



Income Tax Department

Government of India

Registration of valuers.

34AB. (1) The [Chief Commissioner or Director General] shall maintain a register to be called the Register of Valuers in which shall be entered the names and addresses of persons registered under sub-section (2) as valuers.

(2) Any person who possesses the qualifications prescribed in this behalf may apply to the [Chief Commissioner or Director General] in the prescribed form for being registered as a valuer under this section:

Provided that different qualifications may be prescribed for valuers of different classes of assets.

(3) Every application under sub-section (2) shall be verified in the prescribed manner, shall be accompanied by such fees as may be prescribed and shall contain a declaration to the effect that the applicant will—

- (i) make an impartial and true valuation of any asset which he may be required to value;
- (ii) furnish a report of such valuation in the prescribed form;
- (iii) charge fees at a rate not exceeding the rate or rates prescribed in this behalf;
- (iv) not undertake valuation of any asset in which he has a direct or indirect interest.

(4) The report of valuation of any asset by a registered valuer shall be in the prescribed form and be verified in the prescribed manner.



Income Tax Department

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[Qualifications of registered valuers.

8A. (1) For the purposes of sub-section (2) of section 34AB, the qualifications for registration as valuers of different classes of asset shall be as specified in sub-rules (2) to (11).

(2) A valuer of immovable property (other than agricultural lands, plantations, forests, mines and quarries) shall have the following qualifications, namely :—

[(i) he must—

- (A) be a graduate in civil engineering, architecture or town planning of a recognised university; or
- (B) be a post-graduate in valuation of real estate from a recognised university; or
- (C) possess a qualification recognised by the Central Government for recruitment to superior services or posts under the Central Government in the field of civil engineering, architecture or town planning; and]

(ii) (A) he must be a person formerly employed—

- (a) in a post under Government as a gazetted officer; or
- (b) in a post under any other employer carrying a remuneration of not less than Rs. [2,000] per month,

and, in either case, must have retired or resigned from such employment after having rendered service for not less than [ten] years as a valuer, architect or town planner, or in the field of construction of buildings, designing of structures, or development of land; or

- (c) as a professor, reader or lecturer in a university, college or any other institution preparing students for a degree in civil engineering, architecture or town planning, or for [any qualification] referred to in clause (i), and must have retired or resigned from such employment after having taught for not less than [ten] years any of the subjects of valuation, quantity surveying, building construction, architecture, or town planning;

OR

[(B) he must have been in practice as a consulting engineer [, valuer of real estate], surveyor or architect for a period of not less than ten years and must have acquired experience in any of the following four fields :—

- (a) valuation of buildings and urban lands; or
- (b) quantity surveying in building construction; or
- (c) architectural or structural designing of buildings or town planning; or
- (d) construction of buildings or development of land;

and his gross receipts from such practice should not be less than fifty thousand rupees in any three of the five preceding years :]

[Provided that in the case of a person possessing a post-graduate degree in valuation of real estate from a recognised university, the provisions of this sub-rule shall have effect as if,—

- (a) for the words "ten years", the words "two years" had been substituted;
- (b) for the words "fifty thousand rupees in any three of five preceding years", the words "fifty thousand rupees in any one of the two preceding years" had been substituted.]

(3) A valuer of agricultural lands [other than plantations referred to in sub-rule (4)] shall have the following qualifications, namely :—

- (i) he must be a graduate in agricultural science of a recognised university and must have worked as a farm valuer for a period of not less than five years; or
- (ii) he must be a person formerly employed in a post under Government as a Collector, Deputy Collector, Settlement Officer, Land Valuation Officer, Superintendent of Land Records, Agricultural Officer, Registrar under the Registration Act, 1908 (16 of 1908), or any other officer of equivalent rank performing similar functions and must have retired or resigned from such employment after having rendered service in any one or more of the posts aforesaid for an aggregate period of not less than five years.

(4) A valuer of coffee plantation, tea plantation, rubber plantation or, as the case may be, cardamom plantation shall have the following qualifications, namely :—

- (i) he must have, for a period of not less than five years, owned, or acted as manager of a coffee, tea, rubber or, as the case may be, cardamom plantation having an area under plantation of not less than four hectares in the case of a cardamom plantation or forty hectares in the case of any other plantation; or
- (ii) he must be a person formerly employed in a post under Government as a Collector, Deputy Collector, Settlement Officer, Land Valuation Officer, Superintendent of Land Records, Agricultural Officer, Registrar under the Registration Act, 1908 (16 of 1908), or any other officer of equivalent rank performing similar functions and must have retired or resigned from such employment after having rendered service in any one or more of the posts aforesaid for an aggregate period of not less than five years, out of which not less than three years must have been in areas, wherein coffee, tea, rubber or, as the case may be, cardamom is extensively grown.

(5) A valuer of forest must be a person formerly employed in a post under Government and must have retired or resigned from such employment after having rendered service for not less than five years in a gazetted post requiring specialised knowledge in forestry.

(6) A valuer of mines and quarries shall have the following qualifications, namely:—

- (i) he must be a graduate in mining of a recognised university, or must possess a qualification recognised by the Central Government for recruitment to superior services or posts under the Central Government in the field of mining; and]
- (ii) he must be a person formerly employed—
 - (a) in a post under Government as a gazetted officer, or
 - (b) in a post under any other employer carrying a remuneration of not less than Rs. [2,000] per month,

and, in either case, must have retired or resigned from such employment after having rendered service as a mining engineer for not less than [ten] years.

(7) A valuer of stocks, shares, debentures, securities, shares in partnership firms and of business assets, including goodwill but excluding those referred to in sub-rules (2) to (6) and (8) to (11), shall have the following qualifications, namely :—

- (i) he must be a member of the Institute of Chartered Accountants of India or the Institute of Cost and Works Accountants of India [or the Institute of Company Secretaries of India]; and
- (ii) [(A) he must have been in practice as a chartered accountant or a cost and works accountant or a company secretary for a period of not less than ten years and his gross receipts from such practice should not be less than fifty thousand rupees in any three of the five preceding years, or]
- (B) he must be a person formerly employed—
 - (a) in a post under Government as a gazetted officer, or
 - (b) in a post under any other employer carrying a remuneration of not less than Rs. [2,000] per month,

and, in either case, must have retired or resigned from such employment after having rendered service for a period of not less than [ten] years in the field of audit and accounts or taxation work [, or]
 - (c) as a Company Secretary [or a Deputy Company Secretary] or an Assistant Company Secretary in a post carrying a remuneration of not less than Rs. [2,000] per month and must have retired or resigned from such employment after having rendered service for a period of not less than [ten] years.]

(8) A valuer of machinery and plant shall have the following qualifications, namely :—

- [(i) he must—
 - (A) be a graduate in mechanical or electrical engineering of a recognised university; or
 - (B) possess post-graduate degree in valuation of machinery and plant from a recognised university; or
 - (C) possess a qualification recognised by the Central Government for recruitment to superior services or posts under the Central Government in the field of mechanical or electrical engineering; and]
- (ii) (A) he must be a person formerly employed—
 - (a) in a post under Government as a gazetted officer; or
 - (b) in a post under any other employer carrying a remuneration of not less than Rs. [2,000] per month,

and, in either case, must have retired or resigned from such employment after having rendered service as a mechanical or electrical engineer [or valuer of machinery and plant] for a period of not less than [ten] years, or

(c) as a professor, reader or lecturer in a university, college or institution preparing students for a degree in mechanical or electrical engineering or for [any qualification] referred to in clause (i), and must have retired or resigned from such employment after having taught for a period of not less than [ten] years; or

(B) he must have been in practice as a consulting engineer [or valuer of machinery and plant] for a period of not less than ten years and must have acquired experience in the valuation of machinery and plant and his gross receipts from such practice should not be less than fifty thousand rupees in any three of the five preceding years :]

[Provided that in the case of a person, possessing a post-graduate degree in valuation of machinery and plant from a recognised university, the provisions of this sub-rule shall have effect as if,—

(a) for the words "ten years", the words "two years" had been substituted;

(b) for the words "fifty thousand rupees in any three of five preceding years", the words "fifty thousand rupees in any one of the two preceding years" had been substituted.]

[(9) A valuer of jewellery must have been, for a period of not less than five years, a sole proprietor or partner in a partnership firm carrying on jewellery business which has on an average an annual turnover of not less than rupees 15 lakhs [or profit (including fees for valuation) of not less than rupees fifty thousand] in the last three accounting years immediately preceding the year in which the application for registration as a valuer is made by him.]

(10) A valuer of works of art shall have the following qualifications, namely:—

(i) he must have specialised by virtue of his academic and professional pursuits in the particular line of art, for the works of which he seeks to be registered as a valuer, and

(ii) he must have served in any one or more of the following capacities, namely:—

(a) Director General or Superintending Archaeologist of the Archaeological Survey of India;

(b) Director of National Museum, New Delhi, Salar Jung Museum, Hyderabad, Prince of Wales Museum, Bombay, Indian Museum, Calcutta, Asutosh Museum, Calcutta, Madras Museum, Madras or Bharat Kala Bhavan, Varanasi;

(c) principal of a Government School of Art;

(d) member of the Art Purchase Committee of any of the museums referred to in sub-clause (b), or of the Lalit Kala Akademi.

(11) A valuer of life interest, reversions and interest in expectancy shall have the following qualifications, namely:

(i) he must be a graduate of a recognised university; and

(ii) (a) he must have been in practice as an actuary under the Insurance Act, 1938 (4 of 1938), for a period of not less than [ten] years; or

(b) he must have rendered continuous service for a period of not less than [ten] years as an actuary under Government or in the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (31 of 1956); or

(c) he must have practised as an actuary or served as such under Government or in the Life Insurance Corporation of India referred to in sub-clause (b) for an aggregate period of not less than [ten] years.

(12) No person shall qualify for registration as a valuer, other than as a valuer of works of art, if he is employed under Government or any other employer.

(13) Notwithstanding anything contained in sub-rules (1) to (12), no person shall qualify for registration as a valuer if,—

(a) he has been dismissed or removed from Government service; or

(b) he has been convicted of an offence connected with any proceeding under the Income-tax Act, 1961 (43 of 1961), or the Wealth-tax Act, 1957 (27 of 1957), or the Gift-tax Act, 1958 (18 of 1958), or a penalty has been imposed on him under clause (iii) of sub-section (1) of section 271 or clause (i) of section 273 of the Income-tax Act, 1961, or under clause (iii) of sub-section (1) of section 18 of the Wealth-tax Act, 1957, or under clause (iii) of sub-section (1) of section 17 of the Gift-tax Act, 1958; or

(c) he is an undischarged insolvent; or

[(d) he has been convicted of any offence and sentenced to a term of imprisonment; or

(e) he has been found guilty of misconduct in his professional capacity,—

(i) in a case where he is a member of any association or institution established in India having as its object the control, supervision, regulation or encouragement of the profession of engineering, architecture, accountancy, or company secretaries or such other profession as the Board may specify in this behalf by notification in the Official Gazette, by such association or institution; or

[(ii) in any other case, by the Chief Commissioner or the Director General in accordance with the procedure laid down in rule 8F and rules 8H to 8K, which in the opinion of the Chief Commissioner or the Director General, renders him unfit to be registered as a valuer.]]

[(13A) Notwithstanding anything contained in sub-rules (2), (6), (7), (8) and (11) as amended by the Wealth-tax (Second Amendment) Rules, 1988, the provisions of the said sub-rules, as they stood immediately before such amendment, shall continue to apply in the case of a person whose name is included in the Register of Valuers immediately before the 1st day of June, 1988, and who makes an application for continuation of his registration as a valuer under sub-section (1) of section 34AE, subject to the modification that in addition to the requirement that such person should have, for a period of not less than five years, rendered service in any capacity or taught any subject or practised any profession, such person should also have an experience of not less than five years as a valuer registered under section 34AB.]

[(14) The requirement laid down in any of the foregoing sub-rules that the applicant should have, for a period of not less than ten years or five years, as the case may be,—

- (i) rendered service in any capacity, or
- (ii) taught any subject, or
- (iii) practised any profession, or
- (iv) gained experience in any other capacity or field,

as specified therein, shall be deemed to have been fulfilled if the period for which the applicant has rendered such service, taught such subject, practised such profession or otherwise gained experience in such other capacity or field, taken either singly or collectively, is not less than ten years or five years, as the case may be, in the foregoing sub-rules.]

Explanation [1].—In this rule, "recognised University" means any of the universities specified below, namely:—

- I. *Indian Universities* : Any Indian University incorporated by any law for the time being in force.
- II. *Rangoon University*.
- III. *English and Welsh Universities* : The Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Reading, Sheffield and Wales.
- IV. *Scottish Universities* : The Universities of Aberdeen, Edinburgh, Glasgow and St. Andrews.
- V. *Irish Universities* : The Universities of Dublin (Trinity College), the Queen's University, Belfast and the National University of Dublin.
- VI. *Pakistan Universities* : Any Pakistan university incorporated by any law for the time being in force.
- VII. *Bangladesh Universities* : Any Bangladesh University incorporated by any law for the time being in force.]

[**Explanation 2.**—Where the membership of any institution is recognised by the Central Government as a qualification for the purpose of recruitment to superior services or posts under the Central Government in any field, such membership shall not be regarded as a requisite qualification for the purposes of this rule, unless the membership has been granted on the basis of passing the examinations conducted by the institution.]



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[Scale of fees to be charged by a registered valuer.

8C. (1) Subject to the provisions of sub-rules (2) and (3), the fees to be charged by a registered valuer for valuation of any asset shall not exceed the amount calculated at the following rates, namely:—

- (a) On the first Rs. 5,00,000 of the asset as valued $\frac{1}{2}$ per cent of the value;
- (b) On the next Rs. 10 lakhs of the asset as valued $\frac{1}{5}$ per cent of the value;
- (c) On the next Rs. 40 lakhs of the asset as valued $\frac{1}{10}$ per cent of the value;
- (d) On the balance of the asset as valued $\frac{1}{20}$ per cent of the value.

(2) Where two or more assets are required to be valued by a registered valuer at the instance of an assessee, all such assets shall be deemed to constitute a single asset for the purposes of calculating the fees payable to such registered valuer.

(3) Where the amount of fees calculated in accordance with sub-rules (1) and (2) is less than Rs. 500, the registered valuer may charge Rs. 500 as his fees.]



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[Form of report of valuation by registered valuer.

8D. The report of valuation by a registered valuer in respect of any asset specified in column (1) of the Table below shall be in the Form specified in the corresponding entry in column (2) thereof and shall be verified in the manner indicated in such Form :—

TABLE

	1	2
(i)	Immovable property (other than agricultural lands, plantations, forests, mines and quarries)	Form O-1
(ii)	Agricultural lands (other than coffee, tea, rubber and cardamom plantations)	Form O-2
(iii)	Coffee, tea, rubber or cardamom plantations	Form O-3
(iv)	Forests	Form O-4
(v)	Mines and quarries	Form O-5
(vi)	Stocks, shares, debentures, securities, shares in partnership firms and business assets including goodwill but excluding those referred to in any other item in this Table	Form O-6
(vii)	Machinery and plant	Form O-7
(viii)	Jewellery	Form O-8
(ix)	Works of art	Form O-9
(x)	Life interest, reversions and interest in expectancy	Form O-10.]

FORM N
[See rule 8B]

Application for registration as a valuer under section 34AB of the Wealth-tax Act, 1957

To
Chief Commissioner/Director General,

Sir,

I hereby apply for registration as a valuer of _____ *
[class of assets] under section 34AB of the Wealth-tax Act, 1957. The following particulars are furnished
herewith :-

1. Name in full (block letters)
2. Father's/husband's name
3. Permanent address

4. Present address :
 - (i) Office

 - (ii) Residence

5. Income-tax Permanent Account Number
6. Date of birth [Proof of age to be sent in original with a true copy thereof. The original will be returned after perusal]
7. Educational qualifications, including professional or technical qualifications [Enclose original degree or diploma certificates together with attested copy of each. The originals will be returned after perusal]
8. If member of any professional or technical institution, give particulars
9. (a) Present occupation

(b) If a partner of a firm, name, address and business/profession of the firm
10. If already engaged in the profession or calling of a valuer, whether-
 - (a) on your own behalf
 - (b) in partnership with others [Give name and address of other partners]
11. Date of commencement of practice as a valuer
12. Give full details of your experience which qualifies you for registration as a valuer. A list of assets valued or works executed during the last three years should be enclosed
13. Whether you have been appointed as valuer under section 4 of the Estate Duty Act, 1953? If so, give date of notification
14. Name, occupation and address of three persons (not being relatives or business partners) with whom you have had regular contract over the last five years (one of whom should

preferably be a valuer) and of whom you authorise the Chief Commissioner or the Director General to enquire regarding your reputation and character.

15. (a) State, if any, liability towards income-tax, wealth-tax or gift-tax is outstanding against you
(b) If so, whether satisfactory arrangements for payments thereof have been made
[Attach certificate from the Assessing Officer]
16. Whether you have been convicted of any offence and sentenced to a term of imprisonment? If so, give details of offence and sentence
17. Whether you have been found guilty of misconduct in your professional capacity? If so, give details

I hereby declare that I am not disqualified from applying for registration by reason of any of the provisions contained in clauses (a) to (c) of sub-rule (13) of rule 8A of the Wealth-tax Rules, 1957.

I further declare that I shall-

- (a) make an impartial and true valuation of any asset which I may be required to value;
(b) furnish the report of such valuation in the prescribed form;
(c) charge fees at a rate not exceeding the rate or rates prescribed by the Board in this behalf; and
(d) not undertake any valuation of any asset in which I have a direct or indirect interest.

Signature

Verification

I, _____ [name in block letters], do declare-
(i) that what is stated in the above application is true and correct to the best of my knowledge and belief, and
(ii) that the documents sent herewith are the originals or true copies thereof.

Place _____

Date _____

List of enclosures :

Signature

Notes:

1. *Please see rule 8A of the Wealth-tax Rules, 1957.
2. This Form must be accompanied by a fee of Rs. 1, 000. It is suggested that the fee should be credited in a branch of the authorised bank or a branch of the State Bank of India or a branch of the Reserve Bank of India after obtaining a challan from the Assessing Officer. The receipted challan should be enclosed along with the application. The Central Board of Direct Taxes will not accept cheques, drafts, hundies, or other negotiable instruments



Income Tax Department

Government of India

[Application for registration as valuer.

8B. (1) An application for registration as a valuer under section 34AB shall be in Form N and shall be verified in the manner specified therein and shall be accompanied by a fee of Rs. 1,000 which shall not be refunded if the application is rejected.

(2) In the case of a person whose name has been included in the Register of Valuers on or after the 1st day of June, 1985, but before the 1st day of June, 1988, and who makes an application for continuation of his registration as a valuer under sub-section (1) of section 34AE, such application need not be accompanied by any fee.

(3) Where an application for registration as a valuer is pending before the Board immediately before the 1st day of June, 1988, and such application includes the details of the revised qualifications specified in sub-rules (2), (6), (7), (8), (9) and (11) of rule 8A, such application may be treated as valid if the applicant remits a further fee of Rs. 750 to the Chief Commissioner or the Director General within a period of three months from the 1st day of June, 1988:

Provided that where such application does not include the revised qualifications as specified in the aforesaid provisions of rule 8A, a fresh application for registration as a valuer shall be made and the fee already paid by the applicant shall be adjusted towards the payment of fee of Rs. 1,000 :

Provided further that where any person has become ineligible for making an application for registration as a valuer in view of the revised qualifications specified in the aforesaid provisions of rule 8A, the fee already paid by the applicant shall be refunded on an application made by him to the Chief Commissioner or Director General.]