

Kerala Stamp (Amendment) Act, 1991

16 of 1991

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Kerala Stamp (Amendment) Act, 1991

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An Act further to amend the Kerala Stamp Act, 1959 WHEREAS it is expedient further to amend the Kerala Stamp Act, 1959, for the purposes hereinafter appearing; BE it enacted in the Forty-second year of the Republic of India as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Kerala Stamp (Amendment) Act, 1991.
- (2) It shall be deemed to have come into force on the 11th day of January, 1991.

2. Amendment Of Section 2 :-

In the Kerala Stamp Act, 1959 (17 of 1959) (hereinafter referred to as the principal Act) in Section 2, clause (mm) shall be omitted.

3. Omission Of Section 28A :-

Section 28A of the principal Act, shall be omitted.

4. Omission Of Section 45A :-

Section 45 A of the principal Act, shall be omitted.

5. Amendment Of Section 45B :-

Sub-section (3A) of section 45B of the principal Act shall be omitted.

6. Amendment Of The Schedule :-

In THE SCHEDULE to the principal Act, -

(1) for serial numbers 21 and 22 and the entries relating thereto in columns (2) and (3), the following Serial Numbers and entries shall respectively be substituted, namely:-

21.	Conveyance (as defined by section 2(d), not being a transfer charged or exempted under No. 55]	Five rupees for every Rs. 100 or part thereof of the amount or value of the consideration for such conveyance.
22.	Conveyance [as defined by section 2 (d), not being a transfer charged or exempted under No. 55] of immovable properly situated within the Municipal Corporations or Municipalities	Seven rupees fifty paise for every Rs. 100 or part thereof of the amount or value of the consideration for such conveyance";
	(2} for serial No. 29 and the entries relating thereto in columns (2) and (3), the following Serial Number and entries shall be substituted, namely: -	
"29.	Exchange of propertyinstrument of:	The same duty, as a convey-ance (No. 21 or 22, as the case may be) for a consideration equal to the value of the property of greater value as set forth in such instrument";
(3) in the entries relating to Serial Number 42, for the entry "partition - Instrument of (as defined by section 2 (k))" and clauses (i) and (ii) below it in column (2) and the entries against them in column (3), the following shall be substituted, namely:-		
"Partition-Instrument of (as defined by section 2 (k):		
	i) Where the partition is among all or some of the family members	The same duty as a Buttomry Bond (No. 14) for the amount of the value of the separated share or shares of the property
	ii) in any other case	Five rupees for every Rs. 100

	ii) in any other case	five rupee for every RS.100 or part thereof of the amount of the value of the separated share or shares of the property.
<p>Explanation. -Family means husband, wife, children and .the legal heirs of the deceased children if any, as the case may be."</p> <p>4) for serial No. 48 and the entries thereto in columns (2) and (3), the following Serial Number and entries shall be substituted, namely :-</p>		
"48.	Release, that is to say, any instrument (not being such a release as is provided .for by section 24), whereby a person renounces a claim upon another person or against any specified property	
	When such release operates in favour of his or her spouse or children in any other case	<p>The same duty a Bottomry Bond (No. 14} for such amount or value as set forth in the release.</p> <p>The same duty as a conveyance (No. 21 or 22, as the case may be) for such amount or value as set forth in the release."</p>

7. Repeal And Saving :-

(1) The Kerala Stamp (Amendment) Ordinance 1991 (1 of 1991), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.