

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 930

DATED 11th November

[Despatch Abstract.]

Coming to the Honble the Judges
of the High Court, the Advocate-General
&c. for remarks, the Indian Stamp
Bill forwarded by the Govt. of India

G.O.	No.	Department.	Date:	G.O.	No.	Department.	Date.

[illegible]

Revenue
Judicial (1897.) Department.

From

The 4 of 2. Leg: Dept:

No. 1672

Dated

Received

Registered

Enclosures

Spare copies

39 each of each
R. 111697 Enclor.

SUBJECT.

Forwarding copies of a
bill to amend the law
relating to stamps for
Baron^{of the} ~~of the~~ opinion of this court
and publication in the
Port St. George Gazette.

BACK PAPERS.

G.O.	No.	Department.	Date.
	806		

FURTHER PAPERS.

G.O.	No.	Department.	Date.



STATEMENT OF OBJECTS AND REASONS.

SINCE the Stamp Act of 1879 was passed the stamp law has been amended by ten different enactments. The present Bill proposes to repeal and re-enact in a consolidated form the whole of these enactments. It also proposes to introduce certain amendments where the working of the stamp law had disclosed defects. Alterations are printed in italics, and the material amendments which it is proposed to introduce are referred to in the notes on clauses given below. For facility of reference a comparative table is appended to this statement, showing how each section of the Indian Stamp Act, 1879, has been dealt with in the present Bill.

Notes on Clauses.

Clause 2 (2) and (3).—The definitions of "bill of exchange" and "bill of exchange payable on demand" are taken from the English Stamp Act, 1891 (54 and 55 Vict., c. 39). It will be noted that (as is the case in England) they include many instruments which could not be classed as "bills of exchange" within the definition given by the Negotiable Instruments Act, 1881, but which for stamp purposes ought to fall within the same category.

(7) The definition of "cheque" has been altered to bring it into accord with the definition given by the Negotiable Instruments Act, 1881.

(11) The definition of "duly stamped" has been amended. The former definition seems scarcely applicable where the instrument was first executed abroad and afterwards stamped in British India.

(13) A definition of "instrument" has been added.

(18) The definition of "policy of insurance" has been amended so as to make it cover policies of every description.

(20) The definition of "power-of-attorney" has been amended so as to make it clear that it relates only to powers-of-attorney and does not include all contracts creating the relationship of principal and agent.

(21) The definition of "promissory note" is taken from the English Stamp Act, 1891.

(22) In the definition of "receipt" the word "advertisement" is left out, as the machinery of the Act is not applicable to advertisements acknowledging receipt of money.

The definitions of "vessel," "writing" and "schedule" have been omitted as unnecessary, being now provided for in the General Clauses Act, 1897.

Clause 3.—The general exemption on behalf of Government contained in Schedule II of the Act of 1879 has now been inserted in the body of the Act as a proviso to this clause.

Clause 4.—A proviso has been added to this clause to make it clear that the option given to the parties to elect which instrument shall be considered as the principal instrument is not to be used for the purpose of evading stamp duty.

Clause 8.—A penalty clause taken from the English Act has been added.

Clause 9.—A paragraph has been added to this clause to provide for the composition or consolidation of duties.

Clause 12.—The present law leaves it doubtful how adhesive stamps ought to be cancelled. A paragraph has been added to indicate a proper manner for the cancellation of such stamps.

Clause 20.—Section 19 of the Act of 1879 has been omitted, as the fall of the exchange value of the rupee has rendered it inapplicable. The present clause puts all foreign currency on the same footing, and the second paragraph provides a simple machinery for fixing the rate of exchange for the purpose of stamp duty.

Clause 24.—An Explanation and Illustration have been added to this clause to remove doubts as to its construction.

2
Clause 25.—The drafting of this clause has been altered so as to make it applicable to annuities commencing at an indefinite future time.

Clause 29.—Sub-clause (h) of this clause has been amended so as to enable a Revenue-authority or Civil Court directing a partition, to remit at discretion the stamp duty payable on the portion of an estate which remains undivided, in consequence of some shareholders electing to continue to hold jointly.

Clause 33.—A paragraph has been added to this clause to provide for the interpretation of the terms "public offices" and "persons in charge of public offices."

Clause 34.—This clause has been added, because under the present law an audit officer of public accounts, before whom an unstamped receipt is produced, must impound the instrument, and has no power to require the substitution of a duly stamped receipt.

Clause 35.—A proviso has been added which prevents the exclusion of receipts from being admitted as evidence against the person by whose fault they are unstamped. A further proviso has been added to this clause to provide that the omission of a Government officer to see that an instrument is duly stamped shall not prejudice the rights of the parties to have the document admitted in evidence.

Clause 37.—This clause has been inserted to provide for the case where by inadvertence a stamp of improper description has been used.

Clause 39.—Power is given to the Collector to Act, in cases where he thinks fit to do so, without application made.

Clause 44.—A paragraph has been added to this clause to provide that, where a party to a suit has been obliged to pay stamp duty through the default of the other party, the duty so paid may be recovered as costs and need not be made the subject of a separate suit.

Clause 45.—This clause has been amended so as to give the Chief Controlling Revenue-authority power to remit as well as to refund penalties. It further provides for the refund of any excess duty which may have been paid. The effect of the clause will be to give an informal right of appeal from the Collector to the Chief Revenue-authority.

Clause 48.—This clause provides a simple procedure for the recovery of duties and penalties.

Clause 49.—The drafting of this clause has been altered so as to make its provisions clearer and to bring it more nearly into accord with the corresponding provisions of the English Stamp Duties Management Act, 1891 (54 and 55, Vict., c. 38).

Clause 50.—This clause is a redraft of the proviso to section 51 of the Act of 1879.

Clause 51.—This clause gives a new power to make allowances for stamp paper on printed forms used by incorporated companies where such forms have ceased to be required.

Clause 54.—A proviso has been added to this clause to make special provision for the case of licensed vendors of stamps.

Clause 55.—This clause is new and is intended to give facilities to Companies in respect of renewals of debentures.

Clause 56.—A paragraph has been added to make it clear that in all cases a Collector is subject to the Chief Controlling Revenue-authority.

Clause 61.—This clause has been amended so as to give to Appellate Courts revisionary powers in respect of decisions of criminal as well as of civil and revenue courts in the cases referred to.

Clause 64.—A clause has been added to cover acts which may not fall within the scope of the preceding clauses, but which nevertheless are done with the intent to defraud the Government of duty.

Clause 69.—This clause has been amended so as to make it clear that any one, whether licensed or not, can sell one-anna adhesive stamps. A corresponding provision has been made in clause 74.

Clause 73.—This clause intended to give Collectors power to trace unduly stamped documents is taken from the English Act.

4
3
NOTES TO SCHEDULE I.

GENERAL.—The arrangement of articles is more strictly alphabetical. The exemptions are printed under the Articles to which they relate, instead of being contained in a separate schedule, and exemptions of a general character, which have from time to time been made by notification are now embodied in the schedule itself. A few exemptions of documents executed in connexion with the business of public departments, have been removed from the Act and will be notified among the exemptions made by executive authority.

Article 1.—Acknowledgment of a debt. The attested acknowledgment of a debt is clearly in the nature of a bond and should be stamped as such.

Article 6.—Agreement to mortgage. A mortgage by deposit of title-deeds, commonly called an equitable mortgage, operates as an agreement to mortgage and is better described under that head. The duty is taken from the English Act.

Article 13.—Bills of Exchange. The exemption from stamp duty of Bills of Exchange payable on demand for less than twenty rupees has been omitted. There is no such exemption in England. As regards bills payable otherwise than on demand no alteration has been made in the duty, but the table of duties has been worked out at greater length for convenience of reference.

Article 15.—Bond. A similar table has been worked out with reference to bonds.

Article 17.—Instrument of Cancellation. This article is new.

Article 21.—Cheque. The exemption from stamp duty of cheques under twenty rupees has been omitted. There is no such exemption in England.

Article 23.—Conveyance. The duty has not been altered, but the table of duties has been worked out at greater length for convenience of reference.

Article 24.—Copy or Extract. Provision has been made for stamping duplicate receipts when signed or attested.

Article 27.—Debenture. This article is new; debentures at present come under the general conditions of Bonds, but it has been considered more convenient to deal with them under a separate article.

Article 32.—Instrument of Further Charge. This article has been altered so as to impose the higher duty in cases in which possession is given in pursuance of the instrument of further charge.

Article 35.—A provision for a proper duty on perpetual leases has been added.

Article 40.—Mortgage deed. An addition has been made to this article, taken from the English Stamp Act, 1891, to provide for cases of mortgage by further assurance. An exemption has been added to make it clear, that ordinary pawn transactions are not liable to stamp duty. The explanation regarding possession is intended to prevent evasion of the higher duty on mortgages with possession.

Article 41.—Mortgage of Crop. This is a new article, but it represents an existing notification reducing the duty in the case of mortgage of crops.

Article 47.—Policies of Insurance. The drafting of this article has been altered to make its provisions clearer.

Article 48.—Power-of-attorney. It has been found that sales and mortgages are sometimes effected through the medium of powers-of-attorney. Provision has been made that in this case they should pay the same duty as conveyances. A slight extension is also made of clause (a) of the article.

Article 49.—Promissory Notes. A promissory note payable on demand is in the nature of a continuing security and in England pays the same duty as a bill or note not payable on demand. The same rule is now made applicable to India.

Article 57.—The limitation of the duty is made to extend to the case of a surety executing a bond to secure due execution of a contract.

Article 58.—Settlement. The revocation of a settlement is now specially charged with the same duty as the revocation of any other trust. A provision is made which has the effect of exempting from section 27 of the Act a class of documents in which it is contrary to religious duty to express the value of the thing conveyed.

Article 59.—Share Warrants. This article is taken from section 35 of the Indian Companies Act, 1882. It more appropriately comes under this Act. The duty is expressed more simply, and is the same in amount.

Article 62.—Transfer. A special provision has been made in this article for the transfer of debentures which are marketable securities. The article has no application to debentures payable to bearer.

The 15th October, 1897.

J. WESTLAND.

COMPARATIVE TABLE.

Showing how provisions of the Stamp Act, 1879 (1 of 1879), have been dealt with in the Stamp Bill, 1897.

Stamp Act, 1879 (1 of 1879).	Stamp Bill, 1897.
<i>Section 1.</i> —Short title, local extent and commencement.	Reproduced and amended by clause 1.
<i>Section 2.</i> —Saving	Omitted as unnecessary. See General Clauses Act, 1897, (X of 1897) ss. 6, 8 and 24.
<i>Section 3.</i> —Interpretation clause ...	Reproduced and amended by clause 2.
<i>Section 4.</i> —Schedules to be read as part of Act.	Omitted as unnecessary. See General Clauses Act, 1897, (X of 1897) s. 3 (48).
<i>Section 5.</i> —Instruments chargeable with duty	Reproduced and amended by clause 3.
<i>Section 6.</i> —Several instruments in single transactions.	Reproduced and amended by clause 4.
<i>Section 7.</i> —Instruments relating to several distinct matters. Instruments coming within several descriptions in Schedule I.	Reproduced by clauses 5 and 6.
<i>Section 7-A.</i> —Policies of sea-insurance ...	Reproduced and amended by clause 7.
<i>Section 7-B.</i> —Bonds, debentures or other certificates issued on loans under Act XI, 1879.	Reproduced by clause 8.
<i>Section 8.</i> —Power to reduce or remit duty ...	Reproduced and amended by clause 9.
<i>Section 9.</i> —Duties how to be paid ...	Reproduced by clause 10.
<i>Section 10.</i> —Use of adhesive stamps ...	Reproduced by clause 11.
<i>Section 11.</i> —Cancellation of adhesive stamps	Reproduced and amended by clause 12.
<i>Section 12.</i> —How instruments stamped with impressed stamps are to be written.	Reproduced by clause 13.
<i>Section 13.</i> —Only one instrument to be on same stamp.	Reproduced by clause 14.
<i>Section 14.</i> —Instrument written contrary to section 12 or 13 deemed unstamped.	Reproduced by clause 15.
<i>Section 15.</i> —Denoting duty	Reproduced and amended by clause 16.
<i>Section 16.</i> —Instruments executed in British India.	Reproduced by clause 17.
<i>Section 17.</i> —Instruments other than bills, cheques and notes executed out of British India.	Reproduced by clause 18.
<i>Section 18.</i> —Bills, cheques and notes drawn out of British India.	Reproduced by clause 19.
<i>Section 19.</i> —Conversion of amount expressed in certain currencies.	Omitted and included in clause 20.

Stamp Act, 1879 (I of 1897).	Stamp Bill, 1897.
<i>Section 20.</i> —Conversion of amount expressed in other foreign currencies.	Reproduced and amended by clause 20.
<i>Section 21.</i> —Stock and marketable securities how to be valued.	Reproduced and amended by clause 21.
<i>Section 22.</i> —Effect of statement of rate of exchange or average price.	Reproduced by clause 22.
<i>Section 23.</i> —Instruments reserving interest	Reproduced by clause 23.
<i>Section 24.</i> —How transfer in consideration of debt or subject to future payment, etc., to be charged.	Reproduced and amended by clause 24.
<i>Section 25.</i> —Valuation in case of annuity, etc.	Reproduced and amended by clause 25.
<i>Section 26.</i> —Stamp where value of subject-matter is indeterminate.	Reproduced by clause 26.
<i>Section 27.</i> —Facts affecting duty to be set forth in instrument.	Reproduced by clause 27.
<i>Section 28.</i> —Direction as to duty in case of certain conveyances.	Reproduced by clause 28.
<i>Section 29.</i> —Duties by whom payable ...	Reproduced and amended by clause 29.
<i>Section 30.</i> —Adjudication as to proper stamp. Collector may call for abstract and evidence. Proviso.	} Reproduced by clause 31.
<i>Section 31.</i> —Certificate by Collector ...	
<i>Section 32.</i> —Payment of fees under section 30 how made.	Reproduced by clause 32.
<i>Section 33.</i> —Examination and impounding of instruments.	Omitted as now unnecessary.
<i>Section 34.</i> —Instruments not duly stamped inadmissible in evidence, etc. Proviso.	} Reproduced and amended by clause 33.
Instruments admissible on payment of duty and penalty; and in certain criminal proceedings.	
Admission of instrument not to be questioned.	
<i>Section 35.</i> —Instruments impounded how dealt with.	Reproduced by clause 38.
<i>Section 36.</i> —Collector's power to refund penalty paid under section 35, first paragraph.	Reproduced by clause 39.
<i>Section 37.</i> —Collector's power to stamp instruments impounded.	Reproduced by clause 40.
<i>Section 38.</i> —Instruments unduly stamped by accident.	Reproduced by clause 41.

Stamp Act, 1879 (I of 1897).	Stamp Bill, 1897.
<i>Section 39.</i> —Endorsement of instruments on which duty has been paid under sections 34, 37 or 38.	Reproduced by clause 42.
<i>Section 40.</i> —Prosecution for offence against Stamp-law. Proviso.	} Reproduced and amended by clause 43.
<i>Section 41.</i> —Persons paying duty or penalty may recover same in certain cases.	
<i>Section 42.</i> —Remission of penalty paid under section 34 or 37.	Reproduced and amended by clause 44.
<i>Section 43.</i> —Non-liability for loss of instruments sent under section 35. Copy may be made of instruments so sent.	} Reproduced by clause 45, paragraph (2).
<i>Section 44.</i> —Power of payee to stamp bills, notes and cheques received by him unstamped.	
<i>Section 45.</i> —Procedure where Collector feels doubt as to duty chargeable.	Reproduced and amended by clause 46.
<i>Section 46.</i> —Reference by Revenue Authority to High Court.	Reproduced and amended by clause 47.
<i>Section 47.</i> —Power of Court to call for further particulars.	Reproduced and amended by clause 48.
<i>Section 48.</i> —Procedure in disposing of reference.	Reproduced by clause 49.
<i>Section 49.</i> —Reference by other Courts to High Court.	Reproduced by clause 50.
<i>Section 50.</i> —Revision of certain decisions of Courts regarding the sufficiency of stamps.	Reproduced and amended by clause 51.
<i>Section 51.</i> —Allowance for spoiled stamps.	Reproduced and amended by clauses 49 and 50.
<i>Section 52.</i> —Allowance for misused stamps.	Reproduced by clause 52.
<i>Section 53.</i> —Allowance under sections 51 and 52 how to be made.	Reproduced by clause 53.
<i>Section 54.</i> —Allowance for stamps not required for use.	Reproduced and amended by clause 54.
<i>Section 55.</i> —Powers to make rules relating to sale of stamps.	Reproduced and amended by clause 55.
<i>Section 56.</i> —Power to make rules generally to carry out Act.	Reproduced and amended by clause 56.
<i>Section 57 (para. 1).</i> —Certain powers exercisable from time to time.	Omitted. See General Clauses Act, 1897 (X of 1897), ss. 14 and 21.
<i>Section 57 (para. 2).</i> —Publication of rules ...	Reproduced and amended by clause 57.
<i>Section 58.</i> —Obligation to give receipt in certain cases.	Reproduced by clause 58.

Stamp Act, 1879 (1 of 1897).	Stamp Bill, 1897.
<i>Section 59.</i> —Saving as to Court-fees ...	Reproduced by clause 77.
<i>Section 60.</i> —Act to be translated, indexed and sold cheaply.	Reproduced and amended by clause 78.
<i>Section 61.</i> —Penalty for executing, etc., instrument not duly stamped.	Reproduced by clause 62.
<i>Section 62.</i> —Penalty for failure to cancel adhesive stamp.	Reproduced by clause 63.
<i>Section 63.</i> —Penalty for omission to comply with provisions of section 27.	Reproduced and amended by clause 64.
<i>Section 64.</i> —Penalty for refusal to give receipt, and for devices to evade duty on receipt.	Reproduced by clause 65.
<i>Section 65.</i> —Penalty for not making out policy, or making etc., any policy not duly stamped.	Reproduced by clause 66.
<i>Section 66.</i> —Penalty for not drawing full number of bills or marine policies purporting to be in sets.	Reproduced by clause 67.
<i>Section 67.</i> —Penalty for post-dating bills, etc.; for other devices to defraud the revenue ...	} Reproduced by clause 68.
<i>Section 68.</i> —Penalty for breach of rule relating to sale of stamps and for unauthorised sale.	Reproduced and amended by clause 69.
<i>Section 69.</i> —Institution and conduct of prosecutions.	Reproduced by clause 70.
<i>Section 70.</i> —Jurisdiction of Magistrates ...	Reproduced by clause 71.
<i>Section 71.</i> —Place of trial ...	Reproduced and amended by clause 72.
<i>Section 72.</i> —Operation of other laws barred...	Omitted. See General Clauses Act, 1897 (X of 1897), s. 26. The following new clauses have been added, namely, clause 2 (3), (12), (13), (15) (d), (18) (b) and (21), and clauses 20 (2), 34, 37, 45 (1) and (3), 48, 51, 55, 62 (2) 73, and 79.

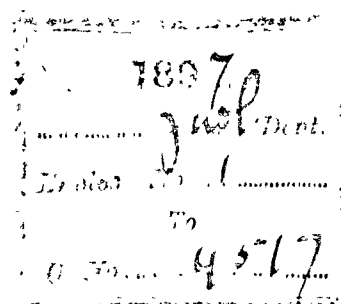
GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

Bill to consolidate and amend the law
relating to Stamps.

(Statement of Objects and Reasons.)



12
CHIEF SECRETARY
21 OCT. 1897
GOVERNMENT OF MALAYA
THE INDIAN STAMP BILL.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

STAMP-DUTIES.

A.—Of the Liability of Instruments to Duty.

3. Instruments chargeable with duty.
4. Several instruments used in single transactions.
5. Instruments relating to several distinct matters.
6. Instruments coming within several descriptions in schedule.
7. Policies of sea-insurance.
8. Bonds, debentures or other securities issued on loans under Act XI, 1879.
9. Power to reduce, remit or compound duties.

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

10. Duties how to be paid.
11. Use of adhesive stamps.
12. Cancellation of adhesive stamps.
13. How instruments stamped with impressed stamps are to be written.
14. Only one instrument to be on same stamp.
15. Instrument written contrary to section 13 or 14 deemed unstamped.
16. Denoting duty.

C.—Of the time of stamping Instruments.

17. Instruments executed in British India.
18. Instruments other than bills, cheques and notes executed out of British India.
19. Bills, cheques and notes drawn out of British India.

D.—Of Valuations for Duty.

20. Conversion of amount expressed in foreign currencies.
21. Stock and marketable securities how to be valued.
22. Effect of statement of rate of exchange or average price.
23. Instruments reserving interest.
24. How transfer in consideration of debt, or subject to future payment, etc., to be charged.

SECTIONS.

25. Valuation in case of annuity, etc.
26. Stamp where value of subject-matter is indeterminate.
27. Facts affecting duty to be set forth in instrument.
28. Direction as to duty in case of certain conveyances.

E.—Duty by whom payable.

29. Duties by whom payable.
30. Obligation to give receipt in certain cases.

CHAPTER III.

ADJUDICATION AS TO STAMPS.

31. Adjudication as to proper stamp.
32. Certificate by Collector.

CHAPTER IV.

INSTRUMENTS NOT DULY STAMPED.

33. Examination and impounding of instruments.
34. *Special provision as to unstamped re-receipts.*
35. Instruments not duly stamped inadmissible in evidence, etc.
Instruments admissible on payment of duty and penalty, and in certain criminal proceedings, and when executed by or on behalf of Government.
36. Where admission of instrument not to be questioned.
37. *Admission of improperly stamped instruments.*
38. Instruments impounded how dealt with.
39. Collector's power to refund penalty paid under section 38, sub-section (1).
40. Collector's power to stamp instruments impounded.
41. Instruments unduly stamped by accident.
42. Endorsement of instruments on which duty has been paid under sections 35, 40 or 41.
43. Prosecution for offence against Stamp-law.
44. Persons paying duty or penalty may recover same in certain cases.
45. Power to Revenue-authority to remit or refund penalty or refund excess duty in certain cases.
46. Non-liability for loss of instruments sent under section 38.
Copy may be made of instruments so sent.
47. Power of payer to stamp bills and cheques received by him unstamped.
48. *Recovery of duties and penalties.*

SECTIONS.

CHAPTER V.

ALLOWANCES FOR STAMPS IN CERTAIN CASES.

49. Allowance for spoiled stamps.
50. *When application for relief must be made.*
51. *Allowance in the case of printed forms no longer required by Corporations.*
52. Allowance for misused stamps.
53. Allowance for spoiled or misused stamps how to be made.
54. Allowance for stamps not required for use.
55. *Allowance on renewal of certain debentures.*

CHAPTER VI.

REFERENCE AND REVISION.

56. (1) Control of Chief Revenue-authority
(2) Procedure where Collector feels doubt as to duty chargeable.
57. Reference by Revenue-authority to High Court.
58. Power of Court to call for further particulars.
59. Procedure in disposing of reference.
60. Reference by other Courts to High Court.
61. Revision of certain decisions of Courts regarding the sufficiency of stamps.

CHAPTER VII.

CRIMINAL OFFENCES AND PROCEDURE.

62. Penalty for executing, etc., instrument not duly stamped.
63. Penalty for failure to cancel adhesive stamp.
64. Penalty for omission to comply with provisions of section 27.
65. Penalty for refusal to give receipt, and for devices to evade duty on receipts.
66. Penalty for not making out policy, or making one not duly stamped.
67. Penalty for not drawing full number of bills or marine policies purporting to be in sets.
68. Penalty for post-dating bills, etc.; for other devices to defraud the revenue.
69. Penalty for breach of rule relating to sale of stamps and for unauthorized sale.
70. Institution and conduct of prosecutions.
71. Jurisdiction of Magistrates.
72. Place of trial.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

73. *Books, etc., to be open to inspection.*

SECTIONS.

74. Powers to make rules relating to sale of stamps
 75. Power to make rules generally to carry out Act.
 76. Publication of rules.
 77. Saving as to court-fees.
 78. Act to be translated, and sold cheaply
 79. *Repeal.*

SCHEDULE I.—STAMP-DUTY ON INSTRUMENTS.

SCHEDULE II.—ENACTMENTS REPEALED.

A
BILL

TO

Consolidate and amend the law relating to Stamps.

CHAPTER I.

PRELIMINARY.

1(1). This Act may be called the Indian Stamp Act, 1898.

Short title, extent and commencement. [S. 1, Act I of 1879]

(2) It extends to the whole of British India inclusive of Upper Burma, British Baluchistan, the Santal Parganas and the Pargana of Spiti; and

(3) It shall come into force on the first day of April, 1898.

[Old s. 2, omitted—See Act X of 1897, s. 6, 8 and 24.]

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

(1) "banker" includes a bank and any person acting as a banker: [S. 3 (1), Act I of 1879.]

(2) "bill of exchange" includes 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; [S. 3 (2), Act I of 1870, revised with 54 and 55 Vict., c. 39, s. 32.]

(3) "bill of exchange payable on demand" includes— [54 and 55 Vict., c. 39, s. 32.]

(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; and

(b) an order for the payment of any sum of money weekly, monthly, or at any other stated periods, and also an order for the payment by any person at any time after the date thereof, of any sum of money, and sent or delivered by the person making the same to the person by whom the payment is to be made, and not to the person to whom the payment is to be made, or to any person on his behalf.

(4) "bill of lading" includes a "through bill of lading." [S. 3 (3) Act I of 1879, revised.]

(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; [S. 3 (4), Act I of 1879 substituted "includes" for "means."]

17

The Indian Stamp Bill.

(Chapter I.—Preliminary.—Section 2.)

(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:

[S. 3 (5), Act I of 1879.] (6) "chargeable" means, as applied to an instrument executed or first executed after the commencement of this Act chargeable under this Act, and, as applied to any other instrument chargeable under the law in force in British India when such instrument was executed or, where several persons executed the instrument at different times, first executed:

[S. 3 (6), Act I of 1879, revised with S. 6 Act, XXVI of 1881.] (7) "cheque" means a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand:

[S. 3 (7), Act I of 1879.] (8) "Chief Controlling Revenue-authority" means,

(a) In the Presidency of Fort St. George and the territories respectively under the administration of the Lieutenant-Governors of Bengal and the North-Western Provinces and the Chief Commissioner of Oudh—the Board of Revenue:

(b) in the Presidency of Bombay, outside Sindh and the limits of the town of Bombay—a Revenue Commissioner:

(c) in Sindh—the Commissioner:

(d) in the Punjab and Burma, including Upper Burma—the Financial Commissioner: and

(e) elsewhere—the Local Government or such officer as the Local Government may, by notification in the official Gazette, appoint in this behalf: [By name or in virtue of his office—omitted.]

[S. 3 (8), Act I of 1879.] (9) "Collector"

(a) means, within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras and Bombay, respectively, and, without those limits, the Collector of a district, and

(b) includes a Deputy Commissioner and any officer whom the Local Government may, by notification in the official Gazette appoint in this behalf: [Ditto.]

(10) "conveyance" means a conveyance on sale and includes every instrument by which property (whether moveable or immoveable) is transferred on sale: [S. 3 (9), Act I of 1879.]

(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 British India. [S. 3 (10), Act I of 1879, revised.]

18

The Indian Stamp Bill.

(Chapter I.—Preliminary.—Section 2.)

(12) "executed" and "execution" used with reference to instruments mean "signed" and "signature." [S. 4 and 55 Viet., c. 39, s. 122(1).]

(13) "Instrument" includes every document by which any right or liability is or purports to be created, transferred, limited, extinguished or recorded. [S. 4 and 55 Viet., c. 39, s. 122.]

(14) "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: [S. 3 (11), Act I of 1879.]

(15) "lease" means a lease of immoveable property, and includes also— [S. 3 (12), Act I of 1879.]

(a) a pattā;

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

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

(d) an instrument by which trees are leased for the production of food or drink; and

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

(16) "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 specified property: [S. 3 (13), Act I of 1879.]

(17) "paper" includes vellum, parchment or any other material on which an instrument may be written: [S. 3 (14), Act I of 1879.]

(18) "policy of insurance" includes— [S. 3 (15), Act I of 1879, revised.]

(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, and

(c) any writing evidencing the renewal of, for the purpose of keeping in force, a policy of fire-insurance in respect of which, and of the previous renewal whereof (if any), there has not already been paid the stamp-duty which would have been chargeable if the policy had originally been granted for a longer term than six months;

(19) "policy of sea-insurance," or "Sea-policy" [S. 3 (15) last 2 paras., Act I of 1879.]

(a) means any insurance made upon any ship or vessel, or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description

The Indian Stamp Bill.

(Chapter I.—Preliminary.—Section 2.)

whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in or relating to, any ship or vessel, and

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

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

[S. 3 (16), Act 1 of 1879.] (20) "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: VII of 1870.

[54 and 55 Vict., c. 39, s. 33.] (21) "promissory note" includes any document (except a bank note or currency note, bond or debenture) containing a promise to pay any sum of money.

A note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, is to be deemed a promissory note for that sum of money. [Old sub-sections (18), (20), and (21) omitted—see Act X of 1897, s. 3.]

[S. 3 (17), Act 1 of 1879 omitting the word "advertisement" in the 2nd line. Cf. 54 and 55 Vict., c. 39, s. 100.] (22) "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 moveable 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

[S. 3 (19), Act 1 of 1879.] (23) "settlement" means any non-testamentary disposition, in writing, of moveable or immoveable property, made—

(a) in consideration of marriage,

(b) for the purpose of distributing property of the settlor among his family or those for whom he desires to provide, or

(c) for any religious or charitable purpose:

and includes an agreement in writing to make such a disposition.

The Indian Stamp Bill.

(Chapter II.—Stamp-duties.—Sections 3-4.)

CHAPTER II.

STAMP-DUTIES.

A.—Of the Liability of Instruments to Duty.

3. Subject to the provisions of this Act and the [S. 5, Act I of 1879.] Instruments chargeable with duty. 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 said to say—

(a) every instrument mentioned in that schedule, and which, not having been previously executed by any person, is executed in British India on or after the first day of April, 1898;

(b) every bill of exchange, cheque or promissory note drawn or made out of British India on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in British India; 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 British India on or after that day, relates to any property situate, or to any matter or thing done or to be done, in British India and is received in British India.

[Old s. 4, omitted as unnecessary—see Act X of 1897, s. 3.] Provided that no duty shall be chargeable in respect of any instrument executed by, or on behalf of, or in favour of Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument. [General exemption, Sch. II, Act I of 1879.]

["Lease" omitted.] 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 instead of the duty (if any) prescribed for it in that schedule.

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

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

21

The Indian Stamp Bill.

(Chapter II.—Stamp-duties.—Sections 5-8.)

[S. 7, (para. 1), Act I of 1879.] 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 Act.

[S. 7, (para. 2), Act I of 1879.] 6. Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions in Schedule I shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties:

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

[S. 7 A, Act I of 1879.] 7. (1) No contract for sea-insurance (other than such insurance as is referred to in section 506 of the Merchant Shipping Act, 1894), shall be valid unless the same is expressed in a sea-policy.

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

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

(4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.

[S. 7B, Act I of 1879.] 8. (1) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loan Act, 1879, or of any other law for the time being in force, by the issue of bonds, debentures or other securities, shall, in respect of such loan, be chargeable with a duty of eight annas per centum on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise.

(2) The provisions of sub-section (1) exempting certain bonds, debentures or other securities from being stamped and from being

22

The Indian Stamp Bill.

(Chapter II.—Stamp-duties.—Sections 9-10.)

chargeable with certain further duty shall apply to the bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid, whether the same are stamped or not:

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

(3) In the case of wilful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

9. The Governor General in Council may, by rule or order published in the Gazette of India,—
Power to reduce, re-mit or compound duties.

(a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of British India, 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.

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

(a) according to the provisions herein contained, or,

(b) when no such provision is applicable thereto—as the Governor General in Council may by rule direct.

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

(a) in the case of each kind of instrument—the description of stamps which may be used,

(b) in the case of instruments stamped with impressed stamps—the number of Stamps which may be used,

23

The Indian Stamp Bill.

(Chapter II.—Stamp-duties.—Sections 11-14)

(c) in the case of hundis—the size of the paper on which they are written.

[S. 10, Act I of 1879.] **11.** The following instruments may be stamped with adhesive stamps, namely:—

(a) instruments chargeable with the duty of one 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 British India;

(c) entry as an advocate, vakil or attorney on the roll of a High Court;

(d) notarial acts; and

(e) transfers by endorsement of shares in any incorporated company or other body corporate.

[S. 11, Act I of 1879.] **12.** (1) (a) Whoever affixes any adhesive stamp to any instrument chargeable with duty and which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again; and

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

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

(3) *In the case of an adhesive stamp the person required by sub-section (1) to cancel the 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.*

[S. 12, Act I of 1879.] **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.

[S. 13, Act I of 1879.] **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

24

The Indian Stamp Bill.

(Chapter II.—Stamp-duties.—Sections 15-19.)

goods the payment or delivery of which is secured thereby.

15. Every instrument [S. 14, Act I of 1879.] written in contravention of section 13 or section 14 shall be deemed to be unstamped.

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 be made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first-mentioned instrument by endorsement under the hand of the collector or in such other manner (if any) as the Governor General in Council may by rule prescribe.

C.—Of the time of stamping Instruments.

17. All instruments chargeable with duty [S. 16, Act I of 1879.] and executed by any person in British India shall be stamped before or at the time of execution.

18. (1) Every instrument chargeable with duty [S. 17, Act I of 1879.] executed only out of British India, and not being a bill of exchange, cheque or promissory note, may be stamped within three months after it has been first received in British India.

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same in such manner as the Governor General in Council 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 British India of any bill [S. 18, Act I of 1879.] of exchange, cheque or promissory note drawn or made out of British India shall, before he presents the same for acceptance or payment or endorses, transfers or otherwise negotiates the same in British India, affix thereto the proper stamp and cancel the same:

Provided that—

(a) if, at the time any such bill of exchange, cheque or note comes into the hands of any holder thereof in British India, the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12 and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the

25

The Indian Stamp Bill.

(Chapter II.—Stamp-duties.—Sections 20-24.)

person and at the time required by this Act, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled.

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

D.—Of Valuations for Duty.

[S. 20, Act I of 1879.] 20. (1) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of British India, such duty shall be calculated on the value of such money in the currency of British India according to the current rate of exchange on the day of the date of the instrument.

(2) The Governor-General in Council may from time to time by notification in the Gazette of India, prescribe a rate of exchange for the conversion of British or any foreign currency into the currency of British India for the purposes of calculating stamp duty, and such rate shall be deemed to be the current rate for the purposes of sub-section (1).

[S. 21, Act I of 1879.] 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.

[S. 22, Act I of 1879.] 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.

[S. 23, Act I of 1879.] 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.

[S. 24, Act I of 1879.] 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 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

26

The Indian Stamp Bill.

(Chapter II.—Stamp-duties.—Sections 25-26.)

may be, of the consideration in respect whereof the transfer is chargeable with *ad valorem* duty:

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in article 18 of Schedule I. [Cf. s. 5, Act VI of 1894]

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.

ILLUSTRATIONS.

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

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

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

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

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

[“Next after the date of such instrument or conveyance” in old s. 25.]

[Ditto.]

26. Where the amount or value of the subject-matter of any instrument is indeterminate, chargeable with *ad valorem* duty cannot be, or (in the case of an instrument executed before the

The Indian Stamp Bill.

(Chapter II.—Stamp-duties.—Sections 27-28.)

commencement of this Act) could not have been, ascertained, at the date of its execution or first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution, have been sufficient.

Provided that in the case of a lease of a mine in which a share of the produce is received as the rent, or part of the rent, it shall be sufficient to have estimated such share for the purpose of stamp duty, at Rs. 20,000 a year, and the whole amount of such share, whatever it may be, shall be claimable under such lease.

[S. 27, Act I of 1879.] 27. The consideration, if any, and all other facts affecting duty to be set forth in instrument. 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.

[S. 28, Act I of 1879.] 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, so 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

The Indian Stamp Bill.

Chapter II.—Stamp-duties.—Section 29.)

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

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

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

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—

(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 to mortgage),
- No. 13. (Bill of exchange),
- No. 15. (Bond),
- No. 16. (Bottomry Bond),
- No. 25. (Customs Bond),
- No. 27. (Debenture),
- No. 32. (Further charge),
- No. 34. (Indemnity-Bond),
- No. 40. (Mortgage-Deed),
- No. 49. (Promissory note),
- No. 54. (Reconveyance of mortgaged property),
- No. 55. (Release),
- No. 56. (Respondentia Bond),
- No. 57. (Security Bond or mortgage deed),
- No. 58. (Settlement),
- No. 62. (a) (Transfer of shares in an incorporated company or other body corporate),

[Nos. 27, 49 & 62, (b) added.]

The Indian Stamp Bill.

Chapter II.—Stamp-duties.—Section 30.)

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

(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 copy of a receipt signed or attested by the person required by law to give the receipt—by the person demanding the copy.*

[Cf. cl. (b).] (c) *in the case of a policy of insurance—by the person effecting the insurance :*

[Cl. (c).] (d) *in the case of a conveyance—by the grantee : in the case of a lease or agreement to lease—by the lessee or intended lessee :*

[Cl. (d).] (e) *in the case of a counterpart of a lease—by the lessor :*

(f) *in the case of an instrument of exchange—by the parties in equal shares :*

(g) *in the case of a certificate of sale—by the purchaser of the property to which such certificate relates : and*

[Cl. (e)] (h) *in the case of an instrument of partition—by the parties thereto in proportion to their respective shares in the property comprised therein, or, when the partition is made in execution of an order passed by a Revenue-authority, or Civil Court in such proportion as such Authority directs :*

Provided that such authority or court may in its discretion remit the duty payable on such portion of an estate or holding as may remain undivided in consequence of some shareholders continuing to hold jointly.

Illustration

A property held by A, B, C and D of the value of Rs. 1,000 is divided by order of the Revenue-authority. A and B retain their shares which are valued at Rs. 600 in joint possession, while C and D take separate shares of the value of Rs. 200 each. The Revenue-authority may remit the duty as regards A and B and direct C and D to pay duty proportionate to the value of the shares allotted to them respectively, that is to say, Rs. 200 each.

[S. 58, Act I of 1879.] 30. Any person receiving any money exceeding twenty rupees in

Obligation to give receipt in certain cases. 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 moveable property exceeding twenty rupees in value, shall, on demand by the person paying or delivering such money, bill, cheque, note or property, give a duly stamped receipt for the same.

The Indian Stamp Bill.

(Chapter III.—Adjudication as to Stamps.—Sections 31-32.)

CHAPTER III.

ADJUDICATION AS TO STAMPS.

31. 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.

(2) For the 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—

(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 he may have incurred under this Act by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

32. (1) When an instrument brought to the Collector under section 31 of 1879.] 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

The Indian Stamp Bill.

(Chapter III.—Adjudication as to Stamps.—Section 32. Chapter IV.—
Instruments not duly stamped.—Section 33)

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.

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

(a) any instrument executed or first executed in British India and brought to him after the expiration of one month from the date of its execution, or first execution, as the case may be;

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

(c) any instrument chargeable with the duty of one anna, or any bill of exchange or promissory note, when brought to him after the drawing or execution thereof on paper not duly stamped. [Old s. 32.—omitted as now unnecessary.]

CHAPTER IV.

INSTRUMENTS NOT DULY STAMPED.

[S. 33, Act I of 1879.]

33. (1) Every person having by law or consent of parties authority to examine and impound of instruments, 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 with a stamp of the value and description required by the law in force in British India when such instrument was executed or first executed:

Provided that—

(a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1882:

(b) in the case of a Judge of a High Court, the duty of examining and impounding

The Indian Stamp Bill.

(Chapter IV.—Instruments not duly stamped.—Sections 34-35.)

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,—

(a) the Governor General in Council may determine what offices shall be deemed to be public offices, and

(b) the Local Government may determine who shall be deemed to be persons in charge of public offices.

34. Where any receipt chargeable with a duty of one anna is tendered to an 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. [New.]

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: [S. 34, Act I of 1879.]

Provided that—

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

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

(c) 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

The Indian Stamp Bill.

(Chapter IV.—Instruments not duly stamped.—Sections 36-40.)

or Chapter XXXVI of the Code of Criminal Procedure, 1882;

(d) nothing herein contained shall prevent the admission of any instrument in and when executed by any Court when or on behalf of Government, such instrument has been executed by or on behalf of the Government.

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.

[Clause (3) of proviso to s. 34, Act I of 1879.]

[New.]

37. Subject to such rules as may be made in this behalf, 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 shall then be deemed to have been duly stamped as from the date of its execution.

[S. 35, Act I of 1879.] 38. (1) When the person impounding an instrument under section 33

Instruments impounded how dealt with. 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 the 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.

[S. 36, Act I of 1879.] (2) In every other case, the person so impounding an instrument shall send it in original to the Collector.

39. (1) When a copy of an instrument is sent to a Collector under section 38 sub-section (1), he may, if he thinks fit, upon application made to him in this behalf or, if no application is made, with the consent of the Chief Controlling Revenue-authority, refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument; or

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

[S. 37, Act I of 1879.] 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

The Indian Stamp Bill.

(Chapter IV.—Instruments not duly stamped.—Sections 41-42)

chargeable with a duty of one anna only or a bill of exchange or promissory note) he shall adopt the following procedure:—

(a) if he is of opinion that such instrument is duly stamped, or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable (as the case may be), and shall, upon application made to him in this behalf, deliver such instrument to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct;

(b) if the Collector is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees; or, if ten times the amount of the proper duty or of the deficient portion thereof exceeds five rupees, then such penalty, not less than five rupees and not more than ten times the amount of such duty or portion as he thinks fit:

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 Act, be conclusive evidence of the matters stated therein.

[“Which is” after “and” omitted] 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 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.

[S. 38, Act I of 1879.] 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

[S. 39, Act I of 1879.] Endorsement of instruments on which duty has been paid under sections 35, 40 or 41.

35

The Indian Stamp Bill.

(Chapter IV.—Instruments not duly stamped.—Sections 43-44.)

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 affect the Code of Civil Procedure, section 144, XIV of 1882, clause 3.

[S. 40, Act I of 1879.] 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.

[S. 41, Act I of 1879.] 44. (1) When any duty or penalty has been paid under section 35, 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 section 42 shall be conclusive evidence of the matters therein certified.

(3) Such amount may be included in any order as to costs in any suit to which such persons are parties and in which such instrument has been tendered in evidence.

36

The Indian Stamp Bill.

(Chapter IV.—Instruments not duly stamped.—Section 45-48.)

45. (1) Where any penalty is payable under section 35 or section 40, the Chief Controlling Revenue-authority may, upon application in writing, remit such penalty wholly or in part.

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

(2) Where any penalty is paid under section 35 [S. 42, Act I of 1879.] or section 40, the Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

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

46. (1) If any instrument sent to a Collector under sub-section 2 of section 38 be 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 sent, the person from whose possession it came into the hands of the person impounding the same may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

47. When any bill of exchange 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, 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, or cheque shall, so far as respects the duty, be deemed good and valid.

["Or promissory note"—omitted.]

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

["Or any cheque" after "anna" omitted.]

["Note" after "bill" omitted in three places.]

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, or cheque.

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 moveable 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.

[New.]

37

The Indian Stamp Bill.

Chapter V.—Allowances for Stamps in certain cases.—Section 49.)

CHAPTER V.

ALLOWANCES FOR STAMPS IN CERTAIN CASES.

[S. 51, Act I of 1879.]

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

(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 and 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:

(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:

["By a competent Court" after "found" omitted.]

The Indian Stamp Bill.

(Chapter V.—Allowances for Stamps in certain cases.—Section 50.)

(2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended:

(3) by reason of the death of any person, by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed:

(4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended:

(5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose:

(6) 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 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.—A stamp duty received and certified by the Collector under section 32, is an impressed stamp within the meaning of this section.

50. The application for relief under section 49 [Cf. proviso. When application for relief must be made. must be made within the following periods, that is Act I of 1879] to say—

(1) in the cases mentioned in clause (d) (5) within two months of the date of the instrument

(2) in the case of a stamped paper on which no instrument has been executed by any of the parties thereto within six months after the stamp has been spoiled:

[Cf. italicized words in cl. 5 below, omitted here.]

[Italicized words from Cl. (d) (3), s. 51, Act I of 1879]

37

The Indian Stamp Bill.

Chapter V.—Allowances for Stamps in certain cases.—Section 49.)

CHAPTER V.

ALLOWANCES FOR STAMPS IN CERTAIN CASES.

[S. 51, Act I of 1879.]

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

(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 and 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:

(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:

["By a competent Court" after "found" omitted.]

The Indian Stamp Bill.

(Chapter V.—Allowances for Stamps in certain cases.—Section 50.)

(2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended:

(3) by reason of the death of any person, by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed:

(4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended:

(5) by reason of the refusal of any person to act under the same, or to advance any money intended to be thereby secured, or by the refusal or non-acceptance of any office thereby granted, totally fails of the intended purpose:

(6) 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 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.—A stamp duty received and certified by the Collector under section 32, is an impressed stamp within the meaning of this section.

50. The application for relief under section 49 [Cf. proviso. When application for relief must be made. must be made within the following periods, that is Act I of 1879] to say—

(1) in the cases mentioned in clause (d) (5) within two months of the date of the instrument

(2) in the case of a stamped paper on which no instrument has been executed by any of the parties thereto within six months after the stamp has been spoiled:

[Cf. italicized words in cl. 5 below, omitted here.]

[Italicized words from Cl. (d) (3), s. 51, Act I of 1879]

The Indian Stamp Bill.

(Chapter V.—Allowances for Stamps in certain cases.—Sections 51-53.)

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

[New.]

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

[S. 52, Act I of 1879]

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 Act, or a stamp of greater value than was necessary, or has inadvertently used any stamp for an instrument not chargeable with any duty, or

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

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

[S. 53, Act I of 1879]

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

(a) other stamps of the same description and value, or

The Indian Stamp Bill.

(Chapter V.—Allowances for Stamps in certain cases.—Sections 54 and 55.)

(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 [S. 54, Act I of 1879] not required for use, which has 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

(a) that such stamp or stamps were purchased by such person with a bona fide intention to use them, and

(b) that he has paid the full price thereof, and

(c) that they were so purchased within the period of six months next preceding the date on which they were so delivered:

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

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: [New.]

Provided that, the original debenture be produced before the Collector and be cancelled by him in such manner as the Governor General in Council may direct.

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

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

41

The Indian Stamp Bill.

(Chapter VI.—Reference and Revision.—Section 56-58.)

CHAPTER VI.

REFERENCE AND REVISION.

56.(1) *The powers exercisable by a Collector under Chapter IV and Chapter V shall in all cases be subject to the control of the Chief Controlling Revenue-authority.*

[S. 45, Act I of 1879.] (2) If any Collector, acting under section 31, section 40 or section 41, feels doubt as to the amount of duty chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the Chief Controlling Revenue-authority.

(3) Such Authority shall consider the case and send a copy of its decision to the Collector, who shall proceed to assess and charge the duty (if any) in conformity with such decision.

[S. 46, Act I of 1879.] 57. (1) The Chief Controlling Revenue-authority may state any case referred to it under section 56, sub-section (2) or otherwise coming to its notice, and refer such case, with its own opinion thereon,

(a) if the case arises in the territories for the time being administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council—to the High Court of Judicature at Madras or Bombay, as the case may be:

(b) if it arises in the North-Western Provinces or Oudh or in Ajmere—to the High Court of Judicature for the North-Western Provinces:

(c) if it arises in the territories for the time being administered by the Lieutenant-Governor of the Punjab—to the Chief Court of the Punjab:

(d) if it arises in the Central Provinces—to the High Court of Judicature at Bombay: and

(e) if it arises in any other part of British India—to the High Court of Judicature at Fort William.

(2) Every such case shall be decided by not less than three Judges of the High Court or Chief Court to which it is referred, and in case of difference the opinion of the majority shall prevail.

[S. 47, Act I of 1879.] 58. If the High Court or Chief 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.

42

The Indian Stamp Bill.

(Chapter VI.—Reference and Revision.—Sections 59-61.)

59.(1). The High Court or Chief Court, upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.

(2) The Court shall send to the Revenue-authority by which the case was stated a copy of such judgment under the seal of the Court and the signature of the Registrar; and the Revenue-authority shall, on receiving such copy, dispose of the case conformably to such judgment.

60. (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 or Chief Court to which, if he were the Chief Controlling Revenue-authority, 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 Chief Controlling Revenue-authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

(3) References made under sub-section (1) when made by a Court subordinate to a District Court, shall be made through the District Court, and, when made by any subordinate Revenue Court, shall be made through the Court immediately superior.

61. (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, 1882, makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 35, the Court to which appeals lie from, or references are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 35, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that

The Indian Stamp Bill.

(Chapter VII.—Criminal offences and Procedure.—Section 62.)

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.

CHAPTER VII.

CRIMINAL OFFENCES AND PROCEDURE.

[S. 61, Act I of 1879.] 62 (1) (a). Any person 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,

(b) any person executing or signing otherwise than as a witness any other instrument chargeable with duty without the same being duly stamped, and

(c) any person voting or attempting to vote under any proxy not duly stamped,

shall for every such offence be punishable with fine which may extend to five hundred rupees:

The Indian Stamp Bill.

(Chapter VII.—Criminal Offences and Procedure.—Sections 63-66.)

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.

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

(a) executes any instrument in which all the facts and circumstances required by section 27 to be set forth in such instrument are not fully and truly set forth, or, (b) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances, or

(c) does any other act calculated to deprive the Government of any duty or penalty under this Act, shall be punishable with fine which may extend to five thousand rupees.

65. Any person who, (a) being required under section 30 to give a receipt, refuses to give receipt, and for devices to evade duty on receipts, 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 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.

66. Every 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

45
The Indian Stamp Bill.

(Chapter VII.—Criminal Offences and Procedure.—Sections 67-70.)

to pay or allow in account, any money upon, or in respect of, any such policy, shall be punishable with fine which may extend to two hundred rupees.

[S. 66, Act I of 1879.] 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.

[S. 67, Act I of 1879.] 68. (a) Whoever, 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, and

(b) whoever, 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, and

(c) whoever, with the like intent, practises for other devices to defraud the revenue, or is concerned in any act, contrivance or device not specially provided for by this Act or any other law for the time being in force,

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

[S. 63, Act I of 1879.] 69. (a) Any person appointed to sell stamps who disobeys any rule made under section 74, and

(b) any person not so appointed who sells or offers for sale any stamp, (other than a one 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.

[S. 69, Act I of 1879.] 70. (1) No prosecution in respect of any offence punishable under this Act, or any Act hereby repealed, shall be instituted without the sanction of the Collector or such other officer as the Local Government generally, or the Collector specially, authorizes in that behalf.

(2) The Chief Controlling Revenue authority, or any officer authorized by it in this behalf, may stay any such prosecution or compound any such offence.

46
The Indian Stamp Bill.

(Chapter VII. Criminal Offences and Procedure.—Sections 71-72.
Chapter VIII.—Supplemental Provisions.—Sections 73-76.)

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

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

[Old s. 72—omitted. See Act X of 1897, s. 26.]

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

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 thereto authorized by the Collector to inspect the registers, books, papers, documents, and proceedings, and to take such notes and extracts as he may deem necessary, without fee or charge.

74. The Local Government, subject to the control of the Governor General in Council, may make rules for regulating (a) the supply and sale of stamps and stamped papers, (b) the persons by whom alone such sale is to be conducted, and (c) the duties and remuneration of such persons:

Provided that such rules shall not restrict the sale of one anna adhesive stamps.

75. The Governor General in Council may make rules to carry out generally the purposes of this Act and may by such rules prescribe the penalties to be incurred on breach thereof.

76. (1) All rules made under this Act, other than rules made under section 74, shall be published in the Gazette of India, and all rules made under section 74 shall be published in the local Gazette.

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

The Indian Stamp Bill.

(Chapter VIII.—Supplemental Provisions.—Sections 77-79.)

[S. 59, Act I of 1879.] 77. Nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court-fees.

VII of 1870.

[S. 60, Act I of 1879.] 78. Every Local Government shall make provision for the sale of translations of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding four annas per copy.

[“A full alphabetical Index, shall be added to every such translation, &c.”—omitted.]

79. The Acts mentioned in Schedule II are repealed to the extent specified in the fourth column thereof.

The Indian Stamp Bill.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I.

STAMP-DUTY ON INSTRUMENTS.

(See section 3.)

DESCRIPTION OF INSTRUMENT.		PROPER STAMP-DUTY.
[Art. I, Sch. I.] 1.	1. ACKNOWLEDGMENT 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 ;	
	a) if unattested by any witness	One anna.
	b) if attested by any witness	The same duty as a Bond (No. 15) for such amount or value.
[Art. 2, Sch. I.] 2.	2. ADMINISTRATION-BOND including a bond given under section 256 of the Indian Succession Act, 1865; section 6 of the Government Savings Banks Act, 1873; section 78 of the Probate and Administration Act, 1881 or section 9 or section 10 of the Succession Certificate Act, 1889 ;	X of 1865. V of 187. V of 1881. VII of 1889.
	(a) where the amount does not exceed Rs. 1,000	The same duty as a Bond (No. 15) for such amount.
	(b) in any other case	Five rupees.]
[Art. 38, Sch. I.] 3.	3. ADOPTION-DEED, that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer an authority to adopt	Ten rupees.
	ADVOCATE. See ENTRY AS AN ADVOCATE (No. 30.)	
[Art. 3, Sch. I, and s. 3 (3) Act X, 1897.] 4.	4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing	One rupee.
	Exemptions.	
[Art. I, Sch. II.]	Affidavit or declaration in writing when made—	
	(a) as a condition of enlistment under the Indian Articles of War, 1869 ;	V of 1869.
	(b) for the immediate purpose of being filed or used in any Court or before the officer of any Court ; or	
	(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
[Art. 5, Sch. I.] 5.	5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—	
	(a) If relating to the sale of a Government security, or share in an incorporated Company or other body corporate or a Bill of Exchange	One anna.
	(b) If not otherwise provided for	Eight annas. [Old cl. (b) —omitted.]
	Exemptions.	
[Art. 2, Sch. II.]	Agreement or memorandum of agreement—	
	(a) for or relating to the sale of goods or merchandize exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 43.	
	(b) made in the form of tenders to the Government of India for or relating to any loan ;	[Old cl. (c) —omitted.]
	(c) made under the European Vagrancy Act, 1874, section 17.	IX of 1874.
	AGREEMENT TO LEASE. See LEASE (No. 35.)	
[Art. 29, Sch. I.] 6.	6. AGREEMENT TO MORTGAGE, including an EQUITABLE MORTGAGE or any instrument evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property—	
	for every sum secured not exceeding Rs. 1,000	One rupee.

49

The Indian Stamp Bill.
(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
<i>and for every Rs. 1,000 or part thereof secured in excess of Rs. 1 000</i>	One rupee.
<i>Exemption.</i>	
<i>See Exemptions under MORTGAGE-DEED (No. 40).</i>	
[Art. 6, Sch. I.] 7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, moveable or immoveable, where made by any writing not being a Will	Fifteen rupees.
[Art. 7, Sch. I.] 8. APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit;	
(a) where the amount does not exceed Rs. 1,000	The same duty as a Bond (No. 15) for such amount.
(b) in any other case	Five rupees.
<i>Exemptions.</i>	
[Art. 3, Sch. II.] (a) Appraisement 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.	
[Art. 4, Sch. II.] (b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
[Art. 31, Sch. I.] 9. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant, placed with any master to learn any profession, trade or employment, not being ARTICLES OF CLERKSHIP (No. 11.)	Five rupees.
<i>Exemption.</i>	
[Art. 12 (c), Sch. II.] Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850 or by which a person is apprenticed by or at the charge of any public charity.	XIX of 1850.
[Art. 8, Sch. I.] 10. ARTICLES OF ASSOCIATION OF A COMPANY	
<i>Exemption.</i>	Twenty-five rupees.
[Art. 11, Sch. II, Notn. No. 5199-S. R. dated 1st November 1895.] Articles of any Association not formed for profit and registered under section 26 of the Indian Companies Act, 1852	VI of 1882.
<i>See also MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 39).</i>	
[Art. 9, Sch. I.] 11. ARTICLES OF CLERKSHIP or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court	Two hundred and fifty rupees.
ASSIGNMENT. See CONVEYANCE, (No. 23), TRANSFER (No. 62) and TRANSFER OF LEASE (No. 63) as the case may be.	
ATTORNEY. See ENTRY AS AN ATTORNEY (No. 30) and POWER-OF-ATTORNEY (No. 48).	
AUTHORITY TO ADOPT. See ADOPTION-DEED (No. 3)	
[Art. 10, Sch. I.] 12. AWARD, that is to say, any decision in writing by an arbitrator or umpire on a reference made otherwise than by an order of the Court in the course of a 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) in any other case	Five rupees.
<i>Exemption.</i>	
[Art. 6, Sch. II.] Award under Bombay District Municipal Act, 1873, section 81 or Bombay Hereditary Offices Act, 1874, section 18.	Bom. Act VI of 1873. Bom. Act III of 1874.
[Art. 11, Sch. I.] 13. BILL OF EXCHANGE [as defined by s. 2 (2) & (3)], not being a BOND, bank-note or currency-note—	
(a) where payable on demand	One anna.

50

The Indian Stamp Bill.
(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.						PROPER STAMP-DUTY.		
(b) where payable otherwise than on demand, but not more than one year after date or sight—						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 2 0	0 1 0	0 1 0
if it exceeds Rs. 200 and does not exceed ... 400						0 4 0	0 2 0	0 2 0
Ditto 400 Ditto ... 600						0 6 0	0 3 0	0 2 0
Ditto 600 Ditto ... 1,000						0 10 0	0 5 0	0 4 0
Ditto 1,000 Ditto ... 1,200						0 12 0	0 6 0	0 4 0
Ditto 1,200 Ditto ... 1,600						1 0 0	0 8 0	0 6 0
Ditto 1,600 Ditto ... 2,500						1 8 0	0 12 0	0 8 0
Ditto 2,500 Ditto ... 5,000						3 0 0	1 8 0	1 0 0
Ditto 5,000 Ditto ... 7,500						4 8 0	2 4 0	1 8 0
Ditto 7,500 Ditto ... 10,000						6 0 0	3 0 0	2 0 0
Ditto 10,000 Ditto ... 15,000						9 0 0	4 8 0	3 0 0
Ditto 15,000 Ditto ... 20,000						12 0 0	6 0 0	4 0 0
Ditto 20,000 Ditto ... 25,000						15 0 0	7 8 0	5 0 0
Ditto 25,000 Ditto ... 30,000						18 0 0	9 0 0	6 0 0
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000 ...						6 0 0	3 0 0	2 0 0
(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. BILL OF LADING (including a through bill of lading) ...						Four annas.		
N. B.—If a Bill of Lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.								
Exemption.								
(a) Bill of lading when the goods therein described are received at a place within the limits of any port as defined under the Indian Ports Act, 1889 and are to be delivered at another place within the limits of the same port.								
(b) Bill of lading when executed out of British India and relating to property to be delivered in British India.								
15. BOND [as defined by section 2 (5)] not being a DEBENTURE (No. 27) and not being otherwise provided for by this Act, or by the Courts-fees Act, 1870—								
where the amount or value secured does not exceed Rs. 10						Two annas.		
where it exceeds Rs. 10 and does not exceed Rs. 50						Four annas.		
Ditto 50 Ditto 100						Eight annas.		
Ditto 100 Ditto 200						One rupee.		
Ditto 200 Ditto 300						One rupee eight annas.		
Ditto 300 Ditto 400						Two rupees.		
Ditto 400 Ditto 500						Two rupees eight annas.		
Ditto 500 Ditto 600						Three rupees.		
Ditto 600 Ditto 700						Three rupees eight annas.		
Ditto 700 Ditto 800						Four rupees.		

51
The Indian Stamp Bill.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
where it exceeds Rs. 800 and does not exceed Rs. 900	Four rupees eight annas.
Ditto 900 Ditto 1,000	Five rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000	Two rupees eight annas.
See ADMINISTRATION BOND (No. 2), BOTTOMRY BOND (No. 16) CUSTOMS BOND (No. 26), INDEMNITY BOND (No. 34), RESPONDENTIA BOND (No. 56), SECURITY BOND (No. 57).	
Exemptions to 15.	
[Art. 8, (b) & (c) Sch. II.] Bond, when executed by—	[Old cl. (a) omitted.] Bong. Act III of 1876.
(a) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;	
(b) 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.	
[Art. 15, Sch. 16.] BOTTOMRY-BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage ...	The same duty as a Bond (No. 15) for the same amount.
[New.] 17. CANCELLATION,—Instrument of, (including any instrument by which any instrument previously executed is cancelled) if attested and not otherwise provided for ...	Five rupees.
See also RELEASE (No. 55); REVOCATION OF SETTLEMENT (No. 58); SURRENDER (No. 61); REVOCATION OF TRUST (No. 64)	
[Art. 16, Sch. 18.] CERTIFICATE OF SALE granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue-officer—	
(a) where the value of the property sold does not exceed Rs. 10 ...	Two annas.
(b) ditto ditto exceeds Rs. 10 but does not exceed Rs. 25 ...	Four annas.
(c) in any other case ...	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
[Art. 17, Sch. 19.] CERTIFICATE OR OTHER DOCUMENT evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated Company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such Company or body. ...	One anna.
SEE ALSO LETTER OF ALLOTMENT (No. 36.)	
[Art. 18, Sch. 20.] CHARTER-PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer whether it includes a penalty clause or not ...	One rupee.
[Art. 19, Sch. 21.] CHEQUE [as defined by section 2 (7)] ...	One anna.
[Art. 20, Sch. 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 whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors ...	Ten rupees.
[Art. 21, Sch. 23.] CONVEYANCE [as defined by section 2 (10)], not being 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 ...	Eight annas.

52
The Indian Stamp Bill.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
where it exceeds Rs. 50 but does not exceed Rupees 100	One rupee.
Ditto 100 Ditto 200	Two rupees.
Ditto 200 Ditto 300	Three rupees.
Ditto 300 Ditto 400	Four rupees.
Ditto 400 Ditto 500	Five rupees.
Ditto 500 Ditto 600	Six rupees.
Ditto 600 Ditto 700	Seven rupees.
Ditto 700 Ditto 800	Eight rupees.
Ditto 800 Ditto 900	Nine rupees.
Ditto 900 Ditto 1,000	Ten rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000	Five rupees.
Exemption.	
[Art. 5, Sch. II.] Assignment of copyright by entry made under the Indian Copyright Act, 1847, section 5.	XX of 1847.
CO-PARTNERSHIP—DEED. See PARTNERSHIP (No. 46.)	
[Art. 22, Sch. 24.] COPY OR EXTRACT—	
(a) 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—	VII of 1870.
(i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed one rupee	Eight annas.
(ii) in any other case, ...	One rupee.
(b) of a receipt, when signed or attested by the person required by law to give the receipt ...	One anna.
Exemptions.	
[Art. 9, Sch. II.] (a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
(b) copies of entries—	
(i) in the certified copies of registers, given under the Births, Deaths and Marriages Registration Act, 1886, section 8;	VI of 1886.
(ii) in register books, granted by any Registrar of Births and Deaths under the said Act, section 25, or	
(iii) in registers and records, given under the said Act, section 35, when applied for by a soldier, sailor, non-commissioned officer or petty officer;	
(c) copies of, or extracts from, baptismal, marriage or burial registers certified by Government Chaplains, subsidised or unsubsidised Clergymen, and Diocesan or Marriage Registrars, and granted to soldiers, sailors or non-commissioned or petty officers.	
[Art. 23, Sch. 25.] COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid—	
(a) if the duty with which the original instrument is chargeable does not exceed one rupee.	The same duty as is payable on the original.
(b) in any other case ...	One rupee.

53

The India Stamp Bill.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP DUTY.
<i>Exemption.</i> [Art. 13 Sch. II (c).] Counterpart of any lease granted to a cultivator. [Art. 24, Sch. 26.] CUSTOMS-BOND. (a) where the amount does not exceed Rs. 1,000 ... (b) in any other case ... [New.] 27. DEBENTURE, (whether a mortgage debenture or not) being a marketable security transferable by delivery, or by endorsement or by separate instrument of transfer. <i>EXPLANATION.</i>—The term <i>Debenture</i> includes any interest-coupons attached thereto. <i>Exemption.</i> 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 Debenture-holders: provided that the debentures so issued are expressed to be issued in terms of the said mortgage-deed. See also BOND (No. 15); and SECTION 8. DECLARATION OF ANY TRUST—See TRUST. (No. 64.) [Art. 26, Sch. I.] 28. DELIVERY-ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns, or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being 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 ... DEPOSIT OF TITLE-DEEDS—See AGREEMENT TO MORTGAGE (No. 6) DISSOLUTION OF PARTNERSHIP—See PARTNERSHIP (No. 46.) [Art. 34, Sch. I.] 29. DIVORCE.—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage ... DOWER.—Instrument of. See SETTLEMENT (No. 58.) DUPLICATE. See COUNTERPART (No. 25.) [Art. 27, Sch. I.] 30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT in exercise of powers conferred on such Court by letters patent or by the Legal Practitioners Act, 1884— (a) in the case of an Advocate or Vakil ... (b) in the case of an Attorney ... <i>Exemption.</i> [Art. 11 (a), Sch. II] Entry of an advocate, vakil or attorney on the roll of any High Court when he has previously been enrolled in a High Court. EQUITABLE MORTGAGE. See AGREEMENT TO MORTGAGE (No. 6.) [Art. 35, Sch. I.] 31. EXCHANGE OF PROPERTY—Instrument of, ...	The same duty as a Bond (No. 15) for such amount. Five rupees. The same duty as a Bond (No. 15) for the same amount. One anna. One rupee. Five hundred rupees. Two hundred and fifty rupees. 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.

54

The Indian Stamp Bill.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
EXTRACT. See COPY (No. 24). [Art. 30, Sch. I.] 32. FURTHER CHARGE—Instrument of, that is to say, any instrument, i.e., imposing further charge on mortgaged property— (a) when the original mortgage, is one of the description referred to in clause (a) of article 40 (that is, with possession). (b) when such mortgage is one of the description referred to in clause (b) of article 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 ... [Art. 36, Sch. I.] 33. GIFT—Instrument of, not being a SETTLEMENT OR WILL OR TRANSFER of shares. [Art. 28, Sch. I.] 34. INDEMNITY-BOND ... INSPECTORSHIP-DEED. See COMPOSITION DEED, (No. 22.) INSURANCE. See POLICY OF INSURANCE (No. 47.) [Arts. 4 and 35, Sch. I.] 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. (ii) where the lease purports to be for a term of not less than one year but not more than three years. (iii) where the lease purports to be for a term in excess of three years. (iv) where the lease does not purport to be for any definite term. (v) where the lease purports to be in perpetuity.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount 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) less the duty already paid on such original mortgage and further charge. The same duty as a Bond (No. 15) for the amount secured by such instrument. The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument. The same duty as a Security Bond (No. 57) for the same amount. The same duty as a Bond (No. 15) for the whole amount payable or deliverable under such lease. The same duty as a Bond (No. 15) for the average annual rent reserved. The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved. 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. 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.

IX of 1884

55

The Indian Stamp Bill.
(Schedule I.—Stamp-duty on Instruments.)
SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
(b) where the lease is granted for a fine or premium, 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 as set forth in the lease.
(c) where the lease is granted for a fine or premium 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 as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium had been paid or delivered.
Provided that, when an agreement to lease is stamped with the <i>ad valorem</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	
<i>Exemptions.</i>	
[Art. 13, Sch. II.] (a) Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink) without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees;	
(b) Leases of fisheries granted under the Burma Fisheries Act, 1875 or the Upper Burma Land and Revenue Regulation, 1889.	[Old (c) transferred to No 25]. VII of 1875. II of 1889.
[Art. 40, Sch. 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	One anna.
See also CERTIFICATE OR OTHER DOCUMENT (No. 19)	
[Art. 41, Sch. 37.] LETTER OF CREDIT, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn	One anna.
[Art. 42, Sch. 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	Ten rupees.
[Art. 43, Sch. 39.] MEMORANDUM OF ASSOCIATION OF A COMPANY—	
(a) if accompanied by Articles of Association under section 37 of the Indian Companies Act, 1882	Fifteen rupees.
(b) if not so accompanied	Forty rupees.
<i>Exemption.</i>	
[Art. 11, Sch. II.] Notin. No. 5199-S. R., dated 1st November 1895.] Memorandum of any Association not formed for profit and registered under Section 26 of the Indian Company's Act, 1882.	VI of 1882.
[Art. 44, Sch. 40.] MORTGAGE-DEED not being an AGREEMENT TO MORTGAGE (No. 6), BOTTOMRY BOND (No. 16), MORTGAGE OF A CROP (No. 41), RESPONDENTIA BOND (No. 56), or SECURITY BOND (No. 58)—	
(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.

56

The Indian Stamp Bill.
(Schedule I.—Stamp-duty on Instruments.)
SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
(b) when at the time of execution 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.
EXPLANATION.—A mortgagor who gives a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof is deemed to give possession within the meaning of this article.	
[54 and 55 Vict., c. 39.] (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	Eight annas.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000	Eight annas.
<i>Exemptions.</i>	
[Art. 12 (a), Sch. II.] (1) Instruments, executed by persons taking advances under the Land Improvement Loans Act, 1883 or by their sureties as security for the repayment of such advances;	XIX of 1883.
[Art. 14 (b) Sch. II.] (2) Letter of hypothecation accompanying a bill of exchange.	[Old cl: (b) omitted, Old cl: (c), see (No. 9).]
[Art. 8 (l) Sch. II of Notification No. 5199 S. R., dated 1st November 1895.] (3) Instrument of pledge or pawn of goods if unattested.	
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 anna.
and for every Rs. 200 or part thereof secured in excess of Rs. 200	One anna.
(b) when the loan is repayable more than three months, but not more than one year, from the date of the instrument—	
for every sum secured not exceeding Rs. 100	Four annas.
and for every Rs. 100 or part thereof secured in excess of Rs. 100	Four annas.
[Art. 45, Sch. 42.] NOTARIAL ACT, 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	One rupee.
See also PROTEST OF BILL OR NOTE (No. 50).	
[Art. 46, Sch. 43.] NOTE OR MEMORANDUM sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal of any goods, stock or marketable security exceeding in value twenty rupees	One anna.
[Art. 47, Sch. 44.] NOTE OF PROTEST BY THE MASTER OF A SHIP	Eight annas.
ORDER FOR THE PAYMENT OF MONEY—See BILL OF EXCHANGE (No. 13).	
[Art. 37, Sch. 45.] PARTITION—Instrument of, [as defined by s. 2 (14)]... ..	The same duty as a Bond (No. 15) for the amount of the value of the property divided as set forth in such instrument.

51

The Indian Stamp Bill.
(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
[Art. 5, Sch. I Notification No. 5199 S. R., dated 1st November 1895.] <i>Provided that where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the duty shall not exceed the amount chargeable on a valuation of the land at five times the annual revenue.</i> See also SECTION 29 (h).	
[Arts. 32 & 33 46. Sch. I.] A.—PARTNERSHIP. A.—Instrument of— (b) where the capital of the partnership does not exceed Rs. 500 (c) In any other case	Two rupees eight annas. Ten rupees. Five rupees.
B.—Dissolution of,	
[Art. 49, Sch. 47. I.] POLICY OF INSURANCE— A.—Sea-Insurance— (1) for or upon any voyage— (i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy (ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy (2) for time— (iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy— where the insurance shall be made for any time not exceeding six months... where the insurance shall be made for any time exceeding six months and not exceeding twelve months	One anna. Two annas. One anna. Two annas. Four annas.
B.—Fire Insurance— (1) in respect of an original policy— 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 for a period— (i) not exceeding one month (ii) exceeding one month, but not exceeding three months (iii) exceeding three months, but not exceeding six months (iv) exceeding six months (2) in respect of renewing, for the purpose of keeping in force, a policy which has been granted for six months or any shorter term and in respect of which and of the previous renewal whereof (if any) there has not already been paid the duty which would have been chargeable if the policy had originally been granted for a longer term than six months.	Two annas. Three annas. Four annas. Six annas. The same duty as would be payable in respect of an original policy for the amount and term to which the renewal extends; or the excess of the duty which would have been chargeable if the policy had originally been granted for a longer term than six months, over the duty already paid in respect of the policy and of the previous renewal thereof (if any), whichever is the smaller sum.

58

The Indian Stamp Bill.
(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
[Art. 6, Sch. I, Notification No. 5199 S. R., dated 1st November 1895.] C.—Railway Accident Insurance— <i>in the case of insurance against railway accidents valid for a single journey only when issued to a passenger on any railway</i> Exemption. <i>When issued to a passenger travelling by the intermediate or the third class in any railway no duty shall be payable.</i>	One anna.
[Art. 12 (b), Sch. II, Notification No. 5199 S. R., dated 1st November 1895.] D.—Life or other Insurance, 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 (ii) if drawn in duplicate, for each part Exemption. <i>Policies of life insurance granted by the Director General of the Post Office of India in accordance with rules for Postal Life Insurance issued under the authority of the Government of India.</i>	Six annas. Three annas.
[Art. 12, Sch. II, Notification No. 5199 S. R., dated 1st November 1895.] E.—Re-insurance, by an Insurance Company, which has granted a POLICY OF SEA-INSURANCE OR A POLICY OF FIRE-INSURANCE, 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 General exemption.	One rupee.
[Art. 14 (a), Sch. II.] Letter of cover or engagement to issue a policy of insurance: Provided that, unless such letter or engagement bear the stamp prescribed by this Act for such policy, nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.	
[Art. 50, Sch. 48. I.] POWER-OF-ATTORNEY [as defined by s. 2 (20)], not being a PROXY No. 52— (a) when executed for the sole purpose of procuring the presentation of one or more documents for registration in relation to a single transaction or for admitting execution of one or more such documents... (b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882	Eight annas. Eight annas.
[Art. 7, Sch. I, Notification No. 5199 S. R., dated 1st November 1895.] [Former (b).] [Former (c).] [Former (d).] [Former (e).]	One rupee. Five rupees. Ten rupees. The same duty as a Conveyance (No. 23) for the same amount. One rupee for each person authorized.

59
The Indian Stamp Bill.

(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
EXPLANATION.—For the purposes of this article more persons than one when belonging to the same firm shall be deemed to be one person.	
New.] 49. PROMISSORY NOTE, [as defined by section 2 (21)]—	
(a) if expressed to be payable at more than one year after date ...	The same duty as a Bond (No. 15) for the same amount.
(b) if not so expressed ...	The same duty as a Bill of exchange [No. 13 (b)] payable otherwise than on demand for the same amount.
[Protest in 50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note ...	One rupee.
[As in Sch. 51. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such ...	One rupee.
See also NOTE OF PROTEST BY THE MASTER OF A SHIP (No. 44).	
[Art. 51, Sch. 52. PROXY empowering any person to vote 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 ...	One anna.
[Art. 53, Sch. 53. RECEIPT [as defined by s. 2 (22)] for any money or other property the amount or value of which exceeds twenty rupees ...	One anna.
Exemptions.	
[Art. 15, Sch. II.] Receipt—	
(a) endorsed on or contained in any instrument duly stamped, or exempted under the proviso to s. 3 (Instruments executed on behalf of 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;	
(b) for any payment of money without consideration;	
(c) for any payment of rent by a cultivator on account of land assessed to Government revenue, or (in the Presidencies of Fort St. George and Bombay) of inam lands;	
(d) for pay, or allowances by non-commissioned officers or soldiers of Her Majesty's Army, or Her Majesty's Indian Army, when serving in such capacity, or by mounted Police constables;	
(e) given by holders of family-certificates in cases where the person from whose pay or allowances the sum comprised in the receipt has been assigned is a non-commissioned officer or soldier of either of the said Armies, and serving in such capacity;	
(f) for pensions or allowances by persons receiving such pensions or allowances in respect of their service as such non-commissioned officers or soldiers, and not serving the Government in any other capacity;	
(g) given by a headman or lambardar for land-revenue or taxes collected by him;	

60
The Indian Stamp Bill.
(Schedule I.—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
Exemptions to 53—concl'd.	
(h) given for money or securities for money deposited in the hands of any banker, to be accounted for: Provided the same be not expressed to be received of, or by the hands of, any other than the person to whom the same is to be accounted for:	
Provided also that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in, any incorporated Company or other body corporate or such proposed or intended Company or body or in respect of a debenture being a marketable security.	
[Art. 53, Sch. 54. RECONVEYANCE OF MORTGAGED PROPERTY—	
(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000.	The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the Reconveyance.
(b) in any other case ...	Ten rupees.
[Art. 54, Sch. 55. RELEASE, that is to say, any instrument whereby a person renounces a claim upon another person or against any specified property—	
(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 ...	Five rupees.
[Art. 55, Sch. 56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination ...	
	The same duty as a Bond (No. 15) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR SETTLEMENT. See SETTLEMENT (No. 58); TRUST (No. 64).	
[Art. 14, Sch. 57. SECURITY BOND OR MORTGAGE DEED executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract—	
(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 ...	Five rupees.
Exemptions.	
[Art. 8, Sch. Bond or other instrument, when executed—	
(a) by headmen nominated under rules framed in accordance with the Bergal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;	[Old cl. (a) omitted]. Beng. Act III of 1872.
(b) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem;	
(c) under No. 3-A of the rules made by the Government of Bombay in Council under section 70 of the Bombay Irrigation Act, 1879.	Bombay Act V of 1879.
[Art. 12 (a), Sch. II.] (d) executed by persons taking advances under the Land Improvement Loans Act, 1883, or by their sureties, as security for the repayment of such advances;	XII of 1883.

61

The Indian Stamp Bill.
(Schedule I—Stamp-duty on Instruments.)

SCHEDULE I—continued.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
<i>Exemptions to 57—concl'd.</i>	
(e) 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;	[Old cl. (c) —See Art. 9—Ex.]
[Art. 57, Sch. 58. SETTLEMENT, 1.]	
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.
<i>Exemption.</i>	
[Art. 8 (k) Sch. II, Notfn. No. 5199 S.R., dated 1st November 1895.]	
(a) Deed of Dower executed on the occasion of a marriage between Muhammadans.	
(b) Hludansa, that is to say, any settlement of immovable property executed by a Buddhist in Burma for a religious purpose in which no value has been specified and on which a duty of Rs. 10 has been paid.	
B—Revocation of—	Ten rupees.
See also TRUST (No. 64).	VI of 1882.
[S. 35, Act 59. SHARE WARRANTS issued under the Indian Companies Act, 1882]	Three quarters of the duty payable on a conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.
<i>Exemption.</i>	
[Art. 15, Sch. II, Notfn. No. 5199 S. R., dated 1st November 1895.]	
Share warrant when issued by a Company in pursuance of the Indian Companies Act, 1882, section 30, to have effect only upon payment, as composition for that duty, to the Collector of Stamp-Revenue, of—	VI of 1882.
(a) three-quarters per centum of the whole subscribed capital of the company, or	
(b) if any Company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—three quarters per centum of the additional capital so issued.	
SCRIP.—See CERTIFICATE (No. 19)	
[Art. 58, Sch. 60. SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel]	One anna.
[Art. 59, Sch. 61. SURRENDER OF LEASE— 1.]	
(a) when the duty with which the lease is chargeable does not exceed five rupees.	The duty with which such lease is chargeable.
(b) in any other case	Five rupees.
<i>Exemption.</i>	
[Art. 16, Sch. II.]	
Surrender of lease, when such lease is exempted from duty.	
[Art. 60, Sch. 62. TRANSFER— 1.]	
(a) Of shares in an incorporated Company or other body corporate	One-quarter of the duty payable on a Conveyance (No. 23) for a consideration equal to the value of the share.

62

The Indian Stamp Bill.
(Schedule I—Stamp-duty on Instruments.)

SCHEDULE I—concluded.

DESCRIPTION OF INSTRUMENT.	PROPER STAMP-DUTY.
(b) of debentures being marketable securities whether the debenture is liable to duty or not, except debentures provided for by SECTION 8	One-quarter of the duty payable on a Conveyance (No. 23) for a consideration equal to the amount of the Debenture.
(c) of any interest secured by a Bond, Mortgage-deed or Policy of Insurance—	
(i) If the duty on such Bond, Mortgage-deed or Policy does not exceed five rupees.	The duty with which such Bond, Mortgage-deed or Policy of Insurance is chargeable.
(ii) In any other case	Five rupees.
(d) of any property under the Administrator General's Act, 1874, section 31	Ten rupees. II of 1874.
(e) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary	Five rupees.
<i>Exemptions.</i>	
[Art. 17, Sch. II.]	
Transfers by endorsement—	
(a) of a bill of exchange, cheque or promissory note;	
(b) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;	[Old cl. (f) Worked into (b).]
(c) of a policy of insurance;	
(d) of securities of the Government of India;	
See also SECTION 8.	
[Art. 60A, 63. TRANSFER OF LEASE by way of assignment and not by way of under-lease. Sch. I.]	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the Transfer.
<i>Exemption.</i>	
Transfer of any lease which is exempt from duty.	
[Art. 25, Sch. 64. TRUST— 1.]	
A—Declaration of — of, or concerning any property when made by any writing not being a WILL or SETTLEMENT	Fifteen rupees.
[Art. 56, Sch. I.]	
B—Revocation of — of, or concerning any property when made by any instrument other than a WILL	Ten rupees.
See also SETTLEMENT (No. 58)	
VALUATION—See APPRAISEMENT, (No. 8).	
VAKIL—See ENTRY AS A VAKIL (No. 30).	
[Art. 61, Sch. 65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be]	Four annas.

THE INDIAN STAMP BILL.

(Schedule II.—Enactments Repealed.)

SCHEDULE II.

ENACTMENTS REPEALED.

(See Section 79.)

No.	Year.	Title.	Extent of Repeal.
I	1879	... The Indian Stamp Act, 1879	... The whole.
VI	1882	... The Indian Companies Act, 1882	... Section 35.
IX	1884	... The Legal Practitioners' Act, 1884	... Section 10.
I	1888	... The Indian Stamp Act (1879) Amendment Act, 1888.	The whole.
V	1888	... The Inventions and Designs Act, 1888	... So much of the first Schedule as relates to the Indian Stamp Act, 1879 (I of 1879).
XVIII	1888	An Act to provide for the appointment of a Financial Commissioner for Burma and for the definition of his functions.	So much of the Schedule as relates to the Indian Stamp Act, 1879 (I of 1879).
VI	1889	... The Probate and Administration Act, 1889	Sub-sections (3) and (4) of section 18.
XX	1890	... The North-Western Provinces and Oudh Act, 1890.	So much of section 38 as relates to the Indian Stamp Act, 1879 (I of 1879)
XII	1891	... The Repealing and Amending Act, 1891	So much of Part I of the first and second Schedules as relates to the Indian Stamp Act, 1879 (I of 1879).
VI	1894	... The Indian Stamp Act (1879) Amendment Act, 1894.	The whole.
XIII	1897	... The Indian Stamp Act (1879) Amendment Act, 1897.	The whole.

THE INDIAN STAMP BILL.

(Schedule II.—Enactments Repealed.)

SCHEDULE II.

ENACTMENTS REPEALED.

(See Section 79.)

No.	Year.	Title.	Extent of Repeal.
I	1879	... The Indian Stamp Act, 1879	... The whole.
VI	1882	... The Indian Companies Act, 1882	... Section 35.
IX	1884	... The Legal Practitioners' Act, 1884	... Section 10.
I	1888	... The Indian Stamp Act (1879) Amendment Act, 1888.	The whole.
V	1888	... The Inventions and Designs Act, 1888	... So much of the first Schedule as relates to the Indian Stamp Act, 1879 (I of 1879).
XVIII	1888	An Act to provide for the appointment of a Financial Commissioner for Burma and for the definition of his functions.	So much of the Schedule as relates to the Indian Stamp Act, 1879 (I of 1879).
VI	1889	... The Probate and Administration Act, 1889	Sub-sections (3) and (4) of section 18.
XX	1890	... The North-Western Provinces and Oudh Act, 1890.	So much of section 38 as relates to the Indian Stamp Act, 1879 (I of 1879)
XII	1891	... The Repealing and Amending Act, 1891	So much of Part I of the first and second Schedules as relates to the Indian Stamp Act, 1879 (I of 1879).
VI	1894	... The Indian Stamp Act (1879) Amendment Act, 1894.	The whole.
XIII	1897	... The Indian Stamp Act (1879) Amendment Act, 1897.	The whole.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

A
BILL
TO
Consolidate and amend the law relating to
Stamps.

(Sir James Westland.)

FROM

No. 167.2
J. M. Macpherson, Esq. C. S. I.
Secretary to the Government of India,
LEGISLATIVE DEPARTMENT,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF Madras.

Dated Simla, the 19th October 1897.

SIR,

I AM directed to forward herewith *forty* copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this Department with an expression of his opinion on the provisions of the Bill, and with the opinions of the Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George* Gazette in English, and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 1st January 1898.

I have the honour to be,

SIR,

Your obedient Servant,

J. M. Macpherson
Secretary to the Government of India.

67

Government 1897

REVENUE

Reca.

Regd.

1897.

G.O., No. 930, 11th Nov

NOVEMBER

The Indian S

Communicating to the Hon'ble the Judges of the Administrator-General, the Inspector-General of and the Board of Revenue, for favour of early res India.

8.

c no 9598 of 97

no 97

G.O. (Press) No. 930 of 11th Nov 1897

Communicated to the Hon'ble the Judges of the High Court, the Advocate-General, the Administrator-General, the Inspector-General of Registration, ^{the Superintendent of Stamps} and the Board of Revenue for favour of very early remarks.

Encl

Spa

1. The Bill and the Statement of Objects and Reasons will be published in the Fort St George Gazette in English and in all vernaculars.
2. The Superintendent, Government Press, should report to Government the dates of publication.

C.D.

11 Nov 97

J.L.

11/11/97

Dr. H.

- The Hon'ble the Chief Justice }
Inspector-General of Reg. }
Government solicitor }
Administrator-General }
Board of Rev (Supt Rev) }
Supt. of Stamps }
Supt. Govt. Press }
all Translators }

10.11.97

70
Government (1897) of Madras.
REVENUE.

Reca.

Regd.

} 1897.

Enclosures

Spare copies

G.O., No. 930, 11th November 1897.

NOVEMBER.

The Indian Stamp Bill.

Communicating to the Hon'ble the Judges of the High Court, the Advocate-General, the Administrator-General, the Inspector-General of Registration, the Superintendent of Stamps and the Board of Revenue, for favour of early remarks, — forwarded by the Government of India.

71
No. 930, REVENUE, 11TH NOVEMBER 1897.

2

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from J. M. MACPHERSON, Esq., c.s.i., Secretary to the Government of India, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, the 19th October 1897, No. 1672:—

I am directed to forward, herewith, forty copies of the papers noted on the margin, and to request that the Governor in Council will favour the Government of India in this department with an expression of his opinion on the provisions of the Bill, and with the opinions of the

A Bill to consolidate and amend the Law relating to Stamps with Statement of Objects and Reasons.

Hon'ble the Judges of the High Court and of such selected officers and other persons as the Governor in Council may think fit to consult on the subject.

2. I am also to request that the Bill and Statement may be published in the *Fort St. George Gazette* in English and in such other languages as the Governor in Council may deem proper, and that the dates of publication of both may be communicated in your reply.

3. The reply to this letter should be sent in by the 1st January 1898.

ORDER—No. 930, Revenue, dated 11th November 1897.

Separate Revenue No. 97.

Communicated to the Hon'ble the Judges of the High Court, the Advocate-General, the Administrator-General, the Inspector-General of Registration, the

Superintendent of Stamps and the Board of Revenue for favour of very early remarks.

2. The Bill and the Statement of Objects and Reasons will be published in the *Fort St. George Gazette* in English and in all vernaculars.

3. The Superintendent, Government Press, should report to Government the dates of publication.

(True Extract.)

(Signed) G. STOKES,
Secretary to Government.

To the Hon'ble the Chief Justice, } through the Judicial Department.
" the Inspector-General of Registration,
" the Government Solicitor.
" the Administrator-General.
" the Board of Revenue (Separate Revenue).
" the Superintendent of Stamps.
" the Superintendent, Government Press.
" all Translators.

Exd. Shaik Karim,
60 Copies.

copy sent to Press.

signed for signature.

patched in print.

AGAIN G.O. No.
188

SENT No.

COPIES TO G. No.

OF GOVERNMENT

OF GOVERNMENT

MENT WITH DIFF.

NOT FILED TO BEING REPRINT FOR DEPOSIT
IN ORIGINAL.

Print in full.

Not to be printed.

Print abstract only.

Print heading only.

NUMBER OF COPIES
RECEIVED.

Order complete.

Letter only.

Order complete with Letter.