
STAMP ACT, SVT. 1977
(Act No. XL of Svt. 1977)

THE STAMP ACT, 1977 (1920 A. D.)**(Act No. XL of Svt. 1977)**

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Amendments made (after 2009 edition) by Act No.—

1. XII of 2011.

THE STAMP ACT, 1977 (1920 A. D.)**(Act No. XL of Svt. 1977)**

[Sanctioned by His Highness the Maharaja Sahib Bahadur per Chief Minister's endorsement No. 8372, dated 11th September, 1920 and State Council Resolutions No. I, dated 8th April, 1925. (Notification 14-L/81)]

An Act to consolidate and amend the law relating to Stamps.

Whereas it is expedient to consolidate and amend the law relating to stamps ; It is hereby enacted as follows :—

CHAPTER I

Preliminary

¹[1. *Name, extent and enforcement.*—(1) This Act may be called the Stamp Act, 1977.

(2) It extends to the whole of Jammu and Kashmir State. It shall come into force on the 1st day of Baisakh, 1978].

2. *Definitions.*—In this Act, unless there is something repugnant in the subject or context,—

²[(1) “Banker” means an association, a company or a person who accepts, for the purposes of lending or investment, deposits of money from the public, repayable on demand or otherwise and withdrawable by cheque, draft, order or otherwise;

(2) *Bill of exchange.*—“bill of exchange” means a bill of exchange as defined by the Negotiable Instruments Act, and includes also a hundi, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money ;

(3) “*Bill of exchange payable on demand*”.—“bill of exchange payable on demand” includes,—

1. Section 1 revived by Act XI of Svt. 1993.

2. Clause (1) substituted by Act XII of 2011, s. 2.

- (a) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen ;
 - (b) an order for the payment of any sum of money weekly, monthly or at any other stated periods ; and
 - (c) a letter of credit, that is to say, any instrument by which one person authorises another to give credit to the person in whose favour it is drawn ;
- (4) Omitted.
- (5) *Bond*.—“bond” includes—
- (a) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be ;
 - (b) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another ; and
 - (c) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another.

¹[*Explanation*:—Notwithstanding anything contained in any law for the time being in force, for the purposes of this clause “attested”, in relation to an instrument means attested by one or more witnesses each of whom has seen the executant sign or affix his mark to the instrument in the presence and by, the direction of the, executant a personal acknowledgement of his signature or mark or of the signature of such other person, and each of whom has signed the instrument in the presence of the executant, but it shall not be necessary that more than one of such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary ;

1. Explanation inserted by Act XII of 2011, s. 2.

(6) *Chargeable*.—“chargeable” means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act, and as applied to any other instrument, chargeable under the law in force in the State when such instrument was executed or, where several persons executed the instrument at different times, first executed ;

(7) *Cheque*.—“cheque” means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand ;

(8) Omitted.

¹[(9) “Collector” means the Deputy Commissioner of a district and includes any officer whom the Government may, by notification in the Government Gazette, appoint in this behalf and on whom any or all powers of the Collector under this Act are conferred by the said notification or any other notification ;]

²[(9-a) “Commissioner of Stamps” means such officer as the Government may, by notification in the Government Gazette, appoint in this behalf, for the whole or any part of the State;

³[(10) “Conveyance” includes—

- (i) a conveyance on sale;
- (ii) every decree or final order of any civil court or revenue authority ;
- (iii) every order made by the High Court/ Tribunal under section 394 of the Companies Act, 1956 (Central Act) in respect of the amalgamation or reconstruction of companies ;
- (iv) every order made by the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 in respect of amalgamation or reconstruction of banking companies ; and
- (v) any other instrument,

by which property, whether movable or immovable, or any estate or interest in any property is transferred to, or vested in, any other person inter vivos and which is not otherwise specifically provided for by Schedule—I ;]

1. Clause (9) substituted by Act XII of 2011, s. 2.

2. Clause (9-a) substituted *ibid*.

3. Clause (10) substituted *ibid*.

¹[(10-A) Deputy Commissioner of Stamps” means an officer appointed by the Government as Deputy Commissioner of Stamps ;

(11) *Duly stamped*.—“duly stamped”, as applied to an instrument, means that the instrument bears ²[a stamp] of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in the State ;

³[(12) “Executed” and “Execution”, used with reference to instruments, mean “signed” and “signature”, and includes attribution of electronic record as per section 11 of the Information Technology Act, 2000 (Central Act 21 of 2000) ;]

⁴[(12-a) “immovable property” includes land, building, hereditary allowances, rights to way, light, ferries and fisheries or any other benefit arising out of land and things attached to the earth or anything permanently fastened to anything attached to the earth but does not include standing timber, growing crops or grass ;]

(13) *Impressed stamp*.—“impressed stamp” includes—

- (a) labels affixed and impressed by the proper officer, and
- (b) stamps embossed or engraved on stamped paper ;

⁵[(c) impression, mark or endorsement by a machine or any other mode of stamping, as the Government may, by notification in the Government Gazette, specify ;]

⁶[(14) “instrument” includes every document and every electronic record as defined under clause (t) of section 2 of the Information Technology Act, 2000 (Central Act 21 of 2000) by which any right or liability is or is purported to be, created, transferred, limited, extended, extinguished or recorded and any other document mentioned in the Schedule-I ;]

⁷[(15) “instrument of partition” means any instrument whereby co-owners of any property divide or agree to divide such property in severalty,

1. Inserted by Act III of 2006.

2. Substituted for “an adhesive or impressed stamp” by Act XII of 2011, s. 2.

3. Clause (12) substituted *ibid.*

4. Clause (12-a) inserted *ibid.*

5. Sub-clause (c) inserted *ibid.*

6. Clause (14) substituted *ibid.*

7. Clause (15) substituted *ibid.*

and also includes—

- (a) a final order for effecting a partition passed by any Revenue Authority or any Civil Court ;
- (b) an award by an arbitrator directing the partition; and
- (c) when any partition is effected without executing any such instrument, any instrument signed by co-owners and recording, whether by way of a declaration of such partition or otherwise, the terms of such partition amongst the co-owners;

(16) *Lease*.—“lease” means a lease of immovable property, and includes also—

- (a) a patta ;
- (b) a *kabuliyat* or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy or pay or deliver rent for, immovable property ;
- (c) any instrument by which tolls of any description are let ;
- (d) any writing on an application for a lease intended to signify that the application is granted ;
- ¹[(e) any agreement to lease ; and
- (f) a decree or final order of any civil or revenue court, by which the lease rights are transferred in favour of the lessee ;]

²[(16-a) “market value” in relation to any property which is the subject matter of any instrument, means the price which such property would fetch or would have fetched if sold in open market on the date of execution of such instrument as determined in such manner and by such authority as specified in this Act, or the rules made thereunder or the considerations stated in the instrument, whichever is higher ;

(16-b) “marketable security” means a security of such a description as to be capable of being sold in any stock market in India or abroad ;]

1. Inserted by Act XII of 2011, s. 2.

2. Substituted *ibid*.

(17) *Mortgage-deed*.—“mortgage-deed” includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or an existing or future debt, or the performance of a engagement, one person transfers, or creates, to, or in favour of, another, a right over or in respect of specified property ;

¹[(17-a) “moveable property” includes standing timber, growing crops and fruit upon, or juice in, the trees, and property of every other description except immovable property ;

(18) *Paper*.—“paper” includes vellum, parchment or any other material on which an instrument may be written ;

(19) *Policy of insurance*.—“policy of insurance” includes—

- (a) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event ;
- (b) a life-policy, and any policy insuring any person against accident or sickness, and any other personal insurance ;

(20) *Omitted*.

²[(21) “power of attorney” includes any instrument (not chargeable with a fee under the law relating to court fees for the time being in force) empowering a specified person to act for, and in the name of, the person executing it and includes an instrument by which a person, not being a person who is a legal practitioner, is authorised to appear on behalf of any party in any proceeding before any court, tribunal or authority ;]

(22) *Promissory note*.—“promissory note” means a promissory note as defined by the Negotiable Instruments Act ;

it also includes, a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen ;

³[(22-a) “public officer” means a public officer as defined in clause (17) of section 2 of the Code of Civil Procedure, Samvat 1977 ;]

(23) *Receipt*.—“receipt” includes any note, memorandum or writing—

1. Clause (17-a) inserted by Act XII of 2011, s. 2.

2. Clause (21) substituted *ibid*.

3. Clause 22-a) inserted *ibid*.

- (a) whereby any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received, or
- (b) whereby any other movable property is acknowledged to have been received in satisfaction of a debt, or
- (c) where by any debt or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged, or
- (d) which signifies or imports any such acknowledgment,

and whether the same is or is not signed with the name of any person ; and

¹[(23-a) “Rural Areas” mean areas which do not fall within the limits of any Municipal Corporation, Municipal Council or Municipal Committee constituted under any law for the time being force ;]

(24) *Settlement*.—“settlement” means any non-testamentary disposition, in writing, of movable or immovable property made—

- (a) in consideration of marriage,
- (b) for the purpose of distributing property of the settler among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or
- (c) for any religious or charitable purpose ;

and includes an agreement in writing to make such a disposition and, where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition.

²[(24-a) *Stamp*.— “stamp” means any mark, seal or endorsement by any agency or person duly authorised by the State Government, and includes an adhesive or ³[impressed or electronic stamp], for the purpose of duty chargeable under this Act ;

⁴[(25) “Urban Areas” mean areas falling within the limits of any Municipal Corporation, Municipal Council or Municipal Committee constituted under any law for the time being in force].

1. Clause (23-a) inserted by Act III of 2006, s. 2.

2. Clause (24-a) inserted by Act XXVI of 2010, s. 2, w.e.f. 18-08-2010.

3. Substituted for “impressed stamp” by Act XII of 2011, s. 2.

4. Clause (25) added by Act III of 2006, s. 2.

CHAPTER II

Stamp Duties*A.—Of the Liability of Instruments to Duty.*

3. *Instruments chargeable with duty.*—Subject to the provisions of this Act and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in that schedule as the proper duty therefor respectively, that is to say—

- (a) every instrument mentioned in that schedule which, not having been previously executed by any person, is executed in the State on or after the date on which this Act comes into force ;
- (b) every bill of exchange ¹[*] ²[payable otherwise than on demand] or promissory note drawn or made out of the State on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in the State ; and
- (c) every instrument (other than a bill of exchange, ¹[*] or promissory note) mentioned in that Schedule, which, not having been previously executed by any person, is executed out of the State on or after that day, relates to any property situate, or to any matter or thing done or to be done, in the State and is received in the State :

³[Provided that wherever no proper duty has been paid on the original of an instrument which is chargeable to duty with an amount indicated in the Schedule—I as the proper duty therefor, a copy of such instrument or record relating to, or in respect of, the transaction shall be chargeable with duty of an amount which is indicated in Schedule—I as the proper duty for the original of such instrument :]

⁴[Provided further that] no duty shall be chargeable in respect of—

- (1) any instrument executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the

1. The word “cheque” omitted by Act I of Svt. 1993.

2. Inserted *ibid.*

3. Proviso inserted by Act XII of 2011, s. 3.

4. Substituted for “Provided that” *ibid.*

Government would be liable to pay the duty chargeable in respect of such instrument ;

(2) Omitted.

4. *Several instruments used in single transaction of sale, mortgage or settlement.* —¹[(1) Where in the case of any transaction, several instruments are employed for completing the transaction, only the principal instrument shall be chargeable with a duty prescribed for it in Schedule—I and thereafter, each of the other instruments shall be chargeable with a duty of one hundred rupees.]

(2) The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument :

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

²[x x x].

5. *Instruments relating to several distinct matters.*—Any instrument comprising or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters, would be chargeable under this Act.

6. *Instruments coming within several description in Schedule I*—Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions ³[given] in Schedule I, shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties :

Provided that nothing in this Act contained shall render chargeable with duty ⁴[exceeding one hundred rupees] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

1. Substituted by Act XII of 2001, s. 4.

2. Sections 4-A and 4-B omitted *ibid*, s. 5. (For earlier amendment see Act III of 2006).

3. Inserted by Notification No. II-14/86 published in Govt. Gazette dated 28th Maghar, 1986.

4. Substituted for “exceeding five rupees” by Act XII of 2011, s. 6.

7. Omitted

8. Omitted.

9. *Power to reduce, remit or compound duties.*—¹[The Government, if satisfied that it is necessary to do so in the public interest, may], by rule or order published in the Government Gazette,—

(a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of the State, the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, and

²(b) provide for the composition or consolidation of duties of policies of insurance and on issues by any incorporated company or other body corporate, or on transfers where there is a single transferee whether incorporated or not, of debentures, bonds or other marketable securities.]

B.—Of Stamps and the mode of using them.

³[10. *Duties how to be paid.* —(1) Except as otherwise expressly provided in this Act, all duties with which the instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means of stamps,—

(a) in accordance with the provisions herein contained ; or

(b) when no such provision is applicable thereto, as the Government may by rules prescribe.

(2) The rules as mentioned in clause (b) of sub-section (1) may, among other matters, regulate—

(a) in the case of any or all kinds of instruments, the description of stamps which may be used ;

1. Substituted for the words “The Government may” by Act XII of 2011, s. 7.

2. Clause (b) substituted *ibid.*

3. Section 10 substituted *ibid.*, s. 8.

- (b) in the case of instruments stamped with impressed stamps, the number of stamps which may be used ;
- (c) in the case of bills of exchange or promissory notes, the size of the paper on which they are written ;
- (d) the use of franking machine or any other machine as specified in the rules ; and
- (e) the used and procedure of electronic stamping.

(3) Subject to the rules made under sub-section (2), the Government may authorise any person, body or organization, including post offices and banks, to use a franking machine or any other such machine for making impression of stamps, indicating the payment of stamp duty on the instruments.

(4) The stamp duty may be paid in cash by a challan in any Government treasury, sub-treasury or bank authorised to conduct Government business and such payment shall be indicated on such instrument by endorsement to that effect made on the instrument by such officer as may be authorised by the Government in this behalf.

(5) Notwithstanding anything contained in sub-section (4), and subject to rules made by the Government in this behalf, the duty on an instrument can also be paid in the Government Account electronically and indicated by means of a certificate issued under Electronic Stamping System specified by the Government for the purpose :

Provided that if the Government is satisfied that circumstances exist in public interest to restrict the mode of indicating the payment of duty on any instrument or a particular class of instruments to any of the modes as specified in sub-section (4) and this sub-section, it can do so by an order published in this behalf in the Government Gazette.

(6) An impression or endorsement made on an instrument under sub-sections (3), (4) and (5) shall have the same effect as if the duty of an amount equal to the amount indicated in the impression or endorsement, as the case may be, had been paid in respect of that instrument and such payment had been indicated on such instrument by means of stamps under sub-section (1).]

¹[11. *Use of adhesive stamps.*— The following instruments may be stamped with adhesive stamps, namely :—

1. Section 11 substituted by Act XII of 2011, s. 9.

- (a) acknowledgement (article 1) ;
- (b) articles of association (article 10) ;
- (c) certificates (article 16) ;
- (d) delivery order in respect of goods (article 23) ;
- (e) letter of allotment of shares (article 30) ;
- (f) letter of credit (article 31) ;
- (g) notarial act (article 37) ;
- (h) note or memorandum (article 38) ;
- (i) policy of insurance (article 41) ;
- (j) protest of bill or note (article 44) ;
- (k) proxy (article 45) ;
- (l) receipt (article 46) ;
- (m) transfer of shares [article 54(a)] ; and
- (n) warrant for goods (article 57).]

12. *Cancellation of adhesive stamps.* —(1) (a) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again ; and

(b) whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in manner aforesaid, cancel the same so that it cannot be used again.

(2) Any instrument bearing an adhesive stamp which has not been cancelled so that it cannot be used again, shall, so far as such stamp is concerned, be deemed to be unstamped.

(3) The person required by sub-section (1) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the

name or initials of his form with the true date of his so writing, or in any other effectual manner.

13. *Instruments stamped with impressed stamps how to be written.*— Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

Where a stamp duty payable in respect of an instrument is made of two or more papers stamped with impressed stamp, the instrument shall be written in such manner that some part of the writing shall, as far as possible, appear on each such paper so as to leave as few blank sheets as possible. Each blank sheet shall be dated and signed and shown as part of the instrument.

¹[*Explanation 1:*—Where two or more sheets of paper stamped with impressed stamps are used to make up the amount of duty chargeable in respect of any instrument, either a portion of such instrument shall be written on each sheet so used or the sheet on which no such portion is written shall be signed by the executant or the executants, as the case may be, with an endorsement indicating that the sheet is attached to another sheet on which the instrument is written.

Explanation 2:—Where a single sheet of paper, not being paper bearing an impressed hundi stamp, is insufficient to admit of the entire instrument being written on the stamped paper, so much plain paper may be sub-joined thereto as may be necessary for completing the writing of such instrument, provided a substantial part of the instrument is written on the sheet which bears the stamp before any part is written on the plain paper sub-joined and such plain paper shall be signed by the executant or the executants, as the case may be.]

14. *Only one instrument to be on same stamp.*—No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written :

Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment or delivery of which is secured thereby.

1. Explanations inserted by Act XII of 2011, s. 10.

¹[14-A. *Alterations in instruments how to be charged.*— Where due to material alternations made in an instrument by a party, with or without the consent of other parties, the character of the instrument is materially or substantially altered, then such instrument shall require a fresh stamp duty according to its altered character.

Explanation:—For the purpose of this section, a material alteration is one which varies the rights, liabilities or legal position of the parties as ascertained by the instrument in its original state or otherwise varies the legal effect of the instrument as originally executed.]

²[15. *Instruments deemed not duly stamped.*— Every instrument in contravention of sections 13, 14 or 14-A shall be deemed to be not duly stamped.]

16. *Denoting duty.*— Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first-mentioned instrument, by endorsement under the hand of the Collector or in such other manner (if any) as ³[the Government] may by rule prescribe.

C.—Of the time of Stamping Instruments.

17. *Instruments executed in the State.*—All instruments chargeable with duty and executed by any person in the State shall be stamped before or at the time of execution ⁴[or immediately thereafter].

18. *Instruments other than bills and notes executed out of the State.*—
(1) Every instrument chargeable with duty executed only out of the State, and not being a bill of exchange ⁵[*] or promissory note, may be stamped within three months after it has been first received in the State.

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as ³[the Government]

1. Section 14-A inserted by Act XII of 2011, s. 11.

2. Section 15 substituted *ibid*, s. 12.

3. Substituted for “His Highness” by Act X of Svt. 1996.

4. Words inserted by Act XII of 2011, s. 13.

5. Word “cheque” omitted by Act XI of Svt. 1993.

may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

19. *Bills and notes drawn out of the State.*—The first holder in the State of any bill of exchange ¹[*] ²[payable otherwise than on demand] or promissory note drawn or made out of the State shall, before he presents the same for acceptance or payment, or endorses, transfers otherwise negotiates the same in the State, affix thereto the proper stamp and cancel the same :

Provided that,—

- (a) if, at the time any such bill of exchange ²[*] or note comes into the hands of any holder thereof in the State, the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12 and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Act, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled ;
- (b) nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

D.—Of valuations for Duty.

³[20. *Conversion of amount expressed in foreign currency.*—When an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of ⁴[India,] such duty shall be calculated on the value of such money in the currency of ⁴[India] according to the rate of exchange prevailing in India on the day of the date of the instrument ⁵[x x x].

21. *Stock and marketable securities how to be valued.*— Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

1. Word “cheque” omitted by Act XI of Svt. 1993.

2. Inserted *ibid.*

3. Section 20 inserted by Act VII of Svt. 1994.

4. Substituted by A.L.O. 2008 for “British India”.

5. Words “under a Notification of the Governor-General in Council issued under sub-section (2) of section 20 of Act II of 1899” omitted by Act XII of 2011, s. 14.

22. *Effect of statement of rate of exchange or average price.*— Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement, it shall, so far as regards the subject-matter of such statement, be presumed, until the contrary is proved, to be duly stamped.

23. *Instrument reserving interest.*— Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein.

¹[23-A. *Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.* —(1) Where an instrument (not being a promissory note or bill of exchange)—

- (a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or
- (b) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security, it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (c) of Schedule I.]

(2) A release or discharge of any such instrument shall only be chargeable with the like duty.

24. *How transfer in consideration of debt, or subject to future payment etc. to be charged.*—Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, where being or constituting a charge or incumbrances upon the property or not, such debt, money or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with ad valorem duty :

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in ²[Article No. 16] of Schedule I.

1. Section 23-A substituted by Act III of 2000.

2. Substituted for "Article No. 18" by Act III of 2000.

Explanation.—In the case of a sale of property subject to a mortgage or other incumbrance, any unpaid mortgage money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale :

Provided that, where property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

Illustrations

(1) A owes B Rs. 1,000, A sells a property to B, the consideration being Rs. 500 and the release of the previous debt of Rs. 1,000 Stamp duty is payable on Rs. 1,500.

(2) A sells a property to B for Rs. 500 which is subject to a mortgage to C for Rs. 1,000 and unpaid interest Rs. 200. Stamp-duty is payable on Rs. 1,700.

(3) A mortgages a house of the value of Rs. 10,000 to B for Rs. 5000. B afterwards buys the house from A. Stamp-duty is payable on Rs. 10,000 less the amount of stamp-duty already paid for the mortgage.

25. *Valuation in case of annuity, etc.*—Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Act, be deemed to be,—

- (a) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained—such total amount ;
- (b) where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance—the total amount which, according to the terms of such instrument or conveyance, will or may be payable during the period of ten years calculated from the date on which the first payment becomes due ; and
- (c) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance—

the maximum amount which will or may be payable as aforesaid during the period of ten years calculated from the date on which the first payment becomes due.

26. *Stamp where value of subject-matter is indeterminate.*— Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem* duty cannot be, or (in the case of an instrument executed before the commencement of this Act) could not have been ascertained at the date of its execution or first execution, nothing shall be claimable under such instrument more than the highest amount of value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, have been sufficient :

Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it ¹[shall be subject to the provisions of section 26-A, sufficient] to have estimated such royalty or the value of such share, for the purpose of stamp-duty,—

- (a) when the lease has been granted by or on behalf of ²[the Government], at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to ²[the Government] under the lease, or,
- (b) when the lease has been granted by any other person, at ³[two lakh rupees] a year ;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease :

Provided also that, where proceedings have been taken in respect of an instrument under section 31 or 41, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

⁴[26-A. *Special provision to re-assess stamp duty on instruments of mining leases.*— Where an instrument of a mining lease is made chargeable with duty under section 26 or on the basis of dead rent set forth in the instrument at the time of its execution, the Collector may *suo motu*, within five years from the date of registration of the instrument of lease, call for and examine the instrument for the

1. Substituted for the words “shall be sufficient” by Act XII of 2011, s. 15.

2. Substituted for “His Highness” by Act X of Samvat 1996.

3. Substituted for “twenty thousand rupees” by Act XII of 2011, s. 15.

4. Section 26-A inserted *ibid*, s. 16.

purpose of satisfying himself as to the correctness of the amount or value of the royalty or share of produce estimated and the duty paid thereon and if, after such examination he finds that the amount or value of the royalty or share of produce received is more than the amount or value on the basis of which stamp duty was paid at the time of execution of the lease, he shall re-assess the amount or value of the royalty or share and the duty payable thereon in respect of the lease taking into account the amount or value of royalty or share actually paid during the period and, having regard to all the circumstances of the case and after giving the parties a reasonable opportunity of being heard, and the difference, if any, in the amount of duty shall be payable by the person liable to pay the duty.

¹[27. *Facts affecting duty to be set forth in instrument.* —(1) The consideration, if any, the market value and all other facts affecting the chargeability of any instrument with duty, or the amount of duty with which it is chargeable, shall be fully and truly set forth therein.

(2) In the case of instruments relating to immovable property chargeable with an ad valorem duty on the market value of the property, and not on the value set forth, the instrument shall fully and truly set forth the annual land revenue, the annual rental or gross assets, as the case may be, the local rates, municipal or other taxes, if any, to which such property is subject to and any other particulars which may be prescribed by rules made under this Act.

(3) A registering officer appointed under section 6 of the Registration Act, Samvat 1977 or any other officer authorised in this behalf may inspect, take photographs and measurement of the property, which is the subject matter of such instrument, in order to satisfy that the provisions of this section have been complied with in respect of such instrument.]

²[27-A. *Fixation of market value guidelines.*— Subject to rules made, in this behalf, the Government may fix and revise periodically the market value guidelines of lands, buildings and various kinds of interests in immovable property situated in the State for the purpose of determining the duty chargeable at the time of registration and for making reference to the Collector under section 47-A, of instruments involving immovable properties.]

³[28. *Direction as to duty in respect of certain conveyances.* —(1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separated parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit :

1. Sections 27 substituted by Act XII of 2011, s. 17.

2. Section 27-A inserted *ibid*, s. 18.

3. Section 28 substituted *ibid*, s. 19.

Provided that distinct market value of each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with ad valorem duty in respect of such distinct market value of each such part.

(2) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with ad valorem duty in respect of the market value of the property relating to such distinct part of the consideration therein specified.

(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with ad valorem duty on the market value of the property so conveyed.

(4) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person or persons and the property is in consequence conveyed by the original seller to different person in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with ad valorem duty in respect only of the market value of the property purchased by such sub-purchaser and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with ad valorem duty in respect only of the market value of such residue :

Provided that the duty on such last-mentioned conveyance shall in no case be less than one hundred rupees.

(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty in respect of the market value of the property purchased by him or the market value of the property which is the subject matter of conveyances and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the market value of the property which is subject matter of conveyance, or, where such duty exceed five hundred rupees, with a duty of five hundred rupees.]

F.—Duty by whom payable

¹[29. *Duties by whom payable.*— In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

(a) in the case of any instrument described in any of the following articles of the Schedule, namely:—

- article 2 (Administration Bond) ;
- article 6 (Agreement relating to deposit of title deeds, pawn or pledge) ;
- article 12 (Bill of Exchange) ;
- article 13 (Bond) ;
- article 21 (Customs Bond) ;
- article 22 (Debenture) ;
- article 26 (Further charge) ;
- article 28 (Indemnity Bond) ;
- article 35 (Mortgage Deed) ;
- article 43 (Promissory Note) ;
- article 48 (Release) ;
- article 49 (Security-Bond or Mortgage Deed) ;
- article 50 (Settlement) ;
- article 54(a) (Transfer of shares, in an incorporated company or other body corporate) ;
- article 54(b) (Transfer of debentures, being marketable securities, whether the debenture is liable to duty or not) ; and
- article 54(c) (Transfer of any interest secured by a bond, mortgage deed or policy of insurance),

by the person drawing, making or executing such instrument ;

1. Section 29 substituted by Act XII of 2011, s. 20.

- (b) in the case of a policy of insurance other than fire-insurance, by the person effecting insurance ;
- (c) in the case of a policy of fire-insurance, by the person issuing the policy ;
- (d) in the case of a conveyance (including a re-conveyance of mortgaged property), by the grantee ;
- (e) in the case of a lease or agreement to lease, by the lessee or intended lessee ;
- (f) in the case of counterpart of a lease, by the lessor ;
- (g) in the case of an instrument of exchange, by the parties in equal share ;
- (h) in the case of a certificate of sale, by the purchaser of the property to which such certificate relates ;
- (i) in the case of an instrument of partition, by the parties thereto in proportion to their respective shares in the whole property partitioned, or when the partition is made in execution of an order passed by a Revenue Authority or Civil Court or Arbitrator, in such proportion as such Authority, Court or Arbitrator directs ; and
- (j) in case of any instrument not specified in clauses (a) to (g) of this section and elsewhere in this Act, by the person making, drawing or executing such instrument.]

30. *Obligation to give receipt in certain cases.*— Any person receiving any money exceeding ¹[one hundred rupees] in amount, or any bill of exchange, cheque or promissory note for an amount exceeding ¹[one hundred rupees,] or receiving in satisfaction or part satisfaction of a debt any movable property exceeding ¹[one hundred rupees] in value, shall, on demand by the person paying or delivering such money, bill, cheque, note or property, give a duly stamped receipt for the same.

Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire insurance, shall, within one month

1. Substituted for "forty rupees" by Act XII of 2011, s. 21. (For earlier amendment see Act III of 2006).

after receiving or taking credit for such premium or consideration, give a duly stamped receipt for the same.

CHAPTER III

Adjudication as to Stamps.

31. *Adjudication as to Proper Stamps.* —(1) When any instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, and the person bringing it applies to have the opinion of that office as to the duty (if any) with which it is chargeable, and pays ¹[a fee of one hundred rupees], the Collector shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

(2) For this purpose the Collector may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed up to any such application until such abstract and evidence have been furnished accordingly.

²[(3) When an instrument so brought to the Collector under sub-section (1) relates to a transaction of immovable property on which stamp duty is chargeable on the basis of market value of the subject matter of property, the Collector shall, for the purposes of assessing proper stamp duty payable thereon, determine the market value of such property by following the procedure as prescribed by rules made by the State Government in this behalf.]

³[x x x].

⁴[(4) When an instrument is brought to the Collector for adjudication, the person liable to pay the stamp duty ⁵[under section 29] shall pay the same within sixty days from the date of service of the demand in respect of the stamp duty adjudicated by the Collector. If such person fails to pay the stamp duty so demanded within the said period, he shall be liable to pay a penalty at the rate of 2% of the deficient portion of the stamp duty, for every month or part thereof, from the date of execution of such instrument :

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1. Substituted by Act XII of 2011, s. 22. (For earlier amendment see Act VI of 1958.)
 2. Sub-section (3) substituted *ibid.*
 3. Existing sub-section (4) omitted *ibid.*
 4. Existing sub-section (5) re-numbered as sub-section (4) *ibid.*
 5. Words "under section 29" omitted *ibid.*

Provided that—

- (a) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an enquiry as to the duty with which the instrument to which it relates is chargeable ; and
- (b) every person by whom any such evidence is furnished shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty which he may have incurred under this Act by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

32. *Certificate by Collector.* —(1) When an instrument brought to the Collector under section 31, is, in his opinion, one of a description chargeable with duty, and—

- (a) the Collector determines that it is already fully stamped, or
- (b) the duty determined by the Collector under section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid,

the Collector shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.

(2) When such instrument is, in his opinion, not chargeable with duty, the Collector shall certify in manner aforesaid that such instrument is not so chargeable.

(3) ¹[Subject to the provisions of Chapter VI, any instrument] upon which an endorsement has been made under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be ; and if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped :

Provided that nothing in this section shall authorise the Collector to endorse—

- (a) any instrument executed or first executed in the State and brought to him after the expiration of one month from the date

1. Substituted for “Any instrument” by Act XII of 2011, s. 23.

of its execution or first execution, as the case may be ; or

- (b) any instrument executed or first executed out of the State and brought to him after the expiration of three months after it has been first received in the State.

¹[(4) In case the instrument is produced before the Collector after the period prescribed in proviso to sub-section (3), the Collector shall proceed under sections 33 and 40.]

CHAPTER IV

Instruments not duly stamped.

33. *Examination and impounding of instruments.* —(1) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except ²[an officer of police or any other officer empowered by law to investigate offences,] before whom any instrument, chargeable in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same.

(2) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in the State when such instrument was executed or first executed :

Provided that—

- (a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure ;
- (b) in the case of a Judge of the High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court appoints in this behalf.

(3) For the purposes of this section, in case of doubt, ¹[the Government] may determine what offices should be public offices and who shall be deemed to be persons in charge of such public offices.

1. Sub-section (4) inserted by Act XII of 2011, s. 23.

2. Substituted for “an officer of police” *ibid*, s. 24.

3. Substituted for “His Highness” by Act X of Samvat 1996.

¹[(4) Where a person referred to in sub-section (1), during the course of inspection or otherwise, detects from an instrument or copy thereof that the instrument is not duly stamped, such person shall forthwith make a reference to the Collector in the matter.

(5) The Collector may, either *suo motu* or on a reference, call for the original instrument for ascertaining whether it is duly stamped and the instrument so produced shall be deemed to have been produced or come before him in the performance of his functions, and in case the original instrument is not produced within the period specified by the Collector, he may require the payment of the proper duty or the amount required to make up the same together with the penalty under section 40 from the person liable to pay the duty.]

34. *Special provision as to unstamped receipts.*—Where any receipt chargeable with a duty of ²[one rupee] is tendered to or produced before any officer unstamped in the course of the audit of any public account, such officer may in his discretion instead, of impounding the instrument, require a duly stamped receipt to be substituted thereof.

³[35. *Instruments not duly stamped inadmissible in evidence, etc.*— No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped or if the instrument is written on sheet of paper with impressed stamp, such stamp paper is purchased in the name of one of the parties to the instrument :

Provided that—

- (a) any such instrument shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument, insufficiently stamped, of the amount required to make up such duty, together with a penalty equal to two per cent of the deficient portion of stamp duty for every month or part thereof, from the date of execution of the instrument, minimum being Rs. 100 ;
- (b) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such

1. Sub-sections (4) and (5) added by Act XII of 2011, s. 24.

2.

3. Section 35 substituted by Act XII of 2011, s. 25.

receipt shall be admitted in evidence against him on payment of penalty of one hundred rupees by the person tendering it ;

- (c) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and anyone of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped ;
- (d) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a criminal court, other than a proceeding under Chapter IX or part D of Chapter X of the Code of Criminal Procedure, Samvat 1989 ;
- (e) nothing herein contained shall prevent the admission of any instrument in any court when such instrument has been executed by or on behalf of the Government or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Act and such certificate has not been revised in exercise of powers conferred under Chapter VI ;
- (f) nothing herein contained shall prevent the admission of a copy of any instrument or of an oral admission of the contents of any instrument, if the stamp duty or a deficient portion of the stamp duty and penalty as specified in clause (a) is paid ; and
- (g) any such instrument subject to all just exceptions be registered or authenticated on payment of the duty with which the same is chargeable, or in the case of an instrument insufficiently stamped, of the amount required to make up such duty.]

36. *Admission of instrument where not to be questioned.*— Where an instrument has been admitted in evidence, such admission shall not, except as provided in section 61, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

37. *Admission of improperly stamped instruments.*—¹[The Government] may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

1. Substituted for "His Highness" by Act X of Samvat 1996.

38. *Instruments impounded how dealt with.* —(1) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 35 or of duty as provided by section 37, he shall send to the Collector an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Collector, or to such person as he may appoint in this behalf.

(2) In every other case, the person so impounding an instruments shall send in original to the Collector.

¹[39. *Collector's power to refund penalty.* —(1) When a copy of an instrument has been impounded only because it has been written in contravention of section 13 or section 14 or section 14-A, the Collector may refund the whole penalty so paid.]

²[40. *Collector's power to stamp instruments impounded.* —(1) When the Collector impounds any instrument under section 33, or receives any instrument sent to him under sub-section (2) of section 38, he shall adopt the following procedure :—

- (a) when any instrument so impounded or received by the Collector relates to a transaction of immovable property and on which the stamp duty is chargeable on the basis of market value of the subject matter property, the Collector shall for the purpose of assessing proper stamp duty payable thereon, determine the market value of such property by following the procedure as prescribed by rules made by the State Government in this behalf ;
- (b) if he is of opinion that such instrument is duly stamped, or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be ; and
- (c) If he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty equal to two per cent of the deficient portion of the stamp duty for every month or part thereof from the date of execution of the instrument, minimum being rupees one hundred :

1. Section 39 substituted by Act XII of 2011, s. 26.

2. Section 40 substituted *ibid*, s. 27.

Provided that when such instrument has been impounded only because it has been written in contravention of section 13 or section 14 or section 14-A, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.

(2) Subject to the provisions of Chapter VI, every certificate under sub-section (1) shall, for the purposes of this Act, be conclusive evidence of the matters stated therein.

(3) Where an instrument has been sent to the Collector under sub-section (2) of section 38, the Collector shall, when he has dealt with it as provided by this section, return it to the impounding officer.]

41. *Instruments unduly stamped by accident.*— If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of ¹[one rupee] only or a bill of exchange or promissory note, ²[or acknowledgement], is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not only duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 40, receive such amount and proceed as next hereinafter prescribed.

42. *Endorsement of instruments on which duty has been paid under sections 35, 40 or 41.*—(1) When the duty and penalty (if any) leviable in respect of any instrument have been paid under section 35, section 40 or section 41, the person admitting such instrument in evidence or the Collector, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof, and the name and residence of the person paying them.

(2) ³[Subject to the provisions of Chapter VI, every instrument so endorsed] shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in this behalf to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct :

1. Substituted by Act III of 2000.

2. Inserted by Act II of 1956.

3. Substituted for the words "Every instrument so endorsed" by Act XII of 2011, s. 28.

Provided that—

- (a) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 35, shall be so delivered before the expiration of one month from the date of such impounding, or if the Collector has certified that its further detention is necessary and has not cancelled such certificate ;
- (b) nothing in this section shall affect the Code of Civil Procedure, Order XIII, rule 9.

43. *Prosecution for offence against Stamp-law.*— The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the Stamps-law in respect of such instrument :

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Collector that the offence was committed with an intention of evading payment of the proper duty.

44. *Persons paying duty or penalty may recover the same in certain cases.* —(1) When any duty or penalty has been paid under section 35, section 37, section 40 or section 41, by any person in respect of an instrument, and, by agreement or under the provisions of section 29 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

(2) For the purpose of such recovery any certificate granted in respect of such instrument under this Act shall be conclusive evidence of the matters therein certified.

(3) Such amount may, if the Court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which such instrument has been tendered in evidence. If the Court does not include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

¹[45. *Power of Commissioner to refund penalty or excess duty in certain cases.* —(1) Where any penalty is paid under section 35 or section

1. Section 45 substituted by Act XII of 2011, s. 29.

40, the Commissioner of Stamps may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(2) Where, in the opinion of the Commissioner of Stamps, stamp duty in excess of that which is legally chargeable has been charged and paid under section 35 or section 40 or section 47-A, such authority may, upon application in writing made within one year of the order charging the same, or six months from the date of order allowing the refund, whichever is later, refund the excess.]

46. *Non-liability for loss of instruments under section 38.* —(1) If any instrument sent to the Collector under section 38, sub-section (2), is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

(2) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same, may require a copy thereof to be made at the expense of such first mentioned person and authenticated by the person impounding such instrument.

47. *Power of payer to stamp bills and promissory notes received by him unstamped.*—When any bill of exchange ¹[or] promissory note ¹[*] chargeable with the duty of ²[ten rupees] is presented for payment unstamped, the person to whom it is so presented may affix there to the necessary adhesive stamp, and upon cancelling the same in manner hereinbefore provided, may pay the sum payable upon such bill or note, ¹[*] and may charge the duty against the person who ought to have paid the same, or deduct it from the sum payable as aforesaid, and such bill, ¹[or] note, ¹[or] note ¹[*] shall, so far as respects the duty, be deemed good and valid :

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill ¹[or] note ¹[*].

³[47-A. *Instruments undervalued how to be dealt with.* —(1) If the registering officer appointed under section 6 of the Registration Act, Samvat 1977, while registering any instrument, on which stamp duty is chargeable on the market value of the subject matter property, finds that the market value of the said property as set forth in such instrument is less than the market value guidelines referred to in section 27-A, he shall, before registering such

1. "Cheque" or cheque" omitted and words in brackets inserted by Act XI of Samvat 1993.
 2. Substituted for "one rupee" by Act XII of 2011, s. 30. (For earlier amendment see Act III of 2000.
 3. Section 47-A inserted by Act XII of 2011, s. 31.

instrument refer the same to the Collector for determination of market value of such property and the proper duty payable thereon.

(2) Where the market value as set forth in the instrument is less than the market value guidelines referred to in section 27-A but the Registering Officer has reason to believe that the market value has not been truly set forth in the instrument, he shall register such instrument and thereafter refer the same to the Collector for determination of market value of such property and proper duty payable thereon.

(3) On receipt of a reference under sub-section (1) or sub-section (2), the Collector shall after giving the parties a reasonable opportunity of being heard and after holding an enquiry in such manner, as may be prescribed, determine the market value of the property, which is the subject matter of such instrument and the duty as aforesaid and the difference, if any, in the amount of duty shall be payable by the person liable to pay the duty.

(4) The Collector may, either *suo motu* or on receipt of information from any source, call for and examine any instrument, not already referred to him under sub-section (1) or sub-section (2), for the purpose of satisfying himself as to the correctness of the market value of the property, which is the subject matter of any such instrument and the duty payable thereon and if, after such examination he has reason to believe that the market value of such property has not been truly set forth in the instrument, he may determine the market value of such property and the duty as aforesaid in accordance with the procedure provided for in sub-section (3) and the difference, if any, in the amount of duty, shall be payable by the person liable to pay the duty.

(5) For the purpose of enquiry under this section, the Collector shall have the power to summon and enforce the attendance of witnesses, including the parties to the instrument or any of them and to compel the production of documents by the same means, and so far as may be in the same manner, as is provided in the case of Civil Court under the Code of Civil Procedure, Samvat 1977.

(6) Any person aggrieved by an order of the Collector under sub-section (3) or sub-section (4), may in the prescribed manner appeal against such order to such appellate authority as may be prescribed.

(7) The appeal shall be filed within thirty days from the date of the communication of the order against which the appeal is filed, along with a certified copy of the order to which objection is made and shall be presented and verified in such manner as may be prescribed :

Provided that in computing the period aforesaid, the time requisite for obtaining a copy of the order appealed against shall be excluded.

(8) The appellate authority shall follow the procedure as may be prescribed :

Provided that no order shall be passed without affording opportunity of being heard to the appellant.

(9) The order passed in appeal or where no appeal is preferred, the order passed by the Collector under sub-section (3) or sub-section (4) shall be final and shall not be called into question in any civil court or before any other authority whatsoever.]

¹[48. *Recovery of duties and penalties.* —(1) All duties, penalties and other sums required to be paid under this chapter shall be recoverable as an arrear of land revenue from the property of the person from whom the same are due.

(2) All duties, penalties and other sums required to be paid under this chapter shall be a charge on the property which is the subject matter of the instrument :

Provided that the provisions of sub-section (2) shall be deemed to apply to cases which are pending recovery and to proceedings under sub-section (1) which have already been initiated.

(3) Notwithstanding anything contained in the Registration Act, Samvat 1977, a note of such charge and its extinguishment shall be made in the indices prescribed therein and shall be deemed to be a notice under the said Act.]

CHAPTER V

Allowances for Stamps in certain cases.

49. *Allowances for spoiled stamps.*— Subject to such rules as may be made by ²[the Government] as to the evidence to be required, or the enquiry to be made, the Collector may, on application made within the period prescribed in section 50 and if he is satisfied as to the facts, make allowance for stamps spoiled in the cases hereinafter mentioned, namely :—

1. Section 48 substituted by Act XII of 2011, s. 32.
2. Substituted for “His Highness” by Act X of Samvat 1996.

- (a) the stamp on any paper inadvertently and undesignedly, spoiled obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written therein is executed by any person ;
- (b) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto ;
- (c) in the case of bills of exchange ¹[*] ¹[payable otherwise than on demand] or promissory notes—
 - (1) the stamp on any ¹[such] bill of exchange ¹[*] signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hand for any purpose other than by way of tender for acceptance ; provided that the paper on which any such stamp is impressed does not bear any signature intended as or for the acceptance of any bill of exchange ¹[*] to be afterwards written thereon ;
 - (2) the stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands ;
 - (3) the stamps used or intended to be used for any ¹[such] bill of exchange ¹[*] or promissory note signed by, or on behalf, of the drawer thereof, but which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange ¹[*], may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have been delivered to the payee ; provided that another completed and duly stamped bill of exchange ²[*] or promissory note is produced identical in every particular, except in the correction of such omission or error as aforesaid, with the spoiled bill ²[*] or note ;
- (d) the stamp used for an instrument executed by any party thereto which—
 - (1) has been afterwards found, to be absolutely void in law

1. "Cheque" or "or cheque" omitted and words in brackets inserted by Act XI of Samvat 1993.

2. "Cheque" or "or cheque" omitted by Act XI of Samvat 1997.

from the beginning

- (2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended ;
- (3) by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed ;
- (4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended ;
- (5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose ;
- (6) become useless in consequence of the transaction intended to be thereby effected being effected by some other instrument between the same parties and bearing a stamp of not less value ;
- (7) is deficient in value and the transaction intended to be thereby effected has been effected by some other instrument between the same parties and bearing a stamp of not less value ;
- (8) is inadvertently and undersignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped :

Provided that in the case of an executed instrument no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence and that the instrument is given up to be cancelled.

¹[*Explanation*: —The certificate of the Collector under section 32 that the full duty with which an instrument is chargeable has been paid,

1. Explanation substituted by Act XII of 2011, s. 33.

and impression or endorsement made on any instrument under sub-sections (3), (4) and (5) of section 10 relating to payment of stamp duty, is an impressed stamp within the meaning of this section.]

50. *Application for relief under section 49 when to be made.*—The application for relief under section 49 shall be made within the following periods, that is to say,—

- (1) in the cases mentioned in clause (d) (5) within two months of the date of the instrument ;
- (2) in the case of a stamped paper on which no instrument has been executed by any of the parties thereto within six months after the stamp has been spoiled ;
- (3) in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within six months after the date of the instrument, or if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed :

Provided that,—

- (a) when the spoiled instrument has been for sufficient reasons sent out of the State, the application may be made within six months after it has been received back in the State ;
- (b) when, from unavoidable circumstances, any instrument for which another instrument has been substituted cannot be given up to be cancelled within the aforesaid period, the application may be made within six months after the date of execution of the substituted instrument.

51. *Allowance in case of printed forms no longer required by corporations.*—The ¹[Commissioner of Stamps] or the Collector if empowered by the ¹[Commissioner of Stamps] in this behalf may, without limit of time, make allowance for stamped papers used for printed forms of instruments by any banker or by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said banker, company or body corporate ; provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

1. Substituted by Act III of 2006.

52. *Allowance for misused stamps.*—(a) When any person has inadvertently used, for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, or a stamp of greater value than was necessary, or has inadvertently used and stamp for an instrument not chargeable with any duty, or

(b) when any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of the provisions of section 13 ;

the Collector may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

53. *Allowance for spoiled or misused stamps how to be made.*— In any case in which allowance is made for spoiled or misused stamps, the Collector may give in lieu thereof—

- (a) other stamps of the same description and value ; or
- (b) if required and he thinks fit, stamps of any other description to the same amount in value ; or
- (c) at his discretion, the same value in money, deduction ¹[fifteen paise] for each rupee or fraction of a rupee.

54. *Allowance for stamps not required for use.*— When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Collector shall repay to such person the value of such stamp or stamps in money, deducting ¹[fifteen paise] for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction—

- (a) that such stamp or stamps were purchased by such person with a *bonafide* intention to use them ; and
- (b) that he has paid the full price thereof ; and]
- (c) that they were so purchased within the period of six months next preceding the date on which they were so delivered :

1. Substituted for "two annas" by Act VI of 1958.

Provided that, where the person is a licensed vendor of stamps, the Collector may, if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.

¹[54-A. Omitted.]

55. *Allowance on renewal of certain debentures.*— When any duly stamped debenture is renewed by the issue of a new debenture in the same terms, the Collector shall, upon application made within one month, repay to the person issuing such debenture, the value of the stamp on the original or on the new debenture, whichever shall be less :

Provided that the original debenture is produced before the Collector and cancelled by him in such manner as ²[the Government] may direct.

Explanation:—A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following changes :—

- (a) the issue of two or more debentures in place of one original debenture, the total amount secured being the same ;
- (b) the issue of one debenture in place of two or more original debentures, the total amount secured being the same ;
- (c) the substitution of the name of the holder at the time of renewal for the name of the original holders ; and
- (d) the alternation of the rate of interest or the dates of payment thereof.

CHAPTER VI

Reference and revision

56. *Control of ³[x x x] and statement of case to ⁴[Commissioner of Stamps].*—(1) The powers exercisable by a Collector under Chapter IV and Chapter V and under clause (a) of the first proviso to section 26 shall in all cases be subject to the control of the ⁵[Commissioner of Stamps].

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1. Section 54-A omitted by Act XII of 2011, s. 34. (For its insertion see Act VIII of 1959).
 2. Substituted for “His Highness” by Act X of Samvat 1996.
 3. Word “Government” omitted by Act XII of 2011, s. 35.
 4. Substituted for “Revenue Minister” by Act III of 2006.
 5. Substituted for “Government” by Act XII of 2011, s. 35.

(2) If any Collector, acting under section 31, section 40, or section 41, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the ¹[Commissioner of Stamps].

(3) ²[Such authority after giving a reasonable opportunity of being heard to the parties concerned, shall consider] the case and send a copy of its decision to the Collector, who shall, proceed to assess and charge the duty (if any) in conformity with such decision.

³[57. *Revision of certain decisions of Collector regarding sufficiency of stamps.*—(1) When as a result of mistake or otherwise any instrument is charged with less duty than leviable thereon or is held not chargeable with duty, as the case may be, by the Collector, the Commissioner of Stamps except where the matter is pending before an appellate authority under this Act, may require the concerned party to produce before him the instrument and after giving a reasonable opportunity of being heard to the party, examine such instrument whether any duty is chargeable, or any duty is less levied thereon, and order the recovery of the deficit duty, if any, from the concerned party. An endorsement shall thereafter be made on the instrument after payment of such deficit duty.

(2) On failure to produce the original instrument by the party, the Commissioner of Stamps shall proceed under this section on the basis of the true copy of the instrument or an abstract of the instrument and such copy or abstract shall be deemed to be the original instrument for the purpose of this section.]

⁴58. *Omitted.*

⁴59. *Omitted.*

⁴60. *Omitted.*

61. *Revision of certain decisions of Courts regarding the sufficiency of stamps.*—(1) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, makes any order admitting any instrument in evidence as duly stamped or as not requiring a

1. Substituted for "Revenue Minister" by Act III of 2006.

2. Substituted for the words "Such authority shall consider" substituted by Act XII of 2011, s. 35.

3. Section 57 substituted by Act XII of 2011, s. 36.

4. Sections 58, 59 and 60 omitted *ibid*, s. 37.

stamp or upon payment of duty and a penalty under section 35, the Court to which appeals lie from, or reference are made by, such first mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 35, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

(3) When any declaration has been recorded under sub-section (2), the Court recording the same shall send a copy thereof to the Collector, and where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument.

(4) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 42, or in section 43, prosecute any person for any offence against the stamp-law which the Collector considers him to have committed in respect of such instrument ;

Provided that—

- (a) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the instrument under section 35, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty ;
- (b) except for the purpose of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 42.

(5) Any other order made by a Court under the provision of this Act shall be appealable in the ordinary way.

CHAPTER VII

Criminal Offences and Procedure

¹[62. *Penalty for executing etc. instrument not duly stamped.* — (1) Any person who, with the intention to evade the duty, executes or signs otherwise than as a witness any instrument chargeable with duty without the same being duly stamped shall be punished with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which may extend to ten thousand rupees or with both :

Provided that when any penalty has been paid in respect of any instrument under section 35, section 40 or section 61, the amount of such penalty shall be allowed in reduction of the fine (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

(2) If a security as defined under clause (h) of section 2 of the Securities Contract (Regulation) Act, 1956 (Central Act 42 of 1956), is issued without being duly stamped, the company issuing the same and also every person, who, at the time when it is issued, is the Managing Director, secretary or other principal officer of the company, shall be punishable with fine which may extend to twenty-five thousand rupees.

63. *Penalty for failure to cancel adhesive stamps.*—Any person required by section 12 to cancel an adhesive stamp, and failing to cancel such stamp in manner prescribed by that section, shall be punishable with fine which may extend to ²[ten thousand rupees.]

64. *Penalty for omission to comply with provisions of section 27.*— Any person who, with intent to defraud the Government,—

- (a) executes any instrument in which all the facts and circumstances required by section 27 to be set forth in such instrument are not fully and truly set forth ; or
- (b) being employed or concerned in or about the preparation of any instrument neglects or omits fully and truly to set forth therein all such facts and circumstances ; or
- (c) does any other act calculated to deprive the Government of any duty or penalty under this Act ;

1. Section 62 substituted by Act XII of 2011, s. 38.

2. Substituted by Act III of 2000, s. 20.

¹[shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years or with a fine which may extend to fifty thousand rupees or with both.]

²[64-A. *Recovery of amount of deficit stamp duty.* —(1) Where any person chargeable to duty under this Act is convicted of an offence under section 64 in respect of any instrument, the Court convicting such person shall in addition to executing the punishment which may be imposed for such offence recover and pay to the Collector amount of duty, if any due under this Act from such person in respect of the instrument, and the Collector shall thereupon certify by endorsement on the instrument that proper duty with which it is chargeable has been paid :

Provided that if such person has paid any amount towards the duty chargeable under this Act in respect of the instrument in relation to which he has been convicted under this section, the Court shall recover only the difference to make up the amount of such chargeable duty.

(2) The amount recoverable under sub-section (1) shall be recovered by the Court as if it were a fine under the Code of Criminal Procedure, Samvat 1989.]

65. *Penalty for refusal to give receipt, and for devices to evade duty on receipts.*—Any person who,—

- (a) being required under section 30 to give a receipt, refuses or neglects to give the same ; or
- (b) with intent to defraud the Government of any duty, upon a payment of money or delivery of property exceeding ³[five thousand rupees] in amount or value, gives a receipt for an amount or value not exceeding ³[five thousand rupees], or separates, or divides the money or property paid or delivered ;

shall be punishable with fine which may extend to ⁴[five times the amount of stamp duty or one thousand rupees, whichever is higher].

66. *Penalty for not making out policy, or making one not duly stamped.*—Any person who,—

1. Substituted by Act XII of 2011, s. 39.
 2. Section 64-A inserted *ibid*, s. 40.
 3. Substituted for “forty rupees” by Act XII of 2011, s. 41. For earlier amendment see Act III of 2006.
 4. Substituted for “one thousand rupees” by Act III of 2006.

- (a) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance ; or
- (b) makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allow in account, any money upon, or in respect of, any such policy ;

shall be punishable with fine which may extend to ¹[two thousand rupees].

²67. Omitted.

68. *Penalty for postdating bills, and for other devices to defraud the revenue.*—Any person who,—

- (a) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made ; or
- (b) knowing that such bill or note has been so post-dated, endorses, transfers presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiates the same ; or
- (c) with the like intent, practises or is concerned in any act, contivance or device not specially provided for by this Act or any other law for the time being in force ;

shall be punishable with fine which may extend to ³[Five thousand rupees.]

69. *Penalty for breach of rule relating to sale of stamps and for unauthorised sale.*—(a) Any person appointed to sell stamps who disobeys any rule made under section 74 ; and

(b) any person not so appointed who sells or offers for sale any stamp (other than a ⁴[two rupees and one rupee] adhesive stamps) ;

1. Substituted by Act III of 2000, s. 22.

2. Section 67 omitted by Act XII of 2011, s. 42.

3. Substituted by Act III of 2000, s. 23.

4. Substituted *ibid*.

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ¹[ten thousand rupees], or with both.

70. *Institution and conduct of prosecutions.*—(1) No prosecution in respect of any offence punishable under this Act or the law relating to stamps heretofore in force shall be instituted without the sanction of the Collector or such other officer as ²[the Government] generally, or the Collector specially, authorises in that behalf.

(2) The ³[Government] or any officer generally or specially authorised by it in this behalf, may stay any such prosecution or compound any such offence.

(3) the amount of any such composition shall be recoverable in the manner provided by section 48.

⁴71. Omitted.

72. *Place of trial.*—Every such offence committed in respect of any instrument may be tried in any district in which such instrument is found as well as in any district in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

CHAPTER VIII

Supplemental Provision.

⁵[73. *Books, etc. to be open to inspection.*— Every public officer having in his custody any registers, books, records (electronic or otherwise), papers, documents or proceedings, the inspection whereof may tend to secure any duty, prove or lead to the discovery of any fraud or omission in relation to any duty, shall, at all reasonable times permit any person authorised in writing by the Collector to inspect for such purpose the registers, books, papers, documents, records (electronic or otherwise) and proceedings and to take such notes and extracts as he may deem necessary, without fee or charge and, if necessary, to seize and impound them under section 33.

1. Substituted for “one thousand rupees” by Act XII of 2011, s. 43.

2. See foot note under section 9.

3. Substituted for “Revenue Minister” by Act X of Samvat 1996.

4. Section 71 omitted by Act XL of 1966.

5. Sections 73, 73-A and 74 substituted by Act XII of 2011, s. 44.

73-A. *Furnishing of statement, return and information.* —(1) The Collector may, for the purpose of this Act, require any trading member of any stock exchange or any association as defined in clause (a) of section 2 of the Forward Contract (Regulation) Act, 1952 (Central Act) or any organization, institute, company or association or any person liable to pay duty under any article of the Schedule-I, to submit a statement or return or to furnish any information in respect of any transaction within such period as may be prescribed by rules.

(2) Where any trading member, organization, institute, company or association or any other person fails to submit a statement or return or information as required under sub-section (1) within the prescribed time, the Collector may, without prejudice to any other action which is liable to be taken after giving an opportunity of being heard, impose on such person a penalty of a sum not exceeding rupees five thousand for such default.

74. *Power to make rules.* —(1) The Government may, by notification in the Government Gazette, make rules to carry out generally the purposes of this Act, and such rules may provide that a breach thereof shall, on conviction, be punished with fine not exceeding five thousand rupees.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), such rules may regulate, or provide for, all or any of the following matters, namely: —

- (a) the supply, sale and use of stamps and stamped papers;
- (b) the persons by whom alone such sale is to be conducted;
- (c) the duties and remuneration of such persons;
- (d) the manner of ascertaining the market value of immovable property and preparation of market value guidelines of immovable property;
- (e) the procedure for use of franking machine or electronic stamping for payment of stamp duty;
- (f) the procedure for use of franking machine or any other machine or electronic stamping for payment of stamp duty.

(3) All rules made under this Act shall be made subject to the condition of previous publication in the Official Gazette :

Provided that, if the Government is satisfied that circumstances exist which render it necessary to take immediate action, it may, for reasons to be recorded in writing, dispense with the condition of previous publication of any rule to be made under this section.]

¹75. Omitted.

¹76. Omitted.

76-A. *Delegation of powers.*—²[The Government] may by notification in the Government Gazette delegate ³[all or any of the powers vested in it ⁴[under sub-section (3) of section 33, section 45, sub-section (1) of section 56, sub-sections (1) and (2) of section 70 and section 74] to such officer or authority as may be specified in the notification.

77. *Saving as to court-fees.*— Nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court fees.

⁵77-A. Omitted.

⁵78. Omitted.

79. Omitted.

1. Sections 75 and 76 omitted by Act XII of 2011, s. 45.
 2. See foot-note under section 9.
 3. Substituted by Act X of Samvat 1996.
 4. Substituted by Act XII of 2011, s. 46.
 5. Sections 77-A and 78 omitted *ibid*, s. 47.

[SCHEDULE-I

Stamp Duty on Instruments*(See section 3)*

Article	Description of Instrument	Proper stamp duty
1	2	3
1.	ACKNOWLEDGMENT, of a debt exceeding five thousand rupees in amount or value, executed by or on behalf of debtor in any book (other than a banker's pass book) or on a separate piece of paper when such book or paper is left in the creditor's possession.	Ten rupees.
2.	ADMINISTRATION BOND, including a bond given under section 78 of the Probate and Administration Act, or and section 9 or section 10 of the Succession Certificate Act.	Five hundred rupees.
3.	ADOPTION DEED, that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt.	Five hundred rupees
4.	AFFIDAVIT, that is to say, a statement in writing purporting to be a statement of fact, signed by the person making it and confirmed by him on oath or, in the case of persons by law allowed to affirm instead of swearing, by affirmation.	Ten rupees

Exemption :—

Affidavit or declaration in writing when made for the sole purpose of enabling any person to receive any pension or charitable allowance.

1	2	3
<p>5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—</p>		
(a)	If relating to the sale of bill of exchange.	One rupee for every Rs. 10,000 or part thereof.
(b) (i)	If relating to the purchase or sale of a Government security ;	One rupee for every Rs. 10,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be, subject to a maximum of one thousand rupees.
(ii)	If relating to the purchase or sale of shares, scrips, bonds, debentures, debenture-stocks or any other marketable security of a like nature in, or, of any incorporated company or other body corporate.	One rupee for every Rs. 10,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
(c)	If not otherwise provided for.	One hundred rupees.

Exemptions :—

Agreement or memorandum of an agreement—

- (a) for or relating to the sale of goods or merchandise exclusively, not being a Note or Memorandum chargeable under article 38 ;
- (b) made in the form of tenderers to the Government for, or relating to, any loan.

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6. **AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN, PLEDGE OR HYPOTHECATION**, that is to say, any instrument evidencing an agreement relating to—

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| (a) | the deposit of title deeds or instrument constituting or being evidence of the title to any property whatever (other than a marketable security), where such deposit 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 ; or | 0.25 per cent of the amount secured by such deed, subject to a maximum of five lakh rupees. |
| (b) | the pawn, pledge or hypothecation of movable property, where such pawn pledge, or hypothecation 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— | |
| (i) | If such loan or debt is repayable on demand or more than three months from the date of the instrument, evidencing the agreement ; | 0.50 per cent of the amount secured subject to a maximum of five lakh rupees. |
| (ii) | If such loan or debt is repayable not more than three months from the date of such instrument. | Half the duty payable under sub-clause (i) of clause (b) of this article. |

Explanation :—For the purposes of clause (a) of this article, notwithstanding anything contained in any judgment, decree or order of any court or order of any authority,

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any letter, note, memorandum or writing relating to the deposit of title deeds whether written or made either before or at the time when or after the deposit of title deeds is effected, and whether it is in respect of the security for the first loan or any additional loan or loans taken subsequently, such letter, note, memorandum or writing shall, in the absence of any separate agreement or memorandum of agreement relating to deposit of such title deeds, be deemed to be an instrument, evidencing an agreement relating to the deposit of title deeds.

Exemptions :—

- (a) Letter of hypothecation accompanying a bill of exchange.
 - (b) Instrument of pawn or pledge of agriculture produce if unattested.
7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, moveable or immoveable, where made by any writing not being a will. One hundred rupees.
 8. APPRAISEMENT OR VALUATION, made otherwise than under an order of the court in the course of a suit. One hundred rupees.

Exemptions :—

- (a) Appraisal or valuation made for the inflammation of one party only, and not being in any manner

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	obligatory between parties either by agreement or operation of law.	
	(b) Appraisement 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.	One hundred rupees.
Exemption :—		
	Instruments of apprenticeship 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 ;	One thousand rupees.
	(b) where the company has nominal share capital or increased share capital.	0.15 per cent of such nominal or increased share capital subject to a minimum of one thousand rupees and a maximum of five lakh rupees.
Exemption :—		
	Articles of any Association not formed for profit and registered under the Companies Act, 1956.	
11.	AWARD, that is to say, any decision in writing by an arbitrator or umpire, on a reference made otherwise than by an order of the Court in the course of a	Ten rupees for every one thousand rupees or part thereof, of the amount or value of the property to which the award relates.

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	suit, being an award made as a result of a written agreement to submit present or future differences to arbitration and not being an award directing a partition.	
12.	Bill of Exchange [as defined by section 2 (2)], not being a bond, bank note or currency note, where payable otherwise than on demand—	
	(a) When payable not more than one year after date or sight ;	0.06 per cent for every three months or a fractional part thereof on the amount of bill, subject to a maximum of 0.24 per cent.
	(b) When payable at more than one year after date or sight.	0.5 per cent on the amount of bill.
13.	BOND, as defined by section 2(5), not being otherwise provided for by any provision of this Act, whether or not relating to particular type of bonds, or by the Court Fees Act.	0.5 per cent of the amount secured by such deed, subject to a maximum of five lakhs.

Exemption :—

Bond when executed by any person for the purpose of guaranteeing that the total 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.

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| 14. | CANCELLATION instrument of, if attested and not otherwise provided for. | One hundred rupees. |
| 15. | CERTIFICATE OF SALE, (in respect of each property put up as a separate lot and sold), granted to the purchaser of | The same duty as a conveyance (No. 18) for a market value equal to the |

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	any property sold by public auction by a Civil or Revenue Court or Collector or other Revenue Officer or an officer authorised to do so under any law for the time being in force.	amount of purchase money only.
16.	CERTIFICATE OR OTHER DOCUMENT, evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body.	One rupee for every Rs. 1,000 or part thereof, the value of shares, scrip or stock subject to minimum of five rupees.
17.	COMPOSITION DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors or 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 nominated by the creditors or under letters of licence for the benefit of his creditors.	Five hundred rupees.
18.	CONVEYANCE, not being a transfer charged or exempted under No. 54 :—	
	(a) Where the land or estate is within any urban area.	7% of the market value of such land or estate.
	(b) Where the land or estate is within rural area.	5% of the market value of such land or estate.
		Provided that—
		(a) when an instrument relates to an assignment

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of a debt, the rate of duty applicable shall be 0.5 per cent on the amount of the debt assigned ;

(b) where an agreement to sell and immovable property is stamped with ad valorem duty required for a conveyance and a sale deed in pursuance of such agreement is subsequently executed, the duty on such sale deed shall be the duty payable under the article less the duty already paid, subject to a minimum of Rs. 100 ;

(c) where a power of attorney authorizing the agent to sell immovable property is stamped with ad valorem duty required for a conveyance and a sale deed is executed in pursuance of power of attorney between the executant of attorney and the person in whose favour it is executed, the duty on the sale deed shall be the duty payable under the article less the duty already paid, subject to a minimum of Rs. 100 ;

(d) where a mortgage deed is stamped with ad

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valorem duty required for a mortgage under article 35 and a court decree in pursuance of a suit filed against the mortgaged property is executed, the duty payable on the decree shall be the duty payable under the article less the duty already paid under article 35 on the mortgage deed, subject to a minimum of Rs. 100.

Explanation :-For the purpose of this article, where in the case of agreement to sell an immovable property, the possession of any immovable property is transferred or agreed to be transferred to the purchaser before the execution or at the time of execution or after the execution of such agreement, then such agreement to sell shall be deemed to be a conveyance and stamp duty thereon shall be levied accordingly :

Provided that, the provisions of section 47-A shall apply mutatis mutandis to such agreement which is deemed to be a conveyance as aforesaid, as they apply to a conveyance under that section.

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Exemption :—

Assignment of copy right under the Copyright Act.

19. COPY OR EXTRACT, certified to be a true copy or extract by or order of any public officer and not chargeable under the law for the time being in force. Ten rupees.

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, namings, dedications, marriages, divorces, deaths and burials ;
- (c) Copy of any instrument, the original of which is not chargeable with duty.
20. COUNTERPART OF DUPLICATE, of any instrument chargeable with duty and in respect of which the proper duty has been paid. One hundred rupees.

Exemption :—

Counterpart of any lease granted cultivator when such lease is' exempted from duty.

21. CUSTOMS BOND OR EXCISE BOND, that is to say, any bond given pursuant to the provisions of any law for the time being in force or to the directions of any officer of Custom or Excise for, or in
- Five hundred rupees.

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	respect of, any of the duties of Customs and Excise or for preventing frauds or evasions thereof or for any other matter or thing relating thereto.	
22.	DEBENTURE (whether a mortgage debenture or not), being a marketable security transferable by endorsement or by a separate instrument of transfer or by delivery.	0.05 per cent per year of the face value of debenture, subject to a maximum of 0.25 per cent or rupees 25 lakhs, whichever is lower.
23.	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 lying 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 executed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein when such goods exceed in value five thousand rupees.	Ten rupees.
24.	DIVORCE, Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	One hundred rupees.
25.	EXCHANGE OF PROPERTY, Instrument of extract certified to be a true copy or extract by or order of any public officer and not chargeable under the law for the time being in force.	The same duty as a conveyance (No.18) on the market value of the property of greater value, which is the subject matter of Exchange.

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 ;

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(b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths and burials ;		
(c) Copy of any instrument, the original of which is not chargeable with duty.		
26. 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 No. 35 (that is with possession) ;		The same duty as a conveyance (No.18) for a market value equal to the amount of further charge secured by such instrument.
(b) when such mortgage is one of the description referred to in clause (b) of Article No. 35 (that is, without possession)—		
(i) if at the time of the execution of the instrument of further charge, the possession of the property is given or agreed to be given under such instrument ;		The same duty as a conveyance (No. 18) for a market value equal to the total amount of charge (including the original mortgage and any further charge already made) less the duty already paid on such mortgage and further charge.
(ii) If possession is not so given.		The same duty as a Bond (No. 13) for the amount of the further charge secured by such instrument.
27. GIFT, Instrument of, not being a settlement (No. 50) or will or transfer (No. 54).		The same duty as a conveyance (No. 18) on the market value of the property, which is the subject matter of the gift.

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28. INDEMNITY BOND, that is to say, an instrument by which one person promises to save the other from loss caused to him by the conduct of promisor himself or by the conduct of any other person.	The same duty as security bond (No. 49) for the same amount.	
29. LEASE, including an under lease, or sub-lease and any agreement to let or sub let or any renewal of lease—		
(a) whereby such lease, the rent is fixed and no premium is paid or delivered—		
(i) where the lease purports to be for a term less than one year ;	One per cent 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 exceeding five years ;	Two per cent for the amount of average annual rent reserved.	
(iii) where the lease purports to be for a term exceeding “five years” but not exceeding ten years ;	The same duty as a conveyance (No.18) for a market value equal to the amount or value of one and half times the average annual rent reserved.	
(iv) where the lease purports to be for a term exceeding ten years but not exceeding twenty years ;	The same duty as a conveyance (No. 18) for a market value equal to three times the amount or value of the average annual rent reserved.	
(v) where the lease purports to be for a term exceeding twenty years but not exceeding thirty years ;	The same duty as a conveyance (No. 18) for a market value equal to five times the amount or value of the average annual rent reserved.	

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	(vi) where the lease purports to be for a period in excess of thirty years or in perpetuity or does not purport to be for a definite period ;	The same duty as a conveyance (No. 18) for a market value equal to ten times the amount or value of the average annual rent reserved.
	(b) when the lease is granted for a fine or premium or money advanced or to be advanced and where no rent is fixed ;	The same duty as a conveyance (No.18) for a market value 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 money advanced or to be advanced in addition to rent fixed.	The same duty as conveyance (No.18) for a market value 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 has been paid or delivered :
		Provided also that—
		(a) when an instrument of agreement to lease is stamped with the ad valorem stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed one hundred rupees ;
		(b) where a decree or final order of any Civil Court in respect of a lease is

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stamped with ad valorem duty required for a lease and an instrument of lease is subsequently executed, the duty on such lease deed shall be the duty payable under the article less, the duty already paid, subject to a minimum of hundred rupees ;

Exemption :-

Lease and its counter part executed in case of a cultivator and for the purposes 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 thousand rupees.

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| 30. | LETTER OF ALLOTMENT OF SHARES, in any company or proposed company or in respect of any loan to be raised by any company or proposed company. | Ten rupees. |
| 31. | LETTER OF CREDIT, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn. | Ten rupees. |
| 32. | LETTER OF GUARANTEE, that is to say, any instrument by which a person makes him answerable for the debt or default of another. | Five hundred rupees. |
| 33. | LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors that the latter shall for a | Five hundred rupees. |

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	specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	
34.	MEMORANDUM OF ASSOCIATION OF A COMPANY—	
	(a) if accompanied by articles of association under the Companies Act 1956 (Central Act 1 of 1956) ;	Five hundred rupees.
	(b) if not so accompanied.	The same duty as is chargeable on Articles of Association under Article 10, according to the share capital of the company.
Exemption :—		
	Memorandum of any association not formed for profit and registered under the Companies Act, 1956.	
35.	MORTGAGE-DEED, not being an agreement relating to the deposit of title deeds, pawn or pledge (No. 6), Mortgage of a crop (No. 36), or a Security Bond (No. 49)—	
	(a) when possession of the property or any part of the property comprised in such deed is given by mortgagor or agreed to be given ;	The same duty as a conveyance (No.18) for a market value equal to the amount secured by such deed.
	(b) when possession is not given or agreed to be given as aforesaid.	0.5 per cent of the amount secured by such deed, subject to a maximum of ten lakhs.

Explanation :—A mortgagor who gives to the mortgagee a power of attorney to collect rents of a lease of the property mortgaged or part

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	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.	Five hundred rupees.
36.	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.	Ten rupees.
37.	NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a protest (No. 44) executed by a Notary public in the execution of the duties of his office, or by any other person lawfully acting as a Notary public.	Ten rupees.
38.	NOTE OR MEMORANDUM, sent 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 one thousand rupees ;	One rupee for every Rs. 10,000 or part thereof, of the value.
	(b) of any share, scrip, stock, bond, debenture, debenture-stock or other marketable security of a like nature exceeding in value one thousand rupees, not being it Government Security;	One rupee for every Rs. 10,000 or part thereof, of the value of security.

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(c) of a Government Security.		One rupee for every Rs. 10,000 or part thereof of the value of the security, subject to maximum of one thousand rupees.
39. PARTITION, instrument of.		Two per cent of the amount of the market value of the separated share or shares of the property.
		<p>Note :- The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other share, then one of such equal shares) shall be deemed to be that from which the other shares are separated :</p>
		<p>Provided that—</p>
		<p>(a) when an. instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such a partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than one hundred rupees ;</p>
		<p>(b) where the instrument relates to the partition of</p>

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agricultural land exclusively, the market value for the purpose of duty shall be calculated at hundred times the annual land revenue ;

- (c) where a final order for effecting a partition passed by any Revenue-authority or Civil Court or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed one hundred rupees.

40. PARTNERSHIP

A. Instrument of —

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| (a) where there is no share of contribution in partnership or where such share of contribution, does not exceed Rs. 50000 ; | One thousand rupees; |
| (b) where such share of contribution is in excess of Rs. 50000. | Two percent of the value or amount of shares contributed, subject to a maximum of rupees five thousand. |

B. Dissolution of partnership or retirement of a partner or—

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(a) Where on dissolution of partnership or on retirement of a partner, any immovable property is taken as his share by a partner other than a partner who brought in that property as his share of contribution in the partnership ;		The same duty as a conveyance (No. 18) on the market value of such property ;
(b) In any other case.		Five hundred rupees.
41. POLICY OF INSURANCE		
A. FIRE INSURANCE AND OTHER CLASSES OF INSURANCE, not elsewhere included in this article, covering goods, merchandise, personal effects, crops and other property against loss or damage—		
(1) in respect of original policy ;		Ten rupees.
(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.		One half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under Article No. 54.
B. ACCIDENT AND INSURANCE SICKNESS—		
(1) in respect of an original policy—		
(i) against accident on any conveyance valid for a single journey or voyage only ;		Ten rupees.

Exemption :—

When issued to a passenger traveling by the second class in any railway.

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	(ii) against accident valid for more than a single journey or voyage or sickness.	<p>Ten paise for every Rs. 1,000 or part thereof of maximum amount which may become payable under it, subject to a minimum of ten rupees :</p> <p>Provided that, in case of a policy of insurance against death by accident when the annual premium payable does not exceed Rs. 2.50 per Rs. 1,000, the duty on such instrument shall be five paise for every Rs. 1,000 or part thereof, the maximum amount which may become payable under it.</p>
	(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	One half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under Article No. 54.
<p>C. INSURANCE BY WAY OF INDEMNITY, against liability to pay damages on account of accidents to workmen employed by or under the insurer or against liability to pay compensation under the workmen compensation Act, 1923—</p>		
	(1) in respect of original policy ;	Ten paise for every Rs. 100 or part thereof payable as premium.
	(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	One half of the duty payable in respect of the original policy in addition. to the amount, if any, chargeable under Article No. 46.

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D. LIFE INSURANCE OR GROUP INSURANCE OR OTHER INSURANCE NOT SPECIFICALLY PROVIDED FOR except such a REINSURANCE as is described in Division E of this article.	Twenty paise for every Rs. 1,000 or part thereof, subject to a minimum of ten rupees.
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[N.B.- If a policy of group insurance is renewed or otherwise modified whereby the sum insured on which stamp duty has been paid, the proper stamp must be borne on the excess sum so insured.]

Exemption :-

Policies of life insurance granted by the Director General of Post Offices in accordance with rules for Postal life Insurance issued under the authority of the Central Government.

E. RE-INSURANCE BY AN INSURANCE COMPANY, which has granted a policy of the nature specified in Division A or Division B of this Article, with another company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.	Ten rupees.
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General Exemption :—

Letter of cover or engagement to issue a policy of insurance :

Provided that, unless such letter or engagement bears the stamp prescribed by this Act for such policy, nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.

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42.	POWER OF ATTORNEY, [as defined by Section 2(21)], not being a proxy (No. 45)—	
(a)	when authorizing one person or more to act in a single transaction, including a power of attorney 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 ;	One hundred rupees.
(b)	when authorizing one person to act in more than one transaction or generally, or not more than ten persons to act jointly or severally in more than one transaction or generally ;	One hundred rupees.
(c)	when given for consideration and authorizing the agent to sell any immovable property ;	The same duty as a conveyance (No. 18) on the market value of the property.
(d)	when given without consideration to a person other than the father, mother, wife or husband, son or daughter, brother or sister in relation to the executant and authorising such person to sell immovable property situated in Jammu and Kashmir.	The same duty as a conveyance (No. 18) on the market value of the property which is the subject matter of power of attorney.
(e)	in any other case.	One hundred rupees for each person authorised.

Explanation I :—For the purpose of this article, more persons than one when belonging to the same firm shall be deemed to be one person.

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<p><i>Explanation II</i> :—The term ‘registration’ includes every operation incidental to registration under the Registration Act, Samvat 1977.</p>		
43.	PROMISSORY NOTE, [as defined by section 2 (22)]—	
	(a) when payable on demand ;	Ten rupees.
	(b) When payable otherwise than on demand.	One fifth of the duty as applicable to a Bill of Exchange (No. 12) for same amount payable otherwise than on demand, subject to a minimum of ten rupees. Ten rupees.
44.	PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary public, or other person lawfully acting as such, attesting the dishonour of a Bill of Exchange or Promissory Note.	Ten rupees.
45.	PROXY empowering any person to vote at any one election of the members of a local authority, or at any one meeting of (a) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable, (b) a local authority, (c) proprietors, members or contributors to the funds of any institution or (d) creditors.	Ten rupees.
46.	RECEIPT as defined by section 2 (23) for any money or other property the amount or value of which exceeds one hundred rupees.	Ten rupees.

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Exemptions :-

Receipt-

- (a) endorsed on or contained in any instrument duly stamped or any instrument exempted under the proviso to section 3 (instruments executed on behalf of the Government) or any cheque or Bill of exchange payable on demand acknowledging the receipt of the consideration money, interest or annuity or other periodical payment thereby secured ;
- (b) for any payment of money without consideration ;
- (c) for any payment of rent by a cultivator on account of land assessed to Government revenue ;
- (d) for pay or allowances by non-commissioned officer or soldiers of the army, when serving in such capacity, or by mounted police constables ;
- (e) given by holders of 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 officer, soldier and serving in such capacity ;
- (f) for pensions or allowances by persons, receiving such pensions or allowances in respect of their service as such non-commissioned officers or soldiers and not serving the Government in any other capacity ;
- (g) given by a headman or lambardar for land revenue or taxes collected by him ;
- (h) given for money or securities for money deposited in the hands of any banker to be accounted for :

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

Provided also that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in, any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.

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| 47. RECONVEYANCE OF MORTGAGED PROPERTY. | Five hundred rupees. |
| 48. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23-A) whereby a person renounces a claim upon another person, or against any specified property. | Two per cent on the market value of the share of the property over which the claim is relinquished, whichever is higher. |
| 49. SECURITY BOND OR MORTGAGE DEED, where such security bond or mortgage deed is 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 is executed by a surety to secure the due performance of a contract, or in pursuance of an order of the Court or public officer, not being otherwise provided for by the Court Fees Act. | Five hundred rupees. |

Exemptions :—

Bond or other instrument, when executed—

- (a) by any person for the purpose of guaranteeing that the local income derived from private subscriptions on

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a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem ;

- (b) by persons taking advances under the agriculturist loans or by their sureties as security for the repayment of such advances ;
- (c) 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.

50. SETTLEMENT—

A. INSTRUMENT OF (including a deed of dower).

Two per cent of the amount of market value of the property settled :

Provided that, where an agreement to settle is stamped with the stamps 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 one hundred rupees.

Exemption :—

Deed of dower executed on the occasion of or inconnection with the marriage between Mohammedans, whether the deed was executed before or after the marriage.

B. REVOCATION OF.

Five hundred rupees.

1	2	3
51.	SHARE WARRANTS, to bearer issued under the Companies Act.	The same duty as a conveyance (No. 18) for a market value equal to the nominal amount of the shares specified in the warrant.

Exemption :-

Share warrant when issued by a Company in pursuance of the Companies Act, 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 has 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.

52. SHIPPING ORDER, for or relating to the conveyance of goods on board of any vessel. Ten rupees.

53. SURRENDER OF LEASE, Five hundred rupees.

Explanation :—For the purposes of this article it is immaterial that the surrender of the lease is only as regards the unexpired part of the term, or is with regard to only a portion of the property.

Exemption :-

Surrender of lease, when such lease is exempted from duty.

54. TRANSFER —(whether with or without consideration)—

1	2	3
(a)	of shares in an incorporated company or other body corporate ;	Twenty five paise for every hundred rupees or part thereof of the value of the shares.
(b)	of debentures, being marketable securities, whether the debenture is liable to duty or not ;	Fifty paise for every hundred rupees or part thereof of the consideration amount of debentures.
(c)	of any interest secured by a bond, mortgage deed or policy of insurance ;	The same duty as a Bond (No. 13) for such amount of value of the interest subject to a maximum of five hundred rupees.

Exemption :-

Transfers by endorsement—

- (a) of a bill of exchange, cheque or promissory note ;
- (b) of a delivery order, warrant for goods, or other mercantile document of title to goods ;
- (c) of a policy of insurance ;
- (d) of securities Government of India.

55. TRANSFER OF LEASE, by way of assignment and not by way of under lease. The same duty as a conveyance (No. 18) on the market value of the property which is the subject matter of the transfer.

Explanation—In case of assignment of a mining lease, the market value shall be equal to the amount or value calculated under article 29 depending upon the period of the lease assigned.

1	2	3
Exemption :-		
	Transfer of any lease exempt from duty.	
56.	TRUST—	
	A. DECLARATION OF, or concerning any property when made by any writing not being a will—	
	(a) where there is disposition of property ;	Two per cent of the market value of the property settled.
	(b) in any other case.	Five hundred rupees.
	B. REVOCATION OF, or concerning any property when made by any instrument other than a will.	Five hundred rupees.
57.	WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns or the holder thereof to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	Ten rupees.
58.	Entry as an Advocate of the High Court.	One thousand rupees.]

Schedule II
Omitted.
