Remove Watermark Wondershare PDFelement

The Indian Stamp Act, 1899

Act 2 of 1899

Keyword(s):
Banker, Bill of Exchange, Bill of Exchange Payable on Demand, Bill of Lading, Bond, Chargeable, Cheque, Collector, Conveyance, Duty Stamped, Executed and Execution, Impressed Stamp, Instrument, Instrument of Partition, Lease, Mortgage-deed, Paper, Policy

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Remove Watermark Wondershare PDFelement

Act II of 1899

(The Indian Stamp Act, 1899.)

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTION.

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 transaction of sale, mortgage or settlement.
5. Instruments relating to several distinct matters.
6. Instruments coming within several descriptions in Schedule I or in Schedule IA.
6A. Payment of West Bengal Stamp duty on copies, counterparts or duplicates when that duty has not been paid on the principal or original instrument.
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. Instruments stamped with impressed stamps how 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 India.
18. Instruments other than bills and notes executed out of India.
19. Bills and notes drawn out of India.
19A. Payment of duty on certain instruments liable to increased duty in West Bengal under clause (*bb*) of section 3.

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.

Remove Watermark Wondershare PDFelement

SECTION.

23A. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.
24. How transfer in consideration of debt, or subject to future payment, etc., to be charged.
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.
29A. Application of sections 23A, 24 and 29 to instrument chargeable with duty under Schedule IA.
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 receipts.
35. Instruments not duly stamped inadmissible in evidence, etc.
36. Admission of instrument where not 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 refund penalty or excess duty in certain cases.
46. Non-liability for loss of instruments sent under section 38.
47. Power of payer to stamp bills and promissory notes received by him unstamped.
47A. Instruments of conveyance, etc., undervalued, how to be dealt with.
48. Recovery of duties and penalties.
48A. Validity of certificate or endorsements in respect of instruments for which higher rate of duty is payable in West Bengal.

CHAPTER V.

ALLOWANCES FOR STAMPS IN CERTAIN CASES.

49. Allowance for spoiled stamps.
50. Application for relief under section 49 when to be made.
51. Allowance in case of printed forms no longer required by Corporations.
52. Allowance for misused stamps.

Remove Watermark Wondershare PDFelement

of 1899.]

SECTION.

53. Allowance for spoiled or misused stamps how to be made.
54. Allowance for stamps not required for use.
54A. Allowances for stamps in denominations of *annas*.
54B. Allowances for Refugee Relief stamps.
55. Allowance on renewal of certain debentures.

CHAPTER VI.

REFERENCE AND REVISION.

56. Control of, and statement of case to, Chief Controlling Revenue-authority.
57. Statement of case by Chief Controlling Revenue-authority to High Court.
58. Power of High Court to call for further particulars as to case stated.
59. Procedure in disposing of case stated.
60. Statement of case by other Courts to High Court.
61. Revision of certain decisions of Courts regarding the sufficiencey 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.
64A. Recovery of amount of deficit stamp duty.
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, and for other devices to defraud the revenue.
69. Penalty for breach of rule relating to sale of stamps and for unauthorised 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.
73A. Collector's power to authorise officer to enter premises, inspect certain documents, and seize them, if necessary.
74. Powers to make rules relating to sale of stamps.
75. Power to make rules generally to carry out Act.
76. Publication of rules.
76A. Delegation of certain powers.
77. Saving as to court-fees.
77A. Saving as to certain stamps.
78. Act to be translated and sold cheaply.
79. (*Repealed.*)

SCHEDULE I.—Stamp-duty on Instruments.

SCHEDULE IA.—Stamp-duty on certain instruments under the Bengal Stamp (Amendment) Act, 1922, or the Indian Stamp (Bengal Amendment) Act, 1935.

SCHEDULE II.—(*Repealed.*)

Remove Watermark Wondershare PDFelement

Act II of 1899

(The Indian Stamp Act, 1899.)[1]

AMENDED ... ...

Act XV of 1904.
Act VI of 1910.
Act I of 1912.
Act XIII of 1916.
Act XVIII of 1919.
Act XI of 1923.
Act XLIII of 1923.
Act XIII of 1924.
Act XV of 1925.
Act XXXII of 1925.
Act XXXVIII of 1926.
Act V of 1927.
Act X of 1927.
Act XVIII of 1928.
Act VIII of 1930.
Act XIV of 1932.
Act XXXV of 1934.
Act VIII of 1935.
Act XV of 1936.
Act LXXII of 1952.
Act XLIII of 1955.
Act LXXVI of 1956.
Act XIX of 1958.
Act XIV of 1961.
Act XI of 1963.
Act XLIV of 1971.
Act XIII of 1973.
Act XXVIII of 1974.
Act LXVI of 1976.
Act XXXII of 1985.
Act XXXII of 1994.
Ben. Act III of 1922.
Ben. Act XII of 1935.
Ben. Act VII of 1939.
Pres. Act XX of 1971.
Pres. Act II of 1972.
West Ben. Act X of 1962.
West Ben. Act XXX of 1962.
West Ben. Act XVII of 1964.
West Ben. Act XXXI of 1972.
West Ben. Act VIII of 1973.
West Ben. Act XVI of 1975.

[1]For Statement of Objects and Reasons, *see* the "*Gazette of India*", 1897, Pt. V, page 175; for Report of the Select Committee, *see ibid.*, 1898, Pt. V, page 231; and for Proceedings in Council, *see ibid.*, 1889, Pt. VI, pages 10 and 278; and *ibid.*, 1899, Pt. VI, page 5.

Remove Watermark Wondershare PDFelement

AMENDED	West Ben. Act XXX of 1976. West Ben. Act XXXII of 1977. West Ben. Act XXIX of 1980. West Ben. Act XVII of 1984. West Ben. Act XV of 1987. West Ben. Act XVII of 1990. West Ben. Act XV of 1992. West Ben. Act XI of 1994. West Ben. Act X of 1996.
REPEALED IN PART AND AMENDED	Act V of 1906. Act IV of 1914. Act X of 1914.
ADAPTED	(*a*) The Government of India (Adaptation of Indian Laws) Order, 1937. (*b*) The Indian (Adaptation of Existing Indian Laws) Order, 1947. (*c*) The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948. (*d*) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. (*e*) The Adaptation of Laws Order, 1950. (*f*) The Andhra (Adaptation of Laws on Union Subjects) Order, 1954. (*g*) The Adaptation of Laws (No. 2) Order, 1956.

(*27th January, 1899.*)

An Act to consolidate and amend the law relating to Stamps.

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

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Stamp Act, 1899.

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

Provided that it shall not apply to [2][the territories which, immediately before the 1st November, 1956, were comprised in Part B States (excluding the State of Jammu and Kashmir) except to the extent to which the provisions of this Act relate to rates of stamp duty in respect of the documents specified in entry 91 of List I in the Seventh Schedule to the Constitution.

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

Definitions.

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

"Banker".

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

---

[1]Sub-section (2) was substituted for the original sub-section (2) by para. 3 and the 1st Schedule to the Adaptation of Laws Order, 1950. Thereafter, this sub-section was again substituted by this fresh sub-section by s. 3 of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955), with effect from the 1st April, 1956.

[2]Substituted for the words "Part B States" by para. 3 and the Schedule to the Adaptation of Laws (No. 2) Order, 1956.

Remove Watermark Wondershare PDFelement

"Bill of exchange".

(2) "bill of exchange" means a bill of exchange as defined by the Negotiable Instruments Act, 1881, and includes also a *hundi*, and any other document entitling or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money : 26 of 1881.

"Bill of exchange payable on demand".

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

(*a*) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen;

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

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

"Bill of lading".

(4) "bill of lading" includes a "through bill of lading", but does not include a mate's receipt :

"Bond".

(5) "bond" includes—

(*a*) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be;

(*b*) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and

(*c*) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another:

"Chargeable".

(6) "chargeable" means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act, and, as applied to any other instrument, chargeable under the law in force in [1][India] when such instrument was executed or, where several persons executed the instrument at different times, first executed:

---

[1]The words "the Provinces" were substituted for the original words "British India" by paragraph 3(2) of the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948. Thereafter the word "States", was substituted for the word "Provinces" by paragraph 4(*1*) of the Adaptation of Laws Order, 1950, and finally the word "India" was substituted for the words "the States" by s. 2 of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955), with effect from the 1st April, 1956.

Remove Watermark Wondershare PDFelement

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

[1]* * * *

(*9*) "Collector"— "Collector".

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

(*b*) includes a Deputy Commissioner and any officer whom [2][the State Government] may, by notification in the *Official Gazette*, appoint in this behalf :

(*10*) "conveyance" includes a conveyance on sale and every instrument by which property, whether moveable or immoveable, is transferred *inter vivos* and which is not otherwise specifically provided for by Schedule I [3][or by Schedule IA, as the case may be] : "Conveyance".

[4]*Explanation.*—An instrument—

(*i*) whereby a co-owner of a property having defined share therein transfers such share or part thereof to another co-owner of the property or divides such property among co-owners, or

(*ii*) whereby a partner transfers his share in the property of the partnership business to another partner or to other partners, whether separately or together with transfer of other business assets on retirement or dissolution, or whereby he contributes to the capital of the partnership firm by transferring his right and title to, or interest in, any property,

is, for the purpose of this clause, an instrument by which property is transferred;

(*11*) "duly stamped," as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount, and that such stamp has been affixed or used in accordance with the law for the time being in force in [5][India] : "Duly stamped".

(*12*) "executed" and "execution," used with reference to instruments, mean "signed" and "signature" : "Executed" and "execution".

(*12a*)[*Omitted by the 1st Schedule of the Adaptation of Laws Order, 1950.*]

---

[1]Clause (*8*) (definition of "Chief Controlling Revenue-authority") was omitted by para. 3 and the 1st Sch. of the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]The words "the Collecting Government" were substituted for the words "the Local Government" by para. 3 and the First Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]These words were added by s. 3 of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[4]This *Explanation* was added by s.3(*a*) of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

[5]*See* foot-note 1 on page 468, *ante*.

Remove Watermark Wondershare PDFelement

"Impressed Stamp".

(*13*) "impressed stamp" includes—

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

(*b*) stamps embossed or engraved on stamped paper :

"India".

[1](*13A*) "India" means the territory of India excluding the State of Jammu and Kashmir :

"Instrument".

(*14*) "instrument" includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded :

"Instrument of partition".

(*15*) "instrument of partition" means any instrument where by co-owners of any property divide or agree to divide such property in severalty [2][and includes—

(*i*) a final order for effecting a partition passed by any revenue authority or any Civil Court;

(*ii*) an award by an arbitrator directing a partition; and

(*iii*) when any partition is effected without executing any such instrument, any instrument signed by the co-owners and recording, whether by way of declaration of such partition or otherwise, the terms of such partition amongst the co-owners;]

"Lease".

(*16*) "lease" means a lease of immovable property and includes also—

(*a*) a *patta*;

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

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

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

[3][(*e*) any agreement to lease;

(*f*) mining licence;]

"Marketable security".

[4](*16a*) "marketable security" means a security of such a description as to be capable of being sold in any stock market in [5][India] or in the United Kingdom :

---

[1]Clause (*13A*) was inserted by s. 4(*a*) of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955), with effect from the 1st April, 1956.

[2]The words within square brackets were substituted for the words "and includes also a final order for effecting a partition passed by any Revenue authority or any Civil Court and an award by an arbitrator directing a partition" by s.3(*b*) of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

[3]Sub-clauses (*i*) and (*f*) were added by s. 3 (*c*), *ibid.*

[4]Clause (*16A*) was added by s. 2 of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

[5]*See* foot-note 1 on page 468, *ante*.

Remove Watermark Wondershare PDFelement

[1](*16b*) "market value" means, in relation to any property which is the subject-matter of an instrument, the price which such property would have fetched or would fetch if sold in open market on the date of execution of such instrument as determined in such manner and by such authority as may be prescribed by rules made under this Act or the consideration stated in the instrument, whichever is higher;

"Mortgage-deed".

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

"Paper".

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

"Policy of insurance".

(*19*) "policy of insurance" includes—

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

(*b*) a life-policy, and any policy insuring any person against accident or sickness, and any other personal insurance;[2]*

* * * * * *

"Policy of group insurance".

[3](*19A*) "policy of group insurance" means any instrument covering not less than fifty or such smaller number as the Central Government may approve, either generally or with reference to any particular case, by which an insurer, in consideration of a premium paid by an employer or by an employer and his employees jointly, engages to cover, with or without medical examination and for the sole benefit of persons other than the employer, the lives of all the employees or of any class of them, determined by conditions pertaining to the employment, for amounts of insurance based upon a plan which precludes individual selection :

"Policy of sea-insurance" or "sea-policy".

(*20*) "policy of sea-insurance" or "sea-policy"—

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

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

---

[1]Clause (*16b*) was inserted by s.3(*d*) of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

[2]Sub-clause (*c*) and the word "and" prefixed thereto which were repealed by s. 2 of the Indian Stamp (Amendment) Act, 1906 (V of 1906), are omitted.

[3]Clause (*19A*) was inserted by s. 4(*b*) of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955), with effect from the 1st April, 1956.

Remove Watermark Wondershare PDFelement

Where any perosn, 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 :

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

"Promissory note". (22) "promissory note" means a promissory note as defined by the Negotiable Instruments Act, 1881; XXVI of 1881.

it also includes a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen :

"Receipt". (*23*) "receipt" includes any note, memorandum or writing—

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

(*b*) whereby any other 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 :[1]*

"Settlement". (*24*) "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 settler among his family or those for whom he desires to provide, or for the purpose of providing for some person dependent on him, or

(*c*) for any religious or charitable purpose;

and includes an agreement in writing to make such a disposition [2][and, where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition] :[3]*

"Soldier". [4][(*25*) "Soldier" includes any person below the rank of non-commissioned officer who is enrolled under the Indian Army Act, 1911[5].] VIII of 1911.

[6]* * * *

[1]The word "and" was omitted by s. 2 and Schedule I of the Repealing and Amending Act, 1928 (XVIII of 1928).

[2]These words were added by s. 2 of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

[3]The word "and" which was inserted by s. 2 and Schedule I of the Repealing and Amending Act, 1928 (XVIII of 1928), was omitted by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

[4]These words and figures within square brackets were inserted by s. 2 and Schedule I of the Repealing and Amending Act, 1928 (XVIII of 1928).

[5]Now *see* the Army Act, 1950 (XLVI of 1950).

[6]Clause (*26*), which was added by para. 3 and 1st Schedule of the Adaptation of Laws Order, 1950, was omitted by s. 4(*c*) of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955), with effect from the 1st April, 1956.

Remove Watermark Wondershare PDFelement

CHAPTER II.

STAMP-DUTIES.

A.—Of the Liability of Instruments to Duty.

Instruments chargeable with duty.

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

(*a*) every instrument mentioned in that Schedule which, not having been previously executed by any person, is executed in [1][India] on or after the first day of July, 1899;

(*b*) every bill of exchange [2][payable otherwise than on demand] [3]* or promissory note drawn or made out of [1][India] on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or otherwise negotiated, in [1][India]; and

(*c*) every instrument (other than a bill of exchange, [3]* or promissory note) mentioned in that Schedule, which, not having been previously executed by any person, is executed out of [1][India] on or after that day, relates to any property situate, or to any matter or thing done or to be done, in [1][India] and is received in [1][India] :

[4]Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clauses (*a*), (*b*) or (*c*) of this section or in Schedule I, the amount indicated in Schedule IA to this Act shall, subject to the exemptions contained in that Schedule, be the duty chargeable under this Act on the following instruments, mentioned in clauses (*aa*) and (*bb*) of this proviso, as the proper duty therefor respectively,—

(*aa*) every instrument, mentioned in Schedule IA as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed in [5][West Bengal] on or after the first day of April, 1922; and

(*bb*) every instrument mentioned in Schedule IA as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of [5][West Bengal] on or after the first day of April, 1922, and relates to any property situated, or to any matter or thing done or to be done, in [5][West Bengal] and is received in [5][West Bengal] :

---

[1]*See* foot-note 1 on page 468, *ante*.

[2]These words were inserted by s. 5 of the Indian Finance Act, 1927 (V of 1927).

[3]The word "cheque" was omitted by s. 5, *ibid*.

[4]This proviso was inserted by s. 4(*1*) of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[5]Substituted for the word "Bengal" by para. 4(2) of the Indian (Adaptation of Existing Indian Laws) Order, 1947.

Remove Watermark Wondershare PDFelement

Provided [1][also] that no duty shall be chargeable in respect of—

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

(*2*) any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessels, or any part, interest, share or property of or in any ship or vessel registered under the Merchant Shipping Act, 1894 or under Act XIX of 1838, or the Indian Registration of Ships Act, 1841, as amended by subsequent Acts.

57 & 58 Vict., c-60. X of 1841.

[3][3A. * * * * * *]

[4][3AA. * * * * * *]

---

[1]This word was inserted by s. 4(2) of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[2]The word "Crown" was substituted for the word "Government" by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "Government" was substituted for the word "Crown" by paragraph 4(*1*) of the Adaptation of Laws Order, 1950.

[3]This section 3A was inserted by s. 2 of the Stamp and Excise Duties (Amendment) Act, 1971 (Act 44 of 1971) and thereafter the said section was omitted by s. 2(*a*) of the Refugee Relief Taxes (Abolition) Act, 1973 (Act 13 of 1973).

[4]Firstly, this section 3AA was inserted by s. 6(2) of the President's Act, 1971 (Act 20 of 1971) and thereafter the same was also inserted by s. 6(2) of the west Bengal Taxation Laws (Amendment) Act, 1973 (West Ben. Act VIII of 1973). At present, the said section was omitted by s. 3 of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

Remove Watermark Wondershare PDFelement

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

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 [1][or in Schedule IA, as the case may be] for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of one rupee [2][if the principal instrument be chargeable with the duty prescribed in Schedule I, or with a duty of [3](two rupees), if the principal instrument be chargeable with the duty prescribed in Schedule IA, instead of the duty (if any) prescribed for such other instrument in Schedule I or Schedule IA, as the case may be.]

(*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.

Instruments relating to several distinct matters.

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.

Instruments coming within several descriptions in Schedule I or in Schedule IA.

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 [4][or in Schedule IA, as the case may be,] 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 [3][two rupees] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid [5][unless it falls within the provisions of section 6A.]

---

[1]These words were inserted by s. 5(*a*) of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[2]These words were substituted for the words "instead of the duty (if any) prescribed for it in that Schedule" by s. 5 (*b*), *ibid.*

[3]These words were substituted, for the words "one rupee eight *annas*" as previously amended by s. 6(*2*) of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922), by s. 4 of the Indian Stamp (Bengal Amendment) Act, 1935 (Ben. Act XII of 1935).

[4]These words were inserted by s. 6(*1*) of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[5]These words were added by s. 6(*2*), *ibid.*

Remove Watermark Wondershare PDFelement

Payment of West Bengal Stamp duty on copies, counterparts or duplicates when that duty has not been paid on the principal or original instrument.

[1]**6A.** (*1*) Notwithstanding anything contained in sections 4 or 6 or in any other law unless it is proved that the duty chargeable under the Bengal Stamp (Amendment) Act, 1922, [2][or the Indian Stamp (Bengal Amendment) Act, 1935] has been paid— Ben. Act III of 1922. Ben. Act XII of 1935.

(*a*) on the principal or original instrument as the case may be, or

(*b*) in accordance with the provisions of this section,

the duty chargeable on an instrument of sale, mortgage or settlement other than a principal instrument or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in [3][West Bengal], have been chargeable under the Bengal Stamp (Amendment) Act, 1922 [2][or the Indian Stamp (Bengal Amendment) Act, 1935] with a higher rate of duty, be the duty with which the principal or original instrument would have been chargeable under section 19A.

(*2*) Notwithstanding anything contained in any law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section has been paid thereon :

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

7. (*1*) [4]* * * * *

(*2*) [4]* * * * *

(*3*) [4]* * * * *

Policies of sea-insurance.

(*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.

---

[1]Section 6A was added by s. 7 of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[2]These words were inserted by s. 5 of the Indian Stamp (Bengal Amendment) Act, 1935 (Ben. Act XII of 1935).

[3]Substituted for the word "Bengal" by para. 4(2) of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

[4]Sub-sections (*1*), (*2*) and (*3*) of s. 7 were repealed by s. 92 of the Marine Insurance Act, 1963 (11 of 1963).

Remove Watermark Wondershare PDFelement

of 1899.]

(*Chapter II.—Stamp-duties.—Sections 8, 9.*)

Bonds, debentures or other securities issued on loans under Act XI, 1879.

XI of 1879.

8. (*1*) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the [1]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 [2][one *per centum*] on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped, and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise.

(2) The provisions of sub-section (*1*) exempting certain bonds, debentures or other securities from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid, whether the same are stamped or not :

Provided that nothing herein containd 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 [3][Central Government].

(*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.

Power to reduce, remit or compound duties.

9. [4][(*1*)] [5][The [6]* * * Government] may, by rule or order published in the [7][*Official Gazette*],—

(*a*) reduce or remit, whether prospectively or retrospectively, in the whole or any part of [8][the territories under its administration], the duties with which any instruments or any particular class of instruments, or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, and

---

[1]*See* now Act IX of 1914.

[2]These words were substituted for the words "eight *annas per centum*" by s. 2 of the Indian Stamp (Amendment) Act, 1910 (VI of 1910).

[3]These words were substituted for the words "Governor-General in Council" by paragraph 4(*1*) of the Government of India (Adaptation of Indian Laws) Order, 1937.

[4]Section 9 was re-numbered as sub-section (*1*) of section 9 and sub-section (2) was added by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

[5]The words "The Collecting Government" were substituted for the words "The Governor-General in Council" by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937.

[6]The word "collecting" was omitted by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

[7]These words were substituted for the words "Gazette of India" by paragraph 4(*1*) of the Government of India (Adaptation of Indian Laws) Order, 1937.

[8]These words were substituted for the words "British India" by para. 3 and the 1st Sch., *ibid.*

Remove Watermark Wondershare PDFelement

(*b*) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate [1][or of transfers (where there is a single transferee, whether incorporated or not)] of debentures, bonds or other marketable securities.

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

(*a*) in relation to stamp-duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts, and in relation to any other stamp-duty chargeable under this Act and falling within entry 96 in List I in the Seventh Schedule to the Constitution, the Central Government;

(*b*) save as aforesaid, the State Government.

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

Duties how to be paid.

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 [3][State Government] 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;

(*c*) in the case of bills of exchange or promissory notes [4]* * * the size of the paper on which they are written.

Use of adhesive stamps.

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

(*a*) instruments chargeable [5][with a duty not exceeding ten *naye paise*], except parts of bills of exchange payable otherwise than on demand and drawn in sets;

---

[1]The words and brackets within the square brackets were inserted by s.99(*i*) of the Finance Act, 1994 (Act XXXII of 1994).

[2]Section 9 was re-numbered as sub-section (*1*) of section 9 and sub-section (2) was added by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

[3]The words "Collecting Government" were substituted for the words "Governor-General in Council" by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the words "State Government" were substituted for the words "Collecting Government" by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

[4]The words "written in any oriental language" were omitted by s. 5 of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955), with effect form the 1st April, 1956.

[5]Substituted for the words "with the duty of one *anna* or half an *anna*" by s. 2 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

Remove Watermark Wondershare PDFelement

(*b*) bills of exchange, [1]* and promissory notes drawn or made out of [2][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.

Cancellation of adhesive stamps.

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

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

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

(*3*) The person required by sub-section (*1*) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing, or in any other effectual manner.

Instruments stamped with impressed stamps how to be written.

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

Only one instrument to be on same stamp.

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

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

Instrument written contrary to section 13 or 14 deemed unstamped.

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

---

[1]The word "cheques" was omitted by s. 5 of the Indian Finance Act, 1927 (V of 1927).

[2]*See* foot-note 1 on page 468, *ante*.

Remove Watermark Wondershare PDFelement

(Chapter II.—Stamp-duties.—Sections 16—19.)

Denoting duty.

16. Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last-mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first-mentioned instrument by endorsement under the hand of the Collector or in such other manner (if any) as [1][the State Government] may by rule prescribe.

C.—Of the time of stamping instruments.

Instruments executed in India.

17. All instruments chargeable with duty and executed by any person in [2][India] shall be stamped before or at the time of execution.

Instruments other than bills and notes executed out of India.

18. (*1*) Every instrument chargeable with duty executed only out of [2][India], and not being a bill of exchange, [3]* or promissory note, may be stamped within three months after it has been first received in [2][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 [1][State Government] may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

Bills and notes drawn out of India.

19. The first holder in [2][India] of any bill of exchange [4][payable otherwise than on demand], [3]* or promissory note drawn or made out of [2][India] shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in [2][India], affix thereto the proper stamp and cancel the same :

Provided that—

(*a*) if, at the time any such bill of exchange [3]* or note comes into the hands of any holder thereof in [2][India], the proper adhesive stamp is affixed thereto and cancelled in manner

---

[1]*See* foot-note 2 on page 469, *ante*.

[2]*See* foot-note 1 on page 468, *ante*.

[3]The word "cheque" was omitted by s. 5 of the Indian Finance Act, 1927 (V of 1927).

[4]These words were inserted by s.5, *ibid*.

Remove Watermark Wondershare PDFelement

prescribed by section 12, and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Act, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled;

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

Payment of duty on certain instruments liable to increased duty in West Bengal under clause (*bb*) of section 3.

[1]**19A.** Where any instrument has become chargeable in any part of [2][India] other than [3][West Bengal] with duty under this Act or under any other law for the time being in force in any part of [2][India] and thereafter becomes chargeable with a higher rate of duty in [3][West Bengal] under clause (*bb*) of the first proviso to section 3—

(*i*) notwithstanding anything contained in the first proviso to section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule IA less the amount of duty, if any, already paid on it in [3][India],

(*ii*) in addition to the stamps, if any already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (*i*) in the same manner and at the same time and by the same persons as though such instrument were an instrument received in [2][India] for the first time at the time when it became chargeable with the higher duty.

D.—Of Valuations for Duty.

Conversion of amount expressed in foreign currencies.

20. (*1*) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of [2][India], such duty shall be calculated on the value of such money in the currency of [2][India] according to the current rate of exchange on the day of the date of the instrument.

---

[1]Section 19A was inserted by s. 8 of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[2]*See* foot-note 1 on page 468, *ante*.

[3]*Vide* Corrigendum (notification No. 465-L, dated the 16th March, 1995); *see* the *Calcutta Gazette, Extraordinary*, dated the 16th March, 1995, Pt. III, pages 1-2.

Remove Watermark Wondershare PDFelement

(Chapter II.—Stamp-duties.—Sections 21—23A.)

(2) The [1][Central Government] may, from to time, by notification in the [2][*Official Gazette*], prescribe a rate of exchange for the conversion of British or any foreign currency into the currency of [3][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*).

Stock and marketable securities how to be valued.

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

Effect of statement of rate of exchange or average price.

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

Instruments reserving interest.

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

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

[4]**23A.** (*1*) Where an instrument (not being a promissory note or bill of exchange)—

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

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

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

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

---

[1]These words were substituted for the words "Governor General in Council" by paragraph 4(*1*) of the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]These words were substituted for the words "Gazette of India", *ibid.*

[3]*See* foot-note 1 on page 468, *ante.*

[4]Section 23A was added by s. 3 of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

[5]These words and figure were substituted for the words and figure "Article No. 5(*b*)" by s. 3 of the Indian Stamp (Amendment) Act, 1912 (I of 1912).

Remove Watermark Wondershare PDFelement

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

24. Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or incumbrance upon the property or not, such debt, money or stock is to be deemed the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with *ad valorem* duty :

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

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

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

Illustrations.

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

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

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

Valuation in case of annuity, etc.

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

Remove Watermark Wondershare PDFelement

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

Stamp where value of subject matter is indeterminate.

26. Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem* duty cannot be, or (in the case of an instrument executed before the commencement of this Act) could not have been, ascertained at 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 :

[1]Provided that, in the case of the lease of a mine in which royalty on a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp-duty,—

(*a*) when the lease has been granted by or on behalf of [2][the Government], at such amount or value as the Collector may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to [3][the Government] under the lease, or,

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

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

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

Facts affecting duty to be set forth in instrument.

[4]**27.** (*1*) The market value of, and the consideration (if any) for, any property and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

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

---

[1]This proviso was substituted for the original proviso by s. 4 of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

[2]The words "the Crown" were substituted for the words "the Secretary of State in Council" by para. 3 and the 1st Sch. of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "Government" was substituted for the word "Crown" by paragraph 4(*1*) of the Adaptation of Laws Order, 1950.

[3]The words "the Crown" were substituted for words "the said Secretary of State in Council", by para. 3 and the 1st Schedule to the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "Government" was substituted for the word "Crown" by paragraph 4(*1*) of the the Adaptation of Laws Order, 1950.

[4]Section 27 was substituted for the original section by s.4 of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

Remove Watermark Wondershare PDFelement

Direction as to duty in case of certain conveyances.

28. (*1*) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with *ad valorem* duty in respect of such distinct consideration.

(*2*) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with *ad valorem* duty in respect of the distinct part of the consideration therein specified.

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

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

Provided that the duty on such last-mentioned conveyance shall in no case be less than [1][two rupees].

(*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.

---

[1]These words were substituted for the words "one rupee" by s. 6 of the Indian Stamp (Bengal Amendment) Act, 1935 (Ben. Act XII of 1935).

Remove Watermark Wondershare PDFelement

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

E.—Duty by whom payable.

Duties by whom payable.

29. In the absence of 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),

[1][No. 6 (Agreement relating to Deposit of Title deeds, Pawn or Pledge),]

No. 13 (Bill of Exchange),

No. 15 (Bond),

No. 16 (Bottomry Bond),

No. 26 (Customs Bond),

No. 27 (Debenture),

No. 32 (Further charge),

No. 34 (Indemnity-Bond),

No. 40 (Mortgage-deed),

No. 49 (Promissory-note),

No. 55 (Release),

No. 56 (Respondentia Bond),

No. 57 (Security-bond or Mortgage-deed),

No. 58 (Settlement),

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

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

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

by the person drawing, making or executing such instrument;

[2][(*b*) in the case of a policy of insurance other than fire-insurance—by the person effecting the insurance;

---

[1]These words and figure were substituted for the words and figure "No. 6 (Agreement to mortgage)" by s. 5 of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

[2]These clauses (*b*) and (*bb*) were substituted for clause (*b*) by s. 4 of the Indian Stamp (Amendment) Act, 1906 (V of 1906).

Remove Watermark Wondershare PDFelement

(*bb*) in the case of a policy of fire-insurance—by the person issuing the policy;]

(*c*) in the case of a conveyance (including a re-conveyance of mortgaged property)—by the grantee : in the case of a lease or agreement to lease—by the lessee or intended lessee;

(*d*) in the case of a counterpart of a lease—by the lessor;

(*e*) in the case of an instrument of exchange—by the parties in equal shares;

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

(*g*) in the case of an instrument of partition—by the parties thereto in proportion to their respective shares in the whole property partitioned, or when the partition is made in execution of an order passed by a Revenue-authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

[1](*h*) in the case of any instrument not specified in clauses (*a*) to (*g*)—by the person drawing, making or executing such instrument.

Application of sections 23A, 24 and 29 to instrument chargeable with duty under Schedule IA.

[2]**29A.** In applying sections 23A, 24 or 29 to any instrument chargeable with a higher rate of duty under the Bengal Stamp (Amendment) Act, 1922, [3][or the Indian Stamp (Bengal Amendment) Act, 1935], the references in those sections to the several articles in Schedule I shall be deemed to be references to the corresponding articles in Schedule IA.

Ben. Act III of 1922.

Ben. Act XII of 1935.

Obligation to give receipt in certain cases.

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

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

---

[1]Clause (*h*) was added by s.5 of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

[2]Section 29A was inserted by s. 9 of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[3]These words were inserted by s. 5 of the Indian Stamp (Bengal Amendment) Act, 1935 (Ben. Act XII of 1935).

[4]This paragraph was added by s. 5 of the Indian Stamp (Amendment) Act, 1906 (V of 1906).

Remove Watermark Wondershare PDFelement

CHAPTER III.

ADJUDICATION AS TO STAMPS.

Adjudication as to proper stamp.

31. (*1*) When any instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount (not exceeding five rupees and not less than [1][fifty *naye paise*]) as the Collector may in each case direct, the Collector shall determine the duty (if any) with which, in his judgement, the instrument is chargeable.

(*2*) For this purpose the Collector may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon any such application until such abstract and evidence have been furnished accordingly :

Provided that—

(*a*) no evidence furnished in pursuance of this section shall be used against any person in any civil proceeding, except in an inquiry as to the duty with which the instrument to which it relates is chargeable; and

(*b*) every person by whom any such evidence is furnished shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty which he may have incurred under this Act by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

Certificate by Collector.

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

(*a*) the Collector determines that it is already fully stamped, or

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

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

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

---

[1]Substituted for the words "eight *annas*" by s. 3 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

Remove Watermark Wondershare PDFelement

(*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 authorise the Collector to endorse—

(*a*) any instrument [1][other than an instrument chargeable with a duty under clause (*bb*) of the first proviso to section 3] executed or first executed in [2][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 [2][India] and brought to him after the expiration of three months after it has been first received in [2][India][3]*;

(*c*) any instrument chargeable [4][with a duty not exceeding ten *naye paise*] or any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped; [5](or

(*d*) any instrument chargeable with duty under clause (*bb*) of the first proviso to section 3 and brought to him after the expiration of three months of the date on which it is first received in [6][West Bengal]).

CHAPTER IV.

INSTRUMENTS NOT DULY STAMPED.

Examination and impounding of instruments.

33. (*1*) [7](*a*) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same.

[7](*b*) Notwithstanding anything contained in section 31, but without prejudice to the provisions of clause (*a*) of this sub-section, the Collector, before whom any instrument is brought under section 31 for determining the duty with which the instrument is chargeable, shall, if it appears to him that such instrument is not duly stamped, impound the same :

Provided that nothing contained in this clause shall be deemed to authorise the Collector to impound any instrument which has not been executed but is brought to him under section 31 for determining the duty with which the instrument is chargeable or any instrument which he is authorised to endorse under section 32.

---

[1]These words were inserted by s. 10(*1*) of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[2]*See* foot-note 1 on page 468, *ante*.

[3]The word "or" was omitted by s. 10(*2*) of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[4]Substituted for the words "with the duty of one *anna* or half an *anna*" by s. 4 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[5]The word "or" and proviso (*d*), within square brackets, were inserted by s. 10(*3*) of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[6]*See* foot-note 5 on page 473, *ante*.

[7]Sub-section (*1*) was renumbered as clause (*a*) of that sub-section by and after sub-section (*1*) as so renumbered clause (*b*) was inserted s.6(*a*) of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

Remove Watermark Wondershare PDFelement

(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 [1][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, 1898; Act V of 1898.

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

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

(*a*) the [2][State Government] may determine what offices shall be deemed to be public offices; and

(*b*) the [2][State Government] may determine who shall be deemed to be persons in charge of public offices.

[3](4) Where deficiency in stamp duty is noticed from the copy of any instrument, the Collector may, *suo motu* or on a reference from any Court or from the Commissioners of Divisions or from any officer authorised by the Board of Revenue in that behalf, call for the original instrument for the purpose of satisfying himself as to the adequacy of the duty paid thereon, and the instrument so produced before the Collector shall be deemed to have been produced or come before him in the performance of his functions.

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

Provided that no action under this sub-section shall be taken after a period of four years from the date of execution of the instrument.

---

[1]*See* foot-note 1 on page 468, *ante*.

[2]*See* foot-note 2 on page 469, *ante*.

[3]Sub-sections (*4*) and (*5*) were inserted by s.6(*b*) of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

Remove Watermark Wondershare PDFelement

of 1899.]

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

Special provision as to unstamped receipts.

34. Where any receipt chargeable [1][with a duty not exceeding ten *naye paise*] is tendered to or produced before any officer unstamped in the course of the audit of any public account, such officer may in his discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted therefor.

Instruments not duly stamped inadmissible in evidence, etc.

35. No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped :

Provided that—

(*a*) any such instrument not being an instrument chargeable [2][with a duty not exceeding ten *naye paise*] 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 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 such receipt, if stamped, would be admissible in evidence against him, such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it;

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

(*d*) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898;

Act V of 1898.

(*e*) nothing herein contained shall prevent the admission of any instrument in any court when such instrument has been executed by or on behalf of [3][the Government], or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Act.

---

[1]Substituted for the words "with a duty of one *anna*" by s. 5 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[2]Substituted for the words "with a duty of one *anna* or half an *anna*" by s. 6, *ibid.*

[3]The words "the Crown" were substituted for the words "the Government" by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "Government" was substituted for the word "Crown" by paragraph 4(*1*) of the Adaptation of Laws Order, 1950.

Remove Watermark Wondershare PDFelement

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

Admission of instrument where not to be questioned.

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

Admission of improperly stamped instruments.

37. The [1][State Government] may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

Instruments impounded, how dealt with.

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

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

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

39. (*1*) When a copy of an instrument is sent to the Collector under section 38, sub-section (*1*), he may, if he thinks fit, [2]* * * refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

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

Collector's power to stamp instruments impounded.

40. (*1*) When the Collector impounds any instrument under section 33, or receives any instrument sent to him under section 38, sub-section (2), not being an instrument chargeable [3][with a duty not exceeding ten *naye paise*] 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;

(*b*) if he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees; or, if he thinks fit, [4][an amount not exceeding] ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of five rupees:

---

[1]*See* foot-note 2 on page 469, *ante*.

[2]The words "upon application made to him in this behalf or, if no application is made, with the consent of the Chief Controlling Revenue-authority" were omitted by s. 2 and Schedule, Part I, of the Decentralization Act, 1914 (IV of 1914).

[3]Substituted for the words "with a duty of one *anna* or half an *anna*" by s. 6 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[4]These words were inserted by s. 6 of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

Remove Watermark Wondershare PDFelement

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 matter stated therein.

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

Instruments unduly stamped by accident.

41. If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable [1][with a duty not exceeding ten *naye paise*] only or a bill of exchange or promissory note is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 40, receive such amount and proceed as next hereinafter prescribed.

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

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

(2) Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in this behalf to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct :

Provided that—

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

Act XIV of 1882.

(*b*) nothing in this section shall affect the [2]Code of Civil Procedure, section 144, clause 3.

---

[1]Substituted for the words "with a duty of one *anna* or half an *anna*" by s. 6 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[2]*See* now the Code of Civil Procedure, 1908 (V of 1908), Schedule I, Order XIII, rule 9.

Remove Watermark Wondershare PDFelement

Prosecution for offence against Stamp-law.

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 :

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.

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

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

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

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

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

45. (*1*) Where any penalty is paid under section 35 or section 40, the Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

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

Non-liability for loss of instruments sent under section 38.

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

(*2*) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

Remove Watermark Wondershare PDFelement

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

47. When any bill of exchange [1][or promissory note] chargeable [2][with a duty not exceeding ten *naye paise*] 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 [3][or note], and may charge the duty against the person who ought to have paid the same, or deduct it from the sum payable as aforesaid, and such bill [3][or note] shall, so far as respects the duty, be deemed good and valid :

Provided that nothing herein contained shall relieve any person from any penalty or proceding to which he may be liable in relation to such bill, [3][or note].

Instruments of conveyance, etc., undervalued, how to be dealt with.

16 of 1908.

[4]**47A.** (*1*) Where the registering officer appointed under the Registration Act, 1908, has, while registering any instrument of conveyance, exchange, gift, partition or settlement, reason to believe that the market value of the property which is the subject-matter of such instrument has not been truly set forth in the instrument, he may, notwithstanding the contrary provision in section 35 in so far as it relates to registration, register such instrument provisionally, subject to determination of the market value under sub-section (*2*), and, after registering such instrument, refer the matter to such authority as may be prescribed for determination of the market value of such property and the proper duty payable thereon.

(*2*) On receipt of a reference under sub-section (*1*), such authority shall, after giving the parties concerned an opportunity of making their representation and after holding an enquiry in such manner as may be prescribed by rules made under this Act, determine the market value of the property which is the subject-matter of such instrument and the amount of the duty payable as aforesaid. The difference, if any, in the amount of duty shall be payable by the person liable to pay the duty.

(*3*) The authority referred to in sub-section (*2*) may *suo motu* within two years from the date of registration of such instrument, not already referred to him under sub-section (*1*), call for and examine any instrument for the purpose of satisfying himself as to the correctness of the market value of the property which is the subject-matter of such instrument and the duty payable thereon and if, after such examination, he has reasons to believe that the market value of such property has not been truly set forth in the instrument, he may determine the market value of such property and the amount of the duty payable as aforesaid in accordance with the procedure provided for in sub-section (*2*). The difference, if any, in the amount of duty, shall be payable by the person liable to pay the duty :

---

[1]These words were substituted for the words "promissory note or cheque" by s. 5 of the Indian Finance Act, 1927 (V of 1927).

[2]These words were substituted for the words "with the duty of one *anna*" by s. 7 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[3]These words were substituted for the words "note or cheque" by s. 5 of the Indian Finance Act, 1927 (V of 1927).

[4]Section 47A was inserted by s.7 of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

Remove Watermark Wondershare PDFelement

Provided that nothing in this sub-section shall apply to any instrument registered before the date of commencement of the Indian Stamp (West Bengal Amendment) Act, 1990. West Ben Act XVII of 1990.

(*4*) Any person aggrieved by an order of the authority under sub-section (*2*) or sub-section (*3*) may appeal to the appellate authority specified in sub-section (*5*). All such appeals shall be preferred within sixty days from the date of the order and shall be heard and disposed of in such manner as may be prescribed by rules made under this Act.

(*5*) The appellate authority shall be,—

(*i*) in the city of Calcutta, the Commissioner, Presidency Division; and

(*ii*) elsewhere, the Commissioner of the respective Division.

Recovery of duties and penalties.

48. All duties, penalties and other sums required to be paid under this Chapter may be recovered by the Collector by distress and sale of the 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.

Validity of certificate or endorsements in respect of instruments for which higher rate of duty is payable in West Bengal.

[1]**48A.** Notwithstanding anything contained in this Act, no certificate or endorsement under this Act in respect of an instrument chargeable in [2][West Bengal] with a higher rate of duty under the Bengal Stamp (Amendment) Act, 1922, [3][or the Indian Stamp (Bengal Amendment) Act, 1935], shall be received in evidence or be in any way valid in respect of the payment of duty on such instrument or in respect of the chargeability of such instrument with duty, unless the duty chargeable under the Bengal Stamp (Amendment) Act, 1922, [3][or the Indian Stamp (Bengal Amendment) Act, 1935], has been paid on such instrument. Ben. Act III of 1922. Ben. Act XII of 1935.

CHAPTER V.

ALLOWANCES FOR STAMPS IN CERTAIN CASES.

Allowance for spoiled stamps.

49. Subject to such rules as may be made by [4][the State Government] as to the evidence to be required, or the enquiry to be made, the Collector may, on application made within the period

---

[1]Section 48A was inserted by s. 11 of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[2]*See* foot-note 5 on page 473, *ante*.

[3]These words were inserted by s. 5 of the Indian Stamp (Bengal Amendment) Act, 1935 (Ben. Act XII of 1935).

[4]The words "the Collecting Government" were substituted for the words "the Local Government" by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the words "State Government" were substituted for the words "Collecting Government" by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

Remove Watermark Wondershare PDFelement

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 [1][payable otherwise than on demand] [2]* or promissory notes—

(*1*) the stamp on [3][any such bill of exchange] [2]* * 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 or acceptance : provided that the paper on which any such stamp is impressed does not bear any signature intended as or for the acceptance of any bill of exchange [2]* * to be afterwards written thereon;

(*2*) the stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands;

(*3*) the stamp used or intended to be used for [3][any such bill of exchange] [4]* 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 [2]* * 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 [4]* or promissory note is produced identical in every particular, except in the correction of such omission or error as aforesaid, with the spoiled bill, [4]* or note;

(*d*) the stamp used for an instrument executed by any party thereto which —

(*1*) has been afterwards found to be absolutedly void in law from the beginning;

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

---

[1]These words were inserted by s. 5 of the Indian Finance Act, 1927 (V of 1927).
[2]The words "cheques" and "or cheque", wherever they occur, were omitted, *ibid.*
[3]These words were substituted for the words "any bill of exchange", *ibid.*
[4]The word "cheque" was omitted, *ibid.*

Remove Watermark Wondershare PDFelement

(*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 deficient in value and the transaction intended to be thereby effected has been effected by some other instrument between the same parties and bearing a stamp of not less value;

(*8*) is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped:

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

Explanation.—The certificate of the Collector under section 32 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of this section.

Application for relief under section 49 when to be made.

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

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

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

Remove Watermark Wondershare PDFelement

(*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 [1][India], the application may be made within six months after it has been received back in [2][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.

Allowance in case of printed forms no longer required by Corporations.

51. The Chief Controlling Revenue-authority [2][or the Collector if empowered by the Chief Controlling Revenue-authority in this behalf] may, without limit of time, make allowance for stamped paper used for printed forms of instruments [3][by any banker or] by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said [4][banker], company or body corporate : provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

Allowance for misused stamps.

52. (*a*) When any person has inadvertently used for an instrument chargeable with duty, 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

---

[1]*See* foot-note 1 on page 468, *ante*.

[2]These words were inserted by s. 3 and Schedule, Part I of the Decentralization Act, 1914 (IV of 1914).

[3]These words were inserted by s. 6 of the Indian Stamp (Amendment) Act, 1906 (V of 1906).

[4]This word was inserted by s. 6 *ibid*.

Remove Watermark Wondershare PDFelement

(Chapter V.—Allowances for Stamps in certain cases.—Sections 53—54B.)

re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

Allowance for spoiled or misused stamps how to be made.

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

(*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 [1][ten naye paise] for each rupee or fraction of a rupee.

Allowance for stamps not required for use.

54. When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Collector shall repay to such person the value of such stamp or stamps in money, deducting [1][ten naye paise] 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 of the sum actually paid by the vendor without any such deduction as aforesaid.

Allowances for stamps in denominations of *annas*.

[2]**54A.** Notwithstanding anything contained in section 54, when any person is possessed of a stamp or stamps in any denominations, other than in denominations of *annas* four or multiples thereof and such stamp or stamps has or have not been spoiled, the Collector shall repay to such person the value of such stamp or stamps in money calculated in accordance with the provision of sub-section (2) of section 14 of the Indian Coinage Act, 1906, upon such person delivering up, within six months from the commencement of the Indian Stamp (Amendment) Act, 1958, such stamp or stamps to the Collector. 3 of 1906 19 of 1958

Allowances for Refugee Relief stamps.

[3]**54B.** Notwithstanding anything contained in section 54, when any person is possessed of stamps bearing the inscription "Refugee Relief" (being stamps issued pursuance of section 3A before its omission) and such stamps have not been spoiled, the Collector shall, upon such person delivering up, within six months from the commencement of the Refugee Relief Taxes (Abolition) Act, 1973, such stamps to the Collector, refund to such person the value of such 13 of

[1]Substituted for the words "one *anna*" by s. 8 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[2]Section 54A was inserted by s. 9, *ibid.*

[3]This section alongwith its marginal note was inserted by s. 2 (*b*) of the Refugee Relief Taxes (Abolition) Act, 1973 (Act 13 of 1973).

Remove Watermark Wondershare PDFelement

stamps in money or give in lieu thereof other stamps of the same value:

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

Allowance on renewal of certain debentures.

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

Provided that the original debenture is produced before the Collector and cancelled by him in such manner as the [1][State Government] may direct.

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

(*a*) the issue of two or more debentures in place of one original debenture, the total amount secured being the same;

(*b*) the issue of one debenture in place of two or more original debentures, the total amount secured being the same;

(*c*) the substitution of the name of the holder at the time of renewal for the name of the original holder; and

(*d*) the alteration of the rate of interest or the dates of payment thereof.

CHAPTER VI.

REFERENCE AND REVISION.

Control of, and statement of case, to Chief Controlling Revenue-authority.

56. (*1*) The powers exercisable by a collector under Chapter IV and Chapter V [2][and under clause (*a*) of the first proviso to section 26] shall in all case be subject to the control of the Chief Controlling Revenue-authority.

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

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

---

[1]The words "Provincial Government" were first substituted for the words "Governor-General in Council" by para. 3 and the 1st Sch. of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by pargraph 4(*1*) of the Adaptation of Laws Order, 1950.

[2]These words and figure were inserted by s. 7 of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

Remove Watermark Wondershare PDFelement

(Chapter VI.—Reference and Revision.—Sections 57—60.)

Statement of case by Chief Controlling Revenue-authority to High Court.

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,—

[1](*a*) if it arises in a State, to the High Court for that State;

[1](*b*) if it arises in the Union Territory of Delhi or Himachal Pradesh, to the High Court of Punjab;

[1](*c*) if it arises in the Union Territory of Manipur or Tripura, to the High Court of Assam;

[1](*d*) if it arises in the Union Territory of the Andaman and Nicobar Islands, to the High Court at Calcutta; and

[1](*e*) if it arises in the Union Territory of the Laccadive, Minicoy and Amindivi Islands, to the High Court of Kerala.

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

Power of High Court, to call for further particulars as to case stated.

58. If the High Court [3]* * * 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.

Procedure in disposing of case stated.

59. (*1*) The High Court [3]* * * 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.

Statement of case by other Courts to High Court.

60. (*1*) If any Court, other than a Court mentioned in section 57, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (*a*) to section 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the High Court [3]* * * to which, if he were the Chief Controlling Revenue-authority, he would, under section 57, refer the same.

---

[1]These clauses were substituted by the Schedule of the Adaptation of Laws (No. 2) Order, 1956, for the former clauses (*a*) to (*g*) as substituted by the 1st Schedule of the Adaptation of Laws Order, 1950.

[2]The words "Chief Court or Judicial Commissioner's Court" were omitted by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

[3]The words "Chief Court or Judicial Commissioner's Court", which were substituted by para. 3 and the 1st Schedule of the Government of India (Adaptation of of Indian Laws) Order, 1937 were omitted by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

Remove Watermark Wondershare PDFelement

of 1899.]

(Chapter VI.—Reference and Revision.—Section 61.)

(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 conformable to such judgment.

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

Revision of certain decisions of Courts regarding the sufficiency of stamps.

61. (1) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898, makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 35, the Court to which appeal 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.

Act V of 1898.

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

(3) When any declaration has been recorded under sub-section (2), the Court recording the same shall send a copy thereof to the Collector, and, where the instrument to which it relates has been impounded or is otherwise in the possession of 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 effect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 42.

Remove Watermark Wondershare PDFelement

(Chapter VII.—Criminal Offences and Procedure.—Sections 62—64.)

CHAPTER VII.

CRIMINAL OFFENCES AND PROCEDURE.

Penalty for executing, etc, instrument not duly stamped.

62. (*1*) Any person—

(*a*) drawing, making, issuing, endorsing or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating, any bill of exchange [1][payable otherwise than on demand], [2]* * or promissory note without the same duty stamped; or

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

(*c*) voting or attempting to vote under any proxy not duly stamped;

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

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

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

Penalty for failure to cancel adhesive stamp.

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.

---

[1]These words were inserted by s. 5 of the Indian Finance Act, 1927 (V of 1927).
[2]The word "cheque" was omitted by s. 5, *ibid.*

Remove Watermark Wondershare PDFelement

of 1899.]

(Chapter VII.—Criminal Offences and Procedure.—Sections 64A—68.)

Recovery of amount of deficit stamp duty.

[1]**64A.** *(1)* Where any person liable to pay duty under this Act is convicted of an offence under section 64 in respect of any instrument (not being an instrument specified in Entry 91 of List I in the Seventh Schedule to the Constitution of India), the Magistrate shall, in addition to the punishment which may be imposed for such offence, recover summarily and pay over to the Collector the amount of duty, if any, due under this Act from such person in respect of that instrument and the Collector shall thereupon certify by endorsement on the instrument that proper duty has been levied in respect thereof :

Provided that if the person referred to in this sub-section has already paid any amount towards the duty payable under this Act in respect of the instrument in relation to which such person was convicted, the Magistrate shall recover only the difference in the amount of duty.

(2) The amount recoverable under sub-section (*1*) shall be recovered by the Magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1973.

2 of 1974.

Penalty for refusal to give receipt, and for devices to evade duty on receipts.

65. Any person who—

(*a*) being required under section 30 to give a receipt, refuses or neglects to give the same; or,

(*b*) with intent to defraud the Government of any duty, upon a payment of money or delivery of property exceeding twenty rupees in amount or value, gives a receipt for an amount or value not exceeding twenty rupees, or separates or divides the money or property paid or delivered;

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

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

66. Any person who—

(*a*) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, with one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance; or

(*b*) makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or 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.

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

67. Any person drawing or executing a bill of exchange [2][payable otherwise than on demand] 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 purpose the set to consist, shall be punishable with fine which may extend to one thousand rupees.

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

68. Any person who,—

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

[1]Section 64A was inserted by s.8 of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

[2]These words were inserted by s. 5 of the Indian Finance Act, 1927 (V of 1927).

Remove Watermark Wondershare PDFelement

(Chapter VII.—Criminal Offences and Procedure.—Sections 69—72.—Chapter VIII.—Supplemental Provisions.—Section 73.)

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

(*c*) with the like intent, practices 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.

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

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 [1][ten *naye paise* or five *naye paise*] adhesive stamp);

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Institution and conduct of prosecutions.

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 [2][the State Government] generally, or the Collector specially, authorises in that behalf.

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

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

Jurisdiction of Magistrates.

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

Place of trial.

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.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Books, etc., to be open to inspection.

73. Every public officer having in his custody any registers, books, records, papers, documents or proceeding, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorised in writing by the Collector to

---

[1]Substituted for the words "one-*anna* or half an *anna*" by s. 10 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[2]The words "the Collecting Government" were substituted for the words "the Local Government" by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the words "State Government" were substituted for the words "Collecting Government" by para. 3 and the 1st Schedule to the Adaptation of Laws Order, 1950.

Remove Watermark Wondershare PDFelement

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

Collector's power to authorise officer to enter premises, inspect certain documents, and seize them, if necessary.

[1]**73A.** (*1*) The Collector may, where he has reason to believe that all or any of the instruments specified in Entry 91 of List I in the Seventh Schedule to the Constitution of India have not been charged at all or have been incorrectly charged with duty leviable under this Act, authorise in writing any officer to enter upon any premises where he has reason to believe that any registers, books, records, papers, documents or proceedings relating to or in connection with any such instrument are kept in such premises, and to inspect them, and to take such notes and extracts as such officer deems necessary, and, if necessary, to seize them and to impound them under section 33.

(*2*) Every person having in his custody or maintaining such registers, books, records, papers, documents or proceedings shall, when so required by the officer authorised under sub-section (*1*), produce them before such officer and shall, at all reasonable times, permit such officer to inspect them and to take such notes and extracts as he may deem necessary.

Powers to make rules relating to sale of stamps.

74. [2][The State Government] [3]* * * * 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 [4][ten *naye paise* or five *naye paise*] adhesive stamps.

---

[1]Section 73A was inserted by s. 9 of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

[2]*See* foot-note 2 on page 469, *ante*.

[3]The words "subject to the control of the Governor-General in Council" were omitted by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937.

[4]Substituted for the words "one-*anna* or half an *anna*" by s. 10 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

Remove Watermark Wondershare PDFelement

Power to make rules generally to carry out Act.

75. [1][The State Government] may make rules to carry out generally the purposes of this Act, and may by such rules prescribe the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.

Publication of rules.

76. [2](*1*) All rules made under this Act shall be published in the *Official Gazette.*

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

Delegation of certain powers.

[3]**76A.** [4][* * * The State Government, may by notification in the *Official Gazette*], delegate—

(*a*) all or any of the powers conferred on it by sections 2(*9*), 33(*3*) (*b*), 70(*1*), 74 and 78 to the Chief Controlling Revenue-authority; and

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

Saving as to court-fees.

77. [5][Expect for the provisions as to copies contained in section 6A] 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.

Saving as to certain stamps.

[6]**77A.** All stamps in denominations of *annas* four or multiples thereof shall be deemed to be stamps of the value of twenty-five *naye paise* or, as the case may be, multiples thereof and shall, accordingly, be valid for all the purpose of this Act.

Act to be translated and sold cheaply.

78. Every [7][State Government] shall make provision for the sale of translations of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding [8][twenty-five *naye paise*] per copy.

79. [*Repealed.*]—*Rep. by s. 3 and Schedule II of the Repealing and Amending Act, 1914 (X of 1914).*

---

[1]*See* foot-note 2 on page 469, *ante*.

[2]Sub-section (*1*) was substituted for the original sub-section by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]Section 76A was inserted by s. 2 and Schedule, Part I, of the Decentralization Act, 1914 (IV of 1914).

[4]The words "The Central Government, subject to the provisions of section 124 (*1*) of the Government of India Act, 1935, and the Provincial Government, may by notification in the *Official Gazette*" were substituted for the words "The Local Government may by notification in the local Official" by para. 3 and the 1st Schedule to the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" and the words "The Central Government, subject to the provisions of section 124 (*1*) of the Government of India Act, 1935, and" were omitted by paragraph 4(*1*) and para. 3 and the 1st Schedule, repectively, of the Adaptation of Laws Order, 1950.

[5]These words, figure and letter were inserted by s. 12 of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[6]Section 77A was inserted by s. 11 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[7]The words "Provincial Government" were first substituted for the words "Local Government" by paragraph 4(*1*) of the Government of India (Adaptation of Indian Laws) Order, 1937 and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(*1*) of the Adaptation of Laws Order, 1950.

[8]Substituted for the words "four *annas*" by s. 12 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.

STAMP-DUTY ON INSTRUMENTS.

(*See* section 3.)

Description of Instruments.	Proper Stamp-duty.
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 : provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.	One *anna*.
2. **Administration-Bond** including a bond given under section 256 of the Indian Succession Act, 1865[1], 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[1],—	X of 1865. V of 1873. 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.
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.)	
4. **Affidavit**; including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	
Exemptions.	
Affidavit or declaration in writing when made— [2][(*a*) as a condition of enrolement under the [3]Indian Army Act, 1911], [4][or the [5]Indian Air Force Act, 1932];	

[1]These Acts have been repealed and re-enacted by the Indian Succession Act, 1925 (XXXIX of 1925), except section 13 of the Succession Certificate Act, 1889.

[2]These words and figure were substituted for the words "(*a*) as a condition of enlistment under the Indian Articles of War" by s. 2 and Schedule I of the Repealing and Amending Act, 1928 (XVIII of 1928).

[3]*See* now the Army Act, 1950 (XLVI of 1950).

[4]These words and figure were inserted by s. 130 and the Sch. of the Indian Air Force Act, 1932 (XIV of 1932).

[5]*See* now the Air Force Act, 1950 (XLV of 1950).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—contd.

Description of Instruments.	Proper Stamp-duty.
4. Affidavit—*concld.*	
Exemptions—*concld.*	
(*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.	
[1]**5. Agreement or Memorandum of An Agreement**—	
(*a*) if relating to the sale of a bill of exchange; ...	Two *annas*.
(*b*) if relating to the sale of a Government security or share in an incorporated company or other body corporate;	Subject to a maximum of ten rupees, one *anna* for every Rs. 10,000 or part thereof of the value of the security or share.
(*c*) if not otherwise provided for	
Exemptions.	
Agreement or Memorandum of Agreement—	
(*a*) for or relating to the sale of goods or merchandise exclusively, not being a Note or Memorandum chargeable under No. 43;	Eight *annas*.
(*b*) made in the form of tenders to the [2]{Central Government} for relating to any loan;	
[3]* * * *	
Agreement to Lease, *See* Lease (No. 35).	
[4]**6. Agreement Relating to Deposit of Title-deeds, Pawn or Pledge**, that is to say, any instrument evidencing an agreement relating to—	
(*1*) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or	

[1]This article was substituted for the original article by s. 3(*i*) of the Indian Stamp (Amendment) Act, 1910 (VI of 1910).

[2]These words were substituted for the words "Government of India" by paragraph 4(*1*) of the Government of India (Adaptation of Indian Laws) Order, 1937.

[3]Clause (*c*) was omitted by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

[4]This article was substituted for the original article by s. 8(*1*) of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—contd.

Description of Instruments.	Proper Stamp-duty.
6. Agreement Relating to Deposit of Title-deed, Pawn or Pledge—concld.	
(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—	
(*a*) if such loan or debt in repayable on demand or more than three months from the date of the instrument evidencing the agreement;	The same duty as a Bill of Exchange [No. 13 (b)] for the amount secured.
(*b*) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable on a Bill of Exchange [No. 13 (b)] for the amount secured.
Exemption.	
Instrument of pawn or pledge of goods if unattested.	
7. Apointment 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.
8. APPRAISEMENT OF VALUATION made otherwise than under an order of the Court in the course of a suit—	
(*a*) where the amount does not exceed Rs. 1,000 ...	The same duty as a Bond (No. 15), for such amount.
(*b*) in any other case	Five rupees.
Exemptions.	
(*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.	
(*b*) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
9. Apprenticeship-Deed, including every writing relating to the service or tuition of any apprentice, clerk or servant, placed with any master to learn any profession, trade or employment, not being Articles of Clerkship (No. 11).	Five rupees.

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—contd.

Description of Instruments.	Proper Stamp-duty.
9. **Apprenticeship-Deed**—concld.	
Exemption.	
XIX of 1850. 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.	
10. **Articles of Association of a Company**	Twenty-five rupees.
Exemption	
VI of 1882. Articles of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1882.[1]	
See also Memorandum of Association of a Company (No. 39).	
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).	
12. **Award**, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—	
(*a*) where the amount or value of the property to which the award relates as set forth in such award does not exceed Rs. 1,000;	The same duty as a Bond (No. 15) for such amount.
(*b*) in any other case	Five rupees.
Exemption.	
Bom. Act VI of 1873. Bom. Act III of 1874. Award under the Bombay District Municipal Act, 1873[2] section 81, or the Bombay Hereditary Offices Act, 1874, section 18.	

[1] *See* now the Companies Act, 1956 (I of 1956).
[2] *See* now the Bombay District Municipal Act, 1901 (Bom. Act III of 1901).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—contd.

Description of Instruments.	Proper Stamp-duty.
13. Bill of Exchange [as defined by s. 2 (2) [1]* * *] not being a Bond, bank-note or currency-note—	
[2]* * * * *	
[3](*b*) where payable otherwise than on demand—	
(*i*) where payable not more than three months after date or sight—	
if the amount of the bill or note does not exceed Rs. 500.	One rupee [4][twenty-five *naye paise*.]
If it exceeds Rs. 500 but not exceed Rs. 1,000.	Two rupees [5][fifty *naye paise*.]
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000.	
(*ii*) where payable more than three months but not more than six months after date or sight—	Two rupees [5][fifty *naye paise*.]
if the amount of the bill or note does not exceed Rs. 500.	Two rupees [5][fifty *naye paise*.]
if it exceeds Rs. 500 but does not exceed Rs. 1,000.	Five rupees.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000.	Five rupees.
(*iii*) where payable more than six months but not more than nine months after date or sight if the amount of the bill or note does not exceed Rs. 500.	Three rupees [6][seventy-five *naye paise*.]
if it exceeds Rs. 500 but does not exceed Rs. 1,000.	Seven rupees [5][fifty *naye paise*.]
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000.	Seven rupees [5][fifty *naye paise*.]
(*iv*) where payble more than nine months but not more than one year after date or sight—	Five rupees.
if the amount of the bill or note does not exceed Rs. 500.	

[1]The word, figure and brackets "and (*3*)" were omitted by s. 5 of the Indian Finance Act, 1927 (V of 1927).

[2]The words, letter and brackets "(*a*) where payble on demand...one *anna*" were omitted, *ibid.*

[3]Items (*b*) and (*c*) of entry 13 were substituted by s. 4 and the Second Schedule of the Finance (No. 2) Act, 1956 (LXXVI of 1956).

[4]Substituted for words "four *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[5]Substituted for the words "eight *annas*" by s. 13, *ibid.*

[6]Substituted for the words "twelve *annas*" by s. 13, *ibid.*

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
13. Bill of Exchange—*concld.*	
if it exceeds Rs. 500 but does not exceed Rs. 1,000.	Ten rupees.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000.	Ten rupees.
[1](*c*) where payble at more than one year after date or sight—	
if the amount of the bill or note does not exceed Rs. 500.	Ten rupees.
if it exceeds Rs 500 but does not exceed Rs. 1,000.	Twenty rupees.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000.	Twenty rupees.
14. Bill of Lading (including a through bill of lading)	[2][Two rupees].
	N.B.—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.
Exemptions.	
X of 1889. (*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,[3] and are to be delivered at another place within the limits of the same port.	
(*b*) Bill of lading when executed out of [4][India] and relating to property to be delivered in [4][India].	

[1]Items (*b*) and (*c*) of entry 13 were substituted by s. 4 and the Second Schedule of the Finance (No. 2) Act, 1956 (LXXVI of 1956).

[2]Originally, the words "Twenty-five *naye paise*" were substituted for the words "*four annas*" by s.13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958). Thereafter, the words "one rupee" were substituted for the words "Twenty-five *naye paise*" by s.50 (*a*) of the Finance Act, 1985 (Act XXXII of 1985). Finally, the words within the square brackets were substituted for the word "one rupee" by s.99 (*ii*) (*a*) of the Finance Act, 1994 (Act XXXII of 1994).

[3]*See* now the Indian Ports Act, 1908 (XV of 1908).

[4]*See* foot-note 1 on page 468, *ante*.

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
15. Bond [as defined by section 2(5)] not being a DEBENTURE (No. 27), and not being otherwise provided for by this Act, or by the Court-fees Act, 1870,— VII of 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*.
where it exceeds Rs. 50 and does not exceed Rs. 100	Eight *annas*.
where it exceeds Rs. 100 and does not exceed Rs. 200	One rupee.
where it exceeds Rs. 200 and does not exceed Rs. 300	One rupee eight *annas*.
where it exceeds Rs. 300 and does not exceed Rs. 400	Two rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500	Two rupees eight *annas*.
where it exceeds Rs. 500 and does not exceed Rs. 600	Three rupees.
where it exceeds Rs. 600 and does not exceed Rs. 700	Three rupees eight *annas*.
where it exceeds Rs. 700 and does not exceed Rs. 800	Four rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900	Four rupees eight *annas*.
where it exceeds Rs. 900 and does not exceed Rs. 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.	
Bond, when executed by—	
(*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;	Ben. Act III of 1876.
(*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.	

Remove Watermark Wondershare PDFelement

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
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.
17. Cancellation—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for. See also RELEASE (No. 55), REVOCATION OF SETTLEMENT (No. 58-B), SURRENDER OF LEASE (No. 61), REVOCATION OF TRUST (No. 64-B).	Five rupees.
18. Certificate of Sale (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public auction by a Civil or Revenue-officer—	
(*a*) where the purchase-money does not exceed Rs. 10;	Two *annas*.
(*b*) where the purchase-money 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.
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. *See also* LETTER OF ALLOTMENT OF SHARES (No. 36).	[1][Two *annas*.]
20. Charter-Party, that is to say, any instrument (except an agreement for the hire of a tugsteamer) 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. [2]* * * * * *	One rupee.

[1]These words were substituted for the words "one *anna*" by s. 2 of the Indian Stamp (Amendment) Act, 1923 (XLIII of 1923).

[2]Article 21 was omitted by s. 5 of the Indian Finance Act, 1927 (V of 1927).

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
22. Composition-Deed, that is to say, 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.
23. Conveyance [as defined by section 2(*10*)] not being a TRANSFER charged or exempted under No. 62.—	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50;	Eight *annas*.
where it exceeds Rs. 50 but does not exceed Rs. 100	One rupee.
where it exceeds Rs. 100 but does not exceed Rs. 200	Two rupees.
where it exceeds Rs. 200 but does not exceed Rs. 300	Three rupees.
where it exceeds Rs. 300 but does not exceed Rs. 400	Four rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500	Five rupees.
where it exceeds Rs. 500 but does not exceed Rs. 600	Six rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700	Seven rupees.
where it exceeds Rs. 700 but does not exceed Rs. 800	Eight rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900	Nine rupees.
where it exceeds Rs. 900 but does not exceed Rs. 1,000	Ten rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Five rupees.
Exemption.	
Assignment of copyright by entry made under the Indian Copyright Act, 1847[1], section 5.	XX of 1847.
Co-Partnership-Deed *See* PARTNERSHIP (No. 46).	
24. Copy or Extract, certified to be a true copy or extract, by or order of any public officer and not chargeable under the law for the time being in force relating to court-fees.	
(*i*) if the orginal 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.

[1]*See* now the Indian Copyright Act, 1914 (III of 1913).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
24. Copy or Extract—*concld.*	
Exemptions.	
(*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.	
[1][(*b*) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, [2]divorces, deaths or burials.]	
25. Counterpart or Duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid,—	
(*a*) if the duty with which 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.
Exemption.	
Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.	
26. Customs-Bond—	
(*a*) where the amount does not exceed Rs. 100	The same duty as a Bond (No. 15) for such amount.
(*b*) in any other case	Five rupees.
[3]**27. Debenture** (whether a mortgage debenture or not), being a marketable security transferable—	
(*a*) by endorsement or by a separate instrument of transfer—	
where the amount or value does not exceed Rs. 10	[4][Twenty *naye paise*.]
where it exceeds Rs. 10 and does not exceed Rs. 50	[5][Forty *naye paise*.]

[1]This clause was substituted for clauses (*b*) and (*c*) by s. 7(*1*) of the Indian Stamp (Amendment) Act, 1906 (V of 1906).

[2]The word "divorces" was inserted by s. 2 and Schedule I of the Repealing and Amending Act, 1914 (X of 1914).

[3]Article 27, which was substituted for the original article by s. 3 (*iii*) of the Indian Stamp (Amendment) Act, 1910 (VI of 1910), was further substituted by s. 7 (*ii*) of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955).

[4]Substituted for the words "Three *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[5]Substituted for the words "Six *annas*" by s. 13, *ibid.*

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
where it exceeds Rs. 50 and does not exceed Rs. 100 . . .	[1][Seventy-five *naye paise.*]
Ditto 100 ditto 200 . . .	One rupee [2][fifty *naye paise.*]
Ditto 200 ditto 300 . . .	Two rupees [3][twenty-five *naye paise.*]
Ditto 300 ditto 400 . . .	Three rupees.
Ditto 400 ditto 500 . . .	Three rupees [1][seventy-five *naye paise.*]
Ditto 500 ditto 600 . . .	Four rupees [2][fifty *naye paise.*]
Ditto 600 ditto 700 . . .	Five rupees [3][twenty-five *naye paise.*]
Ditto 700 ditto 800 . . .	Six rupees.
Ditto 800 ditto 900 . . .	Six rupees [1][seventy-five *naye paise.*)
where it exceeds Rs. 900 and does not exceed Rs. 1,000 . . .	Seven rupees [2][fifty *naye paise.*]
and for every Rs. 500 or part thereof in excess of Rs. 1,000 . . .	Three rupees [1][seventy-five *naye paise.*]
(*b*) by delivery—	
where the amount or value of the consideration for such debenture as set forth therein does not exceed Rs. 50.	[1][Seventy-five *naye paise.*]
where it exceeds Rs. 50 but it does not exceed Rs. 100 . . .	One rupee [2][fifty *naye paise.*]
Ditto 100 ditto 200 . . .	Three rupees.
Ditto 200 ditto 300 . . .	Four rupees [2][fifty *naye paise.*]

[1]Substituted for the words "twelve *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[2]Substituted for the words "eight *annas*" by s. 13, *ibid.*

[3]Substituted for the words "four *annas*" by s. 13, *ibid.*

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
where it exceeds Rs. 300 but does not exceed Rs. 400 . . .	Six rupees.
Ditto 400 ditto 500 . . .	Seven rupees [1][fifty *naye paise.*]
Ditto 500 ditto 600 . . .	Nine rupees.
Ditto 600 ditto 700 . . .	Ten rupees [1][fifty *naye paise.*]
Ditto 700 ditto 800 . . .	Twelve rupees.
Ditto 800 ditto 900 . . .	Thirteen rupees [1][fifty *naye paise.*]
Ditto 900 ditto 1,000 . . .	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000 . . .	Seven rupees [1][fifty *naye paise.*]
Explanation—The term "Debenture" includes any interest coupons attached thereto but the amount of such coupons shall not be included in estimating the duty.	
Exemption.	
A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage deed, duty 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 isued in terms of this said mortgage-deed.	

[1]*See* foot-note 2 on page 519, *ante*.

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
Declaration of any trust. *See* Trust (No. 64).	
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.	One *anna*.
Deposit of title deeds. [1][*See* Agreement relating to Deposit of title-deeds, pawn or pledge (No. 6.)].	
Dissolution of partnership. *See* PARTNERSHIP (No. 46).	
29. **Divorce**—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	One rupee.
Dower—Instrument of. *See* SETTLEMENT (No. 58).	

[1]These words and figure were substituted for the words and figure "*See* Agreement by way of equitable mortgage (No. 6)" by s. 8(2) of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
Duplicate—*See* COUNTERPART (No. 25).	
30. Entry as an Advocate, *Vakil* or Attorney on the roll of any High Court [1] [under the Indian Bar Councils Act, 1926, or] in exercise of powers conferred on such Court by Letters Patents or by the [2] Legal Practitioners Act, 1884—	
(*a*) in the case of an Advocate or *Vakil*	Five hundred rupees.
(*b*) in the case of an attorney	Two hundred and fifty rupees.
Exemption.	
Entry of an advocate, *vakil* or attorney on the roll of any High Court when he has previously been enrolled in High Court.	
[3]* * * *	
Exchange of Property—Instruments of	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
Extract. *See* COPY (No. 24).	
32. Further Charge—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(*a*) When the original mortgage is one of the description referred to in clause (*a*) of Article No. 40 (that is, with possession);	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.

XXXVIII of 1926.
IX of 1884.

[1] These words and figure were inserted by s. 19 and the Sch. of the Indian Bar Councils Act, 1926 (XXXVIII of 1926).

[2] Since repealed.

[3] The words and figures "EQUITABLE MORTGAGE. *See* AGREEMENT by way of EQUITABLE MORTGAGE (No. 6)" which were repealed by s. 8(*3*) of the Indian Stamp (Amendment) Act, 1904 (XV of 1904), are omitted.

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
32. Further charge —*concld.*	
(b) when such mortgage is one of the description referred to in clause (*b*) of Article No. 40 (that is, without possession)—	
(i) if at the time of execution of instrument of further charge possession of the property is given, or agreed to be given under such instrument;	The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.
(ii) if possession is not so given.	The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.
33. Gift—Instrument of, not being SETTLEMENT (No. 58) OR WILL OR TRANSFER (No. 62.).	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.
Hiring Agreement or agreement for service. *See* AGREEMENT (No. 5.).	
34. Indemnity-Bond	The same duty as a security-Bond (No. 57) for the same amount.
Inspectorship-Deed. *See* COMPOSITION-DEED (No. 22).	
Insurance. *See* POLICY OF INSURANCE (No. 47).	
35. Lease, including an under-lease or sub-lease and any agreement to let or sub-let —	
(a) where by such lease the rent is fixed and no premium is paid or delivered—	
(i) where the lease purports to be for a term of less than one year;	The same duty as a Bond (No. 15) for the whole amount payable or deliverable under such lease.

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
35. Lease—*Contd.*	
(*ii*) where the lease purports to be for a term of not less than one year but not more than three years;	The same duty as a Bond (No. 15) for the amount or value of the average annual rent reserved.
(*iii*) where the lease purports to be for a term in excess of three years;	the Same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.
(*iv*) where the lease does not purport to be for any definite term;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(*v*) where the lease purports to be in perpetuity;	The same duty as a Conveyance (No. 23) for a consideration equal to one-fifth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.
(b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
35. Lease—*Concld.* (c) where the lease is granted for a fine or permium or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered: Provided that, in any case when an agreement to lease is stamped with the *ad valorem* stamp required for a lease, and a lease, and a lease in pursuance of such agreement is subsequently executed the duty on such lease shall not exceed eight *annas*.
Exemptions. (a) Lease, executed in the case of a cultivator 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.	[2][Two *annas*.]
[1]* * * *	
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. *See also* CERTIFICATE OF OTHER DOCUMENT (No. 19).	

[1]Exemption (*b*) was omitted by para. 3 and the 1st Sch. of the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]These words were substituted for the words "one *anna*" by s. 2 of the Indian Stamp (Amendment) Act, 1923 (XLIII of 1923).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
37. Letter of Credit, that is to say, any instrument by which one person authorises another to give credit to the person in whose favour it is drawn. **Letter of Guarantee.** *See* AGREEMENT (No. 15).	[1][Two rupees.]
38. Letter of Licence, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	Ten rupees.
39. Memorandum of Association of a Company— (a) if accompanied by articles of association under section 37 of the Indian Companies Act, 1882 [2]; VI of 1882. (b) if not so accompanied ... ... *Exemption.* Memorandum of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1882 [2]	Fifteen rupees. Forty rupees.
40. Mortgage Deed, not being [3][AN AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No.6)], BOTTOMRY BOND (No. 16), MORTGAGE OF A CROP (No.41), RESPONDENTIA No. 56), OR SECURITY-BOND (No.57)— (a) when possession of the property or any part of the property comprised in such deed is given by mortgagor or agreed to be given; (b) when [4]* * * possession is not given or agreed to be given as aforesaid. *Explanation.*— A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed. The same duty as a bond (No. 15) for the amount secured by such deed.

[1]Firstly, the words "Fifteen *naye paise*" were substituted for the words "two *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958). Secondly, the words "one rupee" were substituted for the words "Fifteen *naye paise*" by s. 40(*a*) of the Finance Act, 1976 (Act 66 of 1976). Finally, the words "two rupees" were substituted for the words "One rupee" by s. 50(*b*) of the Finance Act, 1985 (Act XXXII of 1985).

[2]*See* now the Companies Act, 1956 (I of 1956).

[3]These words and figure were substituted for the words and figure "An agreement to mortgage (No. 6)" by s. 8(*4*)(*a*) of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

[4]The words "at the time of execution" which were repealed by s. 8(*4*)(*b*), *ibid*, are omitted.

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.	
40. Mortgage-Deed—*concld.*		
(*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*.	
Exemptions.		
(*1*) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties as security for the repayment of such advances.		XIX of 1883. XII of 1884.
(2) Letter of hypothecation accompanying a bill of exchange.		
[1]		
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 corp 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 instruments—	One *anna*.	
for every sum secured not exceeding Rs.200;	One *anna*.	
and for every Rs. 200 or part thereof secured in excess of Rs. 200;		
(b) when the loan is repayable more than three months, but not more than [2][eighteen months], from the date of the instrument—	[3][Two *annas*.]	
for every sum secured not exceeding Rs. 100;	[3][Two *annas*.]	
and for every Rs. 100 or part thereof secured in excess of Rs. 100.		

[1] The exemption "(3) Instrument of pledge or pawn of goods if unattested" which was repealed by s. 8(*f*)(*c*) of the Indian Stamp (Amendment) Act, 1904 (XV of 1904), is omitted.

[2] These words were substituted for the words "one year" by s. 7(2) of the Indian Stamp (Amendment) Act, 1906 (V of 1906).

[3] The words were substituted for the words "four *annas*" by s. 8(*5*) of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
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).	
[1]**43. Note or Memorandum** sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—	
(a) of any goods exceeding in value twenty rupees;	Two *annas*.
(b) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of ten rupees, one *anna* for every Rs. 10,000 or part thereof of the value of the stock or security.
44. Note of Protest by the Master of a Ship	Eight *annas*.
See also PROTEST BY THE MASTER OF A SHIP (No. 51).	
Order for the payment of Money. *See* BILL OF EXCHANGE (No. 13).	

[1]Article 43 was substituted for the original article by s. 3(*iv*) of the Indian Stamp (Amendment) Act, 1910 (VI of 1910).

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
45. Partition—Instrument of [as defined by section 2(*15*)].	The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.
N.B.— The largest share remaining after the property is partitioned (or, if there are two or more shares of equal value and not smaller than any of the other shares then one of such equal shares) shall be deemed to be that from which the other shares are separated: Provided always that— (*a*) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than eight *annas*; (*b*) where land is held on Revenue settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue; (*c*) where a final order for effecting a partition passed by any Revenue-authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed eight *annas*.	
46. Partnership—	
A.—Instrument of—	
(a) where the capital of the partnership does not exceed Rs. 500;	Two rupees eight *annas*.
(b) in any other case	Ten rupees.
B.—Dissolution of	Five rupees.
[1][**Pawn or Pledge**. *See* AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).]	

[1]This entry was inserted by s. 8(*6*) of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.	
47. Policy of Insurance—	If drawn singly.	If drawn in duplicate, for each part.
[1]A.-SEA-INSURANCE(*see* section 7)—		
(*1*) for or upon any voyage—		
(*i*) where the premium or consideration does not exceed the rate of [2]* * * one-eight *per centum* of the amount insured by the policy;	[3][Ten *naye paise*.]	[4][Five *naye paise*.]
(*ii*) in any other case, in respect of every full sum of [5][one thousand five hundred rupees] and also any fractional part of [5][one thousand five hundred rupees] insured by the policy;	[3][Ten *naye paise*]	[4][Five *naye paise*]
(2) for time—		
(*iii*) in respect of every full sum one thousand rupees and also fractional part of one thousand rupees insured by the policy—		
where the insurance shall made for time not exceeding six months;	[6][Fifteen *naye paise*.]	[3][Ten *naye paise*.]
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	[7][Twenty-five *naye paise*.]	[6][Fifteen *naye paise*.]
[1]B—[FIRE INSURANCE and other classes of Insurance, not elsewhere included in this article, covering goods, merchandise, personal effects, crops, and other property against loss or damage;]—		
(*1*) in respect of an original policy—		
(*i*) when the sum insured does not exceed Rs. 5,000;	[9][Fifty *naye paise*.]	
(*ii*) in any other case;	One rupee.	
and		
(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	One-half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No. 53.	

[1]These divisions A and B were substituted for the original divisions A and B by s. 7(*3*) of the Indian Stamp (Amendment) Act, 1906 (V of 1906).

[2]These words "fifteen *naye paise* or" were omitted by s. 16(*a*) of the Finance Act, 1961 (XIV of 1961).

[3]Substituted for the words "One *anna*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[4]Substituted for the words "Half an *anna*" by s. 13, *ibid.*

[5]Substituted for the words "One thousand rupees" by s. 2 and Schedule I of the Repealing and Amending Act, 1928 (XVIII of 1928).

[6]Substituted for the words "Two *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[7]Substituted for the words "Four *annas*" by s. 13, *ibid.*

[8]These words were substituted for the word "Fire-Insurance" by s. 2(*ii*) of the Indian Stamp (Amendment) Act, 1923 (XLII of 1923).

[9]Substituted for the words "Eight *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Intruments.	Proper Stamp-duty.
47. Policy of Insurance—*contd.*	
C.— ACCIDENT AND SICKNESS-INSURANCE	
(a) against railway accident, valid for a single jouney only.	[1][Ten *naye paise*.]
Exemption.	
When issued to a passenger travelling by the intermidiate or the third class in any railway.	[2][Fifteen *naye paise*.]
(b) in any other case-for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceed Rs. 1,000, and also whre such amount exceed Rs. 1,000, for every Rs. 1,000 or part thereof.	[3][Provided that, in case of a policy of insurance against death by accident when the annual premium payable does not exceed [1][Rs. 2.50] per Rs. 1,000, the duty on such instrument shall be [2][ten *naye paise*] for every Rs. 1,000 or part thereof of the maximum amount which may become payable under it.]
[4]CC.—Insurance by way of indemnity against liability to pay damages on account of accidents to workmen empolyed by or under the insurer or against liability to pay compensation under the Workmen's Compesation Act, 1923, for every Rs. 100 or part thereof payable as premium.	[1][Ten *naye paise*.] VIII of 1923.

[1]Substituted for the words "One *anna*" and "Rs. 2-8", respectively by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[2]Substituted for the words "Two *annas*" by s. 13, *ibid.*

[3]This proviso was inserted by s. 2 and Schedule I of the Repealing and Amending Act, 1928 (XVII of 1928).

[4]This division was inserted by s. 2 of the Indian Stamp (Amendment) Act, 1925 (XV of 1925).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.	
47. Policy of Insurance—*contd.*	If drawn singly.	If drawn in duplicate, for each part.
[1]D.— LIFE INSURANCE [2][OR GROUP INSURANCE OR OTHER INSURANCE] not specifically provided for, except such a Re-Insurance as is described in Division E of this Article—		
(*i*) for every sum insured not exceeding Rs. 250;	[3][Fifteen *naye paise.*]	[4][Ten *naye paise.*]
(*ii*) for every sum insured exceeding Rs. 250 but not exceeding Rs. 500.	[5][Twenty-five *naye paise.*]	[5][Fifteen *naye paise.*]
(*iii*) for every sum insured exceeding Rs. 500 but not exceeding Rs. 1,000 and for every Rs. 1,000 or part thereof in excess of Rs. 1,000.	[6][Forty *naye paise.*]	[7][Twenty *naye paise.*]
[8]N.B.—If a policy of group insurance is renewed or otherwise modified whereby the sum insured exceeds the sum previously insured on which stamp duty has been paid, the proper stamp must be borne on the excess sum so insured.		

[1] This division was substituted for the original division D by s. 2 and Schedule I of the Repealing and Amending Act, 1928 (XVIII of 1928).

[2] Substituted for the words "or other Insurance" by s. 7 (*iii*) (*a*) of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955).

[3] *See* foot-note 2 on page 531, *ante*.

[4] *See* foot-note 1 on page 531, *ante*.

[5] Substituted for the words "Four *annas*" by s. 13 of the Indian Stamp (Amendment) Act 1958 (XIX of 1958).

[6] Substituted for the words "Six *annas*" by s. 13, *ibid.*

[7] Substituted for the words "Three *annas*" by s. 13, *ibid.*

[8] This note was inserted by s. 7(*iii*)(*b*) of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955).

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
47. Policy of Insurance—*concld.*	
D.— LIFE INSURANCE OR GROUP INSURANCE OR OTHER INSURANCE NOT SPECIFICALLY PROVIDED FOR, etc. — *concld.*	
Exemption	
Policy of life-insurance granted by the Director-General of Post Offices in accordance with rules for Postal Life-Insurance issued under the authority of the [1][Central Government.]	
E.—RE-INSURANCE BY AN *INSURANCE COMPANY*, which has granted a POLICY [2][of the nature specified in division A or division B of this Article] with another company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.	One-quarter of the duty payable in respect of the original insurance but not less than [3][ten *naye paise*] or more than one rupee: [4]Provided that if the total amount of duty payable is not a multiple of five *naye paise*, the total amount shall be rounded off to the next higher multiple of five *naye paise*.
General Exemption.	
Letter of cover or engagement to issue a policy of insurance;	
Provided that, unless such letter or engagement bears the stamp prescribed by this Act for such policy, nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.	
48. Power-of-Attorney [as defined by section 2(*21*)] not being a PROXY (No. 52),—	
(*a*) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	Eight *annas*.
(*b*) when required in suits or proceedings under the Presidency Small Casuse Courts Act, 1882;	Eight *annas*. XV of 1882.
(*c*) when authorising one person or more to act in a single transaction other than the case mentioned in clause (*a*);	One rupee.

[1]The words "Central Government" were substituted for the words "Governor-General-in-Council" by paragraph 4(*1*) of the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]These words were substituted for the words "of Sea-Insurance for a policy of fire-insurance" by s. 2 of the Indian Stamp (Amendment) Act, 1923 (XLIII of 1923).

[3]Substituted for the words "one *anna*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[4]This proviso was inserted by s. 16(*b*) of the Finance Act, 1961 (XIV of 1961).

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
48. Power-of-Attorney—*concld.*	
(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally;	Five rupees.
(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	Ten rupees.
(f) when given for consideration and authorising the attorney to sell any immoveable property;	The same duty as a Conveyance (No. 23) for the amount of the consideration.
(g) in any other case	One rupee for each person authorised. N.B.—The term "registration" includes every operation incidental to registration under the Indian Registration Act, 1877[1].
Explanation.—For the purposes of this Article more persons than one when belonging to the same firm shall be deemed to be one person.	
[2]**49. Promissory Note** [as defined by section 2(22)]—	
(*a*) when payable on demand	
(*i*) when the amount or value does not exceed Rs.250;	[3][Ten *naye paise.*]
(*ii*) when the amount or value exceeds Rs. 250 but does not exceed Rs.1,000;	[4][Fifteen *naye paise.*]
(*iii*) in any other case	[5][Twenty-five *naye paise.*]
(b) when payable otherwise than on demand	The same duty as a Bill of Exchange (No. 13) for the same amount payable otherwise than on demand.
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.

III of 1877.

[1] *See* now the Indian Registration Act, 1908 (XVI of 1908).

[2] This article was substituted for the original article by s. 2 of the Indian Stamp (Amendment) Act, 1923 (XLIII of 1923).

[3] Substituted for the words "one *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[4] Substituted for the words "two *annas*" by s. 13, *ibid.*

[5] Substituted for the words "four *annas*" by s. 13, *ibid.*

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
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 charaeters or the consigneees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such. *See also* NOTE OF PROTEST BY THE MASTER OF A SHIP (No. 44).	One rupee.
52. Proxy empowering any person to vote at any one election of the members of a district or local board or of a body of municipal commissioners, or at any one meeting of (*a*) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable, (*b*) a local authority, or (*c*) proprietors, members or contributors to the funds of any institution.	[1][Thirty *paise*.]
53. Receipt [as defined by section 2(*23*)] for any money or other property the amount or value of which exceeds [2][five hundred rupees].	[3][One rupee.]
Exemptions.	
Receipt—	
(a) endorsed on or contained in any instrument duly stamped, [4][or any instrument exempted] under the proviso to section 3 (instruments executed on behalf of the [5][Government]) [6][or any cheque or bill of exchange payable on demand] acknowledgeing 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 [7][in the States of Madras, Bombay and Andhra] [8][as they existed immediately before the 1st November, 1956] of Inam lands;	

[1]Firstly, the words "Fifteen *naye paise*" were substituted for the words "two *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958) and subsequently the words "Thirty paise" were substituted for the words "Fifteen *naye paise*" by s. 40(*b*) of the Finance Act, 1976 (Act 66 of 1976).

[2]The words within the square brackets were substituted for the words "twenty rupees" by s. 99(*ii*)(*b*)(2) of the Finance Act, 1994 (Act XXXII fo 1994).

[3]Firstly, the words "Ten *naye paise*" were substituted for the words "one *anna*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958). Subsequently, the words "Twenty paise" were substituted for the words "Ten *naye paise*" by s. 40(*c*) of the Finance Act, 1976 (Act 66 of 1976). Finally, the words within the square brackets were substituted for the words "Twenty *paise*" by s. 99(*ii*)(*b*)(*1*) of the Finance Act, 1994 (Act XXXII of 1994).

[4]These words were substituted for the words "or exempted" by the Repealing and Amending Act, 1928 (XVIII of 1928).

[5]*See* foot-note 2 on page 474, *ante*.

[6]These words were inserted by the Repealing and Amending Act, 1928 (XVIII of 1928).

[7]Substituted by the Andhra (Adaptation of Laws on Union Subjects) Order, 1954, for the words "in the Presidencies of Fort St. George and Bombay".

[8]Inserted by the Schedule to the Adaptation of Laws (No. 2) Order, 1956.

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
53. Receipt—*concld.*.	
Exemptions—concld.	
(*d*) for pay or allowances by non-commissioned [1][*or petty*] *officers*, [2][*soldiers*, [1]sailors or airmen] of [3][[4]the Indian military [1]naval or air *forces*], *when serving in such capacity*, or by mounted police constables;	
(*e*) given by holders of *family-certificates in cases* where the person from whose pay allowances the sum comprised in the receipt has been assigned is a non-commissioned [1][or petty] officer, [2][soldier, [1]sailor or airman] of [5][*any of* the said forces], and serving in such capacity;	
(*f*) for pensions or allowances by *persons receiving* such pensions or allowances in respect of their service as such *non-commissioned* [1][*or* petty] officers, [1][soldiers, [1]sailors or airmen], and not serving the [3][*Government*] *in any* other capacity;	
(*g*) given by a headman or *lambardar for land*-revenue or taxes collected by him;	
(*h*) given for money or securities *for money* deposited in the hands of any banker to be accounted for:	
Provided that the same is not expressed to be received of, or by the hands of, any other than the person to whom the same is to be accounted for:	
Provided further 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.	
[6][*See also* POLICY OF INSURANCE *[No.* 47-B(*2*).]	

[1]The words "or petty", "sailors", "sailor" and "naval" were inserted by s. 2 and Schedule of the Amending Act, 1934 (XXXV of 1934).

[2]The words "soldiers or airmen" were substituted for the words "or soldiers" by s. 2 and Schedule I of the Repealing and Amending Act, 1927 (X of 1927).

[3]The words "His Majesty's Military or air forces" were substituted for the words "Her Majesty's Army or Her Majesty's Indian Army" by s.2 and Schedule I, *ibid.*

[4]The words "the Indian" were substituted for the words "His Majesty's" by para. 3 and the 1st Schedule of the Adaptation of Laws Order, 1950.

[5]The words "soldier or airman" were substituted for the words "or soldier" by s. 2 and Schedule I, of the Repealing and Amending Act, 1927 (X of 1927).

[6]These words were substituted for the words "either of the said Annies" by s. 2 and Schedule I, *ibid.*

[7]*See* foot-note 2 on page 474, *ante*.

[8]This note was added by s. 7(*4*) of the Indian Stamp (Amendment) Act, 1906 (V of 1906).

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
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.
55. Release, that is to say, any instrument [1][not being such a release as is provided for by section 23A] 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.
56. Respondentia Bond, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bond (No. 15) for the amount of the loan secured.
Revocation of any Trust or Settlement. *See* SETTLEMENT (No. 58); TRUST (No. 64).	
57. Security-Bond or Mortgage-Deed executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed by a surety to secure the due performance of a contract,—	
(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.	
Bond or other instrument, when executed—	
(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;	Ben. Act III of 1876.

[1]These words, figures and letter were inserted by s. 8(7) of the Indian Stamp (Amendment) Act, 1904 (XV of 1904).

Remove Watermark Wondershare PDFelement

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
57. Security-Bond or Mortgage-Deed—*concld.* *Exemptions—concld.* (*b*) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem; (*c*) under No. 3A of the rules made by the [1][State Government] under section 70 of the Bombay Irrigation Act, 1879; (*d*) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loan Act, 1884, or by their sureties, as security for the repayment of such advances; (*e*) executed by officers of the [2][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.	Bom. Act VII of 1879. XIX of 1883. XII of 1884.
58. Settlement—	
A—INSTRUMENT OF (including a deed of dower)	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property settled as set forth in such settlement : Provided that, where an agreement to the settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed eight *annas*.

[1]The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by para. 3 and the 1st Sch. of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(*1*) of the Adaptation of Laws Order, 1950.

[2]The words "the Crown" were substituted for the word "the Government" by para. 3 and the 1st Schedule of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "Government" was substituted for the word "Crown" by paragraph 4(*1*) of the Adaptation of Laws Order, 1950.

Remove Watermark Wondershare PDFelement

of 1899.]

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.	
58. Settlement—*concld.*		
Exemptions.		
(*a*) Deed of dower executed on the occasion of a marriage between Muhammadans.		
* * * *		
B.— REVOCATION OF—	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument of Revocation but not exceeding ten rupees.	
See also TRUST (No. 64).		
59. Share Warrants to bearer issued under the [2]Indian Companies Act, 1882.	[3][One and a half times] the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.	VI of 1882.
Exemptions.		
Share warrant when issued by a company in pursuance of the [2]Indian Companies Act, 1882, section 30, to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue, of—		
(*a*) [4][one and a half] *per centum* of the whole subscribed capital of the company, or		
(*b*) if any company which has paid the said duty or composition in full subsequently issues an addition to its subscribed capital [4][one and a half] *per centum* of the additional capital so issued.		

[1]Exemption (*b*) was omitted by para. 3 and the 1st Sch. of the Government of India (Adaptation of Indian Laws) Order, 1937.

[2]*See* now the Companies Act, 1956 (I of 1956).

[3] These words were substituted for the words "three-quarters of" by s. 3(*v*) of the Indian Stamp (Amendment) Act, 1910 (VI of 1910).

[4]These words were substituted for the word "three-quarters" by s. 3(*v*), *ibid.*

Remove Watermark Wondershare PDFelement

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

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
Scrip. *See* Certificate (No. 19).	One *anna*.
60. **Shipping Order** for or relating to the conveyance of goods on board of any vessel.	
61. **Surrender of Lease**—	
(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.
Exemption.	
Surrender of lease, when such lease is exempted from duty.	
62. **Transfer** (whether with or without consideration)—	
[1]*(a)* of shares in an incorporated company or other body corporate;	[2][Seventy-five *naye paise*] for every hundred rupees or part thereof of the value of the share.
(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;	[3][One-half] of the duty payable on a Conveyance (No. 23) for a consideration equal to the face 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 [4]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 or such smaller amount as may be chargeable under clauses *(a)* to *(c)* of this Article.
Exemptions.	
Transfers by endorsement—	
(a) of a bill of exchange, cheque or promissory note;	

[1]Substituted for the original clause by s. 7 *(iv)* of the Indian Stamp (Amendment) Act, 1955 (XLIII of 1955).

[2]Substituted for the words "twelve *annas*" by s. 13 of the Indian Stamp (Amendment) Act, 1958 (XIX of 1958).

[3]Substituted for the word "one-quarter" by s. 3 *(vi)* of the Indian Stamp (Amendment) Act, 1910 (VI of 1910).

[4]*See* now the Administrator-general's Act, 1913 (III of 1913).

Remove Watermark Wondershare PDFelement

SCHEDULE I.—*contd.*

Description of Instruments.	Proper Stamp-duty.
62. Transfer—*contd.* *Exemptions.*—contd. *(b)* of a bill lading, delivery order, warant for goods, or other merchantile document of title to goods; *(c)* of a policy of insurance; *(d)* of securities of the [1][Central Government]. *See also* section 8.	
63. Transfer of Lease by way of assignment and not by way of under-lease.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer.
Exemption. Transfer of any lease exempt from duty.	
64. Trust— A.—Declaration of, or concerning, any property when made by any writing not being a Will.	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding fifteen rupees.
B.—Revocation of, or concerning, any property when made by any instrument other than a Will. *See also* Settlement (No. 58).	The same duty as a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding ten rupees.
Valuation. *See* Appraisement (No. 8). *Valik. See* Entry as a *Vakil* (No. 30).	
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*.

[1]These words were substituted for the words "Government of India" by paragraph 4*(1)* of the Government of India (Adaptation of Indian Laws) Order, 1937.

Remove Watermark Wondershare PDFelement

(Schedule IA.)

[1]SCHEDULE IA.[2]

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 [3][or the Indian Stamp (Bengal Amendment) Act, 1935.]

(See section 3, first proviso.)

[Note.—*The articles in Schedule IA are numbered so as to correspond with similar articles in Schedule I.*]

Description of Instruments.	Proper Stamp-duty.
[4]1. Acknowledgement of a debt, exceeding twenty rupees in amount or value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a banker's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession : Provided that acknowledgement does not contain any promise to pay a debt or any stipulation to pay interest or to deliver any goods or other property, but not including an acknowledgement relating to bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, shares, debentures, proxies or receipts.	Twenty paise.
[5]2. Administration-bond including a bond given under section 6 of the Government Saving Banks Act, 1873 or section 291 or section 375 or section 376 of Indian Succession Act, 1925—	V of 1873. XXXIX of 1925.
(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.	Rupees fifty.

[1]Notwithstanding anything contained in the Indian Stamp Act, 1899 (II of 1899), there shall be levied and collected, on all instruments mentioned in Articles 18, 23, 31, 32, 33, 35, 40, 54, 58 and 63, in Schedule IA to the said Act, a surcharge which shall be one-fifth of the Stamp-duty chargeable in respect off any such instruments. *Vide* s. 4 of the Indian Stamp (West Bengal Amendment) Act, 1964 (West Ben. Act XVII of 1964).

(2) In computing the Stamp-duty under any of the Article in Schedule IA to the Indian Stamp Act, 1899 or the surcharge under section 4 of the Indian Stamp (West Bengal Amendment) Act, 1964, such Stamp-duty or surcharge, as the case may be, shall, if its is not a multiple of five *naye paise*, be rounded off to the next higher multiple of five *naye paise*. *Vide* s. 5 of the Indian Stamp (West Bengal Amendment) Act, 1964, (West Ben. Act XVII of 1964).

[2]Schedule IA was inserted by s. 13 of the Bengal Stamp (Amendment) Act, 1922 (Ben. Act III of 1922).

[3]These words and figures were inserted by s. 5 of the Indian Stamp (Bengal Amendment) Act 1935 (Ben. Act XII of 1935).

[4]Firstly, article 1 was inserted by s. 3*(1)* of the Indian Stamp (West Bengal Second Amendment) Act, 1962 (West Ben. Act XXX of 1962) and subsequently the said article substituted by s. 3*(1)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

[5]Firstly, in article 2, the words and figures "under section 6 of the Government Savings Banks Act, 1873, or section 291 or section 375 or section 376 of the Indian Succession Act, 1925 "were substituted for the words and figures" under section 256 of the Indian Succession Act, 1865, section 6 of the Government Savings Bank Act, 1873, section 78 of the Succession Certificate Act, 1889" by s. 7*(1)* of the Indian Stamp (Bengal Amendment) Act, 1935 (Ben. Act XII of 1935). Secondly, the said article was substituted by s. 3*(2)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977). Finally, s. 3*(2)* was substituted by s. 4*(1)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[6]The words "Rupees fifteen" was substituted for the words "Ten rupees" by s. 3*(2)* of the Indian Stamp (West Bengal Second Amendment) Act, 1962 (West Ben. Act XXX of 1962). Thereafter, the words "Rupees fifty" was substituted for the words "Rupees fifteen" by s. 4*(1)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987.)

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]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.	Rupees fifty.
[2]4. Affidavit, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Rupees ten.
Exemptions.	
Affidavit or declaration in writing when made—	
(a) as a condition of enlistment under the Army Act, 1950;	46 of 1950.
(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.	
[3]5. Agreement or Memorandum of an Agreement—	
(a) if relating to the sale of a bill or exchange;	Fifty paise.
(b) *(i)* if relating to the sale of a Government security;	Subject to a maximum of rupees fifty, twenty-five paise for every Rs. 10,000 or part thereof, of the value of the security.
(ii) If relating to the sale of a share in an incorporated company or other body corporate;	Fifty paise for every Rs. 5,000 or part thereof, of the value of the share.
(c) if relating to storing of agricultural produce in Cold Storage;	Rupee one for every 1,000 kilograms of Agricultural produce or part thereof.
[4]*(d)* If relating to a sale or lease-cum-sale of immovable property;	The same duty as a Conveyance (No. 23) for a market value.

[1]Firstly, in article 3, the words "Rupees thirty" were substituted for the words "Twenty rupees" by s. 3*(3)* of the Indian Stamp (West Bengal Amendment) Act, 1962 (West Ben. Act XXX of 1962) and subsequently the said article was substituted by sec. 3*(3)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

[2]Firstly, in article 4, the words "Rupees three" were substituted for the words "Two rupees" by s 3*(4)* of the Indian Stamp (West Bengal Amendment) Act, 1962 (West Ben. Act XXX of 1962). Secondly, the said article was substituted by s. 3*(4)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977). Finally, s. 3*(4)* of the Indian Stamp (West Bengal Amendment) Act, 1977 was substituted by s. 4*(2)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[3]Article 5 was substituted by s.4*(3)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[4]Items *(d)* and *(e)* and the entries relating thereto were substituted by s. 10(1) of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]*(e)* If relating to matters not otherwise provided for, except matters relating to cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies or receipts.	Rupees ten.
Explanation.—The expression "Agreement or Memorandum of an Agreement", if relating to a sale, shall include an agreement to sell or any memorandum or acknowledgement in relation to transfer or delivery of possession of immovable property with an intent to transfer right, interest in, or title to, such property at any future date.	
[2]**6. Agreement relating to Deposit of Title-deeds, Pawn or Pledge,** that is to say, any instrument evidencing an agreement relation to—	
(1) the deposit of title-deeds or instrument or constituting or being evidence of the title to any property whatever other than a marketable security,	
(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—	
(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement;	Rupees ten for every Rs. 1,000 or part thereof, of the amount of loan.
(b) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable under sub-clause *(a)*.

[1]*See* foot-note 4 on page 543, *ante*.

[2]Firstly, article 6 was substituted by s. 3*(6)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently the second section was substituted by s. 3*(2)* of the Indian Stamp (West Bengal Amendment) Act, 1984 (West Ben. Act XVII of 1984).

Remove Watermark Wondershare PDFelement

of 1899.]

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]7. **Appointment** in execution of a power, whether of trustees or of property, movable or immovable, where made by any writing not being a will.	Rupees fifty.
[2]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 Bottomry Bond (No. 16) for such amount.
(b) in any other case.	Rupees fifty.
Exemptions.	
(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.	
(b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.	
9. Apprenticeship-deed, including every writing relating to the service or tution of any apprentice, clerk or servent placed with any master to learn any profession, trade or employment, not being Articles of Clerkship (No. 11).	[3][Rupees fifteen.]
Exemptions.	
[4]* * * *	
[5]10. Articles of Association of a Company :—	
(a) where the nominal share capital does not exceed one lakh of rupees.	Rupees one hundred and fifty.
(b) where the nominal share capital exceeds one lakh of rupees.	Rupees three hundred.
Exemptions.	
Articles of any Association not formed for profit and registered under section 26 of the Companies Act, 1956.	I of 1956.
See also Memorandum of Association of a Company (No. 39)	

[1]Article 7 was substituted by s. 4*(4)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[2]Article 8 was substituted by s. 3*(7)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

[3]Substituted for the words "Ten rupees" by s. 3*(9)(i), ibid.*

[4]The entry under the heading "*Exemptions*" was omitted by s. 3*(9) (ii), ibid.*

[5]Article 10 was substituted by s. 3*(8)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]**11. Articles of Clerkship or contract** whereby any person first becomes bound to serve as a clerk in connection with his admission as an Attorney in any High Court.	Rupees two hundred and fifty.
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).	
[2]**12. Award,** that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—	
(a) where the amount or value of the property to which the award relates as set forth in such award does not exceed Rs. 1,000;	The same duty as a Bond (No. 15) for such amount.
(b) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000;	Rupees fifty.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000;	Rupee one subject to a maximum of rupees one hundred.
* * * * * * * * * * *	

[1]Article 11 was inserted by s. 3*(11)* of the Indian Stamp (West Bengal Second Amendment) Act, 1962 (West Ben. Act XXX of 1962).

[2]Firstly, article 12 was substituted by s. 3*(9)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently the said section was substituted by s. 4*(5)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
14. Bill of lading (including a through bill of lading)	[1][One rupee.] *N.B.*—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.
Exemptions.	
(a) Bill of lading when the goods therein describe are received at a place within the limits of any port, as defined under the Indian Ports Act, 1908, and are to be delivered at another place within the limits of the same port. (XV of 1908.)	
(b) Bill of lading when executed out of [2][India] and relating to property to be delivered in [2][India].	
[3]**15. Bond** as defined by section 2(5), not being debenture (No. 27), and not being otherwise provided for by this Act, or by the West Bengal Court-fees Act, 1970— (West Ben. Act X of 1970.)	
where the amount or value secured does not exceed Rs. 50;	Rupees two.
where it exceeds Rs. 50 and does not exceed Rs. 100;	Rupees four.
where it exceeeds Rs. 100 and does not exceed Rs. 200;	Rupees eight.
where it exceeds Rs. 200 and does not exceed Rs. 300;	Rupees twelve.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Rupees sixteen.
where it exceeds Rs. 400 and does not exceed Rs. 500;	Rupees twenty.
where it exceeds Rs. 500 and does not exceed Rs. 600;	Rupees twenty-four.
where it exceeds Rs. 600 and does not exceed Rs. 700;	Rupees twenty-eight.
where it exceeds Rs. 700 and does not exceed Rs. 800;	Rupees thirty-two.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Rupees thirty-six.

[1]The words "One rupee" was substituted by s. 50*(a)* of the Finance Act, 1985 (XXXII of 1985).

[2]*See* foot-note 1 on page 468, *ante*.

[3]Firstly, article 15 was substituted by s. 3*(1)* of the Indian Stamp (West Bengal Amendment) Act, 1976 (West Ben. Act XXX of 1976) and subsequently the said section was substituted by s. 4*(6)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
where it exceeds Rs. 900 and does not exceed Rs. 1000;	Rupees forty.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Rupees twenty.
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.	
Bond, when executed by—	
(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;	Ben. Act III of 1876
(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.*	
[1]16. **Bottomry Bond**, that is to say, 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.
[2]17. **Cancellation**—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Rupees twenty-five.
See also Release (No. 55), Revocation of Settlement (No. 58-B), Surrender of Lease (No. 61), Revocation of Trust (No. 64-B).	

[1]Firstly, article 16 was substituted by s. 3*(1)* of the Indian Stamp (West Bengal Amendment) Act, 1972 (West Ben. Act XXXI of 1972). Secondly, section 3*(1)* was substituted by s. 3*(2)* of the Indian Stamp (West Bengal Amendment) Act, 1976 (West Ben. Act XXX of 1976) and Finally, section 3*(2)* was substituted by s. 4*(7)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[2]Article 17 was substituted by s. 3*(10)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

Remove Watermark Wondershare PDFelement

of 1899.]

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]**18. Certificate** of sale (in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer.	The same duty as a conveyance (No. 23) for a consideration equal to the amount of purchase money only.
[2]**19. Certificate or other Document** evidencing the right or title, otherwise than by transfer, of the holder thereof or any other person, either—	
(a) to any share, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of share, scrip or stock in or of any such company or body; or	Sixty paise.
(b) to any fixed deposit in any incorporated company or other body corporate or other lending institution.	Rupee one for every Rs. 1,000 or part thereof, of the amount of deposit taken.
See also Letter of Allotment of Shares (No. 36).	
[3]**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.	Rupees five.
* * * * * * * * * * *	

[1]Article 18 was substituted by s. 3*(3)* of the Indian Stamp (West Bengal Amendment) Act, 1984 (West Ben. Act XVII of 1984).

[2]Firstly, article 19 was substituted by s. *3(11)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977). Secondly, section 3*(11)* was substituted by s. 3*(4)* of the Indian Stamp (West Bengal Amendment) Act, 1984 (West Ben. Act XVII of 1984). Finally, s. 3*(4)* substituted by s. *4(8)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[3]Article 20 was substituted by s. 3*(12)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]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 of 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.	Rupees fifty.
[2]23. **Conveyance** [as defined by section 2(10)], not being a transfer charged or exempted under No. 62. *Exemptions.* (a) Assignment of copyright by entry made under the Copyright Act, 1957, section 18. (b) Co-partnership Deed. *See* partnership (No. 46).	Five *per centum* of the market values.

14 of 1957.

[1]Article 22 was substituted by s. 3*(13)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

[2]Firstly, article 23 was substituted by s. 3(ii) of the Indian Stamp (West Bengal Amendment) Act, 1972 (West Ben. Act XXI of 1972). Secondly, s. 3*(ii)* was substituted by sec. 3 of the Indian Stamp (West Bengal Amendment) Act, 1974 (West Ben. Act XXVIII of 1974). Thirdly, s. 3 was substituted by s. 3 of Indian Stamp (West Bengal Amendment) Act, 1975 (West Ben. Act XVI of 1975). Fourthly, s.3 was substituted by s.2 *(3)* of the Indian Stamp (West Bengal Amendment) Act, 1976 (West Ben. Act XXX of 1976). Fifthly, s. 3*(3)* was substituted by sec. 3*(14)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977). Sixthly, s. 3*(14)* was substituted by s. 3*(1)* of the Indian Stamp (West Bengal Amendment) Act, 1980 (West Ben. Act XXIX of 1980). Seventhly, s. 3*(1)* was substituted by s. 4*(9)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987). Eighthly, in the column under the heading "Description of Instruments", the words "Where the market value" were substituted for the words "where the amount or value of the consideration" by s. 10(2) (a) of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990). Simultaneously, after the entry beginning with the words "Rupees twenty-five thousand" and ending with the words, letters and figures "in excess of Rs. 2,00,000." a proviso was added by s. 10(2) (b), *ibid.* Ninthly, article 23 was substituted by s. 3 of the Indian Stamp (West Bengal Amendment) Act, 1992 (West Ben. Act XV of 1992). Tenthly, s. 3 was substituted by s. 3 of the Indian Stamp (West Bengal Amendment) Act, 1994 (West Ben. Act XI of 1994). Finally, s. 3 was substituted by s.2(2) of the West Bengal Finance Act, 1996 (West Ben. Act X of 1996).

Remove Watermark Wondershare PDFelement

of 1899.]

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]24. *Copy or Extract* certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(i) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee;	Rupees ten.
(ii) in any other case not falling within the provisions of section 6A.	Rupees ten.
Exemptions.	
(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
(b) Copy of, or extract from, any register relating to birth, baptisms, namings, dedications, marriages, divorces, deaths or burials.	

[1]Firstly, article 24 was substituted by s. 3*(15)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently s. 3*(15)* was substituted by s. 4*(10)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]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 two rupees;	The same duty as is payable on the original.
(b) in any other case not falling within the provisions of section 6A.	Rupees five.
Exemptions.	
Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.	
[2]26. **Customs Bond**—	
(a) when the amount does not exceed Rs. 1,000;	The same duty as a Bottomry Bond (No. 16) for such amount.
(b) in any other case.	Rupees fifty.
27. **Debenture** (whether a mortgage debenture or not), being a marketable security transferable—	
(a) by endorsement or by a separate instrument of transfer;	The same duty as a Bottomry Bond (No. 16) for the same amount.
(b) by delivery	The same duty as a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.
Explanation :—The term "Debenture" includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.	
Exemption.	
A debenture issued by an incorporated company or other body corporate in terms of a registered mortgage-deed, duly stamped in respect of the full amount of 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.	

[1]Article 25 was substituted by s. 4*(11)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[2]Firstly, article 26 was substituted by s. 3*(16)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently s. 3*(16)* was substituted by s. 4*(12)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

Remove Watermark Wondershare PDFelement

of 1899.]

(*Schedule IA.*)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
27. Debenture—*concld.* *Exemption—concld.* *See also* BOND (No. 15) and sections 8 and 55. **Declaration of any trust :** *See* Trust (No. 64).	
* * * * * * * * *	* * *
[1]**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.	Rupee one.
Deposit of Title-deeds—*See* Agreement relating to deposit of title-deeds, pawn or pledge (No. 6).	
Dissolution of Partnership—*See* Partnership (No. 46).	
[2]**29. Divorce**—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	Rupees fifty.
Dower—Instrument of. *See* Settlement (No. 58).	
Duplicate—*See* Counterpart (No. 25).	
[3]**30.** Entry as an Attorney on the roll of the High Court at Calcutta under any law for the time being in force. *Exemption.* Entry of an attorney on the roll of the High Court at Calcutta when he has previously been enrolled as such in any other High Court.	Rupees five hundred.

[1]Firstly, article 28 was substituted by s. 3*(17)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently s. 3*(17)* was substituted by s. 3*(5)* of the Indian Stamp (West Bengal Amendment) Act, 1984 (West Ben. Act XVII of 1984).

[2]Article 29 was substituted by s. 3*(18)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

[3]Article 30 was substituted by s. 3*(19)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

Remove Watermark Wondershare PDFelement

(*Schedule IA.*)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]31. **Exchange of property**—Instrument of	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
Extract. *See* Copy (No. 24).	
[1]32. **Further Charge**—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—	
(a) when the original mortgage is one of the description referred to in clause *(a)* of Article No. 40(that is, with possession);	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.
(b) when such mortgage is one of the description referred to in clause *(b)* of Article No. 40(that is, without possession)—	
(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;	The same duty as Conveyance (No. 23) for a consideration equal to the charge (including the original mortgage and any further charge already made), less the duty already paid on such original mortgage and further charge.
(ii) if possession is not so given	The same duty as a Bond (No. 15) for the amount of the further charge secured by sech instrument.
[1]33. **Gift**—Instrument of, not being a Settlement (No. 58), or Will or Transfer (No. 62).	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.
Hiring agreement or agreement for service, *See* Agreement (No. 5).	

[1]*See* foot-note 1 on page 542, *ante*.

Remove Watermark Wondershare PDFelement

of 1899.]

(*Schedule IA.*)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
34. Indemnity bond	The same duty as a Security bond (No. 57) for the same amount.
Inspectorship-Deed. *See* Composition-Deed (No. 22).	
[1]**35.** Lease, including a under-lease or, sub-lease and any agreement to let or sub-let—	
(a) where by such lease the rent is fixed and no preminum is paid or delivered—	
(i) where the lease purports to be for a term of less than one year;	The same duty as a Bottomry Bond (No. 16) for the whole amount payable or deliverable under such lease.
(ii) where the lease purports to be for a term of not less than one year but not more than five years;	The same duty as a Bottomry Bond (No. 16) for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term exceeding five years and not exceeding ten years;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.
(iv) where the lease purports to be for a term exceeding ten years but not exceeding twenty years;	The same duty as a Conveyance (No. 23) for a consideration equal to twice the amount or value of the average annual rent reserved.
(v) where the lease purports to be for a term exceeding twenty years but not exceeding thirty years;	The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent reserved.

[1]*See* foot-note 1 on page 542, *ante*.

Remove Watermark Wondershare PDFelement

(*Schedule IA.*)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
35. Lease—*contd.*	
(vi) where the lease purports to be for a term exceeding thirty years but not exceeding one hundred years;	The same duty as a Conveyance (No. 23) for a consideration equal to four times the amount or value of the average annual rent reserved.
(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity;	The same duty as a Conveyance (No. 23) for a consideration equal in the case of a lease granted solely for agricultural purposes to one-tenth and in any other case to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.
(viii) where the lease does not purport to be for any definite term.	The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(b) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.

Remove Watermark Wondershare PDFelement

(*Schedule IA.*)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
35. Lease—*contd.*	
(c) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered :
	Provided that, in any case when an agreement to lease is stamped with the *ad valorem* Stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed [1][Rupee one and fifty *naye paise*.]
Exemptions.	
(a) Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceeds one year, or when the average annual rent reserved does not exceed one hundred rupees.	
In this exemption a lease for the purposes of cultivation shall include a lease of lands for cultivation together with a homestead or tank.	
[2]* * * * * * * * * *	

[1]Substituted for the words "twelve *annas*" by s. 3*(27) (i)* of the Indian Stamp (West Bengal Second Amendment) Act, 1962 (West Ben. Act XXX of 1962).

[2]Item *(b)* of the "*Exemptions*" was omitted by s. 3*(27) (ii), ibid.*

Remove Watermark Wondershare PDFelement

(*Schedule IA.*)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
35. lease—*concld.*	
Exemptions—concld.	
Explanation :—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.	
[1]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.	Sixty paise.
See also Certificate or other Document (No. 19).	
. . . . .	
[2]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.	Rupees fifty.
[3]39. **Memorandum of Association of a Company**—	
(a) if accompanied by articles of association under section 26 of the Companies Act, 1956.	Rupees sixty. I of 1956
(b) if not so accompanied—	
(i) where the nominal share capital does not exceed one lakh of rupees,	Rupees two hundred.
(ii) where the nominal share capital exceeds one lakh of rupees.	Rupees three hundred.
Exemption.	
Memorandum of any association not formed for profit and registered under section 26 of the Companies Act, 1956.	

[1]Firstly, article 36 was substituted by s. 3*(20)* of the Indian Stamp West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently *s. 3(20)* was substituted by s. 4*(13)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[2]Article 38 was substituted by s. 3*(21)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

[3]Article 39 was subsituted by s. 3*(22) ibid.*

Remove Watermark Wondershare PDFelement

of 1899.]

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]40. Mortgage-deed, not being an Agreement relating to deposit of title-deeds, pawn or pledge (No. 6), Bottomry Bond (No. 16), Mortgage of a Crop (No. 41), Respondentia Bond (No. 56), or Security Bond (No. 57):—	
(a) When possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed.
(b) when possession is not given or agreed to be given as aforesaid;	The same duty as a Bond (No. 15) for the amount secured by such deed.
Explanation.—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents of a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this article,	
(c) when a collateral or auxiliary or additional or substituted security or by way of further assurance for the abovementioned purpose where the principal or primary security is duly stamped—	
for every sum secured not exceeding Rs. 1,000,	[2][Rupee one and fifty *naye paise.*]
and for every Rs. 1,000 or part there of secured in excess of Rs. 1,000.	[3][Rupee one and fifty *naye paise.*]
Exemptions.	
(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties as security for the repayment of such advances.	XIX of 1883. XII of 1884.
(2) Letter of hypothecation accompanying a bill of exchange.	

[1]*See* foot-note 1 on page 542, *ante.*

[2]Substituted for the words "Twelve *annas*" by s. 3*(31) (i)* of the Indian Stamp (West Bengal Second Amendment) Act, 1962 (West Ben. Act XXX of 1962).

[3]Substituted for the words "One rupee" by s. 3*(31)(ii), ibid.*

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
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; and	[1][Twenty *naye paise.*]
for every Rs. 200 or part thereof secured in excess of Rs. 200;	[1][Twenty *naye paise.*]
(b) when the loan is repayable more than three months but not more than eighteen months from the date of the instrument—	
for every sum secured not exceeding Rs. 100;	[2][Forty *naye paise.*]
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	[2][Forty *naye paise.*]
[3]**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. *See* also Protest of Bill or Note (No. 50).	Rupees ten.
[4]**43. Note or Memorandum,** sent by a broker or agent to his principal intimating the purchase or sale on account of such principal—	
(a) of any goods exceeding in value twenty rupees;	Fifty paise.
(b) of any stock or marketable security exceeding in value twenty rupees but not being a Government security;	Fifty paise for every Rs. 5,000 or part thereof of the value of stock or security.
(c) of a Government security.	Subject to a maximum of rupees fifty, fifty paise for every Rs. 10,000 or part thereof of the value of the security.

[1]Substituted for the words "One and a half *annas*" by s. 3*(32) (i)* of the Indian Stamp (West Bengal Second Amendment) Act, 1962 (West Ben. Act XXX of 1962).

[2]Substituted for the words "Four *Annas*" by s. 3*(32) (ii), ibid.*

[3]Firstly, article 42 was substituted by s. 3*(23)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXI of 1977) and subsequently s. 3*(23)* was substituted by s. 4*(14)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[4]Article 43 was substituted by s. 3*(24)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

Remove Watermark Wondershare PDFelement

of 1899.]

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]44. Note of Protest by the Master of a Ship.	Rupees ten.
See also Protest by the Master of a Ship (No. 51).	
Order for the payment of Money—*See* Bill of Exchange (No. 13) mentioned in Schedule I.	
45.Partition—Instrument of [as defined by section 2(15).]	The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property. N.B.—The largest share remaining after the property is partitioned (or if there are two or more shares, of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated: Provided always that— (a) when an instrument of partition containing an agreement to divide property in severally is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than [2][Rupee one and fifty *naye paise*;]

[1]Firstly, article 44 was substituted by s. 3*(25)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently s. 3*(25)* was substituted by s. 4*(15)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[2]Substituted for the words "One rupee" by s. 3*(35)*, of the Indian Stamp (West Bengal Amendment) Act, 1962 (West Ben. Act XXX of 1962).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
45. Partition— Instrument of [as defined by section 2 *(15)*]—*concld.*	*(b)* where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue;
	(c) where a final order for effecting a partition passed by any Revenue-authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed
[2]**46. Partnership**—	[1][Rupee one and fifty *naye paise*].
A.—Instrument of—	
(a) where the capital of the partnership does not exceed Rs. 500;	Rupees twenty.
(b) where the capital of the partnership exceeds Rs. 500 but does not exceed Rs. 10,000;	Rupees fifty.
(c) where the capital of the partnership exceeds Rs. 10,000 but does not exceed Rs. 50,000;	Rupees one hundred.
(d) where the capital of the partnership exceeds Rs. 50,000.	Rupees one hundred and fifty.
B.—Dissolution of—	
Pawn or Pledge.—*See* Agreement Relating to Deposit of Title-Deeds, Pawn or Pledge (No.6).	Rupees twenty-five.
[3]*Explanation.*—Any instrument, whereby two or more partnership firms or partners of such firms jointly or severally enter into an agreement for carrying on business or profession jointly, by way of amalgamation or otherwise, shall be deemed to be an instrument of partnership for the purposes of this Article.	
* * * * * * * * * *	

[1]*See* foot-note 2 on page 561, *ante*.

[2]Article 46 was substituted by s. 3*(26)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

[3]The *Explanation* was added by s. 10*(3)* of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

Remove Watermark Wondershare PDFelement

of 1899.]

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]**48. Power-of-Attorney** [as defined by section 2(21)] not being a proxy—	
(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	Rupees five.
(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882;	Rupees five. 15 of 1882.
(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause *(a)*;	Rupees six.
(d) when authorising not more tahn five persons to act jointly and severally in more than one transaction or generally;	Rupees fifty.
(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	Rupees one hundred.
(f) when given for consideration and authorising the attorney to sell any immovable property;	The same duty as a Conveyance (No. 23) for the amount of the consideration.
(g) in any other case.	Rupees six for each person authorised.
Explanation.—For the purposes of this article more persons than one when belonging to the same firm shall be deemed to be one person.	
N.B.—The term 'registration' includes every operation incidental to registration under the Registration Act, 1908.	16 of 1908.
* * * * * * * * * *	

[1]Article 48 was substituted by s. 3(27) of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]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.	Rupees ten.
[2]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.	Rupees ten.
See also Note of Protest by the Master of a Ship (No. 44).	
* * * * * * * * *	
* * * * * * * * *	
[3]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.	Rupees one hundred.
[4]55. **Release,** that is to say, any instrument (not being such a release as is provided for by section 23A), 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.	Rupees fifty.

[1]Firstly, article 50 was substituted by s. 3*(28)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently s. 3*(28)* was substituted by s. 4*(16)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[2]Firstly, article 51 was substituted by s. 3*(29)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently s. 3*(29)* was substituted by s. 4*(17)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[3]Firstly, article 54 was substituted by s. 3*(30)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently s. 3*(30)* was substituted by s. 4*(18)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

[4]Firstly, article 55 was substituted by s. 3*(31)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977) and subsequently s. 3*(31)* was substituted by s. 4*(19)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
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 Bottomry Bond (No. 16) for the amount of the loan secured.
Revocation of any Trust or Settlement. *See* Settlement (No. 58); Trust (No. 64).	
[1]**57.** **Security Bond or Mortgage-deed**, executed by way of security for the due discharge of a liability, or 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.	Rupees fifty.
Exemptions.	
Bond or oter instrument, when executed—	
(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;	Bengal Act III of 1876.
(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 specified sum *per mensem*.	
* * * * * * * * *	
(d) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances;	XIX of 1883. XII of 1884.
(e) executed by officers of Government of their sureties to secure the due execution of an office, or the due accounting for money, or other property received by virtue thereof.	

[1]Firstly, article 57 was substituted by s. 3*(2)* of the Indian Stamp (West Bengal Amendment) Act, 1980 (West Ben. Act XXIX of 1980) and subsequently s. 3*(2)* was substituted by s. 4*(20)* of the Indian Stamp (West Bengal Amendment) Act, 1987 (West Ben. Act XV of 1987).

Remove Watermark Wondershare PDFelement

(*Schedule IA.*)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]58. Settlement— A.—Instrument of (including a deed or dower).	[2][The same duty as a Conveyance (No. 23) for the settlement of immovable property for the purpose referred to in sub-clause (b) of clause (24) of section 2, and the same duty as a Bottomry Bond (No. 16) for the settlement of any other property for other purposes] for a sum equal to the amount or value of the property settled as set forth in such settlement: Provided that where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed rupees five.
Exemption. Deed or dower executed on the occasion of a marriage between Muhammadans.	
B.—Revocation of— *See* also Trust (No. 64).	[2][The same duty as a Conveyance (No. 23) for the settlement of immovable property for the purpose referred to in sub-clause (b) of clause (24) of section 2, and the same duty as a Bottomry Bond (No. 16) for the settlement of any other property for other purposes] for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding rupees thirty.

[1]Article 58 was substituted by s. 3(*6*) of the Indian Stamp (West Bengal Amendment) Act, 1984 (West Ben. Act XVII of 1984).

[2]Substituted for the words, figures and brackets "The same duty as a Bottomry Bond (No. 16)" by s. 10(*4*) of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
59. Share Warrants to bearer issued under the [2][Companies Act, 1956.]	One and a half times the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant. [1][1 of 1956.]
Exemptions.	
Share warrant when issued by a company in pursuance of the [2][Companies Act, 1956], [3][section 114], to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue of—	
(a) One and a half *per centum* of the whole subscribed capital of the company; or	
(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—one and a half *per centum* of the additional capital so issued.	
[4]**60. Shipping Order** for or relating to the conveyance of goods on board of any vessel.	Twenty paise.
61. Surrender of Lease—	
(a) When the duty with which the lease is chargeable does not exceed seven rupees eight *annas*;	The duty with which such lease is chargeable.
(b) in any other case.	[5][Rupees ten.]
Exemption.	
Surrender of lease, when such lease is exempted from duty.	

[1]Substituted for the letters, figures and word "VII of 1913", in the marginal note, by s. 3*(44) (ii)* of the Indian Stamp (West Bengal Second Amendment) Act, 1962 (West Ben. Act XXX of 1962).

[2]Substituted for the words and figures "Indian Companies Act, 1913" by s. 3*(44) (i), ibid.*

[3]Substituted for the word and figures "Section 43" by s. 3*(44) (iii), ibid.*

[4]Article 60 was substituted by s. 3*(32)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

[5]Substituted for the words "Seven rupees eight *annas*" by s. 3*(46), ibid.*

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
62. Transfer (whether with or without consideration)—	
(a) of shares in an incorporated company or other body corporate;	One-half of the duty payable on a Conveyance *(No. 23)* for a consideration equal to the value of the share.
[1]*(b)* of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;	Fifty paise for every Rs. 100 or part thereof, of the value of the debenture.
(c) of any interest secured by a bond, mortgage-deed [2][in respect of which duty has been paid under Article No. 40] 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:	[3][Rupees fifteen.]
III of 1913. *(d)* of any property under the Administrator-General's Act, 1913, section 25;	[4][Rupees twenty.]
(e) of any trust-property without consideration from one trustee to another trustee, or from a trustee to a beneficiary.	[5][Rupees ten] or such smaller amount as may be chargeable under clauses *(a)* to *(c)* of this article.
Exemptions.	
Transfers by endorsement—	
(a) of a bill of exchange, cheque or promissory note;	
(b) of bill of lading, delivery order, warrant for goods, or other mercantile document of title goods;	
(c) of a policy of insurance;	
(d) of securities of the [6][Central Government]. *See also Section 8* :	

[1]Clause *(b)* of article 62 was substituted by *s. 3(3)* of the Indian Stamp (West Bengal Amendment) Act, 1980 (West Ben. Act XXIX of 1980) and subsequently s. *3(3)* was substituted by s. *3(7)* of the Indian Stamp (West Bengal Amendment) Act, 1984 (West Ben. Act XVII of 1984).

[2]Inserted by s. *2(2)* of the Indian Stamp (Bengal Amendement) Act, 1939 (Ben. Act VII of 1939).

[3]Substituted for the words "Ten rupees" by s. *3(47) (i)* of the *Indian Stamp* (West Bengal Second Amendment) Act, 1962 (West Ben. Act XXX of 1962).

[4]Substituted for the words "Fifteen rupees" by s. *3(47)(ii), ibid.*

[5]*Substituted for the words "Seven rupees eight annas"* by s. *3(47) (iii), ibid.*

[6]These words were substituted for the words "Government of India" by paragraph *4(1)* of the Government of Indian (Adaptation of Indian Laws) Order, 1937.

Remove Watermark Wondershare PDFelement

(Schedule IA.)

SCHEDULE IA.—*contd.*

Stamp-duty on certain Instruments under the Bengal Stamp (Amendment) Act, 1922 or the Indian Stamp (Bengal Amendment) Act, 1935.

Description of Instruments.	Proper Stamp-duty.
[1]Provided that if by any one instrument the interest secured by several bonds, mortgage deeds or policies of insurance is transferred, the duty payable in respect of such instrument shall be the aggregate of the duties which would have been payable if separate instruments of transfer were executed in respect of each such bond, mortgage deed or policy of insurance.	
[2]63. **Transfer** of lease by way of assignment, and not by way of under-lease. *Exemption.* Transfer of any lease exempt from duty.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer.
64. **Trust**—	
A.—DECLARATION OF—of, or concerning, any property when made by any writing not a being Will.	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding [3][rupees twenty-five.]
B.—REVOCATION OF—of, or concerning, any property when made by any instrument other than Will. *See also* Settlement (No. 58).	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding [4][rupees twenty-five.]
Valuation. *See* Appraisement (No. 8).	
Vakil. See Entry as a *Vakil* (No. 30.)	
[5]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.	Rupee one.

[1]The proviso was added by s. 10 *(5)* of the Indian Stamp (West Bengal Amendment) Act, 1990 (West Ben. Act XVII of 1990).

[2]*See* foot-note 1 on page 542, *ante*.

[3]Substituted for the words "rupees twenty-five eight *annas*" by s. 3*(2)* of the Indian Stamp (West Bengal Amendment) Act, 1964 (West Ben. Act XVII of 1964).

[4]Substitited for the words "fifteen rupees" by s. 3*(48) (ii), ibid.*

[5]Article 65 was substituted by s. 3*(33)* of the Indian Stamp (West Bengal Amendment) Act, 1977 (West Ben. Act XXXII of 1977).

Remove Watermark Wondershare PDFelement

(*Schedule II.*)

Schedule II.—[Enactments repealed.]—Rep. by s. 3 and Schedule II of the Repealing and Amending Act, 1914 (X of 1914).

Wondershare PDFelement