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Government of Kerala
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കേരള റജാറ്റ് KERALA GAZETTE

അംശാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധീകൃതമുന്നത്

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GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 20165/Leg.A2/2015/Law.

19th September, 2015

Dated, Thiruvananthapuram, 3rd Kanni, 1191
28th Bhadra, 1937.

The following Ordinance promulgated by the Governor of Kerala on the 18th September, 2015 is hereby published for general information.

By order of the Governor,

S. KUMARI SUDHA,
Special Secretary (Law).

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33/3647/2015/S-2.

ORDINANCE NO. 13 OF 2015

THE KERALA STAMP (AMENDMENT) ORDINANCE, 2015

Promulgated by the Governor of Kerala in the Sixty-sixth Year of the Republic of India.

AN
ORDINANCE

further to amend the Kerala Stamp Act, 1959.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Stamp Act, 1959 (17 of 1959) for the purposes hereinafter appearing;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Stamp (Amendment) Ordinance, 2015.

(2) It shall come into force at once.

2. *Act 17 of 1959 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Stamp Act, 1959 (17 of 1959) (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in sections 3 to 11.

3. *Amendment of section 2.*—In section 2,—

(a) in clause (e), for the words “an adhesive or impressed stamp”, the words and symbol “an adhesive, impressed or e-stamp” shall be substituted;

(b) after clause (e), the following clause shall be inserted, namely:—

“(ee) “e-stamp” means an electronically generated impression or chalan issued by the Department of Treasuries, Government of Kerala or any other agency appointed by the Government of Kerala for this purpose to denote the payment of stamp duty;”;

(c) after clause (i), the following clause shall be inserted, namely:—

“(ia) “Inspector General of Registration” means the Inspector General of Registration appointed under section 3 of the Registration Act, 1908 (Central Act XVI of 1908);”

(d) after clause (p), the following clause shall be inserted, namely:—

“(pa) “Registering Officer” means the officer appointed under section 6 of the Registration Act, 1908 (Central Act XVI of 1908);”

(e) in clause (qq),—

(i) for the words “mark, seal or endorsement”, the words “mark, seal, endorsement or impression” shall be substituted;

(ii) for the words “adhesive or impressed stamp”, the words and symbol “adhesive, impressed or e-stamp” shall be substituted;

4. *Amendment of section 10.*—In section 10, in clause (b) of sub-section (2), after the words “impressed stamps”, the words and symbol “or e-stamps” shall be inserted.

5. *Insertion of new section 10B.*—After section 10A, the following section shall be inserted, namely:—

“10B. *Appointment of Central Record keeping Agency.*—The Government may, by notification in the Official Gazette, appoint the Department of Treasuries or any other agency as Central Record keeping Agency, which shall have such duties and functions as may be prescribed, regarding issue of e-stamps.”.

6. *Insertion of new section 12A.*—After section 12, the following section shall be inserted, namely:—

“12A. *Defacement of e-stamp.*—(1) Any e-stamp in an instrument shall be defaced through online computer verification system by the Registering Officer or any other officer authorised by the Government, in such manner as may be prescribed, so that the same cannot be used again.

(2) Any instrument bearing an e-stamp which has not been defaced, shall so far as such stamp is concerned, be deemed to be unstamped.”.

7. *Amendment of section 13.*—In section 13,—

- (a) in the marginal heading, after the words “impressed stamps”, the words and symbol “or e-stamp” shall be inserted;
- (b) in the existing provision, after the words “impressed stamp”, the words and symbol “or e-stamp” shall be inserted.

8. *Amendment of section 16.*—The existing provision in section 16 shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered the following sub-section shall be inserted, namely:—

“(2) The Registering Officer shall receive the deficit stamp duty, if any, and the details thereof shall be endorsed as a footnote in the e-stamp chalan by the Registering Officer.”.

9. *Amendment of section 47.*—In section 47, after the words “impressed stamps”, the words and symbol “or e-stamps” shall be inserted.

10. *Amendment of section 54.*—In section 54, in sub-section (2), for the words “for the decision of the Government or such other authority as may be specified by the Government”, the words “for the decision of the Government, Inspector General of Registration or such other authority as may be specified by the Government” shall be substituted.

11. *Substitution of new section for section 61.*—For section 61, the following section shall be substituted, namely:—

“61. *Penalties for failure to cancel an adhesive stamp or to deface an e-stamp.*—Any Registering Officer required by section 12 to cancel an adhesive stamp or by section 12A to deface an e-stamp, who fails to cancel or deface such stamp in the manner prescribed by that section, shall be punishable with a fine which may extend to the amount which is equal to the value of the adhesive stamp or e-stamp.”.

P. SATHASIVAM,
GOVERNOR.