

THE INDIAN STAMP, ACT, 1899

(As applicable in Uttarakhand)

An Act to consolidate and amend the law relating to stamps,

[The 27th January, 1899]

Where it is expedient to consolidate and amend the law relating to stamps, it is hereby enacted as follows :

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Indian Stamp Act, 1899.

(2) It extends to the whole of India, except the State of Jammu and Kashmir :

Provided that it shall not apply to the territories which, immediately before the 1st November, 1956, were comprised in Part B States (excluding the State of Jammu and Kashmir) except to the extent which the provisions of this Act relate to rates of stamp-duty in respect of the documents specified in Entry 91 of List I in the Seventh Schedule of the Constitution.

(3) It shall come into force on the first day of July, 1899.

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

(1) "*Banker*".— "Banker" includes a bank and any person acting as a banker;

(2) "*Bill of exchange*".— "Bill of exchange" means a bill of exchange as defined by the Negotiable Instruments Act, 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;

(3) "*Bill of exchange payable on demand*".—"Bill of exchange payable on demand" includes,—

- (a) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;
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;
- (21) "*Power of Attorney*".– "Power of Attorney" includes any instrument (not changeable with a fee under the law relating to court fees for the time being in force) empowering a specific person to act for and in the name of the person executing it;
- (22) "*Promissory note*".– "Promissory note" means a promissory note as defined by the Negotiable Instruments Act, 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;
- (23) "*Receipt*".– "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 debt or demand or any part of a debt or demand, is acknowledged to have been satisfied or discharged, or
 - (c) which signifies or imports any such acknowledgement and whether the same is or is not signed with the name of any person;
- (24) "*Settlement*".– "Settlement" means any non-testamentary disposition, in writing or movable or immovable property made,–
in consideration of marriage,
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

for any religious or charitable purpose;

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

(25) "*Soldier*".— "Soldier" includes any person below the rank of non-commissioned officer who is enrolled under the Indian Army Act, 1911;

(26) [* * *] stamp means any mark, seal or endorsement by any agency or person duly authorized by the state Government.

(26–A) The expressions "Common roll" and "State roll" shall have the meanings assigned to them in the Advocates Act, 1961;

and includes an adhesive or impressed stamp for the purpose of duty chargeable under this act.

CHAPTER II STAMP DUTIES

A—Of the Liability of Instrument to Duty

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

(b) an order for the payment of any sum of money weekly, monthly or at any other stated periods ; and

(c) a letter of credit, that is to say, any instrument by which one person authorises another to give credit to the person in whose favour it is drawn;

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

(5) "*Bond*".— "Bond" includes,—

- (a) any instrument whereby a person obliges himself to pay money to another on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be;
 - (b) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another, and
 - (c) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another;
- (6) "*Chargeable*".– "Chargeable" means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act, and as applied to any other instrument, chargeable under the law in force in India when such instrument, was executed or, where several persons executed the instrument at different times, first executed;
- (7) "*Cheque*".– "Cheque" means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand;
- (8) [* * *]
- (9) "*Collector*".– "Collector"
- (a) means, within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras and Bombay, respectively and with out those limits, 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.
- (10) "*Conveyance*".– "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 Schedule I, Schedule I–A or Schedule I–B, as the case may be;

[*Explanation.*— An instrument whereby a co-owner of a property having defined share therein, transfers such share or part thereof to another co-owner of the property, is for the purposes of this clause an instrument by which property is transferred;]

- (11) "*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 the law for the time being in force in India;
- (12) "*Executed*" and "*Execution*".— "*Executed*" and "*Execution*", used with reference to instrument, means "signed" and signature";
- (12–A) [* * *];
- (13) "*Impressed stamp*".— "*Impressed stamp*" includes,—
- (a) labels affixed and impressed by the proper officer; and
 - (b) stamps embossed or engraved on stamped paper ;
- (13–A) "*India*".— "*India*" the territory of India excluding the State of Jammu and Kaskmir;
- (14) "*Instrument*".— "*Instrument*" includes every document by which any right or liability, is or purports to be created, transferred, limited, extended, extinguished or recorded;
- (15) "*Instrument of partition*".— "*Instrument of partition*" means any instrument whereby co-owners of any property divide or agree to divide such property in severalty and also includes, —
- (i) a final order for effecting a partition passed by any Revenue authority or any Civil Court;
 - (ii) an award by an arbitrator directing a partition; and
 - (iii) when any partition is effected without executing any such instrument, any instrument or instruments signed by the co-owners and recording, whether by way of declaration of such partition or otherwise, the terms of such partition amongst the co-owners;
- (16) "*Lease*".— "*Lease*" means a lease of immovable property, and 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 lease intended to signify that the application is granted;
 - [(e) any instrument by which mining lease is granted in respect of minor minerals as defined in clause (e) of Section 3 of the Mines and Minerals (Regulation and Development) Act, 1957;]
- (16–A) "*Marketable Security*".– "Marketable security" means a security of such a description as to be capable of being sold in any stock market in India or in the United Kingdom;
- (17) "*Mortgage Deed*".– "Mortgage deed" includes every instrument whereby, for the purpose of securing money advanced, or to be advanced, by way of loan, or on 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;
- (18) "*Paper*".– "Paper" includes vellum, parchment or any other material on which an instrument may be written;
- (19) "*Policy of insurance*".– "Policy of insurance" includes,—
- (a) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damages 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;
- (19–A) "*Policy of group insurance*".– "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 employee 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;

(20) "*Policy of sea insurance*" or "*sea policy*".– "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 whether 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

- (a) every instrument mentioned in that Schedule which, not having been previously executed by any person, is executed in India on or after the first day of July, 1899;
- (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
- (c) every instrument (other than a bill of exchange, or promissory note) mentioned in that Schedule, 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:

Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clauses (a), (b) and (c) of the section or in Schedule I or I-A, the following instrument shall, subject to the exemptions contained in Schedule I or I-A or I-B be chargeable with duty of the amount indicated in Schedule I-A or I-B or as the property duty therefore, respectively, that is to say,—

(aa) every instrument mentioned in Schedule I-A or I-B which not having been previously executed by any person was executed in Uttar Pradesh,—

(i) in the case of instruments mentioned in Schedule I-A or after the date on which the U.P. Stamp (Amendment) Act, 1948, came into force, and

(ii) in the case of instruments mentioned in Schedule I-B on or after the date on which the U.P. Stamp (Amendment) Act, 1952, comes into force;

(bb) every instrument mentioned in Schedule I-A or I-B which not having been previously executed by any person, was executed out of Uttar Pradesh,—

(i) in the case of instruments mentioned in Schedule I-A on or after the date on which the U.P. Stamp (Amendment) Act, 1948, came into force; and

(ii) in the case of instruments mentioned in Schedule I-b, on or after the date on which the U.P. Stamp (Amendment) Act, 1952, comes into force, and relates to any property situated, or to any matter or thing done or to be done in Uttar Pradesh, and is received in Uttar Pradesh:

Provided also that no duty shall be chargeable in respect of,—

- (i) any instrument executed by or on behalf of, or in favor of the Government in cases where, but for this exemption Government would be liable to pay the duty chargeable in respect of such instrument;
- (ii) any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage, or otherwise, of any ship or vessel, or any part, interest, share or property of or in any ship or vessel registered under the Merchant Shipping Act, 1894, or under Act XIX of 1838, or the Indian Registration of Ships Act, 1841 (X of 1841), as amended by subsequent Acts.

Explanation.— Where the amount of duty prescribed in Schedule I–B contains any fraction of a rupee below twenty-five paise, or above twenty-five paise, but below fifty paise, or above fifty paise, but below seventy-five paise, or above seventy-five paise but below one rupee, the proper duty shall be an amount rounded off to the next higher quarter of a rupee as hereinafter appearing in the said Schedule.

3-A. Instruments chargeable with additional duty. ⁶[* * *].

3-A.A Other instruments chargeable with additional duty. ⁶[* * *].

4. Several instruments used in single transaction of sale, mortgage or settlement.—

[(1) Where in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule 1-B for the conveyance, mortgage or settlement, and each of other instruments shall be chargeable with the duty of five rupees instead of the duty (if any) prescribed for it in that Schedule.

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

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

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

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

Provided that nothing in this Act contained shall render chargeable with duty exceeding five rupees and fifty paise, a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid unless it falls within the provisions of Section 6–A.

6-A. Payment of Uttar Pradesh Stamp Duty on copies, counterparts o duplicates when that duty has not been paid on the principal or original instrument.— (a) Notwithstanding anything contained in section 4 or 6 or any other law, unless it is proved that the duty chargeable under this Act, as amended in its application to Uttar Pradesh, has been paid,—

- (a) on the principal or original instrument as the case may be, or
- (b) in accordance with the provisions of this section,

the duty chargeable on any one of the Several instrument employed for completing a transaction of sale, mortgage or settlement other than a principal or original instrument would when received in Uttar Pradesh, have been chargeable under this Act, as amended in its application to Uttar Pradesh, with a higher rate of duty, be the duty with which the principal or original instrument would have been chargeable under Section 19-A.

[(1–a) Where any instrument is registered in any part of India other than Uttar Pradesh and the Instrument relates, wholly or partly to any property situated in Uttar Pradesh, the copy of such instrument shall, when received in Uttar Pradesh, be liable to be charged with the difference of stamp duty as on original under Section 19–A to the extent of and in proportion to the consideration or value

of the property situated in Uttar Pradesh, and the party liable to pay the stamp duty on the original instrument shall, upon receipt of notice from registering officer pay the difference in the duty within the time allowed.

(2) Notwithstanding anything contained in any law, no instrument, counterpart, duplicate or copy chargeable with duty under this section has been paid thereon:

Provided that a court before which any such instrument, counterpart, duplicate or copy is produced, may, in its discretion, permit the duty chargeable under this section to be paid thereon, and may then received it in evidence.

7. Policies of sea insurance.— (1) No contract for sea insurance (other than such insurance as is referred to in Section 506 of the Merchant Shipping Act, 1894), shall be valid unless the same is expressed in a sea-policy.

(2) No sea-policy made for time shall be made for any exceeding twelve months.

(3) No sea-policy shall be valid unless it specifies the particular risk or adventure, or the time, for which it is made, the names of the subscription or underwriters and the amount or amounts insured.

(4) 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 or upon a voyage, and also with duty as a policy for time.

8. Bonds, debentures or other securities issued on loans under Act XI of 1879.—(1) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loans Act, 1879 or of any other 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, subdivision or otherwise.

(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 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:

Provided that nothing herein contained shall exempt the local authority which has issued such bonds, debentures or other securities from the duty chargeable in respect thereof prior to the twenty sixth day of March, 1897 when such duties has not already been paid or remitted by order issued by the Central Government.

(3) In the case of willful 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.

9. Power to reduce, remit or compound duties.— (1) The Government may, by rule or order published in the Official Gazette,—

- (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 instrument or any particular class of instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable; and
- (b) Provided for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate ¹⁰[or of transfers (where there is a single transferee, whether incorporated or not)] of debentures, bonds or other marketable securities.

(2) In this section the expression "the Government" means,—

- (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

96 in list I in the seventh Schedule to the constitution, the Central Government.

(b) save as aforesaid, the State Government.

B—Of Stamps and the mode of using them

10. Duties how to be paid.— (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 instrument, by means of stamps.—

(a) according to the provision herein contained; or
 (b) when no such provision is applicable thereto, as the State Government may by rules direct.

(2) The rules made under sub-section (1) may, among other matters, regulate,—

(a) in the case of each kind of instrument- the description of stamps which may be used;
 (b) in the case of instrument stamped with impressed stamps— the numbers of stamps which may be used;
 (c) in the case of bills of exchange or promissory notes written in any Original Language- the size of the paper on which they are written.

[10—A. Payment of duty in cash. — [(1) Notwithstanding anything contained in section 10,—

(a) Where the Collector is satisfied that there is temporary shortage of stamps in the district or that stamps of required denominations are not available, he may permit duty to be paid in cash and authorise the officer-in-charge of the treasury on production of a challan evidencing payment of duty in the Government treasury or sub-treasury, to certify by endorsement on the instrument or instruments the amount of duty so paid in cash.

(b) Where the State Government considers it expedient so to do, it may, in any district, permit duty to be paid in cash and authorise any officer, to receive payment of duty in cash and to certify by endorsement by

means of a Franking machine on the instrument or instruments the amount of duty so paid in cash.

(2) An endorsement made on any instrument under sub-section (1) shall give the same effect as if the duty of an amount equal to the amount stated in the endorsement has been paid in respect thereof and such payment has been indicated on such instrument by means of stamps in accordance with the requirement of Section 10.

11. Use of adhesive stamps.– The following instruments may be stamped with adhesive stamps, namely,–

- (a) instruments chargeable with the duty of not exceeding twenty paise except parts of bills of exchange payable otherwise than on demand and drawn in sets;
- (b) bills of exchange and promissory notes drawn or made out of India;
- [(c) certificate of enrolment under section 22 of Advocates Act, 1961, issued by the State Bar Council of Uttar Pradesh) [and certificate's of enrolment issued to Revenue Agents or Mukhtars];
- (d) notarial acts; and
- (e) transfer by endorsement of shares in any incorporated company or other body corporate.

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

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

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

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

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

13. Instrument 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.

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

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

15. Instrument written contrary to Section 13 or 14 deemed unstamped.– Every instrument written in contravention of Section 13 or Section 14 shall be deemed to be unstamped.

16. Denoting duty.– Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last-mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instrument, 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.

C–Of the time of stamping instruments

17. Instruments executed in India.– All instrument chargeable with duty and executed by any person in India shall be stamped before or at the time of execution.

18. Instruments other than bills and notes executed out of India.– (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.

(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.

19. Bills and notes drawn out of India.— The first holder in India of any bill of exchange payable otherwise than on demand or promissory note drawn by 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:

Provided that,—

- (a) if, at the time any such bill of exchange, or promissory 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 12 and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Act, such stamp shall, so far as relates to such holder be deemed to have been duly affixed and cancelled;
- (b) nothing contained in this proviso shall release any person from any penalty incurred by him for omitting to affix or cancel a stamp.

19–A. Payment of duty on certain instruments liable to be increased duty in Uttar Pradesh under clause (bb) of Section 3.— Where any instrument has become chargeable in any part of India other than Uttar Pradesh with duty under this Act or under any other law for the time being in force in any part of India and thereafter becomes chargeable with a higher rate of duty in Uttar Pradesh under clause (bb) of the first proviso to Section 3, then,—

- (i) notwithstanding anything contained in the first proviso to Section 3 the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule I–A or Schedule I–B, less the amount of duty; if any, already paid on it in India; and
- (ii) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same persons as although such instrument were an instrument received in India for the first time at the time when it became chargeable with the higher duty.

D–Of Valuation for duty

20. Conversion of amount expressed in foreign currencies.-

(1) Where an instrument is chargeable with ad valorem duty in respect of any money expressed in any currency other than of India such duty shall be calculated on the value of money in the currency of India according to the current rate of exchange on the day of the date of the instrument.

(2) The Central Government may, from time to time by notification in the Official Gazette prescribe a rate of exchange for the conversion of British or 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 subsection (1).

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

22. Effect of statement of rate of exchange or average price.- Where an instrument contains a statement of current rate of exchange, or average price, as

the case may required, and is stamped in accordance with such statement, it shall so far as regards the subject matter of such statement, be presumed until the contrary is proved, to be duly stamped.

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

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

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

makes redeemable or qualified a duly stamped transfer, intended as a security, of any marketable security, it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5(c) of Schedule I-B.

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

24. How transfer in consideration of debt, or subject to future payment etc., to be charged.- Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, 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 *ad valorem duty*:

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 18 of Schedule I-B.

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

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

25. Valuation in case of annuity, etc.- Where an instrument is executed to secure the payment of any 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 purpose of this Act, be deemed to be.-

where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained-such total amount;

where the sum is payable in perpetuity, or for an indefinite time not terminable with any life 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 twenty years calculated from the date on which the first payment becomes due; and

where the sum is payable for an indefinite time terminable with any life 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.

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

Provided that in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to

have estimated such royalty or the value of such share, for the purpose of stamp duty:

(a) when the lease has been granted by or on behalf of Government at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty, or shall to Government under the lease, or

(b) when the lease had been granted by any other person, at twenty thousand rupees a year;

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

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

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

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

28. Direction as to duty in case of certain conveyances.- (1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in 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 ad valorem duty in respect to such distinct consideration.

(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 consideration, the conveyance of each separate part shall be chargeable with ad valorem duty in respect of the distinct part of the consideration therein specified.

(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with ad valorem duty in respect of the consideration for the sale by the original purchase 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 consideration paid by the sub-purchaser:

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 duty of five rupees.

E-Duty by whom payable

29. Duty by whom payable.- In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne,-

(a) in the case of any instrument described in any of the following Articles of Schedules I, I-A or I-B, as the case may be namely:

No. 2 (Administration Bond)

No. 6 (Agreement relating to Deposit of title-deeds, Pawn or Pledge),;

No. 13 (Bill of Exchange)

No. 15 (Bond)

No. 16 (Bottomry Bond)

No. 26 (Customs Bond)

No. 27 (Debenture)

No. 32 (Further charge)

No. 34 (Indemnity Bond)

No. 40 (Mortgage deed)

No. 49 (Promissory Note)

No. 55 (Release)

No. 56 (Respondentia Bond)

No. 57 (Security-bond or Mortgage-deed_

No. 58 (Settlement)

No. 62 (a) (Transfer of shares in an incorporated company or other body corporate)

No. 62 (b) (Transfer of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by Section 8)

No. 62 (c) (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance)

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;

- in the case of a policy of fire insurance-by the person issuing the policy;
- (c) in the case of conveyance (including a re-conveyance of mortgaged property)-by the grantee; in the case of lease or agreement of lease-by the lessee or intended lessee;
 - (d) in the case of a counterpart of a lease-by the lessor;
 - (e) in the case of an instrument of exchange-by the parties in equal shares;
 - (f) in the case of a certificate of sale-by the purchaser of the property to which such certificate relates; and
 - (g) in the case of any 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 or in such proportion as such authority Court or arbitrator directs.

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

Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire insurance, shall, with one month after receiving or taking credit for such premium or consideration, give duly stamped receipt for the same.

ADJUDICATION AS TO PROPER STAMPS

31. Adjudication as to proper stamp.— (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 five rupees and not less than fifty paise) 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.

(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 :

Provided that—

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

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 circumstance aforesaid.

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

the Collector determines that it is already fully stamped, or

the duty determined by the Collector under Section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid, the Collector shall certify by

endorsement on such instrument that the fully duty (stating the amount) with which it is chargeable has been paid.

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

(3) 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 has been originally duly stamped:

Provided that nothing in this Section shall authorise the Collector to endorse—
 any instrument, other than instrument chargeable with a duty under clause (bb) of the first provision to Section 3, executed or first executed in India and brought to him execution, as the case may be;
 any instrument executed or first executed out of India and brought to him after expiration of three months after it has been first received in India;
 any instrument chargeable with the duty not exceeding twenty paise or any bill of exchange or promissory note, when brought to him, after drawing or execution thereof on paper not duly stamped, or
 any instrument chargeable with duty under clause (bb) of the first provision to Section 3 and brought to him after the expiration of three months from the date on which it is first received in Uttar Pradesh.

CHAPTER IV **INSTRUMENT NOT DULY STAMPED**

33. Examination and impounding of instruments.— (1) Every person having by law or consent of parties authority to receive evidence, and, every person incharge 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 of his functions, shall, if it appears to him that such instruments is not duly stamped, impound the same.

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

Provided that—

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 ¹⁶[Sections 125 to 128 and Sections 145 to 148 of the Code of Criminal Procedure, 1973];

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.

(3) For the purposes of this Section the State Government may, in cases of doubt, determine what officers shall be deemed to be public officers and who shall be deemed to be persons in-charge of public officers.

(4) Where deficiency in stamp duty paid is noticed from the copy of any instrument, the Collector may *suo motu* or on a reference from any Court or from the Commissioner of Stamps or an Additional Commissioner of Stamps or a Deputy Commissioner of Stamps or an Assistant Commissioner of Stamps or any officer authorised by the Board of Revenue in that behalf, call for the original instrument for the instrument so produced before the Collector shall be deemed to have been produced or come before him in the performance of his functions.

(5) In case the instrument is not produced within the period specified by the Collector, he may required payment of deficit stamp duty, if any, together with penalty under Section 40 on the copy of the instrument :

Provided that no action under sub-section (4) of sub-section (5) shall be taken after a period of four years from the date of execution of the instruments.

[Provided further that with the prior permission of the State Government an action under sub-section (4) or sub-section (5) may be taken after a period of four years but before a period of eight years from the date of execution of the instrument.

34. Special provision as to unstamped receipts.— Where any receipt chargeable with a duty not exceeding ten paise 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 therefore.

35. Instrument not duly stamped inadmissible in evidence, etc.— No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped.

Provided that—

any such instrument not being a receipt, or a bill of exchange or promissory note, shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of a sum equal to ten times the amount of the proper duty or deficient portion thereof;

where any person from whom a stamped receipt could have been demanded, has given an unstamped 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 rupee by the person tendering it;

where a contract or agreement of any kind is effected by 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;

nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding a Criminal Court, other than a proceeding under ¹⁸[Sections 125 to 128 and Sections 145 to 148 of the Code of Criminal Procedure, 1973;]

nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of ¹⁹[the Government] or where it bears the certificate of the Collector as provided by Section 32 or any other provision of this Act.

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

37. Admission of improperly stamped instrument.— 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.

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

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

39. Collector's power to refund penalty paid under Sec. 38, sub-section (1).—Omitted by sec 4 of UP Act No. 22 of 1998 (w.e.f. 1-09-1998)

40. Collector's power to stamp instruments impounded. — (1) When the Collector impounds any instrument under Section 33, or receives any instrument sent to him under Section 38, sub-section (2), not being a receipt or a bill of exchange or promissory note, he shall adopt the following procedure :

- (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;
- [(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 that it is duly or the amount required to make up the deficiency together with a penalty of an amount not exceeding ten times amount of the proper duty or of the deficient portion thereof :]

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

[Provided further that no penalty shall be levied unless the party concerned has been given a reasonable opportunity of being heard.]

(2) Every certificate under clause(a) of sub-section (1) shall, for the purposes of this Act, be conclusive evidence of the matter, stated therein.

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

41. Instrument unduly stamped by accident.— If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty not exceeding twenty paise only 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 to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he

may, instead of proceeding under Sections 33 and 40, receive such amount and proceed as next hereinafter prescribed.

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

(2) Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it has 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:

Provided that, —

no instrument which has been admitted in evidence upon payment of duty and a penalty under Section 35, shall be so delivered before that expiration of one month from the date of such impounding, or if the Collector has certified that it further detention is necessary and has not cancelled such certificate;

nothing in this Section shall affect the Code of Civil Procedure (XIV of 1882), Section 144, Clause 3.

43. Prosecution for offence against Stamp law.— The taking of proceeding 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.

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

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

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

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

45. Power to revenue authority to refund penalty or excess duty in certain cases.—(1) Where any penalty is paid under Section 35 or Section 40, the Chief Controlling Revenue Authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(2) Where, in the opinion of the Chief Controlling Revenue Authority stamp duty is excess of that which is legally chargeable has been charged and paid under Section 35 or Section 40, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.

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

(2) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same, may

require a copy thereof to be made at the expense of such first mentioned person and authenticated by the person impounding such instrument.

47. Power of payer in stamp bills and promissory notes received by him unstamped.— When any bill of exchange or promissory note chargeable with the duty not exceeding ten paise is presented for payment unstamped, the person to whom it is so presented, may affix thereto the necessary adhesive stamp, and, upon canceling the same in manner herein before 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 :

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill ²³[or note].

[47-A. Under valuation of the instrument. — (1) If the market value of any property which is the subject of any instrument, on which duty is chargeable on market value of such property, as set forth in such instrument, is less than even the minimum value determined in accordance with the rules made under this Act, the registering officer appointed under the Registration Act, 1908 shall, before registering the instrument, refer the same to the Collector for determination of the market value of such property and the proper duty payable thereon.

(2) On receipt of a reference under sub-section (1) the Collector shall, after giving the parties a reasonable opportunity of being heard and after holding an inquiry in such manner as may be prescribed by rules made under this Act, determine the market value of the property which is the subject of such instrument and the proper duty payable thereon.

(3) The Collector may, suo motu, or on a reference from any court or from the Commissioner or an Additional Commissioner of Stamps or any officer or a Deputy Commissioner of Stamp or an Assistant Commissioner of Stamps or any officer authorised by the State Government in that behalf, within four years from the date of registration of any instrument on which duty is chargeable on the market value of the property, not already referred to him under sub-section (1), call

for and examine the instrument for the purpose of satisfying himself as to the correctness of the market value of the property which is the subject for of such instrument, and the duty payable thereon, and if after such examination he has reason to believe that the market value of such property has not been truly set forth in such instrument, he may determine the market value of such property and the duty payable thereon :

Provided that, with the prior permission of the State Government, an action under this sub-section may be taken after a period of four years but before a period of eight years from the date of registration of the instrument on which duty is chargeable on the market value of the property.

(4) If on enquiry under sub-section(2) and examination under sub-section (3) the Collector finds the market value of the property —

- (i) truly set forth and the instrument duly stamped, he shall certify by endorsement that it is duly stamped and return it to the person who made the reference;

not truly set forth and the instrument not duly stamped, he shall require the payment of proper duty or the amount required to make up the deficiency in the same together with a penalty of an amount not exceeding four times the amount of the proper duty or the deficient portion thereof.

(5) The instrument produced before the Collector under sub-section (2) or under sub-section (3) shall be deemed to have come him in the performance of his functions.

(6) In case the instrument is not produced within the period specified by the Collector, he may require payment of deficit stamp duty, if any, together with penalty on the copy of the instrument in accordance with the procedure laid down in sub-sections (2) and (4).

SHORTNOTES

Scope of— No penalty can be imposed in proceedings under this section. Ashok Kumar Singh v. State, 1997 RJ 319 (BR) : (1) ALR 309.

Jurisdiction to Impose — There is nothing in Section 47-A of the Act which empowers the Collector to impose any penalty in such cases. Kamta Prasad Tewari v. Chief Revenue Controlling Authority, 1997 RD 424.

Reference there under — Determination of— Factor to be considered- Only by reference to the use of land is reasonably capable of being put in the future— Possibleinto be considered. Vindvasini Devi (Smt.) v. State of U.P. 1996 RJ 570.

Market value of property— Determination of— For the purpose of court fee—Where kind of soil was chacher Awwal Abi and land in question was unirrigational, it was not to set the value as Rs. 20,000 per acre for the land. Maharishi Heaven On Earth Development Corporation Ltd. v. State of U.P. 1997 RD 632 (BR).

Market value of Property— Determination of Absence—to substantiate the fixation of valuation makes the determination of market value unsustainable. Rakesh Kumar Agarwal v. Chief Controlling Revenue Authority Allahabad, 1997 RD 383 : 1997 (2) 302.

Market Value— Determination of —While determining market value collector's circulated rate has a persuasive value alongwith other thing characterising a particular sale. Right Reserved Lssedor Fernandes v. State, 1997 RD 559 (All).

Reference- Market value– Determination of – While determining market value, the note of spot inspection and report of Tehsildar must be considered as being objective material to complete conclusion. Prem Nandan Garg v. State of U.P. 1996 RD. 242.

Market value–Determination of– Determination of market value without giving opportunity to adduce evidence and without spot inspection and in absence of Tahsildar's report in not sustainable in law. Dhiraj Kumar v. State of U.P. 1996 RD 280.

Market value– Determination of — Land which is within municipal area being irrigational, yielding two crops a year has a enhancing land scope. Prem Singh v. State of U.P. 1996 Rd 42.

Stamp duty— Deficiency. Where the land situated in heart of urban centre was sold trial court has already reduced the rate from minimum circulated rate. There was not any valid ground for reducing still more from what was the minimum circulated rate. *Hari Om Rastogi v. State of U.P.* 1997 (3) AWC 3. 135 (BR) : 1997 RD 527 (BR).

Determination of stamp duty—Value— Determination of market on assumption not fair and reasonable and when valuation fixed is at least not below the minimum prescribed under Rule 341, Stamp Rules. *Prakashwati (Smt.) v. Board of Revenue, Allahabad*, 1996 RD 419 (SC) : 1996 (3) AWC 1331:1996 (4) SCC 657.

Stamp duty—Deficiency—Land Market value—Where the land was bounded on all sides by fields and purchase was for purpose concerned with agriculture, it cannot be said that land had immediate potential for building purposes. Since the use of said land was for agricultural purpose, it safe to go by the rate at Rs. 5,50,000/- per bighas, the average rate laid down by collector under Rule 340-A (u) Stamp Manual, hence duty on the market value of Rs. 1,25,000 a sum at Rs. 21,750 as stamp duty for purchases area of 10 Bishwas of land was just and proper. *R.R.I. Fenrades v. State*, 1997(3) AWC 115 (BR).

Stamp duty on purchase of land-Residential building—Stamp duty on purchase of land to be levied on nature of land, since land is bound on all sides by field same can not be a residential building. The purchase of land is undisputedly for a charitable and religious purpose. Hence, Stamp duty not to be levied on the rates of residential area. *R.R.I. Frnandes v. State of U.P* 1997 UPRJ 717.

Plant and machinery—Movable property—Determination of —Plant and machinery not to be treated as movable property it is permanently fastened to earth with definite intention of running factory. *Duncans Industries Limited v. State of U.P. and others*, 1997 (3) AWC 1928.

Reason to believe"— Meaning and Scope—The term 'reason to believe' in sub-section 92) of Section 47-A of Indian Stamp Act spells out that registering officer must have some material, direct, circumstantial or even intrinsic evidence on the basis of which he may come to a reasonable belief that the market value of

the property has not been truly set forth in the instrument. In other words, the belief must be that of the honest and reasonable person based upon reasonable grounds. *Dunans Industrial Ltd. Kampru v. State of U.P. & others*, 1997 (3) AWC 1928.

Recovery –Deficient Stamp duty —Naib Tahsildar's report submitted on the order of Asstt. Commissioner Stamp—Purchaser suppressed the things to evade stamp duty —Asstt. Commissioner order for stamp duty Rs. 1,01,500.00—Building over the land was suppressed—Revisionist had purchased the land in question orally and constructed a house over it—There is a grudging re-valuation—Hence, value assessed not-improper and unjust. *Raghunath Singh v. State of U.P.* 1996 RJ 135.

Recovery of—Purchaser suppressed the things to evade stamp duty. Assistant Commissioner Stamp enter an order to determine market value. The revisionist had purchased the land in question orally and has built a house over it—There is a grudging revaluation that a building with land forms subject-matter of purchase—Held—the value of land and building set forth in order under avial-just and proper. *Raghunath Singh v. State of U.P.* 1996 RJ 135.

Powers of Collector thereunder- Scope for exercise of —Collector can only determine market value of property and proper duty payable thereon—Power to impose penalty—Is beyond scope of this provision. *Kamta Prasad Tewari v. Chief Revenue Controlling Authority Allahabad & another* 1997 (2) ARC 360.

U.P. Stamp Rule, 1942—Rule 341—Stamp Duty—Market value of property—Determination of—Where market value of property was determined, without determining the age of building, the quality of construction and citing appropriate instances, the approach of the authority was held to be highly vain casual and unsatisfactory. *Prakashwati v. Chief Controlling Revenue Authority Board of Revenue U.P.* 1996 (3) AWC 1331 (SC) 1996 (4) SCC 657: 1996 RD 419.

48. Recovery of duties and penalties.— All duties, penalties and other sums required to be paid under this Act 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.

48-A. Validity of certificate or endorsement in respect of instruments for which higher rate of duty is payable in the Uttar Pradesh.— Notwithstanding anything contained in this Act, no. certificate or endorsement under this Act, in respect of an instrument chargeable in Uttar Pradesh with a higher rate of duty in accordance with this Act as amended in its application to Uttar Pradesh, shall be received in evidence or be in any way valid in respect of the payment of duty on such instrument unless the duty chargeable at the rates provided in this Act as amended in its application to Uttar Pradesh, has been paid on such instrument.

CHAPTER V ALLOWANCES FOR STAMPS IN CERTAIN CASES

49. Allowances for spoiled stamps.— 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 within the period prescribed in Section 50, and if he is satisfied as to the facts, make allowance for impressed stamp spoiled in the cases hereinafter mentioned, namely;

the stamp on any paper inadvertently and undersignedly spoiled, obliterated or by error in writing in any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person;

the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto;

in the case of bills of exchange payable otherwise than on demand on promissory notes, —

- (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 hand of any purpose other than by that 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;

- (2) the stamp on any promissory note signed by or on behalf of the maker which has not been made use of any manner, whatever, or delivered out of his hands;
- (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 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 correctness of such omission or error as aforesaid, with the spoiled bill, or note;

the stamp used for an instrument executed by any party thereto which-

has been afterwards found to be absolutely void in law from the beginning;

has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended;

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;

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;

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;

becomes useless in consequence of 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;

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;

is inadvertently and undersignedly spoiled and in lieu whereof, another instrument made between the same parties and for the same purpose is executed and duly stamped:

Provided that, in the case of an executed instrument, no legal proceedings 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 32 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of this Section.

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

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

Provided that,—

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

51. Allowance in case of printed forms no longer required by corporations.— The 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 paper used for printed forms of instrument by any banker or by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said banker, company or body corporate, provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

52. Allowance for misused stamps. — (a) When any reason has inadvertently used, for an instrument chargeable with duty, a stamp of a description other than 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

(b) When any stamp used for an instrument has been inadvertently rendered useless under Section 15, owing to such instrument having been written in contravention of the provisions of Section 13, the Collector may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

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

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

54. Allowance for stamps not required for use.— When any person is possessed of 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 nays paise for each rupee or portin of a rupee upon such person delivering up the same to be cancelled, and providing to the Collector's satisfaction,—

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

54-A. Allowance for the stamps in denominations of annas.— Notwithstanding any thing contained in Section 54, when any person is possessed of stamp or stamps in any denomination other that in denominations of annas four or multiples thereof and such stamp or stamps has or have not been spoiled, the Collector shall repay to such person the value or such stamp or stamps in money calculated in accordance with the provisions of sub-section(2) of Section 14 of the Indian Coinage Act, 1996, upon such person delivering up, within six months from the commencement of the India Stamp (Amendment) Act, 1950, such stamp or stamps to the Collector.

54-B. Allowance for Refugee Relief Stamps. — Notwithstanding anything contained in Section 51, when any person is possessed of stamps bearing the

inscription " Refugee Relief" (being stamps issued in pursuance of Section 3-A before its omission) and such stamps have not been spoiled, the Collector shall, upon such person delivering up, within six months from the commencement of the Refugee Relief Taxes (Abolition) Act, 1973 such stamps to the Collector refund to such person the value of such stamps in money or given in lieu thereof other stamps of the same value :

Provided that the State Government may, with a view to facilitating expeditious disposal of claims for such refunds, specify, in such manner as it deems fit, any other procedure which may also be allowed for claiming such refunds.

55. Allowance on renewal of certain debentures.- When any duly stamped debentures is renewed by the issue of a new debenture in the same terms the Collectors shall, upon application made with 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:

Provide that the original debenture is produced before the Collector and cancelled by him in such manner as the State Government may direct.

Explanation – A debenture shall be deemed to be renewed in the same terms within the meaning of this Section notwithstanding the following changes –

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

CHAPTER VI REFERENCE AND REVISION

procedure which may also be allowed for claiming such refunds.

55. Allowance on renewal of certain debentures.- When any duly stamped debentures is renewed by the issue of a new debenture in the same terms the Collectors shall, upon application made with 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:

Provide that the original debenture is produced before the Collector and cancelled by him in such manner as the State Government may direct.

Explanation – A debenture shall be deemed to be renewed in the same terms within the meaning of this Section notwithstanding the following changes –

the issue of two or more debentures in place of one original debenture, the total amount secured being the same.

the issue of one debenture in place of two or more original debentures the total amount secured being the same;

the substitution of the name of the holder at the time of renewal for the name of the original holder; and

the alteration of the rate of interest or the dates of payment thereof.

CHAPTER VI REFERENCE AND REVISION

56. Control of and statement of case to Chief Controlling Revenue Authority.- (1) The powers exercisable by a Collector under Chapter IV and Chapter V and under clause(a) of the first proviso to Section 26 shall in all case be subject to the control of the Chief Controlling Revenue Authority.

(2) If any Collector, acting under Section 31, Section 40 or Section 41, feels doubt as to the amount of duty with which any instrument is chargeable he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue Authority.

(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.

57. Statement of case by Chief Controlling Revenue Authority to High Court.- (1) The Chief Controlling Revenue Authority may state any case referred to it under Section 56, sub-section (2), or otherwise coming to its notice, and refer such case, with its own opinion thereon-

if it arises in a State, to High Court for that State;

if it arises in the Union territory of Delhi, to the High Court of Delhi;

if it arises in the Union territory of Arunachal Pradesh or Mizoram, to the Gauhati High Court (the High Court of Assam, Nagaland, Meghalay, Manipur and Tripura)]

if it arises in the Union territory of the Andaman and Nicobar Islands, to the High Court at Calcutta; and

if it arises in the Union territory of the [Lakshadweep], to the High Court of Kerla;

if it arises in the Union territory of the Chandigarh, to the High Court of Punjab and Haryana.

(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.

58. Power of High Court to call for further particulars as to case stated.- 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 alteration therein as the Court may direct in that behalf.

59. Procedure in disposing of case stated.- (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.

(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.

60. Statement of case by other Court to High Court.- (1) If any Court, other than a Court mentioned in Sec. 57, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to Sec. 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the High Court to which, if he were the Chief Controlling Revenue Authority, he would, under Sec. 57, refer the same.

(2) Such Court shall deal with the case as if it had been referred under Sec. 57, 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 another like copy to the judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

(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.

61. Revision of certain decisions of Court regarding the sufficiency of stamps.- (1) When any Court in the exercise of its civil revenue jurisdiction or any Criminal Court in any proceeding under ²⁸[Section 125 to 128 and Sections 145 to 148 of the code of Criminal Procedure, 1973] 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 35, 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.

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

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

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

Provided that,-

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

CHAPTER VII CRIMINAL OFFENCES AND PROCEDURE

62. Penalty for executing etc., instrument, not duly stamped.-

(1) Any person,-

drawing, making, issuing, endorsing, or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, accepting, paying or receiving payment of, or in any manner negotiating, any bill of exchange payable otherwise than on demand or promissory note without the same being duly stamped; or
executing or signing otherwise than as a witness any other instrument chargeable with duty without the same being duly stamped; or

voting or attempting to vote under any proxy not duly stamped; shall for every such offence be punishable with fine which may extend to five hundred rupees:

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

(2) If a share-warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director, secretary or other principal officer of the company, shall be punishable with fine which may extend to five hundred rupees.

63. Penalty for failure to cancel adhesive stamp.- Any person required by Section 12 to cancel an adhesive stamp and failing to cancel such stamp in manner prescribed by that section, shall be punishable with fine which may extend to one hundred rupees.

64. Penalty for omission to comply with provisions of Section 27.-Any person, who with intent to defraud the Government-

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

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

64-A. Penalty for omission to comply with Section 11-A and Article 52-A of Schedule I-B.- Omitted by section 25 of UP Act No. 11 of 1978 (w.e.f. 01-01-1978)

[64-B. Recovery of amount of deficit stamp duty.]-(1) Where any person liable to pay duty under this Act is convicted of an offence under Section 62 or 64, in respect of any instrument (not being an instrument specified in Entry 91 of List I in the Seventh Schedule to the Constitution), the Magistrate shall in addition to any punishment which may be imposed for such offence, direct recovery of the amount of duty and penalty, if any, due under this Act from such person in respect of that instrument and such amount shall also be recoverable as if it were a fine imposed by the Magistrate.

(2) Upon such recovery the Collector shall thereupon certify by endorsement on the instrument that proper duty or penalty, as the case may be, has been levied in respect thereof.

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

- (a) being required under Section 30 to give a receipt, refuses or neglects to the same ; or
- (b) with intent to defraud, the Government of any duty, upon a payment of money or delivery of property exceeding twenty rupees separates or divides the money or property paid or delivered.

shall be punishable with fine which may extend to one hundred rupees.

66. penalty for not making out policy or making one not duly stamped
- Any person who -

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

shall be punishable with fine which may extend to two hundred rupees.

67. Penalty for not drawing full number of bills or marine policies purporting to be in sets- Any person drawing or executing a bill of exchange

payable otherwise than on demand or a policy or marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped the whole number of bills or policies of which such bill or policy purports the set to consist, shall be punishable with fine which may extend to one thousand rupees.

68. Penalty for post- dating bills and for other devices to defraud the revenue - Any person who -

with intent to defraud the Government of duty, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made ; or

knowing that such bill or note has been so post-dated endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bills or note, or in any manner negotiates the same; or

with the like intent, practice or is concerned in any act contrivance or device not specially provided for by this Act or any other law for the time being in force ;

shall be punishable with fine which may extend to one thousand rupees.

69. Penalty for breach of rule relating to sale of stamps and for unauthorised sales :-

(a) Any person appointed to sell stamps who disobeys any rule made under Section 74; and

(b) Any person not so appointed who sells or offers for sale any stamp (other than a ten paise or five paise, adhesive stamp) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

70. Institution and conduct of prosecution - (1) No prosecution in respect of any offence punishable under this Act or any hereby repeated shall be instituted without the sanction of the Collector or such other officer as the State Government generally, or the Collector specially, authorises in that behalf.

(2) The Chief Controlling Revenue Authority, or any officer generally or specially authorised by it in this behalf, may stay any such prosecution or compound any such offence.

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

71. Jurisdiction of Magistrate – No Magistrate other than a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under this Act.

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

CHAPTER VII SUPPLEMENTAL PROVISIONS

73. Books, etc, to be open to inspection- Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove to lead to the discovery of any fraud or omission in relation to any duty shall at all reasonable times, permit any officer whose duty it is to see that proper duty is paid or any other 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.

[73- A Collector's power to authorise officer to enter premises and inspect certain documents – 33(1) Where the Collector has reason to believe that any instrument chargeable to duty has not been charged at all or has been incorrectly charged with, duty livable under this Act, he or any other officer authorised by him in writing in this behalf may enter upon any premises where the Collector has reason to believe that any registers, books, records, papers, maps, documents or proceedings relating to or in connection with any such instrument

are kept and to inspect them and to take such notes, copies and extracts as the Collector or such officer deems necessary.]

(2) Every person having in his custody or maintaining such registers, books, records, papers 34[maps], documents or proceedings shall at all reasonable times, permit such officer to inspect them and to take such notes, 34[copies] and extracts as he may deem necessary.

74. Power to make rules relating to sale of stamps – The State Government may make rules for regulating -

the supply and sale of stamps and stamped papers;

the person by whom alone such sale is to be conducted ;

(c) the duties and remuneration of and the fees chargeable from such person.]

Provided that such rules shall not restrict the sale of ten paise or five paise adhesive stamps.

75. Power to make rules generally to carry out Act – 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 hundred rupees, to be incurred on breach thereof.

76. Publication of rules – (1) All rules made under this Act shall be published in the official Gazette.

(2) All rules published as required by this Section shall, upon such publication have effect as if enacted by this Act.

76. A Delegation or certain powers – The State Government may, by notification in the official Gazette, delegate -

all or any of the powers conferred on it by Sections 2(9), 33(3), 70(1), 74 and 78 to the Chief Controlling Revenue Authority, and

all or any of the powers conferred or the Chief Controlling Revenue Authority by Section 45(1) (2), 56(1) and 70(2) to such subordinate revenue authority as may be specified in the notification.

77. Savings as to Court fee – Except the provisions as to copies contained in Section 6-A nothing in this Act contained shall be deemed to affect

the duties chargeable under any enactment for the time being in force relating to Court fees.

77-A. Savings as to certain stamps - All stamps in de deemed to stamps of the value of twenty –five paise, or as the case may be, multiples thereof and shall, accordingly, be valid for all the purposes of this Act.

78- Act to be translated and sold cheaply- Omitted by sec 10 of UP Act No. 22 of 1998 (w.e.f 01-09-1998)

79. Repealed by Section 3 and Sch. II of Act X of 1914 (Repealing and Amending Act. 1914).

SCHEDULES
SCHEDULE I

STAMP DUTY ON INSTRUMENTS UNDER THE
INDIAN STAMP ACT, 1899

(See Section 3)

Description of Instrument	Proper Stamp-duty
13. Bill of Exchange [as defined by Sec. 2(2), not being a Bond, bank note or currency note – [Repealed]	
(b) Where payable otherwise than on demand –	
(i) where payable not more than three months after date or sight-if the amount of the bill or note does not exceed Rs. 500	
if the amount of the bill or note does not exceed Rs. 500	One rupees twenty- five paise.
if it exceeds Rs. 500 but does not exceed Rs. 1,000	Two rupees and fifty naye paise.
and for every additional Rs. 1000 or part thereof in excess of Rs. 1,000	Two rupees and fifty naye 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	Two rupees and fifty naye 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.

(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 Three rupees and seventy-five naye paise.

if it exceeds Rs.500 but does not exceed Rs. 1,000 Seven rupees and fifty naye paise.

and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000 Seven rupees and fifty naye paise

(iv) where payable more than nine months but not more than on year after date or sight –

if the amount of the bill or note does not exceed Rs. 500 Five rupees.

if it exceeds Rs. 500 but does not exceed Rs. 1,000 Ten rupees.

and for every additional Rs. 1,000 or part thereof in excess or Rs. 1000 Ten rupees.

(c) where payable at more than one year after date or sight-

if the amount of the bill or note does not exceed Rs. 500 Ten rupees.

if it exceeds Rs. 500 but does not exceed Rs. 1,000 Twenty rupees.

and for every additional Rs. 1,000 or part thereof in excess of Rs. 1000 Twenty rupees.

14. **Bill-of-lading** (including through bill-of-lading [Two rupees]

N.B. – if a bill of lading is drawn in parts, the proper stamp thereof must be borne by each one of the

Exemptions

set.

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., 1889, and are to be delivered at another place within the limits of the same port.

Bill-of-lading when executed out of India and relating to property to be delivered in India.

37. **Letter of Credit**, that is to say, any [two rupees] instrument by which one person authorizes another to give credit to the person in whose favour it is drawn

Letter of Guarantee – See "Agreement" (No 5)

47. **Policy of insurance** –

A- Sera Insurance (See Sec. 7) -

(1) for or upon any voyage -

(i) where the premium or consideration does not exceed the rate of fifteen naye paise or one eight per centum of the amount insured by the policy.

If drawn	If drawn in duplicate
singly	for each part

Ten naye	Five naye paise
paise	

in ay other case, in respect of every full sum of one thousand five hundred five hundred ruppes and also any fractional part of one thousand five hundred rupees insured by the policy.

Ten naye	Five naye paise
paise	

(2) for time –

in respect of every full sum of on		
thousand rupees and also any	If drawn	If drawn in duplicate
fractional part of one thousand	singly	for each part
rupees insured by them policy –		
where the insurance shall be		
made for any time not		
exceeding six months	Fifteen naye	Ten naye
where the insurance shall	paise	paise
made for any time exceeding		
six months and not exceeding	Twenty-five	Fifteen naye
twelve months.	naye paise	paise

B- Fire insurance and other classes of insurance not elsewhere included in this Article, covering goods, merchandise, personal effect, 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

(ii) in any other case; and

Fifty naye paise

(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.

One rupee.

One-half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No. 53.

C- Accident and Sickness Insurance –

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

Exemption

Ten naye paise.

When issued to a passenger traveling by the intermediate or the third class in any

railway,

in any other case – for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceed Rs. 1,000 and also where such amount exceeds Rs. 1,000, for every Rs. 1,000 or part thereof.

Fifteen naye paise :

provided that, in case of a policy of insurance against death by accident when the annual premium payable does not exceed Rs. 2.50 per Rs. 1,000, the duty on such instrument shall be Ten naye paise

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

for every Rs. 1,000, or part thereof of the maximum amount which may become payable under it.

Ten naye paise.

D- Life Insurance or Group Insurance or other insurance not specifically provided for – Except such re-insurances as is described in Division of this Article –

If drawn	If drawn in duplicate
singly	for each part.

(i) for every sum insured not exceeding Rs. 2.50

(ii) for every sum insured exceeding Rs. 2.50 but not exceeding Rs. 500

Fifteen naye
paise

Ten naye
paise

(iii) for every sum insured exceeding Rs. 500 but not exceeding Rs. 1,000

Twenty-five

Fifteen naye

and also for every Rs. 1,000 or part thereof in excess of Rs. 1,000	naye paise Forty naye paise	paise Twenty naye paise
Exemption		

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

N.B. – If policy of group insurance is renewed or otherwise modified where by 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.

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 sum insured thereof.

One quarter of the duty payable in respect of the original insurance but not less than ten naye paise or more than one rupee.

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, noting shall be claimable thereunder , nor shall it be available

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 naye paise.

for any purpose, except to compel the delivery of the policy therein mentioned.

49. Promissory Note [as defined by Sec. 2(22) –

when payable on demand –

(i) when the amount or value does not Ten naye paise exceed Rs. 2.50

(ii) when the amount of value exceed Fifteen naye paise Rs. 2.50 but Ten naye paise. does not exceed Rs. 1,000

(iii) in any other case. Fifteen naye paise.

when payable otherwise than on demand.

Twenty- five naye paise.

52. Proxy – empowering any person to vote at any one election o the members of a district or local board or of a body of municipal commissioners, or at any one meeting (a) members of an incorporated company or other body corporate whose stocks or fund is or are divided into shares and transterable, (b) a local authority, or (c) proprietors, members or contributors to the funds of any institution.

(2) The same duty as a Bill of Exchange (No. 13) for the same amount payable otherwise than on demand.

[Thirty paise]

53. Receipt [as defined by Sec. 2(3) for any money or other property the amount or value of which exceeds Five thousand Rupees.

Exemptions

Receipt –

endorsed on or contained in any instrument duly stamped, or any instrument exempted under the proviso to Sect. 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 original or the expressed receipt of any principal money, interest or annuity, or other periodical payment thereby secured;

for any payment of money without consideration;

for any payment or rent or 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 ;

for pay, or allowance by non-commissioned or petty officers, soldiers, sailors or airmen of the Indian military, naval or air forces

when serving in such capacity, or
by mounted police constables;
given by holders of family certificates
in cases where the person from
whom pay or allowances the sum
comprised in the receipt has
been assigned is a non-
commissioned or petty officer,
soldier, sailor or airmen or any of
the said forces and serving in
such capacity;
for pensions or allowances by
persons receiving such pensions
or allowances in respect of their
services as such no
commissioned or petty officers,
soldiers, sailors or airmen and
not serving the Government in
any other capacity;
given by a headmen or lambardar for
land revenue or taxes collected
by him;
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

acknowledgment for any sum paid or deposited, for, or upon a letter of allotment of a share, or in respect of a call upon any script or share of, or in, any incorporated company or other body corporate or such proposed or intended company body or in respect o a debenture being a marketable security.

[See also Policy of Insurance No. 47–
B(2)]

SCHEDULE 1-A
[STAMP DUTY ON INSTRUMENTS UNDER THE INDIAN STAMP ACT. 1899]

[See Section 3, First provision]

Note – The articles in Schedule 1-A are numbered so as to correspond with similar articles in Schedule 1

Description of Instrument	Proper Stamp-duty
27. Debenture – (where a mortgage debenture or not), being a marketable security transferable –	
(a) by endorsement or by a separate instrument of transfer -	
Where the amount or value does not exceed Rs. 10	Twenty naye paise.
Where it exceeds Rs. 10 and does exceed Rs. 50	Forty naye paise.
Where it exceeds Rs. 50 and does exceed Rs. 100	Seventy-five naye paise.
Where it exceeds Rs. 100 and does exceed Rs. 200	One rupee and fifty naye paise.
Where it exceeds Rs. 200 and does exceed Rs. 300	Two rupees and twenty-five naye paise.
Where it exceeds Rs. 300 and does exceed Rs. 400	Three rupees.
Where it exceeds Rs. 400 and does exceed Rs. 500	Three rupees and seventy-five naye paise.
Where it exceeds Rs. 500 and does exceed Rs. 600	Four rupees and fifty naye paise.
Where it exceeds Rs. 600 and does exceed Rs. 700	Five rupees and twenty-five naye paise.
Where it exceeds Rs. 700 and does exceed Rs. 800	Six rupees.

Where it exceeds Rs. 800 and does exceed Rs. 900 Six rupees and Seventy-five naye paise.

Where it exceeds Rs. 900 and does exceed Rs. 1,000 Seven rupees and fifty naye paise.

and for every Rs. 500 or part thereof in excess of Rs. 1,000 Three rupees and seventy-five naye paise.

(b) by delivery –

Where the amount or value of the consideration for such debenture as set forth therein does not exceed Rs. 50 Seventy-five naye paise.

Where it exceeds Rs. 50 but does not exceed Rs. 100 One rupee and fifty naye paise.

Where it exceeds Rs. 100 but does not exceed Rs. 200 Three rupees.

Where it exceeds Rs. 200 but does not exceed Rs. 300 Four rupees and fifty naye paise.

Where it exceeds Rs. 50 but does not exceed Rs. 100 Six rupees.

Where it exceeds Rs. 300 but does not exceed Rs. 400 Three rupees.

Where it exceeds Rs. 400 but does not exceed Rs. 500 Seven rupees and fifty naye paise.

Where it exceeds Rs. 500 but does not exceed Rs. 600 Nine rupees.

Where it exceeds Rs. 600 but does not exceed Rs. 700 Ten rupees and fifty naye paise.

Where it exceeds Rs. 700 but does not exceed Rs. 800 Twelve rupees.

Where it exceeds Rs. 800 but does not exceed Rs. 900 Thirteen rupees and fifty naye paise.

Where it exceeds Rs. 900 but Fifteen rupees.
does not exceed Rs. 1000

and for every Rs. 500 or part Seven rupees and fifty naye paise.
thereof in excess of Rs. 1000

Explanation

The term "Debenture" includes any interest coupons attached thereof, but the amount of such coupons shall not be included in estimating the duty.

Exemption

A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of the debentures to be issued thereunder, whereby the company or body borrowing makes over, in whole or in part their property to trustees for the benefit of the debenture holders: Provided that the debentures so issued are expressed to be issued in terms of the said mortgagee.

See also "Bond" (No. 15) and Sec. 8 and 55.

[* * *]

62. Transfer whether with or without consideration-

of shares in an incorporated 42[Seventy-five naye paise for every
company or other body hundred rupees or part thereof the

corporated.

value of the share.

SCHEDULE 1-B**[STAMP DUTY ON INSTRUMENTS UNDER THE INDIAN STAMP ACT, 1899, AS AMENDED UP-TO-DATE IN ITS APPLICATION TO UTTAR PRADESH]**

[See Section 3]

Note – The articles in Schedule 1-B are numbered so as to correspond with similar articles in Schedule I Act II of 1899.

<i>Description of Instrument</i>	<i>Proper Stamp-duty</i>
<p>Acknowledgment of a debt exceeding 43[One thousand rupees] in amount or value, written or signed by, or on behalf of, as debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession : provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.</p>	<p>⁴³[Ten Rupees]</p>
<p>Administration Bond including a bond given under Section 291, 275 and 376 of the Indian Succession Act, 1925, or Sec. 6 of the Government Savings Bank Act, 1873.</p>	<p>⁴⁴[Subject to Maximum of two hundred rupees, the same duty as on a bond (no. 15)]</p>
<p>Adoption-Deed, that is to say any instrument (other than a will)</p>	<p>⁴⁵[One hundred rupees].</p>

recording an adoption or conferring or purporting to confer an authority to adopt.

Advocate- See "Entry as an Advocate" (No 30).

46[4. **Affidavit**, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.

Ten Rupees

Exemptions

Affidavit or declaration in writing when made-

as a condition of enrolment under the Army Act, 1950, the Air Force Act, 1950, or the Navy Act, 1957, or for the sole purpose of enabling any person to receive any pension or charitable allowance.

5. **Agreement or memorandum of an agreement-**
if relating to the sale of a bill of exchange
if relating to the sale of a Government security or share in an incorporated company or other body corporate

⁴⁶[Ten Rupees].

Subject to a maximum of ⁴⁶[One thousand rupees; ten rupees for every Rs. 20,000"] or part thereof the value of the security or share.

[(b-1)] if relating to the sale of an immovable property where possession is not admitted to have (a)] The same duty as on conveyance [no. 23 clause (a)] on one half of the amount

been delivered nor is agreed to be of consideration as set forth delivered without executing the in the agreement. conveyance.

Provided that when conveyance in pursuance of such agreement is executed, the duty paid under this clause in excess of the duty payable under clause(c) shall be adjusted towards the total duty payable on the conveyance.

[(b-2)] If relating to construction of a building on a land by a person other than the owner or lessee of such land and having a stipulation that after construction, such building shall be held jointly or severally by that other person and the owner or the lessee, as the case may be, of such land, or that it shall be sold jointly or severally by them or that a part of it shall be held jointly or severally by them and the remaining part thereof shall be sold jointly or severally by them.

The same duty as a conveyance [(No. 23 Clause(a)] for a consideration equal to the amount or value of the land

Explanations

For the purpose of this clause--

- (1) the expression "land" shall include things attached to the earth, or permanently fastened to anything attached to the earth.

- (2) the expression "lessee" shall mean a holder of a lease in perpetuity or for a period of thirty years or more.
- (3) the expression "building" shall mean a building having more than one flat or office accommodation or both and the expression "flat" shall have the meaning assigned to it in the Uttar Pradesh Ownership of Flats Act, 1975.]
- (c) if not otherwise provided for "[One hundred rupees]."
Exemption

Agreement or memorandum of agreement--

- (a) Deleted by UP Act No. 17 of 1963
- (b) made in the form of tenders to the Central Government for, or relating to, any loan.

Agreement to lease- See "Lease" (No. 35)

6. **Agreement relating to deposit of title deeds, pawn or pledge**, that is to say, any instrument evidencing an agreement relating to -
- the deposit of title deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security); or
- 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 -
 50[(a)]if such loan or debt is repayable
 on demand or more than three months from the date of the instrument evidencing the agreement. Five Rupees provided that stamp duty shall not exceed ten thousand Rupees

For every Rs.1000 or part thereof of the amount of loan or debt.

Explanation

For the purposes of clause(1) of this Article, any letter, note or memorandum or writing, relating to the deposit of title deeds, whether written or made before, or at the time of, or after, the deposit of title deeds is effected and whether it is in respect of the first loan or any subsequent loan, such letter, note, memorandum or writing shall, in the absence of any separate agreement relating to deposit of title deeds, be deemed to be an instrument evidencing an agreement relating to the deposit of title deeds.]

Half the duty payable on a loan or debt under clause (a) for the amount secured.

if such loan or debt is repayable not more than three month from the date of such instrument.

Exemption

Instrument of pawn or pledge of agricultural produce, if unattested.

7. **Appointment in execution of a power**, whether of trustees of property, movable, or immovable, where made by any writing not being a Will -

where the value of the property does not exceed Rs.1000 ⁵¹[Fifty rupees]

in any other case ⁵²[One hundred rupees]

8. Appraisalment Of Valuation Made Otherwise Than Under An Order Of The Court in the course of a suit–

(a) where the amount does not exceed Rs.1,000 The same duty as a bond (No.15) for such amount

(b) in any other case ⁵³[The same duty as a Bond (No. 15), for Rs.1000]

Exemptions

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

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 or Clerkship (No.11) ⁵⁴[Twenty Rupees]

Exemption

Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1961, or by which a person is apprenticed by, or at the charged of, any public charity.

10. Articles of Association of a Company ⁵⁵[Five hundred rupees]

Exemption

Articles Of Any Association Not Formed For Profit And Registered Under Sec. 26 Of The Indian Companies Act, 1913.

See *also* "Memorandum of Association of a Company" (No.39)

11. **Articles of Clerkship**, or contract ⁵⁶[Four hundred rupees] whereby any person first becomes bound to serve as a clerk in order to secure his admission as an attorney in any High Court.
- Assignment** – See "conveyance (No.23) and "Transfer" (No.62) "Transfer of Lease" (No.63) as the case may be.
- Attorney** – See "Entry as an attorney "No.30) and "Power of Attorney" (No.48)
- Authority of Adopt** – See "Adoption Deed" (No.3)
12. Award that is to stay, 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- where the amount or value of the property to which the award relates does not exceed Rs.1,000. The same duty as a Bond (No.15) for such amount.
- if it exceeds Rs. 1,000 for every additional Rs.1000 or part thereof. [Ten rupees]
- where the subject-matter of award is incapable of valuation. [The same duty as a Bond (No.15) for Rs.1000

Exemption

Award under the Bombay District Municipal Act, 1901 Sec. 160 or the Bombay Hereditary Officers Act 1874, Sec. 18 or the U.P. Municipalities Act, 1916, Sec 324(1) or the U.P. District Boards Acts, 1922 Sec. 190(1)

- [12-A.] **Bank Guarantee**, Guarantee deed [Five rupees]
 executed by a Bank as a surety to secure the due performance of a contract or the due discharge of a liability for every Rs.1000 or part thereof.
- 13 * * *
14. * * *
- [15.] **Bond**, as defined by Section 2(5) not being a Debenture (No.27) and not being otherwise provided for by this Act, or by the Court Fees Act,1870
- Where the amount or vale secured Ten rupees
 does not exceed Rs.100/-.
- Where it exceeds Rs. 100/- but Seventy rupees
 does not exceed Rs.1000/-.
- and for every additional Rs.1000 or Seventy rupees.
 part thereof in excess of Rs.1000
16. **Bottomry Bond** that is to say any The same duty as a Bond
 instrument whereby the master of (No. 15) for a sum equal to
 a sea-going ship barrows money the amount or value secured.
 on the security of the ship to
 enable him to preserve the ship or
 prosecute her voyage.

17. **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. 55), Revolution of Settlement (No. 58-B), Surrender of lease (No.61), Revocation of Trust (No.64-B).

- [17-A Certificate of enrolment under sec. 22 of the advocates act, 1961** issued by the State Bar Council of Uttar Pradesh] Two hundred and fifty ruppes

(17B. Certificate of practice as Notary under Sub-Section (1) of Sec. 5 of the Notaries Act, 1952, or endorsement of renewal of such certificate under sub-section (2) of the said section.) Five hundred rupees.

(Notwithstanding the amendment of Article 30 of Schedule-B of the principal Act by Sec. 3 of this Act any stamp duty purporting to have been charged or recovered under the said article as it stood immediately before the date of commencement of this Act shall be deemed to have been validly charged or recovered under the said article as hereby amended, and nothing in Secs. 13 to 17 of the principal Act shall be enrolment to apply to certificates of enrolment referred to in the said article (as hereby amended) and executed before the

said date.

(18. Certificate of Sale (in respect of each 64 (The same duty as a property put up as a separate lot and sold), Conveyance 65(No. 23 granted to the purchaser of any property sold Clause (a), for a by public auction by a Court or by an officer, consideration equal to the authority or body empowered under any law for amount of the purchase the time being in force to sell such property by money only). public auction and to grant such certificate.)

19. Certificate or other Document evidencing (One rupee). 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.36).

20. Charter party, that is to say, any (Ten rupees) instrument (except an agreement of the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is left for the specified purposes of the charterer, whether it includes a penalty clause or not.

22 Composition deed, that is to say, any (Fifty rupees) instrument executed by a debtor, whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend or 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 license, for the benefit of his creditors.

23. Conveyance (as defined by Sec. 2 (10) Sixty rupees
not being a transfer charged or exempted
under No. 62&

(a) if relating to immovable property where
the Sixty rupees. amount or value of the
consideration of such conveyance as set forth
therein or the market value of the immovable
property which is the subject of such
conveyance, whichever is greater does not
exceed Rs. 500/-

Where it exceeds Rs. 500/- but does not One hundred and twenty five
exceed RS. 1,000/- rupees.

and for every Rs. 1,000/- or part thereof One hundred and twenty five
in excess of Rs. 1,000/- rupees.

Provided that the duty
payable shall be rounded off
to the next multiple of ten
rupees.

(b) if relating to movable property where Twenty rupees
the amount or value of the consideration of
such conveyance as set forth therein does not
exceed Rs. 1,000/-

and for every Rs. 1,000/- or part thereof Twenty rupees
in excess of Rs. 1,000/-

By notification No. KSV-5-3706-II-08-500
dated 31.08.1998 duty payable on
conveyance, has been refixed as below: {See
item 136 Appendix II}

Where the value does not exceed Rs. 500- Duty reduced to Rs. 40

Where it exceeds Rs. 500 but does not exceed Rs. 1000 Eighty Rupees

For every Rs. 100 in excess of Rs 1000 or part thereof Forty Rupees

By notification No 299/xxvii(9)/stamp/2006 dated 18.8.2006 the stamp duty upto twenty five percent (25%) in respect of transfer of immovable property for a value of rupees ten lakh in favour of one or more women individually or severally .

Provided that if the transfer deed in favour of a woman is valued more than ten lakh rupees, the stamp duty upto ten lakh rupees shall be calculated on the twenty five percent reduced value and the stamp duty on higher than ten lakh shall be calculated to the previous prevailing rates. If the transfer deed is executed in one woman or more and one man or more, if the share of the woman/women is specified then the stamp duty payable on such instrument shall be reduced to the extent of the share of the woman/women, but if such share of the woman/women is not specified in the instrument, then, the stamp duty shall be payable on the instrument as if no reduction in stamp duty had been granted on such instrument.

Exemption

Assignment of copy right in musical works by resident of, or first published in India.

Explanation

For the purposes of this Article, in the case of an agreement to sell an immovable property, where possession is delivered before the execution or at the time of execution or is agreed to be delivered without executing the conveyance, the agreement shall be deemed to be a conveyance and stamp duty thereon shall be payable accordingly:

Provided that the provisions of Section 47-A Shall *mutatis mutandis* apply to such agreement:

Provided further that when conveyance in pursuance of such agreement is executed, the stamp duty paid on the agreement shall be adjusted towards the total duty payable on the conveyance.)

Co-partnership Deed- (See "Partnership" (No.46).

(24. 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 court-fees-

(i) If the original was not chargeable with duty or if the duty with which it was chargeable does not exceed ten rupees. Ten rupees.

(ii) in any other case not falling within the Ten rupees provision of Sec. 6-A. Ten rupees

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.)

25. Counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid –

(a) Counterpart or duplicate of any instrument chargeable does not exceed 71 (fifty rupees) The same duty as is payable on the original.

(b) in any other case not falling within the provision of Section 6-A. (Fifty rupees)

Exemption

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

(25-A. (Omitted)

26. Customs Bond

* * *

28. Delivery order in respect of goods, that is to say, any instrument entitling any person therein named, or his assigns or holder thereof, to the delivery of house 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, when such goods exceed in value ⁷⁴(one thousand rupees).

Subject to a maximum of one hundred fifty rupees, the same duty as on Bond ()

Deposit of Title Deeds – See "Agreement

relating to Deposit of Title Deeds, Pawn or pledge" (No. 61).

Dissolution of partnership – See "Partnership" (No. 46).

29. Divorce – Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage 75 (Fifty rupees).

Dower–Instrument of–See "Settlement" (No.58).

Duplicate – See "Counterpart" (No. 25).

30. (* * *)

31. Exchange of Property – Instrument of

The same duty as a conveyance 76 (No. 23 clause (a) for a consideration equal to the value of the property of greatest value as set forth in such instrument.

Extract – See Copy No. 24

32. Further Charge – Instrument of, that is to say, any instrument imposing a further charge on mortgaged property –

The same duty as a Conveyance 77 (No. 23 clause (a) for a consideration equal to the amount of the further charge secured by such instrument.

(a) When the original mortgage is one of the description referred to in clause (a) of Article No. 40 (that is, with possession).

(b) when such mortgages is one of the description referred to in clause (b) of Article No. 40 (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.

The same duty as a Conveyance (No. 23 clause (a) for a consideration equal to the total amount of the charge (including the original

(ii) if possession is not so given.

mortgage and any further charge already made), less the duty already paid on such original mortgage and further charge.

The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.

33. Gift – Instrument of not being a Settlement (No. 58), or will or transfer (No. 62)

The same duty as a conveyance (No. 23 clause (a) for a consideration equal to the value of the property.

Hiring Agreement or Agreement of Service-
See "Agreement" (No. 5).

34. Indemnity Bond

The same duty as a Security Bond (No. 57) for the same amount.

Inspector ship-deed-See "Composition Deed"
(No. 22)

Insurance – See "Policy of Insurance" (No. 47).

(34-A. Instrument correcting a purely clerical error in an instrument chargeable with duty and in respect of which the proper duty has been paid.

Ten rupees.

35. Lease, including an under-lease or sub-lease and any agreement to let or sublet –
(a) Where by such lease the rent is fixed and not premium is paid or delivered-

(i) Where the lease purports to be for a term not exceeding one year

The same duty as a Bond (No. 15), for the whole among

- payable or deliverable under such lease.
- (ii) Where the lease purports to be for a term exceeding one year but not exceeding five years (The same duty as conveyance (No. 23 clause (a), For a consideration equal to three times the amount or value of the average annual rent reserved.)
- (iii) Where the lease purports to be for a term exceeding five years, but not exceeding ten years (The same duty as a conveyance (No. 23 clause (a), for a consideration equal to four times the amount or value of the average annual rent reserved.
- (iv) Where the lease purports to be for a term exceeding ten years, but not exceeding twenty years (The same duty as a conveyance (No. 23 clause (a), for a consideration equal to five time the amount or value of the average annual rent reserved.
- (v) Where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years. (The same duty as a conveyance (No. 23 clause (a), for a consideration equal to six times the amount or value of the average annual rent reserved.
- (vi) Where the lease purports to be for a term exceeding thirty years, or in erpetue or dose not purport to be for any deffrent turn but not exceeding one hundred years. (The same duty as a conveyance (No. 23 clause (a), for a consideration equal to the market value of property which is the subject

of the lease.

- | | |
|---|--|
| <p>(vii) Where the lease purports to be for a term exceeding one hundred years or in perpetuity</p> | <p>(The same duty as a conveyance (No. 23 clause (a), for a consideration equal to one third of the whole amount of rent which would be paid or delivered in respect of the first fifty years of the lease.</p> |
| <p>(viii) Where the lease does not purport to be for any definite term</p> | <p>The same duty as a Conveyance (No. 23 clause (a) for a consideration equal to the three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.</p> |
| <p>(b) Where the lease is granted for a fine or premium or for money advanced and where no rent is reserved</p> | <p>The same duty as a conveyance (No. 23 clause (a), for a consideration equal to the market value of property which is the subject of the lease amount or value of such fine or premium or advance as set forth in the lease.</p> |
| <p>(i) Were the lease purport to be for a term not exceeding thirty years</p> | |
| <p>(ii) Were the lease purports to be for a term exceeding thirty</p> | |
| <p>(c) Where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.</p> | <p>The same duty as a conveyance (No 23 clause (a) for a consideration equal</p> |

(i) Where the lease purports to be for a term not exceeding thirty years.

to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered.

(Provided that in any case when an agreement to lease is stamped with the ad valorem stamp required for lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed (Fifty rupees)

86 (Provided further that where the lease purpose to letting of a building or flat for a term not exceeding five years, the duty shall, subject to a minimum of rupees one hundred and a maximum of rupees ten thousand, be chargeable at the rate of two percent of the whole amount of the rent which would be paid or delivered for the entire term of the lease and the amount of the lease and the

(iv) Where the lease purports to be for a term exceeding thirty years.

amount of fine or premium or money advanced, if any, as set forth in the lease and it shall be rounded off to the next multiple of rupees ten.)

The same duty as a Conveyance (NO 23 Clause(a)), for a consideration equal to the market value of property, which is the subject of the lease.

Exemptions

Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of tree 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.

In this exemption a lease for the purposes of cultivation shall include a lease of land for cultivation together with a homestead or tanks.

Explanation

(1) When a lease undertakes to pay any recurring charge, such as Government revenue, the lands lord's share of cesses or the owner's share of municipal rates or taxes

which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.

(2) A lease from month to month or year to year without any fixed period or one for a fixed period with a provision allowing the lessee to hold over thereafter for an indefinite term shall be deemed for the purposes of this article to be a lease not purporting to be for any definite term.

(3) Rent paid in advances shall be deemed to be money advanced within the meaning of this article unless it is specifically provided in the lease that rent paid in advance will be set off towards the last installment or installments of rent.

(4) The aggregate amount at which tolls are let and whether payable in lump sum or installments shall be deemed to be premium for the purposes of this Article

38- Letter of license, that is to say, any agreement between a debtor and his creditors, that the letter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion. (Thirty rupees).

(38-A License relating to arms or ammunitions, that is to say document evidencing the license or renewal of license relating to arms or ammunitions under the provision of the Arms Act, 1959- Thirty rupees.

(A) License relating to following arms –

(i)	Revolvers or Pistols	Two thousand rupees
(ii)	Rifles	One thousand five hundred rupees
(iii)	DBBL Weapons	One thousand rupees
(iv)	SBBL Weapons	One thousand rupees
(v)	ML Weapons	Two thousand rupees

(C) License relating to arms or ammunitions on following Forms as set out in Schedule III to the Arms Rules, 1962 –

(i)	Form XI	Ten thousand rupees
(ii)	Form XII	Ten thousand five hundred rupees
(iii)	Form XIII	Two thousand rupees
(iv)	Form XIV	Three thousand rupees

(c) Renewal of license relating to following arms –

(i)	Revolvers or Pistols	One thousand rupees
(ii)	Rifles	Seven hundred and fifty hundred rupees
(iii)	DBBL Weapons	Five hundred rupees
(iv)	SBBL Weapons	Five thousand rupees
(v)	ML Weapons	One hundred rupees

(D) Renewal of license relating to arms or ammunitions on following Forms as set out in Schedule II to the Arms Rules, 1962-

(i)	Forms XI	Three thousand rupees
(ii)	Form XII	Three thousand rupees
(iii)	Form XIII	Two thousand rupees
(iv)	Form XIV	One thousand rupees

39. Memorandum of association of a

company-

if accompanied by Articles of Association under Sec. 26 of the Companies Act, 1956 Five thousand rupees

if not so accompanied One thousand

Exemption

Memorandum of any Association not formed for profit and registered under Sec. 25 of the Companies Act. 1956.

40. Mortgage-Deed not being an agreement relating to Deposit of Title Deeds, pawn or pledge (No.6), Bottomry Bond (No. 16), Mortgage of a crop (No. 41). Respondentia Bond (No. 56) or Security Bond (No. 57)

(a) When possession of the property or any part of the property comprised in such deeds is given by the mortgagor or agreed to be given The same duty as a conveyance (No. 23 clause (a) for a consideration equal to the amount secured by such deed.

(b) when possession is not given or agreed to be given as aforesaid The same duty as a Bond (No. 15) for the amounts secured by such deed.

Explanation

A mortgagor who gives to the mortgage a power of attorney to collect rent or a lease of the property mortgaged or part thereof, is deemed to give possession with in 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 (Ten rupees)

is duly stamped for every secured not exceeding Rs. 1,000/-

and for every Rs. 1000 or part thereof (Ten rupees)
secured in excess of Rs. 1,000

Exemptions

(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 or the agriculturists Loans Act, 1884, or by their sureties as securities for the repayment of such advances.

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

41. 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 (Ten rupees)
three months from the date of the instruments-
for every sum secured not exceeding 93 (Rs.
6,000)

and for every (Rs.6,000 or part thereof secured (Ten rupees)
in excess of (Rs.6,000)

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

for every (Rs. 3,000) or part there of secured (Twenty rupees)
in excess of (Rs. 3,000)

and for every sum secured not exceeding (Rs. (Twenty rupees)
3,000)

and for every Rs. 200 or part thereof secured (Thirty five naye paise)
in excess of Rs. 200

42. Notarial Act, that is to say, as instrument, (Ten rupees)

endorsement note, attestation certificate or
entry not being a Protest (No.50) 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. 50).

43. Note or Memorandum, sent by a Broker
or Agent to his principal intimating the
purchase or sale on account of such principal –

(a) of any goods exceeding in value of (Ten rupees)

97(Two hundred rupees)

(b) of any stock or marketable security (subject to a maximum of
exceeding in value 97(two hundred rupees) (one thousand rupees; Ten
rupees for every Rs, 20,000)
or part thereof the value of
the stock or security).

44. Note of protest by the master of a ship (Ten rupees)

See also Protest by the Master of ship (No. 51)

Order for the payment of Money – See
Bill of Exchange (No. 13).

45. Partition – Instrument of (as defined by The name duty as a Bond
Section 2 (15). (No. 15) for the amount of the
value of the separated share
or shares of the property.

N.B- The largest share remaining after and the property as partitioned (or if there are two or more share of equal value and not smaller than any of other share) then one of such equal shares shall be deemed to be that from which the other shares are separated;

Provided always that –

(a) when an instrument containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition or upon the instrument recording, by way of declaration or otherwise, the terms of such partition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than (Ten rupees).

(c) where land is held on Revenue settlement, the value for the purposes of this

article shall be deemed to be

–

(i) twenty times the annual revenue, and

(ii) ten times the net profit that have arisen from the land during the year next before the date of partition, where the land is wholly or partly exempt from payment of revenue,

(c) where a final order for effecting a partition passed by any Revenue Authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument or partition, in pursuance of such order or, award is subsequently executed, the duty on such instrument shall not exceed 103 (ten rupees)

46. Partnership –

A-Instrument of –

(a) Where the capital of the partnership does not exceed 104 (Rs. 10,000) Twenty two rupees and fifty naye paise

(b) in any other case (The same duty as a Bond

B-Dissolution of – (No. 15) for 104 (Rs. 10,000)

Pawn or Pledge, See Agreement (One hundred rupees)

relating to Deposit of Title Deeds, Pawn or Pledge (No. 6)

47. * * *

48. Power of attorney (as defined in Section 2 (21) not being Proxy (No. 52) –

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 document

when authorizing one person or more to act on a single transaction other than the case mentioned in clause (a)

when authorizing not more than five persons to act jointly and severally in more than one transaction or generally

when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally

when given for consideration and authorizing the attorney to sell any immovable property.

(ee) when irrevocable authority is given to the attorney to sell immovable property

The same duty as a conveyance (No. 23 clause (a) for the amount of the consideration.

The same duty as a conveyance (No. 23 clause (a) on the market value of the property forming subject of such authority.)

(f) when authorizing more than ten persons to Act jointly and severally in more than one

111(Ten rupees for each person authorized)

transaction or generality).

N.B. – The term "registration" includes every operation incidental to registration under the Indian Registration Act (Act XVI of 1908)

Explanation

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

SHORT NOTE

Power of attorney – Revocability of – Where power of attorney revocable the duty shall not be as a conveyance and this transaction will not come within purview of article 48 (ee) of schedule of Act. Prabhu Narain V. State of U.P. 1996 R.D. 26

49. * * *

50. Protest of bill or note, that is to say, any (Ten rupees)
 declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonor of a bill of Exchange or promissory note.

51. Protest by the master of ship, that is to (Ten rupees)
 say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the chatteringers or the consignees for loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such

52. * * *

53. * * *

See also "Note of Protest" by the Master of Ship (No. 44).

54. Re-Conveyance of Mortgaged property –

(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000

The same duty as a Conveyance 114 (No. 23 clause (a) for the amount of such consideration as set forth in the Re-conveyance.

(b) in any other case

115 (The same duty as a Conveyance 114 (No. 23 Clause (a) for Rs. 1,000).

55. Release, that is to say, any instrument, not being such a release as is provided for by Section 23 (A) whereby a person renounces a claim upon another person or against any specified property –

if the amount or value of the claim does not exceed Rs. 2,500

The same duty as a Bond (No. 15) for such amount or value as set forth in the Release.

in any other case

(The same duty as a Bond (No. 15) for Rs. 3,000).

56. 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.

The same duty as a Bond (No. 15) for the amount of the loan secured.

Revocation of any Trust or settlement – See "Settlement" (No. 58), "Trust" (No. 64)

57. 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 or the due discharge of a liability –

When the amount secured does not exceed (Ten rupees)

117 (Rs. 100)

in any other case

(One hundred rupees)

Exemptions

Bond or other instrument, when executed-
by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, Sec. 99 for the due performance of their duties under the Act;

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;

under No. 3-A of the rules made by the State Government under Sec. 70 of the Bombay Irrigation Act, 1879;

executed by person taking advances under the Land Improvement Loans Act, 1883 or the Agriculturists Loans Act, 1884, or by their sureties, as securities for the payment of such advances;

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.

SHORT NOTE

Security deposits – Only under Article 57 of Schedule 1-B of the Stamp Act as amended by the State of U.P. the security deposits is chargeable for stamp duty. *Tajveer Singh & other v. State of U.P. & others*, 1997 All CJ. 285 : 1997 UPRJ 837.

58. Settlement

A-Instrument of (including a deed of dower)

The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled.

118 (Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed ¹¹⁹(Ten rupees).

Exemption

Deed of dower executed on the occasion of a marriage between Mohammedans.

B- Revocation of -

(The same duty as a Bond (No.15) for a sum equal to the amount of value of the property concerned, but not exceeding fifty six rupees).

59. Share warrants, to bearer issued under the Indian Companies Act, 1913

The same duty as a Debenture transferable by delivery (No. 27) (b) for a face amount equal to the nominal

amount of the shares specified in the warrant.

Exemptions

Share warrant when issued by a Company in pursuance of the Indian Companies Act, 1913, Sec. 43, to have effect only upon, payment, as composition for that duty, to the Collector of Stamp revenue of –

one and half per centum of the whole subscribed capital of the company, or

if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital – One and half per centum of the additional capital so issued.

Scrip, see "Certificate" (No. 19).

60. Shipping order, for or relating to the conveyance of goods on board of any vessel (Ten rupees)

61. Surrender of lease-

The same duty as a Bond (Np. 15) for a consideration of Rs. 100 or the duty with which such lease is chargeable whichever is less: Provided that the duty payable shall be rounded off to the next multiple or ten rupees.

Exemption

Surrender of lease where such lease is exempted from duty).

62. Transfer (Whether with or without consideration) –

See "Schedule 1-A".

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

When the value of the share or the face amount of the debenture does not exceed Rs. 500 Ten rupees.

Where it exceeds Rs. 500 but does not exceed Rs. 1,000 Twenty rupees

and for every Rs. 500 or part thereof in excess of Rs. 1,000- Twenty rupees

(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 is chargeable.

Provided that the duty payable shall be rounded off to the next multiple of ten rupees).

(i) in any other case

(One hundred rupees)

Provided that, if by any one instrument the interest secured by several bonds, mortgage deeds or policies of insurance is transferred the duty payable if separate

instruments of transfer were executed in respect of such bond, mortgage deed or policy of insurance).

128 (Provided further that the duty payable shall be rounded off to the next multiple of ten rupees)

(d) of any property under the Administrator General's Act, 1913, Sec 25 (One hundred rupees)

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

Exemption

Transfer 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 policy of insurance;
- d. of securities of the Central Government or the State Government

See also Sec. 8.

63. Transfer of lease by way or assignment, and not by way of under lease

Exemption

Transfer of any lease exempt from duty.

64. Trust :-

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

will –

Where the amount of value does not exceed Rs. 10,000 The same duty as on a Bond (No. 15)

Where such amount exceeds Rs. 10,000 for every additional Rs. 1,000 or part thereof (On ten thousand rupees the duty payable under clause (a) and on the remainder, (ten rupees) for every additional one thousand rupees or part thereof).

B. **Revocation of**– or concerning, any property when made by instrument other than a will (The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned but not exceeding ¹³¹ (the duty payable on a Bond (No. 15) for Rs. 2,000).

See also "Settlement" (No. 58)

Valuation – See " Appraisement" (No. 8)

Vakil – See "Entry as a Vakil" (No. 30)

65. Warrant of goods, that is to say, any instrument evidencing the title of any person there in named, or his assigns, or the holder thereof, to the property in any goods, lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be. (Ten rupees)

**SUPPLEMENT
NOTIFICATION**

No. K.S.V.-53706/11-98-500 (20) 98

Dated 16 December 1998, Lucknow

In exercise of the power under clause (a) of sub section (1) of section 9 of the Indian Stamp Act. 1899 (Art. No. 11 of 1899) the Governor is pleased to reduce, with effect from the date of publication of this notification in the official Gazette, the stamp duty to the extent mentioned in column – 3 in respect of the Agreement relating to deposit of title deeds pawn or pledge and Bank Guarantee respectively. payable under article 6 and Article 12-A of Schedule 1-B of the aforesaid Act mentioned in column – 1 in relation to the amount mentioned against each in column-2 of the schedule below –

SCHEDULE

Instrument	Amount	Extent of Reduction
1. Agreement relating to deposit of title deeds, pawn or pledge – Article – 6	For every Rs 1000 or part thereof amount of loan or debt	Twenty rupees of rupees Provided that stamp duty shall not exceed ten thousand rupees.
2. Bank Guarantee Article 12-A	For every Rs. 1000 or part thereof	Fifty rupees to five rupees Provided that stamp duty shall not exceed ten thousand rupees.

NOTIFICATION

No. K.S.V.-5-5808/11-99-500(80)/98

Dated January 11, 1999, Lucknow

In exercise of the power under clause (a) of sub section (1) of section 9 of the Indian Stamp Act. 1899 (Art No. 11 of 1899) as amended from time to time in its application to Uttar Pradesh the Governor is pleased to reduce for a period of one year with effect from December 1. 1998 the stamp duty chargeable under

clause (a) of Article 23 of Schedule 1-B of the said act on the instrument executed by the person authorized by the Government of Uttar Pradesh in favour of lessee of Nazool land for the purpose of Converting lease hold rights in to free hold right in the said land to the extent of the stamp duty chargeable on the amount that exceed the amount of consideration set forth in such free hold instrument upto the market value of such Nazool land :

Provided that this notification of this Notification the word "Consideration" means the free hold charge and the interest thereon. It any, taken by the person authorised by the Government of Uttar Pradesh for the purpose of converting lease hold rights in to free hold rights.

NOTIFICATION
No. K.S.V. 5-5809/11-99

Dated January 11, 1999 Lucknow

In exercise of the power under clause (a) of sub section (1) of section of the Indian stamp act 1899. (Act No. 11 of 1899) as amended from time to time in its application to Uttar pradesh read with section 21 of General clause Act 1897 Act No. of 1897 and in partial modification of Government Notification No. K.S. V.S. 3706/XI98-500 (20) 98 dated August 31, 1998 the Government is pleased to direct that the rates of Stamp duty of bond under Article 15 and Governance under clause (a) of Article 23 as reduced in the said notification shall apply to instruments of lease under Article 35 of schedule 1-B of the aforesaid Act of 1899 for a period of six month from January 12, 1999.

Sd.
By order,
Harish Chandra Gupta
Pramukh Sachiv

SCHEDULE 1-B**[STAMP DUTY ON INSTRUMENTS UNDER THE INDIAN STAMP ACT, 1899, AS AMENDED UP-TO-DATE IN ITS APPLICATION TO UTTAR PRADESH]**

[See Section 3]

Note – The articles in Schedule 1-B are numbered so as to correspond with similar articles in Schedule I Act II of 1899.

<i>Description of Instrument</i>	<i>Proper Stamp-duty</i>
<p>Acknowledgment of a debt exceeding 43[One thousand rupees] in amount or value, written or signed by, or on behalf of, as debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession : provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.</p>	<p>[Ten Rupees]</p>
<p>Administration Bond including a bond given under Section 291, 275 and 376 of the Indian Succession Act, 1925, or Sec. 6 of the Government Savings Bank Act, 1873.</p>	<p>44[Subject to Maximum of two hundred rupees, the same duty as on a bond (no. 15)]</p>
<p>Adoption-Deed, that is to say any instrument (other than a will)</p>	<p>[One hundred rupees].</p>

recording an adoption or conferring or purporting to confer an authority to adopt.

Advocate- See "Entry as an Advocate" (No 30).

Ten Rupees.

46[4. **Affidavit**, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.

Exemptions

Affidavit or declaration in writing when made-

as a condition of enrolment under the Army Act, 1950, the Air Force Act, 1950, or the Navy Act, 1957, or for the sole purpose of enabling any person to receive any pension or charitable allowance.

5. **Agreement or memorandum of** [Ten Rupees].

an agreement-

Subject to a maximum of ⁴⁶[One

if relating to the sale of a bill of exchange

thousand rupees; ten rupees for every Rs. 20,000"] or part thereof the value

if relating to the sale of a Government security or share in an incorporated company or other body corporate

of the security or share.