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GOVERNMENT OF JAMMU AND KASHMIR,  
**LAW DEPARTMENT.**

**THE STAMP REGULATION**

(No. XL of 1977).



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## PRELIMINARY NOTE.

The Stamp Regulation No. 40 of 1977 is based on the British Indian Act 2 of 1899 and was introduced in the State by Section 2 (b) of the Sri Pratap Jammu and Kashmir Laws (Consolidation) Regulation (IV of 1977) subject to the alterations, amendments and modifications specified in Section 2 (b) and Section 3 of the said Regulation (IV of 1977) and enumerated in the second schedule thereof. Its short title and commencement are given and regulated by the said Consolidation Regulation (IV of 1977) and in accordance with these provisions it came into force provisionally for a period of two years in the first instance with effect from the 1st day of Baisakh Samvat 1977 and was extended for a subsequent period of one year and has now been permanently placed on the statute book. The present edition incorporates all amendments, alterations and modifications as sanctioned up to date.

HAVELI RAM,

JAMMU: }  
1st Phagan 1986. }

SECRETARY TO THE JUDICIAL MINISTER,

*His Highness' Government, Jammu and Kashmir.*

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## The Stamp Regulation XL of 1977.

### A Regulation to consolidate and amend the law relating to Stamps.

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

#### CHAPTER I.

##### PRELIMINARY.

1. Omitted.

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

(1) "banker" includes a bank and any person acting as a banker: "Banker."

(2) "bill of exchange" means a bill of exchange as defined by the Negotiable Instruments Regulation 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: "Bill of exchange."

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

(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;

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

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

(4) Omitted.

“Bond.” ✓ (5) “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 ;

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

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

(8) and (9) Omitted.

“Conveyance.” (10) “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 :

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(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 the State: “Duly stamped.”

(12) “executed” and “execution” used with reference to instruments, means “signed” and “signature”: “Executed and execution.”

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

(a) labels affixed and impressed by the proper officer, and

(b) stamps embossed or engraved on stamped paper:

✓(14) “instrument” includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded: “Instrument.”

(15) “instrument of partition” means any instrument whereby co-owners of any property divide or agree to divide such property in severalty, and includes also a final order for effecting a partition passed by any Revenue authority or any Civil Court and award by an arbitrator directing a partition: “Instrument of partition.”

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

(a) a *patta*;

(b) a *kabuliyat* or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy or pay or deliver rent for immovable property;

(c) any instrument by which tolls of any description are let;

(d) any writing on an application for a lease intended to signify that the application is granted:

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“Marketable security.”

(16a) “marketable security” means a security of such a description as to be capable of being sold in any stock market in British India or the State or in the United Kingdom :

✓ “Mortgage deed.”

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

“Paper.”

(18) “paper” includes vellum, parchment or any other material on which an instrument may be written :

“Policy of insurance.”

(19) “policy of insurance” includes—

(a) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event;

(b) a life-policy, and any policy insuring any person against accident or sickness, and any other personal insurance;

(20) Omitted.

“Power-of-attorney.”

(21) “power-of-attorney” includes any instrument (not chargeable with a fee under the law relating to court-fees for the time being in force) empowering a specified person to act for and in the name of the person executing it:

“Promissory note.”

(22) “promissory note” means a promissory note as defined by the Negotiable Instruments Regulation ;

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

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contingency which may or may not be performed or happen:

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

(a) Whereby any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received, or

(b) Whereby any other movable property is acknowledged to have been received in satisfaction of a debt, or

(c) Whereby any debt or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged, or

(d) Which signifies or imports any such acknowledgment,

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

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

(a) in consideration of marriage,

(b) for the purpose of distributing property of the settler among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or

(c) for any religious or charitable purpose;

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

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CHAPTER II.

STAMP DUTIES.

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

Instruments chargeable with duty.

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

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

Provided that no duty shall be chargeable in respect of—

- (1) any instrument executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument;
- (2) Omitted.

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4. (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 I, for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one rupee and eight annas instead of the duty (if any) prescribed for it in that schedule.

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

(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.

4 A. Where in respect of an agreement to execute a lease or sub-lease stamp duty has been paid of an amount which is not less than the amount of stamp duty prescribed in Schedule I for the lease or sub-lease, a lease or sub-lease executed in pursuance of the agreement, shall be chargeable with a duty not exceeding one rupee instead of the duty, if any, prescribed for it in that Schedule.

Stamps duty on lease where agreement to execute it bears the stamp duty prescribed for the lease.

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

Instruments relating to several distinct matters.

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

Instruments coming within several descriptions in Schedule I.

Provided that nothing in this Regulation con-



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tained shall render chargeable with duty exceeding one rupee and eight annas a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.

7. Omitted.

8. Omitted.

Power to reduce, remit or compound duties.

9. His Highness may, by rule or order published in the Government Gazette,—

- (a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of the State, the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, and
- (b) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of debentures, bonds or other marketable securities.

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

Duties how to be paid.

10. (1) Except as otherwise expressly provided in this Regulation, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instruments, by means only of stamps—

- (a) according to the provisions herein contained ; or,
- (b) when no such provision is applicable thereto, as His Highness may by rule direct.

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(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 instruments stamped with impressed stamps—the number of stamps which may be used ;
- (c) in the case of bills of exchange or promissory notes written in any Oriental language—the size of the paper on which they are written.

11. The following instruments may be stamped with adhesive stamps, namely :—

Use of adhesive stamps. ✓

- (a) instruments chargeable with the duty of one anna or half anna, except parts of bills of exchange payable otherwise than on demand and drawn in sets ;
- (b) bills of exchange, cheques and promissory notes drawn or made out of the State ;
- (c) entry as an advocate, or pleader on the roll of the High Court ;
- (d) notarial acts ; and
- (e) transfers by endorsement of shares in any incorporated company or other body corporate.

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

Cancellation of adhesive stamps.

(b) whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already

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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.

Instruments stamped with impressed stamps how to be written.

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

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

Only one instrument to be on same stamp.

14. No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written:

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

Instrument written contrary to section 13 or 14 deemed unstamped

15. Every instrument written in contravention of section 13 or section 14 shall be deemed to be unstamped.

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

C.—Of the time of Stampin, Instruments.

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

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

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as His Highness may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

19. The first holder in the State of any bill of exchange, cheque or promissory note drawn or made out of the State shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in the State, affix thereto the proper stamp and cancel the same: Bills, cheques and notes drawn out of the State.

Provided that,—

(a) if, at the time any such bill of exchange, cheque or note comes into the hands of any holder thereof in the State, the proper

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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 Regulation, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled :

- (b) nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

#### 20. Omitted.

Stock and marketable securities, how to be valued.

21. 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.

Effect of statement of rate of exchange or average price.

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

Instruments reserving interest.

23. 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.

Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.

23A. (1) Where an instrument (not being a promissory note or bill of exchange)—

- (a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or

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- (b) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (c) of Schedule I.

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

24. 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 incumbrance 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.

How transfer in consideration of debt, or subject to future payment, etc., to be charged.

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

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

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

#### Illustrations.

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

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

(3) A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp-duty is payable on Rs. 10,000 less the amount of stamp-duty already paid for the mortgage.

Valuation in case of annuity, etc.

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

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

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

(c) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance—the maximum amount which will or may be payable as aforesaid during the period of ten years calculated from the date on which the first payment becomes due.

Stamp where value of subject-matter is indeterminate.

26. Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem*

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duty cannot be, or (in the case of an instrument executed before the commencement of this Regulation) 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 His Highness, at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to His Highness under the lease, or,

(b) when the lease has 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 the stamp actually used at the date of execution.

27. 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.

Facts affecting duty to be set forth in instrument.

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Direction as to duty in case of certain conveyances.

28. (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 of 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 persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with *ad valorem* duty in respect of the 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 purchaser to the sub-purchaser.

(4) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person or persons and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with *ad valorem* duty in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration; and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with *ad*

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*valorem* duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the sub-purchasers:

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

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

E.—Duty by whom payable.

29. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne,—

Duties by whom payable.

(a) in the case of any instrument described in any of the following articles of Schedule I, 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. 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. 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),  
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 :
- (bb) in the case of a policy of fire-insurance—by the person issuing the policy :
- (c) in the case of a conveyance (including a reconveyance of mortgaged property) by the grantee: in the case of a lease or agreement to 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 certificate of sale—by the purchaser of the property to which such certificate relates : and,
- (g) in the case of an instrument of partition—by the parties thereto in proportion to their respective shares in the whole property partitioned, or when the partition is made in execution of an order passed by a Revenue-authority or Civil Court or arbitrator, in such proportion as such authority, Court, or arbitrator directs.

30. Any person receiving any money exceeding twenty rupees in amount, or 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 movable 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.

Obligation to give receipt in certain cases.

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

### CHAPTER III.

#### ADJUDICATION AS TO STAMPS.

31. (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 eight annas) 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.

Adjudication as to proper stamp.

(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—

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

Certificate by  
Collector.

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

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

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

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

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

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

- (a) any instrument executed or first executed in the State and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be ; or
- (b) any instrument executed or first executed out of the State and brought to him after the expiration of three months after it has been first received in the State.

CHAPTER IV.

INSTRUMENTS NOT DULY STAMPED.

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

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

Provided that—

- (a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course

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of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure,

(b) in the case of a Judge of the High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court appoints in this behalf.

(3) For the purposes of this section, in cases of doubt,—

“His Highness may determine what offices should be public offices and who shall be deemed to be persons in charge of such public offices”.

Special provision as to unstamped receipts.

34. Where any receipt chargeable with a duty of one anna is tendered to or produced before any officer unstamped in the course of the audit of any public account, such officer may in his discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted therefor.

Instruments not duly stamped inadmissible in evidence, etc.

35. 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—

(a) any such instrument shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty, if such instrument is presented or produced within one

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year of the date of its execution, of five times, and in other cases, of ten times, the amount of the proper duty or deficient portion thereof, subject in all cases to a maximum of rupees five hundred for penalty :

Provided that such instrument was left unstamped or was insufficiently stamped by accident, mistake, or urgent necessity, and not with a view to avoid payment of the proper stamp duty.

“If such Court or public officer is satisfied that the document was executed on unstamped or insufficiently stamped paper with a view to avoid payment of the proper stamp duty, it or he shall reject the document”.

(b) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it ;

(c) where a contract or agreement of any kind is effected by correspondence consisting of two or more letters and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped ;

(d) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure ;

(e) nothing herein contained shall prevent the admission of any instrument in any Court



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when such instrument has been executed by or on behalf of the Government, or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Regulation.

Admission of instrument where not to be questioned.

36. 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.

Admission of improperly stamped instruments.

37. His Highness 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.

Instruments impounded how dealt with.

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

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

Collector's power to refund penalty paid under section 38, sub-section (1).

39. (1) When a copy of an instrument is sent to the Collector under section 38, sub-section (1), he may, if he thinks fit, refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

(2) When such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may refund the whole penalty so paid.

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40. (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 an instrument chargeable with a duty of one anna only or a bill of exchange or promissory note, he shall adopt the following procedure:—

Collector's power to stamp instruments impounded.

(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 duty or the amount required to make up the same, together with a penalty if such instrument was presented or produced within one year of the date of its execution, five times, and in other cases, ten times the amount of the proper duty, or deficient portion thereof, subject in all cases to a maximum of five hundred rupees for penalty.

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

(2) Every certificate under clause (a) of sub-section (1) shall for the purposes of this Regulation be conclusive evidence of the matters 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. If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of one anna only or a bill of exchange

Instruments unduly stamped by accident.

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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.

Endorsement of instruments on which duty has been paid under section 35, 40 or 41.

42. (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 had been duly stamped, and shall be delivered on his application in this behalf to the person from whose possession it came into the hands of the officer impounding it or as such person may direct:

Provided that—

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

(b) nothing in this section shall effect the Code of Civil Procedure, order XIII rule 9.

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

Prosecution for offence against Stamp-law.

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

Persons paying duty or penalty may recover same in certain cases.

(2) For the purpose of such recovery any certificate granted in respect of such instrument under this Regulation 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.

44. (1) Where any penalty is paid under section 35 or section 40, the Revenue Minister may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

Power to Revenue authority to refund penalty or excess duty in certain cases.

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(2) Where, in the opinion of the Revenue Minister, stamp-duty in 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.

Non-liability for loss of instrument under section 38.

46. (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.

Power of payer to stamp bills, promissory notes and cheques, received by him unstamped.

47. When any bill of exchange, promissory note or cheque chargeable with the duty of one anna is presented for payment unstamped, the person to whom it is so presented may affix thereto the necessary adhesive stamp, and, upon cancelling the same in manner hereinbefore provided, may pay the sum payable upon such bill, note or cheque, 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, note or cheque 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, note or cheque.

Recovery of duties and penalties.

48. All duties, penalties and other sums required to be paid under this Chapter may be recovered by the Collector by distress and sale of the movable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land-revenue.

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### CHAPTER V.

#### ALLOWANCES FOR STAMPS IN CERTAIN CASES.

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

Allowance for spoiled stamps.

- (a) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person;
- (b) the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto;
- (c) in the case of bills of exchange, cheques or promissory notes—
  - (1) the stamp on any bill of exchange or cheque signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance: provided that the paper on which any such stamp is impressed does not bear any signature intended as or for the acceptance of any bill of exchange or cheque to be afterwards written thereon:—
  - (2) the stamp on any promissory note signed by or in behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands:

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- (3) the stamp used or intended to be used for any bill of exchange, cheque 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 or cheque, 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, cheque or promissory note is produced identical in every particular, except in the correction of such omission or error as aforesaid, with the spoiled bill, cheque or note :
- (d) the stamp used for an instrument executed by any party thereto which—
- (1) has been afterwards found to be absolutely void in law from the beginning :
  - (2) has been afterwards found unfit by reason of any error or mistake therein, for the purpose originally intended :
  - (3) by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed :
  - (4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended :
  - (5) by reason of the refusal of any person to act under the same, or to advance any

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- money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose :
- (6) becomes useless in consequence of the transaction intended to be thereby effected being effected by some other instrument between the same parties and bearing a stamp of not less value :
  - (7) is deficient in value and the transaction intended to be thereby effected had been effected by some other instrument between the same parties and bearing a stamp of not less value :
  - (8) is inadvertently and undesignedly spoiled and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped :

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

*Explanation.*—The certificate of the Collector under section 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. The application for relief under section 49 shall be made within the following periods, that is to say,—

Application for relief under section 49 when to be made.

- (1) in the cases mentioned in clause (d) (5), within two months of the date of the instrument :
- (2) in the case of stamped paper on which no instrument has been executed by any of the parties thereto, within six months after the stamp has been spoiled:

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- (3) in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed :

Provided that,—

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

Allowance in case of printed form, no longer required by corporations.

51. The Revenue Minister or the Collector if empowered by the Revenue Minister in this behalf may, without limit of time, make allowance for stamped papers used for printed forms of instruments by any banker or by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said banker, company or body corporate, provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

Allowance for misused stamps.

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

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- (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. In any case in which allowance is made for spoiled or misused stamps, the Collector may give in lieu thereof —

Allowance for spoiled or misused stamps how to be made.

- (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 one anna for each rupee or fraction of a rupee.

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

Allowance for stamps not required for use.

- (a) that such stamp or stamps were purchased by such person with a *bonafide* intention to use them; and

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- (b) that he has paid the full price thereof; and
- (c) that they were so purchased within the period of six months next preceding the date on which they were so delivered:

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

Allowance on renewal of certain debentures.

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

Provided that the original debenture is produced before the Collector and cancelled by him in such manner as His Highness may direct.

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

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

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CHAPTER VI.

REFERENCE AND REVISION.

56. (1) The powers exercisable by a Collector under Chapter IV and Chapter V and under clause (a) of the first proviso to section 26 shall in all cases be subject to the control of the Revenue Minister. Control of, and statement of case to Revenue Minister.

(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 Revenue Minister.

(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. The Revenue Minister may state any case referred to him under section 56. sub section (2), or otherwise coming to his notice, and refer such case, with his own opinion thereon, to the High Court. Statement of case by Revenue Minister; authority to High Court.

58. If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue authority by which it was stated, to make such additions thereto or alterations therein as the Court may direct in that behalf. Power of High Court to call for further particulars as to case stated.

59. (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. Procedure in disposing of case stated.

(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,

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on receiving such copy, dispose of the case conformably to such judgment.

Statement of  
case by other  
Courts to  
High Court.

60. (1) If any Court, other than a Court mentioned in section 57, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to section 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 Revenue Minister he would, under section 57, refer the same.

(2) Such Court shall deal with the case as if it had been referred under section 57, and send a copy of its judgment under the seal of the Court and the signature of the Registrar to the Revenue Minister 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.

Revision of  
certain deci-  
sions of  
Courts re-  
garding the  
sufficiency  
of stamps.

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

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paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

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

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

Provided that—

(a) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the instrument under section 35, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty ;

(b) except for the purposes of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 42.

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

CHAPTER VII.

CRIMINAL OFFENCES AND PROCEDURE.

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

62. (1) Any person—

- (a) drawing, making, issuing, endorsing or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating, any bill of exchange, cheque or promissory note without the same being duly stamped; or
- (b) executing or signing otherwise than as a witness any other instrument chargeable with duty without the same being duly stamped; or
- (c) voting or attempting to vote under any proxy not duly stamped;

shall for every such offence be punishable with fine which may extend to one hundred rupees or ten times the amount of the deficiency where this exceeds one hundred rupees.

Illustrations.

(1) If a Hundi which ought to have been executed on a two annas stamp paper is executed on a one anna stamp paper, the fine may extend to rupees one hundred.

(2) If a conveyance which ought to have been executed on a stamped paper of Rs. 500 is executed on a stamped paper of Rs. 300, the fine may extend to Rs. 2,000.

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 or secretary or other principal officer of the company, shall be punishable with fine which may extend to five hundred rupees.

62. 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.

Penalty for failure to cancel adhesive stamp.

63. Any person who, with intent to defraud the Government,—

Penalty for omission to comply with provisions of section 27.

- (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 Regulation;

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

Penalty for refusal to give receipt, and for device to evade duty on recopies.

65. Any person who,—

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



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twenty rupees, or separates or divides the money or property paid or delivered;

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

Penalty for not making out policy, or making one not duly stamped.

66. 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; or
- (b) makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allows in account, any money upon, or in respect of, any such policy;

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

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

67. Any person drawing or executing a bill of exchange or a policy of 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.

Penalty for post-dating bills, and for other devices to defraud the revenue.

68. Any person who—

- (a) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made; or
- (b) knowing that such bill or note has been so post-dated, endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiates the same; or,

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- (c) with the like intent, practises or is concerned in any act, contrivance or device not specially provided for by this Regulation or any other law for the time being in force;

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

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

Penalty for breach of rule relating to sale of stamps and for unauthorised sale.

(b) any person not so appointed who sells or offers for sale any stamp (other than one-anna or half an anna 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. (1) No prosecution in respect of any offence punishable under this Regulation or the law relating to stamps heretofore in force shall be instituted without the sanction of the Collector or such other officer as His Highness generally, or the Collector specially, authorises in that behalf.

Institution and conduct of prosecutions.

(2) The Revenue Minister or any officer generally or specially authorised by him 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. No Magistrate other than a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under this Regulation.

Jurisdiction of Magistrates.

72. Every such offence committed in respect of any instrument may be tried in any district in which such instrument is found as well as in any

Place of trial.

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district in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Books etc.,  
to be open  
to inspection.

73. 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 or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorized 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.

74. (1) His Highness shall appoint stamp vendors in every district and town.

(2) Every person wishing to sell stamps shall apply (for a license for that purpose. The stamp duty payable on such application shall be five rupees, and no license shall be in force for more than one year.

(3) His Highness shall give a commission at the sanctioned rates for the time being in force on the face value of stamps to stamp vendors.

(4) His Highness shall from time to time make rules and directions for the guidance of stamp vendors.

(5) No stamp vendor shall demand from a buyer more than the face value of the stamp sought to be bought.

Power to  
make rules  
generally to  
carry out  
Regulation.

75 His Highness may make rules to carry out generally the purposes of this Regulation, and

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may by such rules prescribe the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.

76. (1) All rules made under this Regulation, shall be published in the Government Gazette. Publication of rules.

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

76 A. His Highness may by notification in the Government Gazette delegate:—

(a) all or any of the powers vested in him under sections 33 (3), 70 (1), 74 and 78 to the Revenue Minister and

(b) all or any of the powers conferred on the Revenue Minister by sections 45 (1) (2), 56 (1) and 70 (2) to such subordinate revenue authority as may be specified in the notification.

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

78. His Highness shall make provision for the sale of translations of this Regulation in the principal vernacular languages of the territories administered by it at a price not exceeding four annas per copy. Regulation to be translated and sold cheaply.

79. Omitted.

·SCHEDULE I.

The Stamps

SCHEDULE I.  
STAMP-DUTY ON INSTRUMENTS.  
(See section 3)

Description of Instrument.	Proper Stamp-duty.
<p>1. <b>ACKNOWLEDGMENT</b> of a debt exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a 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>	One anna.
<p>2. <b>ADMINISTRATION-BOND</b>, including a bond given under section 78 of the Probate and Administration Regulation, or section 9 or section 10 of the Succession Certificate Regulation,—</p> <p>(a) where the amount does not exceed Rs. 1,000.</p> <p>(b) in any other case .. .. .</p>	<p>The same duty as a Bond (No. 15) for such amount.</p> <p>Ten rupees.</p>
<p>3. <b>ADOPTION-DEED</b>, that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt.</p>	Twenty rupees.
<p><b>ADVOCATE</b>, See ENTRY AS AN ADVOCATE (No. 30)</p>	
<p>4. <b>AFFIDAVIT</b>, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.</p> <p style="text-align: center;"><i>Exemptions.</i></p> <p>Affidavit or declaration in writing when made—</p> <p>(a) for the immediate purpose of being filed or used in any Court or before the officer of any Court; or</p>	Two rupees.

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty,
<p>(b) for the sole purpose of enabling any person to receive any pension or charitable allowance.</p>	
<p>5. <b>AGREEMENT OR MEMORANDUM OF AN AGREEMENT</b>.—</p> <p>(a) if relating to the sale of a bill of exchange.</p> <p>(b) if relating to the sale of a Government security, or share in an incorporated company or other body corporate.</p> <p>(c) if not otherwise provided for—</p> <p style="text-align: center;"><i>Exemptions.</i></p> <p>Agreement or memorandum of agreement—</p> <p>(a) for or relating to the sale of goods or merchandise exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 43;</p> <p>(b) made in the form of tenders to the Government for or relating to any loan.</p> <p><b>AGREEMENT TO LEASE.</b> See Lease (No. 35).</p>	<p>Four annas.</p> <p>Subject to a maximum of fifteen rupees, two annas per every Rs. 10,000 or part thereof of the value of the security or share.</p> <p>One-rupee.</p>
<p>6. <b>AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE</b> that is to say, any instrument evidencing an agreement relating to—</p> <p>(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or</p> <p>(2) the pawn or pledge of movable property,</p>	

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.		
where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—			
(a) If such loan or debt is re-payable on demand or more than three months from the date of the instrument evidencing the agreement—			
Description of Instrument.	Proper Stamp-duty.		
	If drawn singly.	If drawn in set of two, for each part of the set.	If drawn in set of three, for each part of the set.
	Rs.	Rs. A. P.	Rs. A. P.
(i) when the amount of the loan or debt does not exceed	200	0 4 6	0 3 0
(ii) when it exceeds Rs. 200 but does not exceed	400	0 9 0	0 4 6
Do. 400 do.	600	0 13 6	0 7 6
Do. 600 do.	800	1 2 0	0 9 0
Do. 800 do.	1,000	1 6 6	0 12 0
Do. 1,000 do.	1,200	1 11 0	0 13 6
Do. 1,200 do.	1,600	2 4 0	1 2 0
Do. 1,600 do.	2,500	3 6 0	1 11 0
Do. 2,500 do.	5,000	6 12 0	3 6 0

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.		
	If drawn singly.	If drawn in set of two, for each part of the set.	If drawn in set of three, for each part of the set.
	Rs.	Rs. A. P.	Rs. A. P.
When it exceeds Rs. 5,000 but does not exceed	7,500	10 2 0	5 1 0
Do. 7,500 do.	10,000	13 8 0	6 12 0
Do. 10,000 do.	15,000	20 4 0	10 2 0
Do. 15,000 do.	20,000	27 0 0	13 8 0
Do. 20,000 do.	25,000	33 12 0	16 14 0
Do. 25,000 do.	30,000	40 8 0	20 4 0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000	..	13 8 0	6 12 0
			4 8 0
Description of Instrument.	Proper Stamp-duty.		
(b) If such loan or debt is re-payable not more than three months from the date of such instrument.	Half the duty payable on a loan or debt under clause (a) (i) or clause (a) (ii) for the amount secured.		
<i>Exemption.</i>			
Instrument of pawn or pledge of goods if unattested.			
7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a Will.	Twenty five rupees.		
8. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit—			

The Stamp

SCHEDULE I—(continued).

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
(a) Where the amount does not exceed Rs. 1,000;	The same duty as a Bond <sup>d</sup> (No. 15) for such amount.
(b) in any other case ..	Ten rupees.
<i>Exemptions.</i>	
(a) Appraisal or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law;	
(b) Appraisal 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 or any apprentice, clerk or servant, placed with any master to learn any profession, trade or employment.	Five rupees.
<i>Exemption.</i>	
Instruments of apprenticeship by which a person is apprenticed by or at the charge of any public charity.	
10. ARTICLES OF ASSOCIATION OF A COMPANY—	
(a) When the authorised capital of the Company does not exceed one lakh;	Twenty-five rupees.
(b) In other cases.	Fifty rupees.
<i>Exemption.</i>	
Articles of any association not formed for profit and registered under Section 26 of the Companies Regulation 1977.	

Description of Instrument.	Proper Stamp-duty.
<i>See also</i> Memorandum of Association of a Company (No. 39).	
11. ASSIGNMENT. <i>See</i> CONVEYANCE (No. 23), TRANSFER (No. 62), AND TRANSFER OF LEASE (No. 63), as the case may be.	
AUTHORITY TO ADOPT, <i>See</i> ADOPTION DEAD (No. 3).	
12. AWARD, that is to say, any decision in writing by an arbitrator or umpire not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—	
(a) where the amount or value of the property to which the award relates, as set forth in such award, does not exceed Rs. 1,000 ;	The same duty as a Bond (No. 15) for such amount.
(b) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ;	Seven rupees eight annas.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.	Eight annas subject to a maximum of fifty rupees.
13. BILL OF EXCHANGE (as defined by S. (2) and (3) not being a Bond, bank-note or currency note—	
(a) where payable on demand, and its amount exceeds Rs. 20 ;	One anna.
(b) Where payable otherwise than on demand but not more than one year after date or sight—	

The Stamp

SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.		
	If drawn singly.	If drawn in set of two, for each part of the set.	If drawn in set of three, for each part of the set.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
If the amount of the bill or note does not exceed Rs. 200	0 3 0	0 2 0	0 1 0
If it exceeds Rs. 200 and does not exceed 400	0 6 0	0 3 0	0 2 0
Do. 400 do. 600	0 9 0	0 5 0	0 3 0
Do. 600 do. 800	0 12 0	0 6 0	0 4 0
Do. 800 do. 1,000	0 15 0	0 8 0	0 5 0
Do. 1,000 do. 1,200	1 2 0	0 9 0	0 6 0
Do. 1,200 do. 1,600	1 8 0	0 12 0	0 8 0
Do. 1,600 do. 2,500	2 4 0	1 2 0	0 12 0
Do. 2,500 do. 5,000	4 8 0	2 4 0	1 8 0
Do. 5,000 do. 7,500	6 12 0	3 6 0	2 4 0
Do. 7,500 do. 10,000	9 0 0	4 8 0	3 0 0
Do. 10,000 do. 15,000	13 8 0	6 12 0	4 8 0
Do. 15,000 do. 20,000	18 0 0	9 0 0	6 0 0
Do. 20,000 do. 25,000	22 8 0	11 4 0	7 8 0
Do. 25,000 do. 30,000	27 0 0	13 8 0	9 0 0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000	9 0 0	4 8 0	3 0 0

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
(c) where payable at more than one year after date or sight.	The same duty as a Bond (No. 15) for the same amount.
14. Omitted.	
15. BOND as defined by section 2 (5) not being a DEBENTURE (No. 27) and not being otherwise provided for by this Regulation, or by the Court-fees Regulation,—	
where the amount or value secured does not exceed Rs. 10;	Two annas.
where it exceeds Rs. 10 & does not exceed Rs. 50	Four annas.
Do. 50 do. 100	Eight annas.
Do. 100 do. 200	One rupee.
Do. 200 do. 300	One rupee fourteen annas.
Do. 300 do. 400	Two rupees eight annas.
Do. 400 do. 500	Three rupees two annas.
Do. 500 do. 600	Four rupees eight annas.
Do. 600 do. 700	Five rupees four annas.
Do. 700 do. 800	Six rupees.
Do. 800 do. 900	Six rupees twelve annas.
Do. 900 do. 1,000	Seven rupees eight annas.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees twelve annas.
See ADMINISTRATION BOND (No. 2), CUSTOMS BOND (No. 26), INDEMNITY-BOND (No. 34), SECURITY BOND (No. 57).	

The Stamp

SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
<i>Exemptions.</i>	
Bond, when executed by—	
(a) 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.	
16. Omitted.	
17. CANCELLATION—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Seven rupees eight annas.
<i>See also</i> RELEASE (No. 55), REVOCATION OF SETTLEMENT (No. 58-B), SURRENDER OF LEASE (No. 61), REVOCATION OF TRUST (No. 64-B).	
18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue-officer—	The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase money.
19. CERTIFICATE OR OTHER DOCUMENT evidencing the right or title of the holder thereof, or any other person, (a) 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, (b) to a horse or mule granted by its seller to the buyer.	Eight annas.
<i>See also</i> LETTER OF ALLOTMENT SHARE (No. 36).	

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp duty.
20. Omitted.	
21. CHEQUE as defined by section 2 (7)	One anna.
22. COMPOSITION-DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or where by payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license for the benefit of his creditors.	Twelve rupees eight annas.
23. CONVEYANCE as defined by section 2 (10), not being a TRANSFER charged or exempted under No. 62,—	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50 ;	Twelve annas.
where it exceeds Rs. 50 but does not exceed Rs. 100	One rupee eight annas.
Do. 100 do. 200	Three rupees.
Do. 200 do. 300	Four rupees eight annas.
Do. 300 do. 400	Six rupees.
Do. 400 do. 500	Seven rupees eight annas.
Do. 500 do. 600	Nine rupees.
Do. 600 do. 700	Ten rupees eight annas.
Do. 700 do. 800	Twelve rupees.
Do. 800 do. 900	Thirteen rupees eight annas.
Do. 900 do. 1,000	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees eight annas.

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SCHEDULE I—(continued).

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
<p><b>23. CONVEYANCE—continued.</b></p> <p>“Provided that a conveyance of immovable property situated within a Municipality shall be chargeable with a stamp-duty at double the rate herein before provided.”</p> <p><i>Exemption.</i></p> <p>Assignment of copyright by entry made under the Copyright Regulation.</p> <p><b>CO-PARTNERSHIP-DEED.</b> See <b>PARTNERSHIP</b> (No. 46).</p> <p><b>24. COPY OR EXTRACT</b> 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—</p> <p>(i) If the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee;</p> <p>(ii) in any other case</p> <p><i>Exemptions.</i></p> <p>(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;</p> <p>(b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.</p> <p><b>25. COUNTERPART OR DUPLICATE</b> of any instrument chargeable with duty and in respect of which the proper duty has been paid,—</p>	<p>Twelve annas.</p> <p>One rupee eight annas.</p>

Description of Instrument.	Proper Stamp-duty.
<p>(a) if the duty with which the original instrument is chargeable does not exceed one rupee;</p> <p>(b) in any other case.</p> <p><i>Exemption.</i></p> <p>Counterpart of any case granted to a cultivator when such lease is exempted from duty.</p> <p><b>26. CUSTOMS BOND—</b></p> <p>(a) where the amount does not exceed Rs. 1,000;</p> <p>(b) in any other case</p> <p><b>27. DEBENTURE—</b>(whether a mortgage debenture or not) being a marketable security transferable—</p> <p>(a) by endorsement or by a separate instrument of transfer;</p> <p>(b) by delivery</p> <p><b>EXPLANATION—</b>The term ‘Debenture’ includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.</p> <p><i>Exemption.</i></p> <p>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 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</p>	<p>The same duty as is payable on the original.</p> <p>One rupee eight annas.</p> <p>The same duty as a Bond (No. 15) for such amount.</p> <p>Ten rupees.</p> <p>The same duty as Bond (No. 15) for the same amount.</p> <p>The same duty as a conveyance (No. 23) for a consideration equal to the face amount of the debenture.</p>



The Stamp

SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
debenture-holders: provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed.  <i>See also</i> BOND (No. 15) and sections 8 and 55.	
<b>28. DELIVERY-ORDER IN RESPECT OF GOODS</b> , that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.	One anna.
<b>DEPOSIT OF TITLE-DEEDS.</b> <i>See</i> AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).	
<b>DISSOLUTION OF PARTNERSHIP.</b> <i>See</i> PARTNERSHIP (No. 46).	
<b>29. DIVORCE</b> —Instrument of, that is to say, any instrument by which any person effects the Dissolution of his marriage.	Five rupees.
<b>DOWER</b> —Instrument of. <i>See</i> SETTLEMENT (No. 58).	
<b>DUPLICATE</b> — <i>See</i> COUNTERPART (No. 25).	
<b>30.—ENTRY AS AN ADVOCATE OF THE HIGH COURT.</b>	Seven hundred and fifty rupees
<b>31. EXCHANGE OF PROPERTY</b> —Instrument of.	The same duty as a conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
<b>EXTRACT.</b> <i>See</i> Copy (No. 24).	
<b>32. FURTHER CHARGE</b> —Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—  (a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40 (that is, with possession);  (b) when such mortgage 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;  (ii) if possession is not so given ..	The same duty as a conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.  The same duty as a conveyance (No. 23) for a consideration equal to the total amount of the charge including the original 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.
<b>33. GIFT</b> —Instrument of, not being a SETTLEMENT (No. 58) or WILL OR TRANSFER (No. 62).	The same duty as a conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.
<b>HIRING AGREEMENT</b> or agreement for service. <i>see</i> AGREEMENT (No. 5).	
<b>34. INDEMNITY BOND</b> ..	The same duty as a security Bond (No. 57) for the same amount.

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
INSPECTORSHIP-DEED, <i>see</i> COMPOSITION-DEED (No. 22).	
INSURANCE. <i>see</i> POLICY OF INSURANCE (No. 47).	
35. LEASE, including an under lease or sub-lease and any agreement to let or sub-let—	
(a) where by such lease the rent is fixed and no premium is paid or delivered	
(i) where the lease purports to be for a term of less than one year ;	The same duty as Bond (No. 15) for the whole amount payable or deliverable under such lease.
(ii) where the lease purports to be for a term of not less than one year but not more than three years ;	The same duty as a Bond (No. 15) for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term in excess of three years ;	The same duty as a Conveyance (No. 23) for consideration equal to the amount or value of the average annual rent reserved.
(iv) where the lease does not purport to be for any definite term ;	The same duty as a Conveyance (No. 23) for a consideration equal to 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.
(v) where the lease purports to be in perpetuity ;	The same duty as a Conveyance (No. 23) for a consideration equal to one fifth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
35. LEASE— <i>continued</i> .	
(b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved ;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.
(c) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered :
<i>Exemption.</i>	
Lease and its counterpart executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when 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.	Provided that, in any case when an agreement to lease is stamped with the <i>ad- v lorem</i> stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed eight annas.
36. LETTER OF ALLOTMENT OF SHARES in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.	Two annas.
<i>See also</i> CERTIFICATE OR OTHER DOCUMENT (No. 19)	
37. 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.	Two annas.

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
LETTER OF GUARANTEE, see AGREEMENT (No. 5).	
38. LETTER OF LICENSE, that is to say, any agreement between a debtor and his creditors, that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	Twelve rupees eight annas.
39. MEMORANDUM OF ASSOCIATION OF A COMPANY—	
(a) if accompanied by articles of association under Section 17 of the Companies Regulation 1977;	Thirty rupees.
(b) if not so accompanied ..	Eighty rupees.
<i>Exemption.</i>	
Memorandum of any association not formed for profit and registered under Section 26 of the Companies Regulation, 1977.	
40. MORTGAGE-DEED, not being an AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6), MORTGAGE OF A CROP (No. 41) OR SECURITY-BOND (No. 57)—	
(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;	The same duty as a Conveyance (No. 23) 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 amount secured by such deed.
<i>Explanation</i> —A mortgagor who gives to the mortgagee a power of attorney to collect rents or a lease of the property	

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
40. MORTGAGE-DEED— <i>continued.</i>	
mortgaged or part thereof, is deemed to give possession within the meaning of this article.	
(c) when a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs. 1,000.	Twelve annas.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	Do.
<i>Exemption.</i>	
(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 three months from the date of the instrument—	
for every sum secured not exceeding Rs. 200;	One and a half anna.
and for every Rs. 200 or part thereof secured in excess of Rs. 200;	Do.
(b) when the loan is repayable more than three months, but not more than eighteen months, from the	

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
<p><b>41. MORTGAGE OF A CROP</b>—<i>continued</i>.</p> <p>date of the instrument—</p> <p>for every sum secured not exceeding Rs. 100.</p> <p>and for Rs. 100 or part thereof secured in excess of Rs. 100.</p>	<p>Three annas.</p> <p>Do.</p>
<p><b>42. NOTARIAL ACT</b>, that is to say, any instrument, 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.</p> <p><i>See also</i> PROTEST OF BILL OR Note (No. 50).</p>	<p>Two rupees.</p>
<p><b>43. NOTE OR MEMORANDUM</b> sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—</p> <p>(a) of any goods exceeding in value twenty rupees.</p> <p>(b) of any stock or marketable security exceeding in value twenty rupees.</p>	<p>Three annas.</p> <p>Subject to a maximum of fifteen rupees, two annas for every Rs. 10,000 or part thereof of the value of the stock or security.</p>
<p><b>44. Omitted—</b></p> <p><b>ORDER FOR THE PAYMENT OF MONEY.</b> <i>See</i> BILL OF EXCHANGE (No. 13).</p>	
<p><b>45. PARTITION</b>—Instrument of—as defined by Section 2 (15).</p>	<p>The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.</p> <p><i>N. B.</i>—The largest share remaining after the property is partitioned (or if there or two</p>

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
<p><b>45. PARTITION</b>—<i>continued</i>.</p>	<p>or more shares of equal value and not smaller than any of the other shares than one of such equal shares) shall be deemed to be that from which the other shares are separated;</p> <p>Provided always that :—</p> <p>(a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than twelve annas ;</p> <p>(b) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than ten times the annual revenue;</p> <p>(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 of partition in pursuance of such order or</p>

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SCHEDULE I—continued.

Description of Instrument.	Proper Stamp-duty.
45. PARTITION.—concluded.	award is subsequently executed the duty on such instrument shall not exceed twelve annas.
46. PARTNERSHIP—	
A.—INSTRUMENT OF ..	Ten rupees.
B.—DISSOLUTION OF ..	Five rupees.
PAWN OR PLEDGE—See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).	
47. FIRE INSURANCE AND OTHER CLASSES OF INSURANCE, not elsewhere included in this article, covering goods, merchandise, personal effects, crops and other property against loss or damage.	
(1) in respect of an original policy—	
(i) when the sum insured does not exceed Rs. 5,000;	Eight annas.
(ii) in any other case; and ..	One rupee.
(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	One-half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No. 53.
C.—ACCIDENT AND SICKNESS INSURANCE—	
(a) against railway accident, valid for a single journey only.	One anna.

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
<i>Exemption.</i>	
When issued to a passenger travelling by the intermediate or the third class in any railway.	
(b) 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.	Two annas.
D. LIFE-INSURANCE OR OTHER INSURANCE NOT SPECIFICALLY PROVIDED FOR, except such a RE-INSURANCE as is described in Division E of this article—	
for every sum insured not exceeding Rs. 1,000 and also for every Rs. 1,000 or part thereof insured in excess of Rs. 1,000.	
(i) if drawn singly ..	Six annas.
(ii) if drawn in duplicate, for each part.	Three annas.
B.—RE-INSURANCE BY AN INSURANCE COMPANY, which has granted a POLICY of the nature specified in Division B, of this article with another company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.	Three annas.
	One-quarter of the duty payable in respect of the original insurance but not less than one anna or more than one rupee.
<i>General Exemption.</i>	
Letter of cover or engagement to issue a policy of insurance :	

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
Provided that, unless such letter or engagement bears the stamp prescribed by this Regulation for such policy, nothing shall be claimable thereunder; nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.	
<b>48. POWER-OF-ATTORNEY</b> as defined by Section 2 (21), not being a PROXY (No. 52)—	
(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	One rupee.
(b) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (a);	Two rupees.
(c) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally;	Ten rupees.
(d) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	Twenty rupees.
(e) when given for consideration and authorizing the attorney to sell any immovable property;	The same duty as a Conveyance (No. 23) for the amount of the consideration.
(f) in any other case	Two rupees for each person authorised.
<i>Explanation.</i> —For the purposes of this Article more persons than one when belonging to the same firm shall be deemed to be one person.	<i>N. B.</i> —The term “registration” includes every operation incidental to registra-

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
	tion under the Registration Regulation.
<b>49. PROMISSORY NOTE</b> as defined by Section 2 (22)—	
(a) when payable on demand—	One anna.
(i) when the amount or value does not exceed Rs. 250.	Two annas.
(ii) when the amount or value exceeds Rs. 250, but does not exceed Rs. 1,000;	Four annas.
(iii) In any other case	The same duty as a Bill of Exchange (No. 13) for the same amount payable otherwise than on demand.
(b) when payable otherwise than on demand.	Two rupees.
<b>50. PROTEST OF BILL OR NOTE</b> , that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a Bill of exchange or promissory note.	
<b>51. Omitted.</b>	
<b>52. PROXY</b> empowering any person to vote at any one election of the members of a district or local board or of a body of Municipal Commissioners, or at any one meeting of (a) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable. (b) a local authority, or (c) proprietors, members or contributors to the Funds of any institution.	Two annas.
<b>53. RECEIPT</b> as defined by Section 2 (23) for any money or other property, the amount or value of which exceeds twenty rupees.	One anna.

Description of Instrument.	Proper Stamp-duty.
<p><b>53. RECEIPT</b>—<i>continued.</i></p> <p><i>Exemptions.</i></p> <p>Receipt—</p> <p>(a) endorsed on or contained in any instrument duly stamped, or exempted under the proviso to Section 3 (instruments executed on behalf of the Government) acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal-money, interest or annuity, or other periodical payment thereby secured ;</p> <p>(b) for any payment of money without consideration ;</p> <p>(c) for any payment of rent by a cultivator on account of land assessed to Government revenue ;</p> <p>(d) for pay or allowances by non-commissioned officers or soldiers of His Highness' Army or, when serving in such capacity, or by mounted police-constables ;</p> <p>(e) given by holders of family-certificates in cases where the person, from whose pay or allowances the sum comprised in the receipt has been assigned is a non-commissioned officer or soldier, and serving in such capacity ;</p> <p>(f) for pensions or allowances by persons receiving such pensions or allowances in respect of their service as such non-commissioned officers or soldiers, and not serving the Government in any other capacity ;</p>	

Description of Instrument.	Proper Stamp-duty.
<p><i>Exemptions—continued.</i></p> <p>(g) given by a headman or lambardar for land-revenue or taxes collected by him ;</p> <p>(h) given for money or securities for money-deposited in the hands of any banker, to be accounted for :</p> <p>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 :</p> <p>Provided also that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.</p> <p><i>See also</i> POLICY OF INSURANCE No. 47-B (2).</p> <p><b>54. RECONVEYANCE OF MORTGAGED PROPERTY</b>—</p> <p>(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;</p> <p>(b) in any other case ..</p> <p><b>55. RELEASE</b>, 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—</p>	<p>The same duty as a conveyance (No. 23) for the amount of such consideration as set forth in the Reconveyance.</p> <p>Fifteen rupees.</p>

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SCHEDULE I—(continued).

Description of Instrument.	Property Stamp-duty.
<b>55. RELEASE—concluded.</b>	
(a) if the amount or value of the claim does not exceed Rs. 1,000.	The same duty as a Bond (No. 15) for such amount or value as set forth in the Release.
(b) in any other case ..	Seven rupees eight annas.
<b>56. Omitted.</b>	
<b>57. SECURITY-BOND OR MORTGAGE-DEED</b> 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,—	
(a) when the amount secured does not exceed Rs. 1,000.	The same duty as a Bond (No. 15) for the amount secured.
(b) in any other case ..	The same duty as a conveyance (No. 23) for the amount secured.
<i>Exemptions.</i>	
Bond or other instrument, when executed—	
(a) 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;	
(b) executed by persons taking advances under the agriculturists loans or by the sureties, as security for payment of such advances;	
(c) executed by officers of 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.	

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SCHEDULE I—(continued).

Description of Instrument.	Proper Stamp-duty.
<b>57A. ANY OTHER SECURITY BOND—</b>	
(a) where the amount secured does not exceed Rs. 3,000.	The same duty as a Bond for the amount secured.
(b) in any other case ..	Sixteen rupees.
<b>58. SETTLEMENT—</b>	
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 as set forth in such settlement:
	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 twelve annas.
<i>Exemptions.</i>	
Deed of dower executed on the occasion of marriage between Mohammedans.	
<b>B.—REVOCATION OF—</b>	
	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the Instrument of Revocation but not exceeding fifteen rupees.
<i>See also TRUST (No. 64).</i>	



Description of Instrument.	Proper Stamp-duty.
<p><b>59. SHARE WARRANTS</b> to bearer issued under the Companies Regulation.</p> <p><i>Exemption.</i></p> <p>Share warrant when issued by a company under the Companies Regulation to have effect only upon payment, as composition for that duty, to the Collector of stamp-revenue, of—</p> <p>(a) one and a half per centum of the whole subscribed capital of the company; or</p> <p>(b) 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.</p>	<p>One and a half times of the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.</p>
<p><b>59 A. SAPURDNAMA</b></p>	<p>One anna.</p>
<p><b>SCRIP, See CERTIFICATE (No. 19).</b></p>	
<p><b>60. SHIPPING ORDER</b> for or relating to the Conveyance of goods on board of any vessel.</p>	<p>One anna.</p>
<p><b>61. SURRENDER OF LEASE—</b></p> <p>(a) when the duty with which the lease is chargeable does not exceed five rupees ;</p> <p>(b) in any other case.</p> <p><i>Exemption.</i></p> <p>Surrender of lease, executed by a leasee in favour of his Zamindar.</p>	<p>The duty with which such lease is chargeable.</p> <p>Seven rupees eight annas.</p>

Description of Instrument.	Proper Stamp-duty.
<p><b>62. TRANSFER</b> (whether with or without consideration)—</p> <p>(a) of shares in an incorporated company or other body corporate ;</p> <p>(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by Section 8 ;</p> <p>of any interest secured by a bond, mortgage-deed or policy of insurance—</p> <p>(i) if the duty on such bond, mortgage-deed or policy does not exceed five rupees ;</p> <p>(ii) in any other case</p> <p>(c) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary.</p>	<p>One half of the duty payable on a Conveyance (No. 23) for a consideration equal to the value of the share.</p> <p>One half of the duty payable on a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.</p> <p>The duty with which such bond, mortgage-deed or policy of insurance is chargeable.</p> <p>Seven rupees eight annas.</p> <p>Seven rupees eight annas or such smaller amount as may be chargeable under clauses (a) to (c) of this article.</p>
<p><i>Exemptions.</i></p> <p>Transfer by endorsement—</p> <p>(a) of a bill of exchange, cheque or promissory note ;</p> <p>(b) of a warrant for goods, or other mercantile document of title to goods ;</p> <p>(c) of a policy of insurance ;</p> <p>(d) of securities of the Government of India.</p> <p>See also Section 8.</p>	

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SCHEDULE I—(concluded).

Description of Instrument.	Proper Stamp-duty.
<p>59. S</p> <p><b>63. TRANSFER OF LEASE</b> by way of assignment and not by way of under-lease.</p> <p><i>Exemption.</i></p> <p>Transfer of any lease exempt from duty.</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount of consideration for the transferer.</p>
<p><b>64. TRUST—</b></p> <p>A.—DECLARATION OF—of, or concerning, any property when made by any writing not being a Will.</p> <p>B.—REVOCATION OF—of, or concerning, any property when made by any instrument other than a Will.</p> <p><i>See also SETTLEMENT (No. 58).</i></p>	<p>Twenty-two rupees eight annas</p> <p>Fifteen rupees.</p>
<p><b>VALUATION.</b> <i>See APPRAISEMENT (No. 8).</i></p>	
<p>58 S 6</p> <p><b>65. WARRANT FOR GOODS</b>, that is to say, any instrument evidencing the title of any person therein named, or his assigns or the holder thereof, to the property in any goods lying in or upon any warehouse such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.</p>	<p>Six annas.</p>