

An overview of the draft Indian Stamp Bill, 2023

The Indian Stamp Act, 1899 (2 of 1899) is a fiscal statute laying down the law relating to tax levied in the form of stamps on instruments recording transactions. Stamp duties are levied by the Central Government, but within the States are collected and appropriated by the concerned States in terms of provisions of Article 268 of the Constitution.

2. The Stamp duties on documents specified in Entry 91 of the Union List of the Seventh Schedule (viz. Bills of Exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts) are levied by the Union.

3. Stamp duties on documents other than those mentioned above are levied and collected by the States by virtue of the legislative Entry 63 of the State List of the Seventh Schedule of the Constitution.

4. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty which fall within the scope of Entry 91 of the Union List and Entry 63 of the State List mentioned above, fall within the legislative power of both the Union and the States under Entry 44 of the Concurrent List of the Seventh Schedule.

5. The Indian Stamp Act, 1899, a pre-Constitution Act, has been amended from time to time to enable a more modern Stamp Duty regime. However, a number of provisions contained in the Indian Stamp Act, 1899 have become redundant/ inoperative and hence, there is a need to re-orient the Indian Stamp Act, 1899. Accordingly, it has been proposed that the Indian Stamp Act, 1899 is repealed and a new legislation is enacted to reflect the present realities and objectives.

PROPOSED DRAFT INDIAN STAMP BILL, 2023

	<p style="text-align: center;">A</p> <p style="text-align: center;">Bill</p>
	to introduce the Indian Stamp Bill, 2023 ("the Bill") in Parliament, to repeal Indian Stamp Act, 1899 and to re-enact.
	Be it enacted by Parliament in the Seventy Fourth Year of the Republic of India as follows: -
	CHAPTER I
	PRELIMINARY
1. Short title, extent and commencement	<p>(1) This Bill may be called the Indian Stamp Bill, 2023.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act.</p>
2. Definitions	<p>In this Act, unless there is something repugnant in the subject or context, -</p> <p>(1) "allotment list" means a list containing details of allotment of the securities intimated by the issuer to the depository under sub-section (2) of section 8 of the Depositories Act, 1996 (22 of 1996);</p> <p>(2) "banker" includes a bank and any person acting as a banker;</p> <p>(3) "Bill of exchange" means a bill of exchange as defined by the Negotiable Instruments Act, 1881 (26 of 1881), 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;</p> <p>(4) "Bill of exchange payable on demand" includes-</p> <p>(a) an order for the payment of any sum of money by a bill of</p>

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 period; 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.

(5) "Bill of lading" includes a "through bill of lading", but does not include a mate's receipt;

(6) "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, but does not include a debenture,

(7) "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 India when such instrument was executed or, where several persons executed the instrument at different times, first executed;

(8) "Cheque" means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand;

(9) "Chief Controlling Revenue Authority" means, an officer whom the State Government by notification in the Official Gazette appoints in this behalf;

(10) "clearance list" means a list of transactions of sale and purchase relating to contracts traded on the stock exchanges submitted to a clearing corporation in accordance with the law for the time being in force in this behalf;

(11) "clearing corporation" means an entity established to undertake the activity of clearing and settlement of transactions in securities or other instruments and includes a clearing house

of a recognised stock exchange;

(12) "Collector"-

(a) means, the Collector of a district, and

(b) includes a Deputy Commissioner and any officer whom the State Government may, by notification in the Official Gazette, appoint in this behalf,

(13) "Conveyance" includes a conveyance on sale and every instrument by which property, whether movable or immovable, is transferred inter vivos and which is not otherwise specifically provided for by either of the Schedules;

(14) "debenture" includes-

(i) debenture stock, bonds or any other instrument of a company evidencing a debt, whether constituting a charge on the assets of the company or not;

(ii) bonds in the nature of debenture issued by any incorporated company or body corporate;

(iii) certificate of deposit, commercial usance bill, commercial paper and such other debt instrument of original or initial maturity upto one year as the Reserve Bank of India may specify from time to time;

(iv) securitized debt instruments; and

(v) any other debt instruments specified by the Securities and Exchange Board of India from time to time;

(15) "depository" includes-

(a) a depository as defined in clause (e) of sub-section

(1) of section 2 of the Depository Act, 1996 (22 of 1996); and

(b) any other entity declared by the Central Government, by notification in the Official Gazette, to be a depository for the purposes of this Act;

(16) "Duly stamped", as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with law for time being in force in India;

(17) "Executed" and "execution", used with reference to instruments, mean "signed" and "signature" and includes attribution of electronic record within the meaning of section 11 and electronic signature within the meaning of clause (ta) of sub section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);

(18) "Impressed stamp" includes-

- (a) labels affixed and impressed by the proper officer, and
- (b) stamps embossed or engraved on stamped paper;
- (c) electronic stamp or e-stamp; and
- (d) such other impressions as the State Government may specify.

Explanation - Electronic stamp or e-stamp means an electronically generated impression denoting the payment of stamp duty by electronic means or otherwise and includes digital/paperless e-stamp

(19) "India" means the territory of India;

(20) "Instrument" includes-

(a) every document, by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;

(b) a document, electronic or otherwise, created for a transaction in a stock exchange or depository by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded, and

(c) any other document mentioned in Schedule I or Schedule II, but does not include such instruments as may be specified by the State or Central Government, as the case may be, by notification, by notification in the Official Gazette;

Explanation- The term document includes any electronic record as defined in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000).

(21) "Instrument of partition" means any instrument whereby co-owners of any property divide or agree to divide such property in severalty, and includes also a final order for effecting a partition passed by any revenue-authority or any Civil Court and an award by an arbitrator directing a partition; and

(22) "issuer" means any person making an issue of securities;

(23) "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;

(e) any agreement to lease;

(f) any mining licence or mining lease;

(g) any leave and licence agreement;

(24) "marketable security" means a security capable of being traded in any stock exchange in India;

(25) "market value", in relation to an instrument through which-

(a) any security which is traded in a stock exchange, means the price at which it is so traded;

(b) any security which is transferred through a depository but not traded in the stock exchange, means the price or the consideration mentioned in such instrument;

(c) any security which is dealt otherwise than in the stock exchange or depository, means the price or consideration mentioned in such instrument;

(d) any right, title or interest in any estate or property is transferred to or vested in any other person, means the price of the property, which is the subject-matter of the instrument, that it would have fetched or would fetch if sold in open market on the date of execution of such instrument, determined in such manner and by such authority as may be prescribed by rules made under this Act or the consideration stated in the instrument, whichever is higher;

(e) any mining lease is granted or renewed, means the value as may be provided by rules made by the State Government under the Act.

(26) "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 an engagement, one person transfers, or creates to, or in favour of, another, a right over or in respect of specified property:

(27) "Paper" includes vellum, parchment or any other material on which an instrument may be written;

(28) "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;

(29) "Policy of group insurance" means any instrument covering not less than fifty or such smaller number as the Central Government may approve, either generally or with reference to

any particular case, by which an insurer, in consideration of a premium paid by an employer or by an employer and his employees jointly, engages to cover, with or without medical examination and for the sole benefit of persons other than the employer, the lives of all the employees or of any class of them, determined by conditions pertaining to the employment, for amounts of insurance based upon a plan which precludes individual selection;

(30) "Policy of sea-insurance" or "sea-policy"-

(a) means any insurance made upon any ship or vessel (whether for marine or inland navigation), or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in, or relating to, any ship or vessel, and

(b) includes any insurance of goods, merchandise or property for any transit which includes, not only a sea risk within the meaning of clause (a), but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance;

Where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance;

(31) "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;

(32) "Promissory note" means a promissory note as defined by the Negotiable Instruments Act, 1881 (26 of 1881);

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;

(33) "Receipt" includes any note, memorandum or writing-

(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) whereby 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;

(34) "securities include-

(i) securities as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956);

(ii) a "derivative" as defined in clause (a) of section 45U of the Reserve Bank of India Act, 1934 (2 of 1934);

(iii) a certificate of deposit, commercial usance bill, commercial paper, repo on corporate bonds and such other debt instrument of original or initial maturity upto one year as the Reserve Bank of India may specify from time to time; and

(iv) any other instrument declared by the Central Government, by notification in the Official Gazette, to be securities for the purposes of this Act;

(35) "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;

(36) "Stamp" means any non-judicial stamp, mark, seal or endorsement by any agency or person duly authorised by the State Government, and includes an adhesive or impressed stamp, for the purpose of duty chargeable under this Act;

(37) "stock exchange" includes-

(i) a recognised stock exchange as defined in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956; and

(ii) such other platform for trading or reporting a deal in securities, as may be specified by the Central Government, by notification in the Official Gazette, for the purposes of this Act.

CHAPTER II

STAMP-DUTIES

A.- Of the liability of instruments to duty

<p>3. Instruments chargeable with duty</p>	<p>(1) Subject to the provisions of this Act and the exemptions contained in Schedule I and Schedule II, the following instruments shall be chargeable with duty of the amount indicated in respective Schedule as the proper duty therefor, respectively, that is to say-</p> <p>(a) every instrument mentioned in the Schedules which, not having been previously executed by any person, is executed in India on or after the commencement of the Act;</p> <p>(b) every bill of exchange payable otherwise than on demand or promissory note drawn or made out of India on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in India; and</p> <p>(c) every instrument (other than a bill of exchange or promissory note) mentioned in the Schedules, which, not having been previously executed by any person, is executed out of India on or after that day relates to any property situate, or to any matter or thing done or to be done, in India and is received in India:</p> <p>PROVIDED that no duty shall be chargeable in respect of-</p> <p>(1) any instrument executed by, or on behalf of, or in favour of, the government in cases where, but for this exemption, the government would be liable to pay the duty chargeable in respect of such instrument;</p> <p>(2) any instrument executed, by, or, on behalf of, or, in favour of, the Developer, or Unit or in connection with the carrying out of purposes of the Special Economic Zone.</p> <p>Explanation: For the purposes of this clause, the expressions "Developer", "Special Economic Zone" and "Unit" shall have meanings respectively assigned to them in clauses (g), (za) and (zc) of section 2 of the Special Economic Zones Act, 2005.</p> <p>(2) The proper duty referred to in sub-section (1) on every instrument of grant or renewal of a mining lease, or through which any right, title or interest in any estate or property is transferred to or vested in any other person, where specified as a percent, shall be calculated as a per cent of the market value.</p>
<p>4. Several instruments used in single transaction of sale, mortgage, gift lease or settlement</p>	<p>(1) Where, in the case of any sale, mortgage, gift, lease or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedules, for the conveyance, mortgage, gift, lease or settlement, and each of the other instruments shall be chargeable with a duty of one hundred rupees instead of the duty (if any) prescribed for it in</p>

	<p>the Schedules.</p> <p>(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:</p> <p>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.</p> <p>(3) Notwithstanding anything contained in sub-sections (1) and (2), in the case of any issue, sale or transfer of securities, the instrument on which stamp-duty is chargeable under section 17 shall be the principal instrument for the purpose of this section and no stamp-duty shall be charged on any other instruments relating to any such transaction.</p>
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 descriptions in Schedules	<p>Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions in Schedules, shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties:</p> <p>PROVIDED that nothing in this Act contained shall render chargeable with duty 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.</p>
7. Policies of sea-insurance	Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.
8. Bonds, debentures or other securities issued on loans under Act IX of 1914	<p>(1) Notwithstanding anything contained in this Act, any local authority raising a loan under the provisions of Local Authorities Loans Act, 1914 [Act No. 9 of 1914], or of any law for the time being in force, by the issue of bonds, debentures or other securities, shall, in respect of such loan, be chargeable with a duty of one per centum on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise.</p> <p>(2) The provisions of sub-section (1) exempting certain bonds, debentures or other securities from being stamped and from being chargeable with certain further duty shall apply to the</p>

	<p>bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid, whether the same are stamped or not:</p> <p>(3) In the case of wilful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.</p>
<p>9. Securities dealt in depository not liable to stamp-duty</p>	<p>Notwithstanding anything contained in this Act or any other law for the time being in force, -</p> <p>(a) an issuer, by the issue of securities to one or more depositories, shall, in respect of such issue, be chargeable with duty on the total amount of securities issued by it and such securities need not be stamped;</p> <p>(b) the transfer of registered ownership of securities from a person to a depository or from a depository to a beneficial owner shall not be liable to duty.</p> <p>Explanation: For the purposes of this section, the expression "beneficial ownership" shall have the same meaning as assigned to it in clause (a) of sub-section (1) of section 2 of the Depositories Act, 1996.</p>
<p>10. Corporatisation and demutualisation schemes and related instruments not liable to duty</p>	<p>Notwithstanding anything contained in this Act or any other law for the time being in force, -</p> <p>(a) a scheme for corporatisation or demutualisation, or both of a recognised stock exchange; or</p> <p>(b) any instrument, including an instrument of, or relating to, transfer of any property, business, asset whether movable or immovable, contract, right, liability and obligation, for the purpose of, or in connection with, the corporatisation or demutualisation, or both of a recognised stock exchange pursuant to a scheme,</p> <p>as approved by the Securities and Exchange Board of India under sub-section (2) of section 4B of the Securities Contracts (Regulation) Act, 1956, shall not be liable to duty under this Act or any other law for the time being in force.</p> <p>Explanation: For the purposes of this section, -</p> <p>(a) the expressions "corporatisation", "demutualisation" and "scheme" shall have the meanings respectively assigned to them in clauses (aa), (ab) and (ga) of section 2 of the Securities Contracts (Regulation) Act, 1956;</p> <p>(b) "Securities and Exchange Board of India" means the</p>

	Securities and Exchange Board of India established under section 3 of the Securities and Exchange Board of India Act, 1992.
11. Negotiable warehouse receipts not liable to stamp duty	Notwithstanding anything contained in this Act, negotiable warehouse receipts shall not be liable to stamp duty.
12. Agreement or document for assignment of receivables not liable to stamp duty	Notwithstanding anything contained in this Act or any other law for the time being in force, any agreement or other document for assignment of "receivables" as defined in clause (p) of section 2 of the Factoring Regulation Act, 2011 in favour of any "factor"- as defined in clause (i) of section 2 of the said Act shall not be liable to duty under this Act or any other law for the time being in force.
13. Conversion of a branch of any bank into a wholly owned subsidiary of bank or transfer of shareholding of a bank to a holding company of bank not liable to duty	<p>Notwithstanding anything contained in this Act or any other law for the time being in force, -</p> <p>(a) conversion of a branch of a bank into a wholly owned subsidiary of the bank or transfer of shareholding of a bank to a holding company of the bank in terms of the scheme or guidelines of the Reserve Bank of India shall not be liable to duty under this Act or any other law for the time being in force; or</p> <p>(b) any instrument, including an instrument of, or relating to, transfer of any property, business, asset whether movable or immovable, contract, right, liability and obligation, for the purpose of, or in connection with, the conversion of a branch of a bank into a wholly owned subsidiary of the bank or transfer of shareholding of a bank to a holding company of the bank in terms of the scheme or guidelines issued by the Reserve Bank of India in this behalf, shall not be liable to duty under this Act or any other law for the time being in force.</p> <p>Explanation:</p> <p>(i) For the purposes of this section, the expression "bank" means-</p> <p>(a) "a banking company" as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);</p> <p>(b) "a corresponding new bank" as defined in clause (da) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);</p> <p>(c) "State Bank of India" constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955);</p> <p>(d) "a subsidiary bank" as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959);</p>

	<p>(e) "a Regional Rural Bank" established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976);</p> <p>(f) "a Co-operative Bank" as defined in clause (cci) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);</p> <p>(g) "a multi-State co-operative bank" as defined in clause (cciiia) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);</p> <p>(ii) For the purposes of this section, the expression the "Reserve Bank of India" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934).</p>
<p>14. Agreement or document for transfer of financial assets not liable to stamp duty</p>	<p>Notwithstanding anything contained in this Act or any other law for the time being in force, any agreement or other document for transfer or assignment of rights or interest in financial assets of banks or financial institutions under section 5 of the Securitisation and Reconstruction of Financial institutions under section 5 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002), in favour of any asset reconstruction company, as defined, in clause (ba) of sub-section (1) of section 2 of that Act, shall not be liable to duty under this Act.</p>
<p>15. Strategic sale, disinvestment, etc., of immovable property by Government company not liable to stamp duty</p>	<p>Notwithstanding anything contained in this Act or any other law for the time being in force, any instrument for conveyance or transfer of a business or asset or right in any immovable property from a Government company, its subsidiary, unit or joint venture, -</p> <p>(i) by way of strategic sale or disinvestment or demerger or any other scheme of arrangements or through any law, to another Government company or to the Central Government or any State Government or to the development financial institution established by any law made by Parliament; or</p> <p>(ii) which is to be wound up, closed, struck-off, liquidated or otherwise shut down, to another Government company or to the Central Government or any State Government,</p> <p>after approval of the Central Government or the State Government, as the case may be, shall not be liable to duty under this Act.</p> <p>Explanation: For the purposes of this section, "Government company" shall have the same meaning as assigned to it in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).</p>
<p>16. Power to reduce, remit or</p>	<p>(1) The government may, by rule or order published in Official Gazette,</p>

<p>compound duties</p>	<p>(a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territories under its administration, 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, by or in favour of any members of such class, are chargeable, and</p> <p>(b) provide for the composition or consolidation of duties of policies of insurance and in the case of issues by any incorporated company or other body corporate [or of transfers (where there is a single transferee, whether incorporated or not)] of debentures, bonds or other marketable securities.</p> <p>(2) In this section, the expression "the government" means, -</p> <p>(a) in relation to stamp-duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts, and in relation to any other stamp-duty chargeable under this Act and falling within Entry 91 of List I in Seventh Schedule to the Constitution, except the subject matters referred to in clause (b) of sub-section (1), the Central Government;</p> <p>(b) save as aforesaid, the State Government.</p>
	<p>B- Of the liability of instruments of transaction in stock exchanges and depositories to duty</p>
<p>17. Instruments chargeable with duty for transactions in stock exchanges and depositories</p>	<p>(1) Notwithstanding anything contained in this Act, -</p> <p>(a) when the sale of any securities, whether delivery based or otherwise, is made through a stock exchange, the stamp-duty on each such sale in the clearance list shall be collected on behalf of the State Government by the stock exchange or a clearing corporation authorised by it, from its buyer on the market value of such securities at the time of settlement of transactions in securities of such buyer, in such manner as the Central Government may, by rules, provide;</p> <p>(b) when any transfer of securities for a consideration, whether delivery base or otherwise, is made by a depository otherwise than on the basis of any transaction referred to in clause (a), the stamp-duty on such transfer shall be collected on behalf of the State Government by the depository from the transferor of such securities on the consideration amount specified therein in such manner as the Central Government may, by rules, provide;</p> <p>(c) when pursuant to issue of securities, any creation or change in the records of a depository is made, the stamp-duty on the allotment list shall be collected on behalf of the State</p>

Government by the depository from the issuer of securities on the total market value of the securities as contained in such list, in such manner as the Central Government may, by rules, provide.

(2) Notwithstanding anything contained in this Act, the instruments referred to in sub-section (1) shall be chargeable with duty as provided therein at the rate specified in Schedule I and such instruments need not be stamped:

PROVIDED that no such duty shall be chargeable in respect of the instruments of transaction in stock exchanges and depositories established in any International Financial Services Centre set up under section 18 of the Special Economic Zones Act, 2005 (28 of 2005).

(3) From the date of commencement of this Part, no stamp-duty shall be charged or collected by the State Government on any note or memorandum or any other document, electronic or otherwise, associated with the transactions mentioned in sub-section (1).

(4) The stock exchange or a clearing corporation authorised by it or the depository, as the case may be, shall, within three weeks of the end of each month and in accordance with the rules made in this behalf by the Central Government, in consultation with the State Government, transfer the stamp-duty collected under this section to the State Government where the residence of the buyer is located and in case the buyer is located outside India, to the State Government having the registered office of the trading member or broker of such buyer and in case where there is no such trading member of the buyer, to the State Government having the registered office of the participant:

PROVIDED that before such transfer, the stock exchange or the clearing corporation authorised by it or the depository shall be entitled to deduct such percentage of stamp-duty towards facilitation charges as may be specified in such rules.

Explanation: The term "participant" shall have the same meaning as assigned to it in clause (g) of section 2 of the Depositories Act, 1996 (22 of 1996).

(5) Every stock exchange or the clearing corporation authorised by it and depository shall submit to the Government details of the transactions referred to in sub-section (1) in such manner as the Central Government may, by rules, provide.

18. Instruments chargeable with duty for transactions otherwise than through stock

Notwithstanding anything contained in this Act, -

(a) when any issue of securities is made by an issuer otherwise than through a stock exchange or depository, the stamp-duty on each such issue shall be payable by the issuer, at the place where its registered office is located, on the total market value

<p>exchanges and depositories</p>	<p>of the securities so issued at the rate specified in Schedule I;</p> <p>(b) when any sale or transfer or reissue of securities for consideration is made otherwise than through a stock exchange or depository, the stamp-duty on each such sale or transfer or reissue shall be payable by the seller or transferor or issuer, as the case may be, on the consideration amount specified in such instrument at the rate specified in Schedules.</p>
<p>C- Of stamps and the mode of using them</p>	
<p>19. Duties how to be paid</p>	<p>(1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments by means of stamps-</p> <p>(a) according to the provisions herein contained; or</p> <p>(b) when no such provision is applicable thereto, as the State Government may by rule direct.</p> <p>(2) The rules made under sub-section (1) may, among other matters, regulate, -</p> <p>(a) in the case of each kind of instrument, -the description of stamps which may be used;</p> <p>(b) in the case of instruments stamped with impressed stamps, -the number of stamps which may be used;</p> <p>(c) in the case of bills of exchange or promissory notes, the size of the paper on which they are written; and</p> <p>(d) the mode and manner of payment of duty.</p>
<p>20. Use of adhesive stamps</p>	<p>Except as otherwise provided by the State Government, by Rules, the following instruments may be stamped with adhesive stamps, namely: -</p> <p>(a) instruments chargeable with a duty not exceeding ten rupees, except parts of bills of exchange payable otherwise than on demand and drawn in sets;</p> <p>(b) bills of exchange and promissory notes drawn or made out of India;</p> <p>(c) entry as an advocate, vakil or attorney on the roll of a High Court;</p> <p>(d) notarial acts; and</p> <p>(e) transfers by endorsement of shares in any incorporated company or other body corporate.</p>
<p>21. Cancellation of adhesive stamps</p>	<p>(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</p>

	<p>cannot be used again; and</p> <p>(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.</p> <p>(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.</p> <p>(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 firm with the true date of his so writing, or in any other effectual manner.</p>
22. 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.
23. Only one instrument to be on same stamp	<p>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:</p> <p>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.</p>
24. Instrument written contrary to section 22 or section 23 deemed unstamped	Every instrument written in contravention of section 22 or section 23 shall be deemed to be unstamped.
25. 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 both the instruments, be denoted upon such first mentioned instrument by 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 the State Government may by rule prescribe.
	D.- Of the time of stamping instruments
26. Instruments executed in India	All instruments chargeable with duty and executed by any person in India shall be stamped before or at the time of

	execution.
27. Instruments other than bills and notes executed out of India	<p>(1) Every instrument chargeable with duty executed only out of India and not being a bill of exchange or promissory note, may be stamped within three months after it has been first received in India.</p> <p>(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 the State Government may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.</p>
28. Bills and notes drawn out of India	<p>The first holder in India of any bill of exchange payable otherwise than on demand, or promissory note drawn or made out of India shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in India, affix thereto the proper stamp and cancel the same:</p> <p>PROVIDED that, -</p> <p>(a) if, at the time any such bill of exchange or note comes into the hands of any holder thereof in India, the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 21 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;</p> <p>(b) nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.</p>
	E.- Of valuations for duty
29. Conversion of amount expressed in foreign currencies	<p>(1) Where an instrument is chargeable with ad valorem duty in respect of any money expressed in any currency other than that of India, such duty shall be calculated on the value of such money in the currency of India according to the current rate of exchange on the day of the date of the instrument.</p> <p>(2) The Central Government may, from time to time, by notification in the Official Gazette, prescribe a rate of exchange for the conversion of any foreign currency into the currency of India for the purposes of calculating stamp-duty, and such rate shall be deemed to be the current rate for the purposes of sub-section (1).</p>
30. Stock and	Where an instrument is chargeable with ad valorem duty in

<p>marketable securities how to be valued</p>	<p>respect of any stock or of any marketable or other security, such duty shall be calculated on the market value of such stock or security:</p> <p>PROVIDED that the market value for calculating the stamp-duty shall be, in the case of-</p> <p>(i) options in any securities, the premium paid by the buyer;</p> <p>(ii) repo on corporate bonds, the interest paid by the borrower; and</p> <p>(iii) swap, only the first leg of the cash flow.</p>
<p>31. Effect of statement of rate of exchange or average price</p>	<p>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.</p>
<p>32. Instruments reserving interest</p>	<p>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 not mention of interest been made therein.</p>
<p>33. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements</p>	<p>(1) Where an instrument (not being a promissory note or bill of exchange)-</p> <p>(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</p> <p>(b) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,</p> <p>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 II.</p> <p>(2) A release or discharge of any such instrument shall only be chargeable with the like duty.</p>
<p>34. How transfer in consideration of debt, or subject to future payment, etc., to be charged</p>	<p>(1) 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, whether being or constituting a charge or encumbrance 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 <i>ad valorem</i> duty:</p> <p>PROVIDED that nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 16 of Schedule II.</p> <p>Explanation: In the case of a sale of property subject to a</p>

	<p>mortgage or other encumbrance, 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:</p> <p>Illustrations: -</p> <p>(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. The value of the consideration is Rs. 1,500.</p> <p>(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. The value of the consideration is Rs.1700.</p> <p>(2) Where a property, subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the any duty already paid in respect of the mortgage.</p> <p>Illustration: -</p> <p>A mortgaged a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. The value of the consideration is Rs. 10,000 less the amount of stamp duty already paid for the mortgage.</p>
<p>35. Valuation in case of annuity, etc.</p>	<p>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-</p> <p>(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;</p> <p>(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 the twenty years calculated from the date on which the first payment becomes due; and</p> <p>(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 twelve years calculated from the date on which the first payment becomes due.</p>
<p>36. Stamp where value of subject-matter is indeterminate</p>	<p>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</p>

	<p>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 :</p> <p>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 shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp duty, -</p> <p>(a) when the lease has been granted by or on behalf of the Government, 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 the Government under the lease, or</p> <p>(b) when the lease has been granted by any other person, at twenty thousand rupees a year,</p> <p>and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease:</p> <p>PROVIDED ALSO that where proceedings have been taken in respect of an instrument under section 41 or 51, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.</p>
<p>37. Facts affecting duty to be set forth in instrument</p>	<p>The consideration (if any) and all other facts and circumstances affecting the chargeability of any instrument with duty, as may be prescribed, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.</p>
<p>38. Direction as to duty in case of certain conveyances</p>	<p>(1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with <i>ad valorem</i> duty in respect of such distinct consideration.</p> <p>(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 <i>ad valorem</i> duty in respect of the distinct part of the consideration therein specified.</p> <p>(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof,</p>

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 in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(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 persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with *ad valorem* duty in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration, 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 excess of the original consideration over the aggregate of the considerations paid by the sub-purchasers:

PROVIDED that the duty on such last-mentioned conveyance shall in no case be less than one rupee.

(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 consideration paid by him 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 consideration obtained by such original seller, or, where such duty would exceed five rupees, with a duty of five rupees.

F.- Duty by whom payable

39. Duties by whom payable

In the absence of any 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 Schedules, namely: -

No. 1 of Schedule I. (Bill of Exchange),

No. 3 of Schedule I. (Debenture),

No. 6 of Schedule I. (Promissory-note),

No. 10(c) of Schedule I. (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance),

No. 2 of Schedule II. (Administration Bonds),

No. 6 of Schedule II. (Agreement relating to deposit of Title Deeds, Pawn or Pledge),

No. 13 of Schedule II. (Bonds),

No. 14 of Schedule II. (Bottomry Bond),

No. 24 of Schedule II. (Customs Bond),
No. 29 of Schedule II. (Further Charge),
No. 30 of Schedule II. (Gift deed),
No. 31 of Schedule II. (Indemnity-Bond),
No. 36 of Schedule II. (Mortgage-deed),
No. 47 of Schedule II. (Release),
No. 48 of Schedule II. (Respondentia Bond),
No. 49 of Schedule II. (Security Bond or Mortgage-deed),
No. 50 of Schedule II. (Settlement),

by the person drawing, making or executing such instrument;

(b) in the case of a policy of insurance other than fire-insurance, by the person effecting the 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 reconveyance 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 a counterpart of a lease, by the lessor;

(g) in the case of an instrument of exchange including swap, by the parties in equal shares;

(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;

(j) in the case of sale of security through stock exchange, by the buyer of such security;

(k) in the case of sale of security otherwise than through a stock exchange, by the seller of such security;

(l) in the case of transfer of security through a depository, by the transferor of such security;

(m) in the case of transfer of security otherwise than through a stock exchange or depository, by the transferor of such security;

(n) in the case of issue of security, whether through a stock exchange or a depository or otherwise, by the issuer of such security; and

(o) in the case of any other instrument not specified herein, by

	the person making, drawing or executing such instrument.
40. Obligation to give receipt in certain cases	<p>Any person receiving any money, exceeding one thousand rupees in amount, or any bill of exchange, cheque or promissory note for an amount exceeding one thousand rupees, or receiving in satisfaction or part satisfaction of a debt any movable property exceeding one thousand 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.</p> <p>Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire-insurance, shall, within one month after receiving or taking credit for such premium or consideration, give a duly stamped receipt for the same.</p>
	CHAPTER III ADJUDICATION AS TO STAMPS
41. Adjudication as to proper stamp	<p>(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 officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount (not exceeding one thousand rupees) as the Collector may in each case direct, the Collector shall determine the duty (if any) with which, in his judgment the instrument is chargeable.</p> <p>(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 upon any such application until such abstract and evidence have been furnished accordingly:</p> <p>PROVIDED that-</p> <p>(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</p> <p>(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.</p>
42. Certificate by	(1) When an instrument brought to the Collector under section

<p>Collector</p>	<p>41 is, in his opinion, one of a description chargeable with duty, and-</p> <p>(a) the Collector determines that it is already fully stamped; or</p> <p>(b) the duty determined by the Collector under section 41, 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,</p> <p>the Collector shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.</p> <p>(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.</p> <p>(3) 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:</p> <p>PROVIDED that nothing in this section shall authorise the Collector to endorse-</p> <p>(a) any instrument executed or first executed in India and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be;</p> <p>(b) any instrument executed or first executed out of India and brought to him after the expiration of three months after it has been first received in India; or</p> <p>(c) any instrument chargeable with a duty not exceeding one hundred rupees, any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped.</p>
	<p>CHAPTER IV</p> <p>INSTRUMENTS NOT DULY STAMPED</p>
<p>43. Examination and impounding of instruments</p>	<p>(1) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance in his functions shall, if it appears to him that such instrument is not duly stamped, impound the same.</p> <p>(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 India</p>

	<p>when such instrument was executed or first executed:</p> <p>PROVIDED that-</p> <p>(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, 1898 (5 of 1898);</p> <p>(b) in the case of a Judge of a 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.</p> <p>(3) For the purposes of this section -</p> <p>(a) the State Government may determine what offices shall be deemed to be public offices; and</p> <p>(b) the State Government may determine who shall be deemed to be persons in charge of public offices.</p>
<p>44. Special provision as to unstamped receipts</p>	<p>Where any receipt chargeable with a duty not exceeding one hundred rupees 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 therefor.</p>
<p>45. Instruments not duly stamped inadmissible in evidence, etc.</p>	<p>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:</p> <p>PROVIDED that-</p> <p>(a) any such instrument shall 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 of one thousand rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds one thousand rupees, of a sum equal to ten times such duty or portion;</p> <p>(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 receipt shall be admitted in evidence against him on payment of a penalty of one hundred rupees by the person tendering it;</p> <p>(c) where a contract or agreement of any kind is effected by</p>

	<p>correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;</p> <p>(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 XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (5 of 1898);</p> <p>(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 42 or any other provision of this Act.</p>
46. 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 71, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.
47. Admission of improperly stamped instruments	The State 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.
48. Instruments impounded how dealt with	<p>(1) Where the person impounding an instrument under section 43 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 45 or of duty as provided by section 47, 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.</p> <p>(2) In every other case, the person so impounding an instrument shall send it in original to the Collector.</p>
49. Collector's power to refund penalty paid under section 48, sub-section (1)	<p>(1) When a copy of an instrument is sent to the Collector under section 48 sub-section (1), he may, if he thinks fit refund any portion of the penalty in excess of one hundred rupees which has been paid in respect of such instrument.</p> <p>(2) When such instrument has been impounded only because it has been written in contravention of section 22 or section 23, the Collector may refund the whole penalty so paid.</p>
50. Collector's power to stamp	(1) When the Collector impounds any instrument under section 43, or receives any instrument sent to him under section 48;

<p>instruments impounded</p>	<p>sub-section (2), not being an instrument chargeable with a duty not exceeding ten rupees only or a bill of exchange or promissory note, he shall adopt the following procedure: -</p> <p>(a) 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;</p> <p>(b) 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 of one thousand rupees; or, if he thinks fit, an amount not exceeding ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of one thousand rupees:</p> <p>PROVIDED that, when such instrument has been impounded only because it has been written in contravention of section 22 or section 23; the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.</p> <p>(2) Every certificate under clause (a) of sub-section (1) shall, for the purposes of this Act, be conclusive evidence of the matters stated therein.</p> <p>(3) Where an instrument has been sent to the Collector under section 48, sub-section (2), the Collector shall, when he has dealt with it as provided by the section, return it to the impounding officer.</p>
<p>51. Instruments unduly stamped by accident</p>	<p>If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty not exceeding ten rupees or a bill of exchange or promissory note, 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 duly stamped and offers to pay 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 43 and 50, receive such amount and proceed as next hereinafter prescribed.</p>
<p>52. Endorsement of instruments in which duty has been paid under sections 45, 50 or 51</p>	<p>(1) When the duty and penalty (if any), leviable in respect of any instrument have been paid under section 45, section 50 or section 51, 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</p>

	<p>paying them.</p> <p>(2) 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:</p> <p>PROVIDED that-</p> <p>(a) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 45, 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;</p> <p>(b) nothing in this section shall affect the Code of Civil Procedure, 1882 (14 of 1882), section 144 clause 3.</p>
<p>53. Prosecution for offence against stamp law</p>	<p>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 stamp-law in respect of such instrument:</p> <p>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.</p>
<p>54. Persons paying duty or penalty may recover same in certain cases</p>	<p>(1) When any duty or penalty has been paid under section 45, section 47, section 50 or section 51, by any person in respect of an instrument, and, by agreement or under the provisions of section 39 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.</p> <p>(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.</p> <p>(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.</p>
<p>55. Power to Revenue authority to refund penalty or excess duty in</p>	<p>(1) Where any penalty is paid under section 45 or section 50, the Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment,</p>

<p>certain cases</p>	<p>refund such penalty wholly or in part.</p> <p>(2) Where, in the opinion of the Chief Controlling Revenue-authority, stamp-duty in excess of that which is legally chargeable has been charged and paid under section 45 or section 50, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.</p>
<p>56. Non-liability for loss of instruments sent under section 48</p>	<p>(1) If any instrument sent to the Collector under section 48, 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.</p> <p>(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.</p>
<p>57. Power of payer to stamp bills and promissory notes received by him unstamped</p>	<p>When any bill of exchange or promissory note chargeable with a duty not exceeding ten rupees is presented for payment unstamped, the person to whom it is so presented, may affix thereto the necessary adhesive stamp, and, upon cancelling the same in manner hereinbefore provided, may pay the sum payable upon such bill or note, 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 or note shall, so far as respects the duty, be deemed good and valid:</p> <p>PROVIDED that nothing herein contained shall relieve any person from any penalty or proceedings to which he may be liable in relation to such bill or note.</p>
<p>57A. Instruments under-valued how to be dealt with</p>	<p>(1) Where the registering officer appointed under the Registration Act, 1908, while registering any instrument of conveyance, exchange, gift, partition or settlement, has reasons to believe that the value of the property or the consideration, as the case may be, has not been truly set forth in the instrument, he may, after registering such instrument, refer the same to the Collector for determination of the value or consideration, as the case may be, and the proper duty payable thereon.</p> <p>(2) The Collector, on receipt of a reference under sub-section (1), or suo-moto, or otherwise, if he has reasons to believe that the instrument of conveyance, exchange, gift, partition or settlement is not duly stamped, he shall, after giving the parties a reasonable opportunity of being heard and after holding an enquiry in such manner as may be prescribed by rules made under this Act, determine the value or consideration or the duty as aforesaid and the deficient amount of duty, if any, shall be payable by the person liable to pay the duty.</p> <p>(3) A person aggrieved by an order of the Collector under sub-</p>

	<p>section (2) may, within thirty days from the date of the order, prefer an appeal before the Chief Controlling Revenue-Authority and all such appeals shall be heard and disposed of in such manner as may be prescribed by rules made under this Act.</p>
<p>58. Recovery of duties and penalties</p>	<p>All duties, penalties, and other sums required to be paid under this Chapter may be recovered by the Collector by distress and sale of the movable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land-revenue.</p>
	<p>CHAPTER V</p> <p>ALLOWANCES FOR STAMPS IN CERTAIN CASES</p>
<p>59. Allowance for spoiled stamps</p>	<p>Subject to such rules as may be made by the State Government as to the evidence to be required or, the enquiry to be made, the Collector may, on application made with the period prescribed in section 60, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely, -</p> <p>(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 thereon is executed by any person;</p> <p>(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;</p> <p>(c) in the case of bills of exchange payable otherwise than on demand or promissory notes-</p> <p>(1) the stamp on any such bill of exchange 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 hands for any purpose other than by way of tender for acceptance:</p> <p>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 to be afterwards written thereon;</p> <p>(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;</p> <p>(3) the stamp used or intended to be used for any such bill of exchange 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 may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have</p>

been delivered to the payee:

PROVIDED that another completed and duly stamped bill of exchange or promissory note is produced identical in every particular except in the correction of such omission or error as aforesaid, with the spoiled bill 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 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 undesignedly 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.

Explanation: The certificate of the Collector under section 42 that the full duty with which an instrument is chargeable, has been paid is an impressed stamp within the meaning of this section.

60. Application for relief under

The application for relief under section 59 shall be made within

<p>section 59 when to be made</p>	<p>the following periods, that is to say,</p> <p>(1) in the cases mentioned in clause (d)(5), within two months of the date of the instrument;</p> <p>(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;</p> <p>(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:</p> <p>PROVIDED that, -</p> <p>(a) when the spoiled instrument has been for sufficient reasons sent out of India, the application may be made within six months after it has been received back in India;</p> <p>(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.</p>
<p>61. Allowance in case of printed forms no longer required by corporations</p>	<p>The Chief Controlling Revenue-authority or the Collector if empowered by the Chief Controlling Revenue-authority 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:</p> <p>PROVIDED that such authority is satisfied that the duty in respect of such stamped paper has been duly paid.</p>
<p>62. Allowance for misused stamps</p>	<p>(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 any stamp for an instrument not chargeable with any duty; or</p> <p>(b) When any stamp used for an instrument has been inadvertently rendered useless under section 24, owing to such instrument having been written in contravention of the provisions of section 22,</p> <p>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</p>

	as spoiled the stamp so misused or rendered useless.
63. Allowance for spoiled or misused stamps how to be made	<p>In any case in which allowance is made for spoiled or misused stamps, the Collector may give in lieu thereof-</p> <p>(a) other stamps of the same description and value; or</p> <p>(b) if required and he thinks fit, stamps of any other description to the same amount in value; or</p> <p>(c) at his discretion, the same value in money, deducting ten rupees for each hundred rupees.</p>
64. Allowance for stamps not required for use	<p>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 ten rupees for each hundred rupees, upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction—</p> <p>(a) that such stamp or stamps were purchased by such person with a bona fide intention to use them; and</p> <p>(b) that he has paid the full price thereof; and</p> <p>(c) that they were so purchased within the period of six months next preceding the date on which they were so delivered or such period as may be prescribed by the State Government:</p> <p>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.</p>
65. Allowance on renewal of certain debentures	<p>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 :</p> <p>PROVIDED that the original debenture is produced before the Collector and cancelled by him in such manner as the State Government may direct.</p> <p>Explanation: A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following charges:</p> <p>(a) the issue of two or more debentures in place of one original debenture, the total amount secured being the same;</p> <p>(b) the issue of one debenture in place of two or more original debentures, the total amount secured being the same;</p> <p>(c) the substitution of the name of the holder at the time of</p>

	<p>renewal for the name of the original holder; and</p> <p>(d) the alteration of the rate of interest or the dates of payment thereof.</p>
	<p>CHAPTER VI</p> <p>REFERENCE AND REVISION</p>
<p>66. Control of, and statement of case to, Chief Controlling Revenue-authority</p>	<p>(1) The power exercisable by a Collector under Chapter IV and Chapter V and under clause (a) of the first proviso to section 36 shall in all cases be subject to the control of the Chief Controlling Revenue-authority.</p> <p>(2) If any Collector, acting under section 41, section 50 or section 51, 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 Chief Controlling Revenue-authority.</p> <p>(3) Such authority 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.</p>
<p>67. Statement of case by Chief Controlling Revenue-authority to High Court</p>	<p>(1) The Chief Controlling Revenue-authority of a State may state any case referred to it under section 66, sub-section (2), or otherwise coming to its notice, and refer such case, with its own opinion thereon to the High Court for the State.</p> <p>(2) Every such case shall be decided by not less than three Judges of the High Court to which it is referred, and in case of difference the opinion of the majority shall prevail.</p>
<p>68. Power of High Court to call for further particulars as to case stated</p>	<p>If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the court may refer the case back to the Revenue-authority by which it was stated, to make such additions thereto or alterations therein as the court may direct in that behalf.</p>
<p>69. Procedure in disposing of case stated</p>	<p>(1) The High Court, upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.</p> <p>(2) The court shall send to the Revenue-authority by which the case was stated, a copy of such judgment under the seal of the court and the signature of the Registrar; and the Revenue-authority shall, on receiving such copy, dispose of the case conformably to such judgment.</p>
<p>70. Statement of case by other courts to High Court</p>	<p>(1) If any court, other than a court mentioned in section 67, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to section 45, the Judge may draw up a statement of the case and refer it, with his own opinion</p>

	<p>thereon, for the decision of the High Court to which, if he were the Chief Controlling Revenue-authority, he would, under section 67, refer the same.</p> <p>(2) Such court shall deal with the case as if it had been referred under section 67, and send a copy of its judgment under the seal of the court and the signature of the Registrar to the Chief Controlling Revenue-authority and other like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.</p> <p>(3) References made under sub-section (1), when made by a court, subordinate to a District Court, shall be made through the District Court, and, when made by any subordinate revenue court, shall be made through the court immediately superior.</p>
<p>71. Revision of certain decisions of courts regarding the sufficiency of stamps</p>	<p>(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, 1898 (5 of 1898), makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 45, the court to which appeals lie from, or references are made by, such first-mentioned court may, of its own motion or on the application of the Collector, take such order into consideration.</p> <p>(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 45, 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.</p> <p>(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.</p> <p>(4) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 52, or in section 53, prosecute any person for any offence against the Stamp-law which the Collector considers him to have committed in respect of such instrument:</p> <p>PROVIDED that-</p> <p>(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</p>

	<p>instrument under section 45, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty;</p> <p>(b) except for the purposes 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 52.</p>
	<p>CHAPTER VII</p> <p>SUPPLEMENTAL PROVISIONS</p>
72. General Penalty	<p>(1) Any person who contravenes any of the provisions of the act, or any rules made therein, for which no penalty has been separately provided for in this act, shall be liable to pay penalty which may extend to 25 thousand rupees; and in case of a contravention which is of a continuing nature, a penalty of up to rupees 1000 per day, to be levied by the Collector.</p> <p>(2) No penalty shall be imposed without giving an opportunity of hearing to the party concerned.</p>
73. Books, etc. to be open to inspection	<p>Every person in charge of a public office having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to 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 and proceedings and to take such notes and extracts as he may deem necessary, without fee or charge and if necessary to seize them and impound the same under proper acknowledgement.</p>
74. Power of Central Government to make rules	<p>(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of Part B of Chapter II.</p> <p>(2) Without prejudice to the generality of the provisions of sub-section (1), the Central Government may make rules for all or any of the following matters, namely: -</p> <p>(a) the manner of collection of stamp-duty on behalf of the State Government by the stock exchange or the clearing corporation authorised by it, from its buyer under clause (a) of sub-section (1) of section 17;</p> <p>(b) the manner of collection of stamp-duty on behalf of the State Government by the depository from the transferor under clause (b) of sub-section (1) of section 17;</p> <p>(c) the manner of collection of stamp-duty on behalf of the State Government by the depository from the issuer under clause (c) of sub-section (1) of section 17;</p> <p>(d) the manner of transfer of stamp-duty to the State</p>

	<p>Government under sub-section (4) of section 17;</p> <p>(e) any other matter which has to be, or may be, provided by rules.</p>
<p>75. Power to issue directions and to authorise certain authorities to issue instructions, etc.</p>	<p>The Central Government may, -</p> <p>(a) issue directions relating to such matters and subject to such conditions, as it deems necessary;</p> <p>(b) in writing, authorise the Securities and Exchange Board of India established under section 3 of the Securities and Exchange Board of India Act, 1992 (15 of 1992) or the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934) to issue instructions, circulars or guidelines,</p> <p>for carrying out the provisions of Part B of Chapter II and the rules made thereunder.</p>
<p>76. Powers to make rules relating to sale of stamps</p>	<p>The State Government may make rules for regulating-</p> <p>(a) the supply and sale of stamps (including e-stamps) and stamped papers,</p> <p>(b) the persons by whom alone such sale is to be conducted, and</p> <p>(c) the duties and remuneration of such persons:</p>
<p>77. Power to make rules generally to carry out Act</p>	<p>The State Government may make rules to carry out generally the purposes of this Act, and may by such rules prescribe the fines, which shall in no case exceed five thousand rupees, to be incurred on breach thereof.</p>
<p>78. Publication of rules</p>	<p>(1) All rules made under this Act shall be published in the Official Gazette.</p> <p>(2) All rules published as required by this section shall, upon such publication, have effect as if enacted by this Act.</p> <p>(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p> <p>(4) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the</p>

	State Legislature.
79. Delegation of certain powers	<p>The State Government may, by notification in the Official Gazette, delegate-</p> <p>(a) all or any of the powers conferred on it by sections 2(12), 44(3)(b), 76 and 81 to the Chief Controlling Revenue-authority, and</p> <p>(b) all or any of the powers conferred as the Chief Controlling Revenue-authority by sections 55(1)(2) and 66(1) to such subordinate Revenue-authority as may be specified in the notification.</p>
80. 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-fee.
81. Act to be translated and sold cheaply	Every State Government shall make provision for the sale of translations of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding one hundred rupees per copy.
82. Repeal and saving	<p>(1) Save as otherwise provided in this Act, on and from the date of commencement of this Act, the Indian Stamp Act, 1899 is hereby repealed.</p> <p>(2) The repeal of the said Act shall not—</p> <p>(a) revive anything not in force or existing at the time of such amendment or repeal; or</p> <p>(b) affect the previous operation of the repealed Act and orders or anything duly done or suffered thereunder; or</p> <p>(c) affect any right, privilege, obligation, or liability acquired, accrued or incurred under the repealed Act or orders under such repealed Act.</p> <p>(d) repeal an Act enacted by the States in exercise of powers under the Seventh Schedule of the Constitution.</p> <p>(e) all State amendments to the Indian Stamp Act, 1899 by States shall continue to be in force in the respective State as if they were amending the relevant provisions of this Act.</p> <p>(3) Notwithstanding the repeal of the said Act, the rate of stamp duty on an instrument in Schedule II shall continue to be in force as it existed before the repeal for a State which has not specified a rate exercising powers under the Seventh Schedule of the Constitution till the time the State exercises such power.</p> <p>(4) The mention of the particular matters referred to in sub-sections (1) and (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.</p>

SCHEDULE I

STAMP DUTY ON INSTRUMENTS COVERED UNDER LIST-I OF THE SEVENTH SCHEDULE TO THE CONSTITUTION OF INDIA

[Refer Section 3]

	Description of Instrument (1)	Proper Stamp-duty (2)
1.	Bill of exchange (as defined by s. 2(2)), not being a bond, bank-note or currency note-	
	(b) where payable otherwise than on demand-	
	(i) Where not more than three months after date or sight-	
	if the amount of the bill or note does not exceed Rs. 500;	Thirty paise
	if it exceeds Rs. 500 but does not exceed Rs. 1,000;	Sixty paise
	and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;	Sixty paise
	(ii) where payable more than three months but not more than six months after date or sight-	
	if the amount of the bill or note does not exceed Rs. 500;	Sixty paise
	if it exceeds Rs. 500 but does not exceed Rs. 1,000;	One rupee twenty paise
	and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;	One rupee twenty paise
	(iii) where payable more than six months but not more than nine months after date or sight-	
	if the amount of the bill or note does not exceed Rs. 500;	Ninety paise
	if it exceeds Rs. 500 but does not exceed Rs. 1,000;	
	and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;	One rupee eighty paise
	(iv) where payable more than nine months but not more than one year after date or sight-	One rupee eighty paise

if the amount of the bill or note does not exceed Rs. 500;	One rupee twenty five paise	
		Two rupees fifty paise
if it exceeds Rs. 500 but does not exceed Rs. 1,000		
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;		Two rupees fifty paise
(c) where payable at more than 1 year after date or sight-		
if the amount of the bill or note does not exceed Rs. 500;		Two rupees fifty paise
if it exceeds Rs. 500 but does not exceed Rs. 1,000;		Five rupees
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;		Five rupees
2. Bill of lading (including a through bill of lading).		Ten rupees
EXEMPTIONS		
		N.B. - If a bill of lading drawn in parts, the proper stamp therefor must be borne by each one of the set.
(a) Bill of lading when the goods therein described are received at a place within the limits of any port as defined under the Indian Ports Act, 1908 (15 of 1908), and are to be delivered at another place within the limits of the same port.		
(b) Bill of lading when executed out of India and relating to property to be delivered in India.		
3. Debenture -[as defined by section 2(14)] (see sections 17 and 18)		
(a) in case of issue of debenture;		0.005%
(b) in case of transfer and re-issue of debenture		0.0001%
Declaration of any trust. See Trust (No. 55 of Schedule II).		
4. 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.		One rupee
Letter of guarantee, See Agreement (No. 5 of Schedule II)		
5. Policy of insurance-		
A-Sea insurance (See section 7)	If drawn singly for each part	If drawn in duplicate,

(1) for or upon any voyage-

(i) where the premium or consideration does not exceed the rate of one-eighth per centum of the amount insured by the policy; Five paise Five paise

(ii) in any other case, in respect of every full sum of one thousand five hundred rupees and also any fractional part of one thousand five hundred rupees insured by the policy; Five paise Five paise

(2) for time-

(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy-

where the insurance shall be made for any time not exceeding six months; Ten paise Five paise

where the insurance shall be made for any time exceeding six months and not exceeding twelve months. Ten paise Five paise

B- 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 an original policy-

(i) when the sum insured does not exceed Rs. 5,000; Twenty-Five paise

(ii) in any other case and Fifty paise

(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 No. 8 of Schedule I.

C-Accident and sickness insurance-

Five paise

(a) against railway accident, valid for a single journey only.

EXEMPTION

When issued to a passenger travelling by the intermediate or the third class in any railway;

Ten paise

(b) in any other case-for the maximum amount which may become payable in the case of any policy of insurance against PROVIDED that, in case of a

single accident or sickness where such amount death by accident when the does not exceed Rs. 1,000 and also where such annual premium payable amount exceeds Rs. 1,000 for every Rs. 1,000 or does not exceed Rs. 2.50 part thereof.

per Rs. 1,000, the duty on such instrument shall be five paise for every Rs. 1,000 or part thereof of the maximum amount which may become payable under it.

CC. Insurance by way of indemnity against liability to pay damages on account of accident to workmen employed by or under the insurer or against liability to pay compensation under the Workmen's Compensation Act, 1923, for every Rs. 100 or part thereof payable as premium.

Five paise

D- Life insurance or group insurance of others insurance not specifically provided for, except such a *re-insurance*, as is described in Division E of this article-

If drawn

If drawn in duplicate,

singly for each part

Ten paise

Five paise

Ten paise

Five paise

(i) for every sum insured not exceeding Rs. 250;

Twenty paise

Ten paise

(ii) for every sum insured exceeding Rs. 250 but not exceeding Rs. 500;

(iii) for every sum insured exceeding Rs. 500 but not exceeding Rs. 1,000 and also for every Rs. 1,000 or part thereof in excess of Rs. 1,000.

N.B.- If a policy of group Insurance is renewed or otherwise modified whereby the sum insured exceeds the sum previously 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 —

(a) granted by the Director-General of Post Offices in accordance with the rules for Postal Life-Insurance issued under the authority of the Central Government; and

(b) under the Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY).

One quarter of the duty

payable in respect of the original insurance but not less than five paise or more than fifty paise:
 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. **PROVIDED** that if the total amount of duty payable is not a multiple of five paise, the total amount shall be rounded off to the next higher multiple of five paise.

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.

- | | | |
|----|--|---|
| 6. | Promissory note [as defined by section 2(32)]- | |
| | (a) when payable on demand- | |
| | (i) when the amount or value does not exceed Rs. 250; | Five paise |
| | (ii) when the amount or value exceeds Rs. 250 but does not exceed Rs. 1,000; | Ten paise |
| | (iii) in any other case. | Fifteen paise |
| | (b) when payable otherwise than on demand. | One-fifth of the duty as applicable to Bill of Exchange (No. 1 of Schedule I) for the same amount payable otherwise than on demand. |
| 7. | PROXY empowering any person to vote at any one election of the members of a district or local board or of a body of municipal commissioners, 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, or (c) proprietors, members or contributors to the funds of any institution. | Twenty Five Rupees |
| 8. | RECEIPT [as defined by section 2(33)] for any money or other property the amount or value of | One rupee |

which exceeds five thousand rupees.

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 therein expressed, or the receipt of any principal 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, or in the States of Madras, Bombay and Andhra as they existed immediately before the 1st November, 1956 of Inam lands;

(d) for pay or allowances by non-commissioned or petty officers, soldiers, sailors or airmen of Indian military, naval or air forces, 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 or petty officer, soldier, sailor or airman, of any of the said forces, 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 for petty officers, soldiers, sailors or airmen, 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:

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 acknowledgement 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.

[See also **Policy of Insurance** [No. 5B(2) of Schedule I]].

9. Security other than debentures

(see sections 17 and 18)—

(a) issue of security other than debenture;	0.005%
(b) transfer of security other than debenture on delivery basis;	0.015%
(c) transfer of security other than debenture on non-delivery basis;	0.003%
(d) derivatives-	0.002%
(i) futures (equity and commodity)	0.003%
(ii) options (expiry and commodity)	0.0001%
(iii) currency and interest rate derivatives	0.002%
(iv) other derivatives;	0%
(e) Government securities;	0.00001%
(f) repo on corporate bonds	

10. Transfer (whether with or without consideration)-

(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 share:
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PROVIDED that rates of stamp duty specified in column (2) on Bills of Exchange for items (b) & (c) in Art. 1 of Schedule I and on promissory note for item (b) of Art. 6 of Schedule I shall not apply to usance bills of exchange or promissory notes drawn or made for securing finance from Reserve Bank of India, Industrial Finance Corporation of India, Industrial Development Bank of India, State Financial Corporations, Commercial Banks and Co-operative Banks for (a) bona fide commercial or trade

transactions, (b) seasonal agricultural operations or the marketing of Crops, or (c) production or making activities of cottage and small scale industries and such instruments shall bear the rate of stamp duty at one-fifth of the rate mentioned in column (2) against items (b) and (c) in Art. 1 of Schedule I and item (b) in Art. 6 of Schedule I.

(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;

One-half of the duty payable on a conveyance (No. 20 of Schedule II) for a consideration equal to the face amount of the debentures

(c) of any interest secured by a bond, mortgage-deed or policy of insurance, -

(i) if the duty on such bond, mortgage-deed or policy does not exceed one hundred rupees;

The duty with which such bond, mortgage-deed or policy of insurance is chargeable

One Hundred rupees

(ii) in any other case;

One Hundred rupees

(d) of any property under the Administrator General's Act, 1913 (Act no. 45 of 1913), section 25;

(e) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary.

Seventy rupees

EXEMPTIONS

Transfers by endorsement –

(a) of a bill of exchange, cheque or promissory note;

(b) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;

(c) of a policy of insurance;

(d) of securities of the Central Government.

See also section 8.

SCHEDULE II

STAMP DUTY ON INSTRUMENTS COVERED UNDER LIST-II OF THE SEVENTH SCHEDULE TO THE CONSTITUTION OF INDIA

[Refer Section 3]

	Description of Instrument (1)	Proper Stamp-duty* (2)
1.	<p>Acknowledgement of a debt exceeding one thousand rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a bankers' pass-book) or on a separate piece of paper when such book or paper is left in the creditors' possession:</p> <p>PROVIDED that such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.</p>	
2.	<p>Administration-bond including a bond given under section 256 of the Indian Succession Act, 1925, section 6 of the Government Savings Banks Act, 1873 (5 of 1873), section 78 of the Probate and Administration Act, 1881 (5 of 1881), or section 9 or section 10 of the Succession Certificate Act, 1889 (7 of 1889)-</p>	
3.	<p>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. Advocate, see entry as an Advocate (No. 27 of Schedule II)</p>	
4.	<p>Affidavit including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.</p>	

EXEMPTIONS

Affidavit or declaration in writing when made-

(a) as a condition of enrolment under the Indian Army Act, 1911 (8 of 1911) (or the Indian Air Force Act, 1932 (14 of 1932));

(b) for the immediate purpose of being filed or used in any court or before the officer of any court; or

(c) for the sole purpose of enabling any persons to receive any pension or charitable allowance.

5. **Agreement or Memorandum of Agreement**

(a) if relating to the sale of a bill of exchange;

(b) if relating to the sale of a government security or share in an incorporated company or other body corporate;

(c) If not otherwise provided for

EXEMPTIONS

Agreement or memorandum of agreement-

(a) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No. 39 of Schedule II;

(b) made in the form of tenders to the Central Government for or relating to any loan;

Agreement to lease: See Lease (No. 32 of Schedule II)

6. **Agreement relating to deposit of title-deeds, pawn or pledge**, that is to say, any instrument evidencing an agreement relating to-

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

(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt-

(a) if such loan or debt is repayable on demand or more than three months from the date of the

instrument evidencing the agreement;

(b) if such loan or debt is repayable not more than three months from the date of such instrument.

EXEMPTION

Instrument of pawn or pledge of goods if unattested.

7. **Appointment in execution of a power**, whether of trustees or of property, movable or immovable, where made by any writing not being a will.
8. **Appraisalment or valuation** made otherwise than under an order of the court in the course of a suit-

EXEMPTIONS

(a) Appraisalment or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.

(b) Appraisalment 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, not being Articles of clerkship (No. 11 of Schedule II).

EXEMPTION

Instruments of apprenticeship executed by a magistrate under the Apprentices Act, 1850 (19 of 1950), or by which a person is apprenticed by or at the charge of any public charity.

10. **Articles of association of a company**

EXEMPTION

Articles of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1882 (6 of 1882).

See also Memorandum of Association of a Company (No. 35 of Schedule II).

11. **Articles of clerkship** or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court.

Assignment. See Conveyance (No. 20 of Schedule II), Transfer (No. 10 of Schedule I), and Transfer of Lease (No. 54 of Schedule II), as the case may be.

Attorney. See Entry as an attorney (No. 27 of Schedule II), and Power-of-attorney (No. 43 of Schedule II).

Authority to adopt. See Adoption-deed (No. 3 of Schedule II).

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

EXEMPTION

Award under the Bombay District Municipal Act, 1873, section 81, or the Bombay Hereditary Offices Act, 1874, section 18.

13. **Bond** [as defined by section 2(6)] not being a debenture (No. 3 of Schedule I) and not being otherwise provided for by this Act, or by the Court-fees Act, 1870 (Act No. 7 of 1870)-

See Administration bond (No. 2 of Schedule II) Bottomry bond (No. 14 of Schedule II), Customs bond (No. 24 of Schedule II), Indemnity bond (No. 31 of Schedule II), respondentia bond (No. 48 of Schedule II), Security bond (No. 49 of Schedule II).

EXEMPTIONS

Bond, when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.

14. **Bottomry bond**, that is to say, any instrument whereby the master of a seagoing ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage.
15. **Cancellation**: Instrument of (including any instrument by which any instrument, previously executed is cancelled), if attested and not otherwise provided for. See also Release (No. 47 of Schedule II), Revocation of settlement (No. 50(B) of Schedule

II), Surrender of lease (No. 53 of Schedule II), Revocation of Trust (No. 55(B) of Schedule II)

16. **Certificate of sale** (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer-
17. **Certificate or** other document (except the certificate or other document covered under Articles 3 and 9 of Schedule I), 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.

See also Letter of allotment of shares (No. 33 of Schedule II)
18. **Charter-party**, that is to say, any instrument (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.
19. **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 or under letters of licence, for the benefit of his creditors.
20. **Conveyance** [as defined by section 2(13)], not being a Transfer charged or exempted under No. 10 of Schedule I, -

EXEMPTION

(a) Assignment of copyright by entry made under the Indian Copyright Act, 1847, section 5.

(b) For the purpose of this article, the portion of duty paid in respect of a document falling under article No. 21 of Schedule II shall be excluded while computing the duty payable in respect of a corresponding document relating to the completion of the transaction in any union territory under this article.

Co-partnership-deed. See Partnership (No. 42 of Schedule II)

21. **Conveyance in the nature of part performance**
Contracts for the transfer of immovable property in the nature of part performance in any union territory under section 53A of the Transfer of Property Act, 1882 (4 of 1882).

22. **Copy or extract** certified to be a true copy or extract, by or by order of any public officer and not chargeable under the law for the time being in force relating to aid court-fees-

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

(ii) in any other case.

EXEMPTION

(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 or burials.

23. **Counterpart or duplicate** of any instrument chargeable with duty and in respect of which the proper duty has been paid, -

EXEMPTION

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

24. **Customs-bond-**

25. **Delivery-order in respect of goods** excluding delivery order in respect of settlement of transactions in securities in stock exchange, 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 signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein,

Deposit of title-deeds. See agreement relating to deposit of title-deeds, pawn or pledge (No. 6 of Schedule II)

Dissolution of partnership. See Partnership (No. 42 of Schedule II)

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

Dower - Instrument of. See Settlement (No. 50 of Schedule II)

Duplicate. See Counterpart (No. 23 of Schedule II)

27. **Entry as an advocate, vakil or attorney on the roll of any High Court** [under the Indian Bar Councils Act, 1926, or] in exercise of powers conferred on such court by Letters Patent or by the Legal Practitioners Act, 1884-

(a) in the case of an Advocate or vakil

(b) in the case of an Attorney

EXEMPTION

Entry of an advocate, vakil or attorney on the roll of any High Court when he has previously been enrolled in a High Court.

28. **Exchange of property**- Instrument of

Extract. See Copy (No. 22 of Schedule II).

29. **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. 36 of Schedule II (that is, with possession)

(b) when such mortgage is one of the description referred to in clause (b) of Article No. 36 of Schedule II (that is, without possession)-

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

(ii) if possession is not so given

30. **Gift**, whether by way of declaration, made in writing or orally, or otherwise - Instrument of, not being a Settlement (No. 50 of Schedule II) or Will or transfer (No. 10 of Schedule I)

Hiring agreement or agreement for service. See

- Agreement (No.5 of Schedule II)
31. **Indemnity-bond**
- Inspectorship-deed.** See Composition-deed (No. 19 of Schedule II)
- Insurance.** See Policy of Insurance (No. 5 of Schedule I)
32. **Lease**, including an under-lease or sub-lease and any agreement to let or sub-let-
- (a) where by such lease the rent is fixed and no premium is paid or delivered-
 - (i) where the lease purports to be for a term of less than one year;
 - (ii) where the lease purports to be for a term of not less than one year but not more than three years;
 - (iii) where the lease purports to be for a term in excess of three years;
 - (iv) where the lease does not purport to be for any definite term;
 - (v) where the lease purports to be in perpetuity;
 - (b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved;
 - (c) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.

EXEMPTIONS

- (a) Lease, executed in the 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 hundred rupees.
33. **Letter of allotment** in respect of any loan to be raised by any company or proposed company.
- See also Certificate or other document (No. 17 of Schedule II).
34. **Letter of licence**, that is to say, any agreement

between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.

35. **Memorandum of association of a company-**

(a) if accompanied by articles of association under section 37 of the Indian Companies Act, 1882 (6 of 1882);

(b) if not so accompanied

EXEMPTION

Memorandum of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1882 (6 of 1882).

36. **Mortgage-deed**, not being an agreement relating to deposit of title-deeds, pawn or pledge (No. 6 of Schedule II), Bottomry bond (No. 14 of Schedule II), Mortgage of a crop (No. 37 of Schedule II), Respondentia bond (No. 48 of Schedule II), or Security bond (No. 49 of Schedule II) –

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

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

Explanation: A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this Article.

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

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

and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.

EXEMPTIONS

(1) Instruments, executed by persons taking advances under the Land Improvement Loans Act, 1883 (10 of 1883), or the Agriculturists Loans Act,

1884 (12 of 1984), or by their sureties as security for the repayment of such advances.

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

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

(a) when the loan is repayable not more than three months from the date of the instrument-

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

38. **Notarial act**, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a Protest (No. 44 of Schedule II) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.

See also Protest of bill or note (No. 44 of Schedule II).

39. **Note of 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 of twenty rupees;

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

40. **Note of protest by the master of a ship**
See also Protest by the master of a ship (No. 45 of Schedule II)

Order for the payment of money

See Bill of exchange (No. 1 of Schedule I)

41. **Partition** – Instrument of [as defined by section 2(21)]

42. **Partnership-**

A – Instrument of

(a) where the capital of the partnership does not exceed Rs. 10,000;

(b) in any other case

B – Dissolution of

Pawn or pledge. see agreement relating to deposit of title-deeds, pawn or pledge (No. 6 of Schedule II).

43. **Power of attorney** as defined by section 2(31), not being a Proxy (No. 7 of Schedule I)

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

(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882;

(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a);

(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally;

(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;

(f) when given for consideration and authorising the attorney to sell any immovable property;

(g) in any other case

Explanation: For the purposes of this Article more persons than one when belonging to the same firm shall be deemed to be one person.

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.

45. **Protest by the master of a ship**, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses of the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.

See also **Note of protest by the master of a ship**

(No. 40 of Schedule II).

46. **Reconveyance of mortgaged property-**
47. **Release**, that is to say, any instrument (not being such a release as is provided for by section 33) whereby a person renounces a claim upon another person or against any specified property-
48. **Respondentia bond**, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.

Revocation of any trust or settlement.

See Settlement (No. 50 of Schedule II); **Trust** (No. 55 of Schedule II).

49. **Security bond or mortgage deed**, executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract-

EXEMPTIONS

Bond or other instrument, when executed-

(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;

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

(c) under No. 3A of the rules made by the State Government under section 70 of the Bombay Irrigation Act, 1879.

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

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

- received by virtue thereof.
50. **Settlement-**

A.-Instrument of (including a deed of dower).

EXEMPTION

(a) Deed of dower executed on the occasion of a marriage between Muhammadans.

B.- Revocation of –

See also Trust (No. 55 of Schedule II).

51. **Share warrants**, to bearer issued under the Indian Companies Act, 1882 (6 of 1882).

EXEMPTION

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

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

(b) if any company which 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.

Scrip. See Certificate (No. 17 of Schedule II).

52. **Shipping Order** for or relating to the conveyance of goods on board of any vessel.

53. **Surrender of lease-**

EXEMPTION

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

54. **Transfer of lease** by way of assignment and not by way of under-lease.

EXEMPTION

Transfer of any lease exempt from duty.

55. **Trust-**

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

B.-Revocation of - or, concerning, any property when made by any instrument other than a WILL.

See also Settlement (No. 50 of Schedule II)

Valuation. see appraisalment (No. 8 of Schedule II).

Vakil. see entry as a vakil (No. 27 of Schedule II).

56. **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.

* The rates to be specified in exercise of the powers under the Seventh Schedule to the Constitution of India.