1991. Please take notice that under Section 47(a)(1) of Indian Stamp Act, 1899 (II of 1899) a reference has been received from the Registering Officer..... for determination of the market value of the properties covered by an instrument ..... dated the ..... and the duty payable on the above instrument, A copy of the reference is annexed.

**2. The matter relating to the determination of the market value of the properties and the duty payable on the instrument will be taken up for hearing on the ..... (date)..... (Place)..... at..... A.M./P.M.**

**3. You are hereby required to submit before the undersigned, on the date of hearing your objections and representations, if any, in writing to show that market value of the property has been truly set forth in the instrument along with relevant documents, if any, also indicating whether you want to adduce any oral evidence and be present at the time of hearing.**

**4. If you fail to avail yourself of the opportunity of appearing before the undersigned or indicating -whether you want to adduce any oral or documentary evidence, as is necessary or producing the relevant documents no further opportunity will be given and the matter will be disposed of on the basis of the facts available.**

Office.....Place.....Date .....Collector .....(Seal)Form  
III[See Rule 10(a)]The Prescribed form of notice under sub-rule (a) of Rule 9 (Bihar Instruments  
Valuation Rules, 1991).To,.....Please take notice that under Section  
47(a) (3) of the Indian Stamp Act, 1899 (II of 1899) it is proposed to take action for the  
determination of market value of the property entered into the instrument presented  
on.....(date) and the duty chargeable thereon.

**2. The matter relating to the determination of the market value of the properties and the duty payable on the instrument will be taken up for hearing on the..... (date).....  
(Place).....at.....A.M./P.M.**

**3. You are hereby required to submit before the undersigned, on the date of hearing your objections and representations, if any, in writing to show that market value of the property has been truly set forth in the instrument along with relevant documents, if any, also indicating whether you want to adduce any oral evidence and be present at the time of hearing. If you fail to avail yourself of the opportunity of appearing before the undersigned or indicating whether your want to adduce any oral or documentary evidence as is necessary or producing the relevant documents no further opportunity will be given and the matter will be disposed of on the basis of the facts available.**

Office.....Place.....Date .....Collector .....(Seal)