

Bombay Stamp Act, 1958

60 of 1958

[11 June 1958]

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SCHEDULE 2 :-Instruments Governed by the Indian Stamp Act, 1899

Bombay Stamp Act, 1958

60 of 1958

[11 June 1958]

An Act to consolidate and amend the law relating to stamps and stamp duties in the State of Bombay WHEREAS it is expedient to consolidate and amend the law relating to stamps and rates of stamp duties other than those in respect of documents specified in entry 91 of List I in the Seventh Schedule to the Constitution of India in the State of Bombay; It is hereby enacted in the Ninth Year of the Republic of India as follows :

CHAPTER 1 Preliminary

1. Short title, extent and commencement :-

- (1) This Act may be called the Bombay Stamp Act, 1958 .
- (2) It extends to the whole of the [State of Gujarat].
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, direct.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,

- (a) "association" means any association, exchange, organization or body of individuals, whether incorporated or not, established for the purpose of regulating and controlling business of the sale or purchase of, or other transactions relating to, any goods or marketable securities;
- (b) "banker" includes a bank and any person acting as a banker.
- (c) "bond" includes,
 - (i) any instrument whereby a person obliges himself to pay money to another on condition that the obligation shall be void if specified act is performed, or is not performed, as the case may be;
 - (ii) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and
 - (iii) any instrument attested where by a person, obliges himself to deliver grain or other agricultural produce to another;
- (d) "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 instruments, chargeable under the law in force in the State when such instrument was executed or, where several persons executed the instrument at different times, first executed;

1[(dd) "Chief Controlling Revenue Authority" means such officer as the State Government may, by notification in the Official Gazette appoint in this behalf for the whole or any part of the 2[State of Gujarat];

3[X X X]

(f) "Collector" means 4[* *****] the Chief Officer in charge of the revenue administration of a district, and includes any officer whom the State Government may, by notification in the Official Gazette, appoint in this behalf;

(g) "conveyance" includes a conveyance on sale and every instrument by which property, whether movable or immovable, is transferred inter vivos and which is not otherwise specifically provided for by Schedule I;

(h) "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 the State;

(i) "executed" and "execution" used with reference to instrument, means "signed" and "signature";

(j) "Government securities" means a Government security as defined in the Public Debt Act, 1944 (XVIII of 1944);

(k) "impressed stamp" includes,

(i) "labels affixed and impressed by the proper officer;

(ii) stamps embossed or engraved on stamped paper;

(l) "instrument" includes every document by which any right or liability is, purports to be, created, transferred, limited, extended, extinguished or recorded but does not include a bill of exchange, cheque, promissory note, bill of lading, letter of credit, policy of insurance, transfer of share, debenture, proxy and receipt;

5[(l-a) "instrument of gift" includes, where the gift is of any movable property but has not been made in writing, any instrument recording whether by way of declaration or otherwise the making or acceptance of such gift;]

(m) "instrument of partition" means any instrument whereby co-owners of any property divide or agree to divide such property in severality 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 or instruments signed by the co-owners and recording, whether by way of declaration of such partition or otherwise, the terms of such partition amongst the co-owners;
- (n) "lease" means a lease of immovable property, and includes also,
 - (i) a patta;
 - (ii) a kabulayat, or other undertaking in writting, not being a counterpart of lease to cultivate, occupy or pay or deliver rent for immovable property;
 - (iii) any instrument by which tolls of any description are let;
 - (iv) any writing on an application for a lease intended to signify that the application is granted;
- 6 ["(na) market value, in relation to any property which is the subject matter of an instrument, means the price which such property would have fetched if sold in open market on the date of execution of such instrument;]
- (o) "marketable security" means a security of such description as to be capitable of being sold in any stock market in India or in the United Kingdom;
- (p) "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.
- (q) "paper" includes vellum, parchment or any other material on which an instrument may be written;
- (r) "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 and in the name of the person executing it;
- (s) "Schedule" means a Schedule appended to this Act;
- (t) "settlement" means any non-testamentary disposition in writing of movable or immovable property made,
 - (i) in consideration of marriage,
 - (ii) for the purpose of distributing property of the settle among his family or those for whom he desires to provide, or for the purpose of providing for some person depend on him, or
 - (iii) for any religious or charitable purpose, and includes an agreement in writing to make such a disposition and where any such disposition has not been made in writing, any instrument recording whether by way of declaration of trust or otherwise, the

terms of any such disposition;

(u) "soldier" includes any person below the rank of a non-commissioned officer who is enrolled under the Army Act, 1950 (XLVI of 1950).

1. Ins. by Bom. 95 of 1954, S. 2.

2. Subs. by Guj. A.O.1960.

3. Clause (e) deleted by Guj. 21 of 1982, it was as under: "(e) "clearance list" means a list of transactions relating to contracts required to be submitted to the clearing house of an association in accordance with the rules or by laws of the association: Provided that no instrument shall, for the purposes of this Act, be deemed to be a clearance list unless it contains the following declaration signed by the person dealing in such transaction or on his behalf by a properly constituted attorney, namely: "I/we hereby solemnly declare that the above list contains a complete and true statement of my/our transactions, and that it includes all the transactions required to be submitted to the clearing house in accordance with the rules/bye- laws of the association. I/We further declare that no transaction for which an exemption is claimed under Article 5 or [Article 48] in Schedule I to the Bombay Stamp Act, 1958, (Bom. LX of 1958) as the case may be, is omitted." Explanation. Transaction for the purpose of this clause shall include both sale and purchase."

4. The words "in greater Bombay, the Collector of Bombay and elsewhere" were omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

5. Clause (1-a) was inserted by Guj. 18 of 1963, s. 2.

6. Sec. 3A, inserted by Guj. 10 of 1988, w.e.f. 10-8-1988.

CHAPTER 2 Stamp Duties

3. Instruments chargeable with duty :-

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

(a) every instrument mentioned in Schedule I, which not having been previously executed by any person, is executed in the State on or after the date of commencement of his Act;

(b) every instrument mentioned in Schedule I, which not having been previously executed by any person, is executed out of the State on or after the said date, relates to any property situate, or

to any matter or thing done or to be done in this State and is received in this State :

Provided that no duty shall be chargeable in respect of

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

(2) any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, interest, share or property of or in any ship or vessel registered under the Bombay Coasting Vessels Act, 1938, (XIX of 1938). or the Registration of ships Act, 1841, (X of 1841).

1 [XXX]

1. Section 3A inserted by Guj. 5 of 1976, deleted by Guj. 21 of 1982. It was as follows: 3A. Instruments chargeable additional duty. (1) Every instrument chargeable with any under section 3 shall in addition to such duty, be chargeable with a duty of ten paise. (2) The additional duty with which any instrument is chargeable under sub-section (1) shall be paid and such payment shall be indicated on such instrument by means of adhesive stamps bearing the inscription "revenue." (3) Except as otherwise provided in sub-sections (1) and (2), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional duty chargeable under sub-section (1) as they apply in relation to the duty chargeable under section 3".

3A. Instrument Chargeable With Additional Duty :-

[

(1) Every instrument chargeable with duty and described in the following articles of Schedule I when executed in an urban area shall, in addition to such duty, be chargeable with a duty at the rate of twenty-five per cent, of such duty, namely: (1) No. 17 (Certificate of sale). (2) No. 20 (Conveyance), (3) No. 26 (Exchange of Property), (4) No. 27 (Further charge), (5) No. 28 (Gift), (6) No. 30 (Lease), (7) No. 36 (Mortgage deed), (8) No. 45 (f) (Power of Attorney when given for consideration and authorising the attorney to sell any immovable property), (9) No. 52 (Settlement), (10) No. 57 (Transfer of lease by way of assignment and not by way of under lease).

(2) Except as otherwise provided in sub-section (1), the provisions of this Act and the rules made thereunder shall, so far as may be,

apply in relation to the additional duty chargeable under sub-section (1) as they apply in relation to the duty chargeable under section 3 .

Explanation. For the purpose of this section, "urban area" means
(a) a City within the meaning of the Bombay Provincial Municipal Corporation Act, 1949 ; (Bom. LIX of 1949).

(b) a Municipal borough or a notified area within the meaning of the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964),]

3B. Certain Instruments Relating To Vacant Land Chargeable With Additional Duty :-

[.

(1) Every instrument of

(a) conveyance of vacant land.

(b) exchange of vacant land.

(c) gift of vacant land,

(d) lease of vacant land,

(e) power of attorney when given for consideration and authorising the attorney to sell vacant land; and

(f) transfer of lease of vacant land by way of assignment and not by way of underlease, chargeable with duty under section 3 and mentioned in , , , , clause (f) of article 45 and article 57 respectively : 1[in Schedule I shall,

(i) when such vacant land is situate in an urban area, be chargeable in addition to the duties chargeable under section 3 and Section 3A , with a duty at the rate of fifty percent of the duty chargeable under section 3 ; and

(ii) when such vacant land is situate in an area other than urban area and is non-agricultural land, be chargeable in addition to the duties chargeable under section 3 with a duty at the rate of twenty-five percent of the duty chargeable under section 3 :]

Provided that nothing in this section shall apply to a vacant land of an area not exceeding one hundred square meters which is intended to be used for a residential purpose.

(2) Except as otherwise provided in sub-section (1), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional duty chargeable under sub-section (1) as they apply in relation to the duty chargeable under section 3 :

Explanation. For the purpose of this section

(1) "urban area" means any area which is the time being comprised

in

(a)

(i) a development area; or

(ii) an urban development area; within the meaning of the Gujarat Town Planning and Urban Development Act, 1976 (Presidents Act No. 27 of 1976); or

(b) a municipal borough or a notified area with the meaning of the Gujarat Municipalities Act 1963 (Guj. 34 of 1964); or

(c) a nagar within the meaning of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962)" or

(2) "vacant land" means 1 [land in an urban area, agricultural or non-agricultural and in an area other than urban area, non-agricultural], excluding land on which any building has been constructed in accordance with any law regulating such construction and the land appurtenant to such building to the minimum extent required under such law or under the provisions of the Gujarat Town Planning and Urban Development Act, 1976 (Presidents Act No. 27 of 1976) but including the land on which a building is constructed upto the lintel level.]

1. Sub. by Guj. 8 of 1992.

4. Several instruments used in single transaction of sale, mortgage settlement :-

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

(2) The parties may determine for themselves which of the instrument so employed shall for the purpose 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,

1. Subs. by Guj. 21 of 1982.

5. Instruments relating to several distinct matters :-

. Any instrument comprising or relating to several distinct matter 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.

6. Instrument coming within several description in Schedule I :-

. Subject to the provisions of section 5 , an instrument so framed as to come within two or more of the description in Schedule I shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties :

Provided that nothing in this Act contained shall render chargeable with duty exceeding 1 [ten rupees] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the property duty has been paid.

1. Subs. by Guj. 23 of 1977.

7. Payment of higher duty in respect of certain instruments :-

(1) Notwithstanding anything contained in section 4 or Section 6 or in any other enactment, unless it is proved that the duty chargeable under this Act had been paid,

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

(b) in accordance with the provisions of this section, the duty chargeable on 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 this State have been chargeable under this Act with a higher rate of duty, be the duty with which the principal or original instrument would have been chargeable under section 19 .

(2) Notwithstanding anything contained in any enactment for the time being in force, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence unless the duty chargeable under this section has been paid thereon:

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

["(3) The provisions of this Act and the rules made thereunder in so far as they relate to the recovery of duties chargeable on instrument under Section 3 shall, so far as may be, apply to the

recovery of duties chargeable on a counterpart, duplicate or copy of an instrument under sub-section (1)].

8. Bonds or securities other than debentures issued on loans under Act IX of 1914 or other law :-

(1) Notwithstanding anything in this Act, any local authority raising a loan under the provision of the Local Authorities Loans Act, 1914 , (IX of 1914). or of any other law for the time being in force, 1[or any corporation established by law by Government or any Government company raising a loan,] by the issue of bonds or securities other than debentures shall, in respect of such loan, be chargeable with a duty of 2[two per centum] on the total amount of such bonds or securities issued by it, and such bonds or securities need not be stamped, and shall not be chargeable with any further duty on renewal, consolidation, sub-division or otherwise.

(2) The provision of sub section (1) exempting certain bonds or securities 1[issued by any local authority] from being stamped and from being chargeable with certain further duty shall apply to the bonds or securities, other than debentures of all outstanding loans of the kind mentioned therein, and all such bonds or securities shall be valid, whether the same are stamped or not.

(3) In the case of wilful neglect to pay the duty required by this section the local authority 4 [the corporation or the Government company] shall be liable to forfeit to the State 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 such neglect continues.

1. Ins. by Guj. 21 of 1982.

2. Substituted by Gujarat 23 of 1977.

4. Ins. by Guj. 21 of 1982.

9. Power to reduce, remit or compound duties :-

The State Government may, by rule or order published in the Official Gazette

(a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of the State the duties with which any instrument or any particular class of instruments or any of the instrument 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, are chargeable, and

(b) provide for the composition or consolidation of duties in the case if issues by any incorporated company or other body corporate of bonds or marketable securities other than debentures.

10. Duties how to be paid :-

.

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

(a) according to the provisions herein contained; or

(b) when no such provision is applicable thereto, as the State Government may, by rules, direct.

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

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

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

1 [(3)

(a) Notwithstanding anything contained in sub-section (1), where,

(i) the State Government, in relation to any area in the State, or

(ii) the Collector, in relation to any area in the district under his charge, is satisfied that on account to temporary shortage of stamps in any area, duty cannot be paid and payment of duty cannot be indicated on such instruments the registration of which is compulsory under the Registration Act, 1908, (16 of 1908) by means of stamps, the State Government, or, as the case may be, the Collector, may, by notification in the Official Gazette, direct that, in such area and for such period as may be specified in such notification, the duty may be paid in cash in any Government treasury or sub-treasury and the officer in charge of such treasury or sub-treasury shall, on production of a challan evidencing payment of stamp duty in the Government treasury or sub-treasury, certify by endorsement on the instrument in respect of which the stamp duty is paid, that the duty has been paid, and state in the said endorsement the amount of the duty so paid.

(b) An endorsement made on any instrument under clause (a) shall have the same effect as if the duty of an amount equal to the amount stated in the endorsement had been paid in respect of, and such payment had been indicated in, such instrument by means of

stamps, under sub-section (1).]

1. Ins. by Guj. 21 of 1982.

11. Section :-

1 [X X X]

1. Sec. 11, deleted by Guj. 21 of 1982, which was as under: "11. Use of adhesive stamps. The following instruments may be stamped with adhesive stamps, namely: (a) instruments chargeable with a duty of twenty naye paise or less; (b) entry as an advocate, vakil or attorney on the roll of a High Court; (c) notarial acts."

11A. Section :-

1 [X X X]

1. Sec. 11-A, deleted by Guj. 23 of 1977.

12. Cancellation of adhesive stamps :-

(1)

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

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

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

13. Instruments stamped with impressed stamps how to be written :-

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

any other instrument.

14. Only one instrument to be on same stamp :-

No second instrument chargeable with duty shall be written upon a piece of 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.

15. Instrument written contrary to section 13 or 14 deemed unstamped :-

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

16. Denoting duty :-

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

17. Instruments executed in State :-

All instruments chargeable with duty and executed by any person in this State shall be stamped before or at the time of execution. 1 [XXX]

1. Proviso subs. by Bom. 95 of 1953 and deleted by Guj. 21 of 1982. It was as under : "[Provided that the clearance list described in [Article 21,22,23,24 or 25] of Schedule I may be stamped by an officer authorised by the State Government by rules made under this Act, if such clearance list is submitted for stamping by the clearing house of an Association in accordance with its rules and by-laws with the requisite amount of stamp duty, within two months from the date of its execution.]" Substituted by Gujarat 23 of

1977.

18. Instruments executed out of State :-

(1) Every instrument chargeable with duty executed only out of this State may be stamped within three months after it has been first received in this State.

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

19. Payment of duty on certain instruments liable to increased duty in 2[Gujarat State] :-

. Where any instrument of the nature described in any article in Schedule I and relating to any property situate or to any matter or thing done or to be done in this State is executed out of the State and subsequently received in the State,

(a) the amount of duty chargeable on such instrument shall be the amount of duty chargeable under Schedule I on a document of the like description executed in this State less the amount of duty, if any already paid under any law in force in India excluding the State of Jammu and Kashmir on such instrument when it was executed;

(b) and in addition to the stamps, if any, already affixed thereto such instrument shall be stamped with the stamps necessary for the payment of the duty chargeable on it under clause (a) of this section, in the same manner and at the same time and by the same persons as though such instrument were an instrument received in this State for the first time at the time when it became chargeable with the higher duty, and

(c) the provisions contained in clause (b) of the proviso to subsection (3) of section 32 shall apply to such instrument as if such were an instrument executed or first executed out of this State and first received in this State when it became chargeable to the higher duty aforesaid, but the provisions contained in clause (a) of the said proviso shall not apply thereto.

20. Conversion of amount expressed in foreign currencies :-

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

(2) The rate of exchange for the conversion of British or any foreign currency into the currency of India prescribed under sub-section (2) of Section 20 of the Stamp Act, 1899 , (II of 1899), shall be deemed to be the current rate for the purpose of sub-section (1).

21. Stock and marketable securities how to be valued :-

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

22. Effect of statement of rate of exchange or average price :-

Where an instrument contains a statement of current rate of exchange, or average price, as the case may 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.

23. Instruments reserving interest :-

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

24. Certain instruments connected with mortgages of marketable securities to be chargeable as agreement :-

(1) Where an instrument

(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 Article No. 5 (h) of Schedule I.

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

25. Deduction of duty to be made when property mortgaged is transferred to mortgagee :-

[Where any 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.]

26. Valuation in case of annuity, etc :-

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 deemed to be,

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

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

(c) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance, the 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.

27. Stamp where value of subject-matter is indeterminate :-

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

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

(a) when the lease has been granted by or on behalf of 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 the Government under the lease, or

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

Provided also that, where proceedings have been taken in respect of an instrument under section 31 or 40, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

28. Facts affecting duty to be set forth in instrument :-

. 1 [The consideration (if any) market value 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.

1. Subs. by Guj. 21 of 1982, S. 10, with effect from 1-5-1984.

29. Direction as to duty in case of certain conveyance :-

(1) 1[Where the whole of the property has been contracted to be sold] and is conveyed to the purchaser in separate parts by different instruments, the 2[market value of the whole of the property] shall be apportioned in such manner as the parties think fit, provided that a distinct 2[market value] 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 2[market value].

(2) 5[Where whole of the property contracted to be purchased] by

two or more person jointly, or by any person for himself if and others or wholly for others, is conveyed in parts by separate instrument to the persons, by or for whom the same was purchased, 6[XXX] the conveyance of each separate part shall be chargeable with ad valorem duty in respect of the 3[market value of such part of the property].

(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 3[the market value of the property at the time of] 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 9[in respect only of the market

Provided that notwithstanding anything contained in 10[article 20] of Schedule I the duty on such last mentioned conveyance shall in no case be less than 11 [eight 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 according to the market value of the property so conveyed and is duly stamped accordingly, and conveyance to be made after wards to him in respect 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 market value of the property so conveyed or where such duty exceeds eight rupees with a duty of eight rupees.]

1. Subs. by Guj. 21 of 1982, S. 11, w.e.f. 23-4-1984 for the words "where any property has been contracted to be sold for one consideration for the whole".

2. Subs. for "consideration" by Guj. 21 of 1982, w.e.f. 1-5-1984.

5. Subs. by Guj. 21 of 1982 [1-5-1984].

6. Words "for distinct part of the consideration" deleted by Guj. 21 of 1982 [23-4-1984].

9. Subs. by Guj. 21 of 1982 [23-4-1984], for the following: "in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration;

and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with ad-valorem duty in respect only of the excess of the original consideration over the aggregate of the consideration paid by the sub-purchasers".

10. Subs. by Guj. 21 of 1982 [1-5-1984], for "article 27".

11. Subs. by Guj. 21 of 1982 [1-5-1984], for "three rupees",

30. Duties by whom payable :-

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

(a) in the case of any instrument described in any of the following articles of Schedule I, namely: No. 2 (Administration Bond), No. 6 (Agreement relating to Deposit of Title-deeds, Pawn or Pledge), No. 1[14] (Bond), No. 1[15] (Bottomry Bond), No. 1[23] (Customs Bond), No. 1[27] (Further Charge), No. 1[29] (Idemnity-Bond), No. 1[36] (Mortgage-Deed), 1[49] (Release), No. 1[50] (Respondentia Bond), No. 9[51] (Security-Bond or Mortgage Deed), No. 2[52] (Settlement), No. 2[56] (a) (Transfer of debentures, being marketable securities whether the debenture is liable to duty or not, except debentures provided for by Section 8 of the Stamp Act, 1899 , (II of 1899). No. 2 [56] (b), (Transfer of any interest secured by a bond or mortgage deed or policy of insurance by the persons drawing or making such instrument);

(b) 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;

(c) in the case of a counterpart of a lease by the lessor;

(d) in the case of an instrument of exchange by the parties in equal shares;

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

(f) 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. Substituted by Gujarat 21 of 1982.

9. Subs. by Guj. 21 of 1982.

CHAPTER 3 Adjudication as to Stamps

31. Adjudication as to proper stamps :-

(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 1[(not exceeding twenty five rupees and not less than five rupees)] as the Collector may in each case direct, the Collector shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

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

Provided that

(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.

2 [(3) Where an officer appointed as a Collector under clause (f) of section 2 has reason to believe that the market value of the property, which is the subject matter of the instrument, received by him for adjudication, has not been truly set forth therein, he shall, before assessing the stamp duty under this section, refer the instrument to the Collector of such district in which either the whole or any part of the property is situate, for determining, in accordance with the procedure laid down in section 32A, the true market value of such property and the proper duty payable on the instrument.

1. Substituted by Gujarat 5 of 1976.

2. Added by Guj. 21 of 1982 [1-5-1984].

32. Certificate by Collector :-

- (1) When an instrument brought to the Collector under section 31 , is in his opinion, one of a description chargeable with duty; and
- (a) the Collector determines that it is already fully stamped, or
 - (b) the duty determined by the Collector under section 31 , or such a sum as with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid, the Collector shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.
- (2) When such instrument is in his opinion, not chargeable with duty the Collector shall certify in manner aforesaid that such instrument is not so chargeable.
- (3) Any instrument upon which an endorsement has been made, under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and, if chargeable with duty , shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped: Provided that nothing in this section shall authorise the Collector to endorse-
- (a) any instrument executed or first executed in the State and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be;
 - (b) any instrument executed or first executed out of the State and brought to him after the expiration of three months after it has been first received in this State; or
 - (c) any instrument chargeable with the duty of twenty naye paise or less when brought to him, after the drawing or execution thereof, on paper not duly stamped.

32A. Determination Of Market Value Of Property Which Is The Subject Matter Of Conveyance, Etc :-

[

- (1) If any officer registering under the Registration Act, 1908 , (16 of 1908) an instrument of conveyance, exchange, gift, partition, partnership of settlement or power of attorney or any person referred to in section 33 , before whom such instrument is produced or comes in the performance of his functions, his reason to believe that the consideration set forth therein does not approximate to the market value of the property which is the subject matter of such instrument, or as the case may be, the market value of the property which is the subject matter of such

instrument, has not been truly set forth therein, he may after registering the instrument or, as the case may be, performing his functions in respect of such instrument, refer the instrument to the Collector of such district in which either the whole or any part of the property is situated for determining of the true market value of such property and the proper duty payable on the instrument under this section.

(2) On receipt of the instrument under sub-section (3) of section 31 or sub-section (1) of this section, the Collector of the district shall, after giving the parties concerned a reasonable opportunity of being heard, and in accordance with the rules made by the State Government in this behalf, determine the true market value of the property which is the subject matter of the instrument and the proper duty payable thereon.

(3) Upon such determination, the Collector of the district shall require the party liable to pay the duty, to make payment of such amount as is required to make up the difference between the amount of duty determined under this sub-section and the amount of duty already paid by him and shall also require such party to pay a penalty 1 [of two hundred and fifty Rupees] and on such payment, return the instrument to the officer referred in sub-section (5) of section 31 or, as the case may be, sub-section (1) of this section:

Provided that, no such party shall be required to pay any amount to make up the difference or to pay any penalty under this sub-section if the difference between the amount of the consideration or, as the case may be, the market value as set forth in the instrument and the market value as determined by the Collector of the district does not exceeding ten per cent of the market value determined by the Collector of the district.

(4) The Collector of the district may suo moto or on receipt of information from any source, within two years, from the date of registration of any instrument referred to in sub-section. (1), (not being instrument upon which an endorsement has been made under section 32 of the instrument in respect of which the proper duty has been determined by him under sub-section (3) or an instrument executed before the date of the commencement of the Bombay Stamp (Gujarat) Amendment Act, 1982 (Guj 21 of 1982) call for and examine the instrument for the purpose of satisfying himself as to the correctness of the consideration or of the market value of the property which is the subject matter of such instrument and the duty payable thereon; and if on such

examination, he has reason to believe that the consideration does not approximate to the market value of such property or, as the case may be, market value of such property has been truly and fully set forth in the instrument, he shall proceed as provided in sub-sections (2) and (3).

1. Subs for the words "which shall not be has than such difference and not more then twice the amount of such difference", by Guj. 4 of 1991 [1-5-1984].

32B. Statement Of The Case By The Collector :-

(1) Any person aggrieved by an order of the Collector determining the market value under section 31 or, as the case may be, under section 32A , may after depositing with the Collector 1 [twenty five]) percent of the amount of duty or, as the case may be, the amount of the difference of duty payable by him by application presented within a period of sixty days from the date of such order and accompanied by a fee of one hundred rupees, require the Collector to draw up a statement of the case and refer it to the Chief Controlling Revenue Authority and the Collector shall, within sixty days of the receipt of such application, draw up a statement of the case and refer it to the Authority:

Provided that where in any particular case the Authority is of the opinion that the deposit of the amount by the applicant cause undue hardship to him, the Authority may, in its discretion, either unconditionally or subject to such conditions as it may think fit to impose dispense with a part of the amount deposited so however, that the part of the amount so dispensed with shall not exceed fifty percent of the amount deposited or required to be deposited.

(2) Such authority shall consider the cause and sent a copy of its decision to the Collector who shall proceed to assess and charge the duty (if any) in conformity with such decision.

(3) The decision given by the Authority under sub-section (2) shall be final;

1. Subs. by Guj. 4 of 1991, w.e.f. 1-5-1984, for the word "seventy-five".

CHAPTER 4 Instruments not duly stamped

33. Examination and impounding of instrument :-

(1) 1 [Subject to the provisions of section 32A , every person] having by law or consent of parties authority to receive evidence,

and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions shall if it appears to him that such instrument is not duly stamped, impound the same.

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

Provided that

(a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898; (V of 1898).

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

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

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

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

1. Inserted by Gujarat 5 of 1976.

33A. Impounding of instruments after registration :-

When through mistake or otherwise any instrument which is not duly stamped is registered under the Registration Act, 1908, the registering officer may call for the original.

instrument from the party and, after giving the party an opportunity of being heard and recording the reasons in writing and furnishing a copy thereof to the party, impound it. On failure to produce such original instrument by the party, a true copy of such instrument taken out from the registration record shall, for the purposes of this section, be deemed to be the original of such instrument]

34. Instrument not duly stamped is inadmissible in evidence etc :-

No instrument chargeable with duty 1 [(not being an instrument referred to in sub-section (1) of section 32A),] 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 with a duty of twenty naye paise and less shall subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five rupees, or when ten times the amount of the proper duty or deficient or portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;

(b) 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;

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

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

1. Section 52A was inserted by Bombay 95 of 1958, section 4.

35. Admission of instrument where not to be questioned :-

Where an instrument has been admitted in evidence, such admission shall not, except as provided in section 58 , be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

36. Admission of improperly stamped instruments :-

The State Government may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may on payment of the duty with which the same is chargeable, be certified to be duly stamped, and any instrument so

certified Wall then be deemed to have been duly stamped as from the date of its execution.

37. Instrument impounded how dealt with :-

(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 34 or of duty as provided by section 36 , he, shall send to the Collector an authenticated copy of such instrument, together with a certificate in writing, standing 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 iff original to the Collector.

38. Collectors power to refund penalty paid under section 37, sub-section(1) :-

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(1)When a copy of an instrument is sent to the Collector under sub-section (1) of Section 37 he may, if he thinks fit, refund any portion of the penalty in excess of five rupees which has 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.

39. Collectors power to stamp instruments impounded :-

(1) When the Collector impounds any instrument under section 33 , or receives any instrument sent to him under sub-section (2) of section 37 , not being an instrument chargeable with a duty of twenty naye paise, or less, 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, 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: Provided that, when such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.

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

(3) Where an instrument has been sent to the Collector under sub-section (2) of section 37 the Collector shall, when he has dealt with it as provided by this section, return it to the impounding officer.

40. Instruments unduly stamped by accident :-

If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of twenty naye paise or less 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 39, receive such amount and proceed as next hereinafter prescribed.

41. Endorsement of instruments on which duty has been paid under section 34, 39 or 40 :-

(1) When the duty and penalty (if any) leviable in respect of any instrument 1 [(not being an instrument referred to in sub-section (1) of section 32A)] have been paid under section 34, section 39 or section 40, the person admitting such instrument in evidence or the Collector, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be 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 the 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 34, shall be so delivered before the expiration of one month from the date of such impounding, or if the Collector has certified that its further detention is necessary and has not cancelled such certificate;

(b) nothing in this section shall after the provisions of rule 9 of Order XIII in Schedule I of the Code of Civil Procedure, 1908, (V of 1908.)

1. Section 52A was inserted by Bombay 95 of 1958, section 4.

42. Prosecution for offence against stamp law :-

The taking of proceedings or the payment 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.

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

(1) When any duty or penalty has been paid under section 34, section 36, section 39 or section 40, by any person in respect of an instrument, and by agreement or under the provisions of section 30 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

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

(3) Such amount may, if the Court thinks fit, be included in any

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

44. Power to Revenue authority to refund penalty of excess duty in certain cases :-

(1) Where any penalty is paid under section 34 or section 39, 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 1 [under section 32, section 34] or section 39, such authority may, upon application in writing made by the party concerned within three months from the date of receipt of the order charging the same, refund the excess.

1. Section 52A was inserted by Bombay 95 of 1958, section 4.

45. Non liability for loss of instruments sent under section 37 :-

(1) If any instrument sent to the Collector under sub- section (2) of section 37, 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.

46. Recovery of duties and penalties :-

All duties, penalties and other sums required to be paid under this Chapter may be recovered by the Collector by distress and sale of the movable property of the person from whom the same are due, or as an arrear of land revenue.

CHAPTER 5 Allowances for stamps in certain cases

47. Allowance for spoiled stamps :-

Subject to such rules as may be made by the State Government as to the evidence to be required, or the inquiry to be made the Collector may, on application made within the period prescribed in section 48, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned namely;

(a) the stamps on any paper inadvertently and undersignedly 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) the stamp used for an instrument executed by any party thereto which

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

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

(3) by reason of the death of any person by whom it is necessary that its 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 by some other instrument between the same parties and bearing a stamp of not less value;

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

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

Provided that, in the case of an executed instrument, no legal

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.

48. Application for relief under section 47 when to be made :-

The application for relief under section 47 shall be made within the following period, that is to say,

(1) in the cases mentioned in clause (c)(5), within two months of the date of instruments;

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

(3) in the case of a stamped paper in which no 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 this State, the application may be made within six months after it has been received back in this State ;

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

49. Allowance in case of printed forms no longer required by corporations :-

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

duly paid.

50. Allowance for misused stamps :-

(1) Any person has inadvertently used, for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, or a stamp of greater value than was necessary or has inadvertently used any stamp for an instrument not Chargeable with any duty; or
(2) when any stamp used for an instrument has been inadvertently rendered useless under section 15, owing such instrument having been written in contravention of provisions of section 13; the Collector may, on application made within six months after the date of the instrument or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

51. Allowance for spoiled or misused stamps how to be made :-

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

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

52. Allowance for stamps not required for use :-

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 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 Collectors 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.

52A. Allowances Or Stamps In Denomination Of Annas :-

[Notwithstanding anything contained in section 52, when any person is denominations, other than in denominations of annas four or multiples thereof and such 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 provisions of sub-section (2) of s.14 of the Coinage Act, 1906 , (III of 1906) upon such person delivering up, within six months from the commencement of this Act such stamp or stamps to the Collector.

52B. Refund Of Refugee Relief Stamps :-

[Notwithstanding anything contained in section 52, when any person is possessed of stamps bearing the inscription "refugee relief" (being stamps issued in pursuance of section 3A as inserted by the Bombay Stamp (Gujarat Amendment) Act, 1971, (Presidents Act No. 12 of 1971) before it ceased to have effect) and such stamps have not been spoiled the Collector shall, upon such person delivering up within six months from the commencement of the Bombay Stamp (Gujarat Amendment) Act, 1976 (Guj. 5 of 1976) such stamps to the Collector, refund to such person the value of such stamps in money.)

CHAPTER 6 Reference and Revision

53. Control of and statement of case to Chief Controlling Revenue Authority :-

(1) The powers exercisable by a Collector under 1[Chapter III, Chapter IV and Chapter V] and under clause (a) of the first proviso to section 27 shall in all cases be subject to the control of the Chief Controlling Revenue Authority.

(2) If any Collector, acting under section 31 2 [section 32A,] section 39 or section 40, 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. These words and figures were substituted for the words and figures "Chapter IV and Chapter V" by Gujarat 19 of 1955, section 3.

2. Ins. by Guj. 21 of 1982 [23-4-1984],

53A. Revision of Collectors decision under sections 32, 39 and 41 :-

(1) Notwithstanding anything contained in sub-section (3) of section 32, sub-section (2) of section 39 and sub-section (2) of section 41, when through mistake or otherwise any instrument is charged with less duty than leviable thereon, or is held not chargeable with duty, as the case may be, by the Collector, the Chief Controlling Revenue Authority may, within a period of six years from the date of certificate of the Collector under section 32, 39 or 41, as the case may be, require the concerned party to produce before him the instrument and, after giving a reasonable opportunity of being heard to the party, examine such instrument whether any duty is chargeable, or any duty is less levied thereon and order the recovery of the deficit duty, if any, from the concerned party. An endorsement shall thereafter be made on the instrument after payment of such deficit duty.

(2) On failure to produce the original instrument by the party, the Chief Controlling Revenue Authority shall proceed under this section on the basis of the true copy or an abstract of the instrument filed with the Collector under section 31 or sub-section (2) of section 37 and such copy or abstract shall be deemed to be the original instrument for the purposes of this section.

54. Statement of case by Chief Controlling Revenue Authority to High Court :-

(1) The Chief Controlling Revenue Authority may state any case referred to it under sub-section (2) of section 53, or otherwise coming to its notice and refer such case, with its own opinion thereon, to the High Court.

1[(1A) Notwithstanding anything contained in sub-section (1), any person aggrieved by the decision of the Chief Controlling Revenue Authority under section 53 regarding the amount of duty with

which any instrument is chargeable may, if the amount of duty payable as a result of such decision in a case where the instrument is not charged with any duty or the amount required to make up such duty in a case where the instrument is charged with insufficient duty, exceeds rupees two thousand, by application presented within a period of sixty days from the date of such decision and accompanied by a fee of rupees one hundred, require the Chief Controlling Revenue Authority to draw up a statement of the case and refer it to the High Court and the Chief Controlling Revenue Authority shall, within ninety days of the receipt of such application, draw up a statement of the case and refer it to High Court:

Provided that the Chief Controlling Revenue Authority may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the period hereinbefore specified, allow it to be presented within a further period not exceeding thirty days].

(2) Every such case shall be decided by not less than three Judges of the High Court and in case of difference, the opinion of the majority shall prevail.

2 [(3) The costs of any reference to the High Court made under sub-section (1A) which shall not include the fee for making the reference shall be in the discretion of the High Court.

1. Sub-section (1-A) was inserted *ibid*, section 4(i).

2. Sub-section (3) was inserted, *ibid*, Section 4(ii).

55. Power of High Court to call for further particulars as to case stated :-

If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised there by, the High 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 High Court may direct in that behalf.

56. Procedure in disposing of case stated :-

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

1 [(2) The High Court shall send a copy of its judgment under the seal of the Court and the signature of Registrar to the Chief

Controlling Revenue Authority and the amount of duty chargeable on the instrument in respect of which the reference was made shall be in accordance with such judgment.]

1. Sub-section (2) was substituted for original, by Gujarat 19 of 1965 section 5.

57. Statement of case by other Courts to High Court :-

(1) If any Court other than the High Court, feels doubt as to the amount of duty to be paid in respect of any instrument under clause (a) of the proviso to section 34, 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.

(2) The High Court shall deal with the case if it had been referred under section 54, and send a copy of its judgment under the seal of the Court and the signature of the Registrar to the Chief Controlling Revenue Authority and another like copy to the Judge making the reference, who shall on receiving such copy, dispose of the case conformably to such judgment.

(3) Reference 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.

58. Revision of certain decisions of Courts regarding the sufficiency of stamps :-

(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, (V of 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 34, the Court to which appeals lie from, or references are made by such first mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

(2) If such Court, after such consideration is of opinion that such, instrument should not have been admitted in evidence without the payment of duty and penalty under section 34, 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 41, or in section 42, Prosecute any person for any offence against the stamp law which the Collector consider 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 34, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty,

(b) except for the purposes of such prosecution no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 41.

CHAPTER 7 Offences And Procedure

59. Penalty for executing etc. instrument not duly stamped

:-

(1) Any Person executing or signing otherwise than as a witness any instrument chargeable with duty without the same being duly stamped shall, on conviction for every such offence be punished with fine which may extend to five hundred rupees :

Provided that, when any penalty has been paid in respect of any instrument under section 34, section 39 or section 58, 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, on conviction be punished with fine which may extend to five hundred rupees.

59A. No prosecution under section 59, if instrument admitted by Court :-

No person shall be prosecuted under section 59, in respect of an instrument which was produced in Court and which was admitted after a decision by the court that the said instrument was duly stamped or that no stamp was required.

60. Penalty for making false declaration on clearance list :-

Any person who in a clearance list makes a declaration which is false or which he either knows or believes to be false, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

61. Penalty for failure to cancel adhesive stamp :-

Any person required by section 12 to cancel an adhesive stamp, fails to cancel such stamp in the manner prescribed by that section he shall, on conviction, be punished with fine which may extend to one hundred rupees.

62. Penalty for omission to comply with provision of section 28 :-

Any person who, with intent to defraud the Government,
(a) executes any instrument in which all the facts and circumstances required by section 28 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, on conviction, be punished with fine which may extend to five thousand rupees.

62A. Penalty For Breach Of Provisions Of Section 68, Sub-Section (2) :-

[Any person who commits a breach of the provisions of sub-section (2) of section 68 shall on conviction, be punished

(i) for a first offence with which may extend to five hundred rupees :

(ii) for a second offence, with fine which may extend to one thousand rupees, but which shall not be less than two hundred rupees, and

(iii) for a third and subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.

62B. Non-Disclosure Of Information By A Public Servant :-

(1) All particulars contained in any documents produced in accordance with this Act, or in any record of evidence given in the course of any proceedings under this Act, (other than proceeding before a Criminal Court), shall, save as provided in sub-section (3), be treated as confidential, and notwithstanding anything contained in the Evidence Act, 1872 , (I of 1872) no court shall, save as aforesaid be entitled to require any servant of the Government to produce before it any such document or record or any part thereof, or to give evidence before it any such document or record or any part thereof, or to give evidence before it in respect thereof.

(2) If, save as provided in sub-section (3) any servant of the Government discloses any of the particulars referred to in sub-section (1), he shall on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

(3) Nothing contained in this section shall apply to the disclosure

(a) of any such particular in respect of any such documents, evidence, affidavit or deposition for the purpose of any prosecution under the Indian Penal Code or the Prevention of Corruption Act, 1947 , XLV of 1860, II of 1947 or this Act ;or

(b) of any such particulars to the State Government or to any person acting in the execution of this Act, for the purposes of carrying out the object of this Act, or

(c) of any such particulars when such disclosure is occasioned by the law-ful employment under this Act of any process for the service of any notice or the recovery of any demand ; or

(d) of any such particulars to a Civil Court in any suit, to which the Government is a party, which relates to any matter arising out of any proceeding under this Act; or

(e) of any such particulars where such particulars are relevant to any inquiry into the conduct of an official of the Stamp Department to any person or persons appointed as Commissioners under the Public Servants (Inquiries) Act, 1850, (XXXVII of 1850) or to any officer otherwise appointed to hold such inquiry or to a Public Service Commission established under the Constitution when exercising its functions in relation to any matter arising out of such inquiry; or

(f) of such particulars to an officer of the Central Government or a State Government as may be necessary for the purpose of enabling that Government to levy or realise any tax or duty imposed by it.]

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

.

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

(b) any person not so appointed who sells or offers for sale any stamp 1 [(other than a ten naye paise or five naye paise adhesive stamp)] shall, on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

1. Section 68 was substituted for the original by Guj. 19 of 1965, s. 7.

64. Institution and condute of prosecution :-

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

(2) The Chief Controlling Revenue Authority or any officer generally or specially authorized 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 46.

65. Jurisdiction to try offences :-

No Court inferior to that of 1 [* * *] a Magistrate of the second

class shall try any offence under this Act.

1. This proviso was added by Bom. 95 of 1958, s. 6.

66. Place of trial :-

Every such offence committed in respect of any instrument may be tried in any area in which such instrument is found as well as in any area in which such offence might be tried under the Code of Criminal Procedure, 1898. (V of 1898)

CHAPTER 8 Supplemental Provisions

67. Books etc. to be open to inspection :-

Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorized in writing by the Collector to inspect for such purpose the registers, books, papers, documents and proceedings and to take such notes and extracts as he may deem necessary without fee or charge.

68. Collectors power to authorise officer to enter premises and inspect certain documents :-

[-

(1) The Collector may, where he has reason to believe that all or any of the instruments specified in Schedule I have not been charged at all or 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 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 at all reasonable times permit such officer to inspect them and take the notes and extracts as he may deem necessary.]

69. Power to make rules relating to sale of stamps :-

The State Government 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 ten naye
paise or five naye paise adhesive stamps.]

70. Power to make rules generally to carry out purpose of Act :-

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

71. Publication of rules :-

- (1) All rules made under this Act shall be published in the Official Gazette.
- (2) All rules published as required by this section shall, upon such publication, have effect as if enacted by this Act.

72. Delegation of certain powers :-

The State Government may by notification in the Official Gazette delegate
(a) all or any of the powers conferred on it by sections 2(f), 33(3)
(b), 64, 69 and 75 to the Chief Controlling Revenue Authority; and
(b) all or any of the powers conferred on the Chief Controlling Revenue Authority by sections 44, 53(1) and 62(2) to such subordinate Revenue authority as may be specified in the notification.

73. Saving as court-fees :-

Nothing in Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court- fees.

73A. Use Of Former State Stamps Permissible For Certain Period To Be Notified :-

[During the period commencing on the 1st day of May, 1960 and ending on the 31st day of March, 1962 or such further period as the State Government may by notification in the Official Gazette, specify and notwithstanding anything contained in this Act or the rules made there under, any stamps whether adhesive or impressed issued by the Government of Bombay before the 1st day of May, 1960 may also be used in the State for the purposes of this Act as is it were duly issued by the Government of Gujarat].

74. Act not applicable to rates of stamp duty on bills of exchange etc :-

For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to rates 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.

75. Act to be translated by and sold cheaply :-

The State Government shall make provision for the sale of translation of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding twenty five naye paise per copy.

76. Repeal of enactments :-

(1) The enactments specified in column 3 of Schedule II hereto annexed shall be repealed in the manner and to the extent specified in column 4 thereof:

Provided that the repeal hereby made shall not affect

(i) any right, title, obligation, or liability already, acquired, accrued, or incurred or anything done or suffered,

(ii) any legal proceeding to remedy in respect of any such right, title, obligation or liability, under the provisions of the enactments hereby repealed and any such proceeding may be instituted, continued and disposed of any any such remedy may be enforced as if this Act had not been passed.

(2) Any appointment, notification, notice, order, rule or form made or issued under any of the enactments hereby repealed shall be deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule

or form is not inconsistent with the provisions of this Act and shall continue in force, unless and until it is superseded by an appointment, notification, notice, order, rule or form made or issued under this Act.

(3) 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 valid accordingly.

SCHEDULE 1

Stamp Duty on Instruments

	Description of Instrument	Proper Stamp-duty
1		12[***]
2	ADMINISTRATION -BOND, including a bond given under the Indian Succession Act, 1925 (XXXIX of 1925) or section 6 of the Government Saving Banks Act, 1873, (v of 1873)	11[One hundred Rupees]
3	ADOPTION -DEED, that is to say any instrument (other than a will) recording an adoption or conferring of purporting to confer an authority to adopt.	11[One hundred Rupees]
4	AFFIDAVIT, including an affirmation of declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Twenty Rupees
	Exemptions	
	Affidavit to declaration in writing when made -	
	(a) as a condition of enrolment under the Army Act, 1950 (XLVI of 1950) or the Air Force Act, 1950; (XLV 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.	
13[5.	AGREEMENT OR MEMORANDUM OF AN AGREEMENT OR ITS RECORDS	
	(a) if relating to the sale of a bill of exchange;	Nil

	(b) if relating to the purchase or sale of a Government security;	One rupee for every ten thousand rupees or part thereof of the values of the security at the time of its purchase or, as the case may be, sale.
	(c) if relating to the purchase or sale of shares, strips, stocks, bonds, debentures, stocks or any other marketable security of a like nature in or of any incorporated company or other body corporate-	
	(i) when such agreement or memorandum of an agreement is with or through a member or between members of a Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956; (XLII of 1956.)	In the case of forward contracts relating to the purchase or sale of securities, one rupee for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or, as the case may be, sale.
	(ii) in other cases;	One rupee for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or, as the case may be, sale.
	(d) if relating to the purchase or sale of cotton including cotton pods or kapas (unginned cotton).	One rupee for every ten thousand rupees or part thereof of the value of the cotton at the time of its purchase or, as the case may be, sale.
		One rupee for every ten thousand rupees or part thereof of the value of silver, gold or, as the case may be, sovereigns.
	(e) if relating to the purchase or sale of bullion or specie;	
	(f) if relating to purchase or sale of oil seeds;	One rupee for every ten thousand rupees or part thereof of the value of the oil seeds at the time of its purchase or, as the case may be, sale.
	(g) if relating to the purchase or sale of yarn or any kind, non - mineral oils or spices;	One rupee for every ten thousand rupees or part thereof of the value of such yarn, groundnut oil, other non-mineral oil or, as the case may be, spices.
	(ga) if relating to giving authority or power to a promoter or a developer; by whatever name called, for construction on; or	One rupee for every hundred rupees or part thereof of the market value of the property

	development of, or sale or transfer (in any manner whatsoever) of, any immovable property.	which is the subject matter of such agreement;
		PROVIDED that the provisions of section 32A shall, mutatis mutandis, apply to such agreement, memorandum or records thereof or as they apply to an instrument under that section:
		PROVIDED further that if the proper stamp duty is paid under clause (g) of article 45 on a power of attorney executed between the same parties in respect of the same property, then the stamp duty under this article shall be one hundred rupees.
	(gb) if relating to advertisement on radio, television, cinema, cable network or any media other than newspapers.	Subject to maximum of three lakh rupees, fifty paise for every hundred rupees or part thereof on the amount of consideration of specified in such agreement.]
		One hundred rupees.
	(h) if not otherwise provided for	
	Exemption	
	Agreement or Memorandum of Agreement, or its records	
	(a) for or relating to the purchase or sale of goods or merchandise exclusively, not being an agreement or memorandum of agreement chargeable under entry (d), entry (e), entry (f) or entry (g) of this Article or a note or memorandum chargeable under Article 40;	
	(b) made in the form of tenders to the Central Government for or relating to any loan.	
	AGREEMENT TO LEASE :-	
	(See Lease No. 30)]	
14[6.	AGREEMENT OR MEMORANDUM OF AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN, PLEDGE OR HYPOTHECATION, that is to	

	say any instrument evidencing an agreement or memorandum of 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), where such deposit 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 -	
	(i) where the amount of loan or debt does not exceed Rs. 10,00,00,000	
	(ii) where it exceeds Rs. 15,00,000	
		Subject to maximum of one lakh rupees, twenty-five paise for every hundred rupees or part thereof.
		Subject to maximum of three lakh rupees, fifty paise for every hundred rupees or part thereof.
	(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).
	(2) the pawn Or pledge or hypothecation of movable property, where such pawn, pledge or hypothecation 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 -	
	(i) where the amount of loan or debt does not exceed Rs.10,00,00,000	Subject to maximum of three lakh rupees, twenty-five paise for every hundred rupees or part thereof.
	(ii) where it exceeds Rs.10,00,00,000	Subject to maximum of three lakh rupees, fifty paise for every hundred rupees or part thereof.]
	ALTERATION OF ARTICLES OF	A sum equal to the duty that would have been leviable under

7	ASSOCIATION of a Company under section 97 of the Companies Act, 1956, (1 of 1956) in consequence of increase of the companys share capital Instrument of -	Article 12 as though the companys nominal share capital had been when the company was formed, equal to the total share capital so increased, less the sum already paid under Article 12.
	Exemption	
	Instrument of alteration of article of any association not formed for profit and registered under section 25 of the Companies Act, 1956. (1 of 1956).	
8	ALTERATION OF MEMORANDUM OF ASSOCIATION of Company, under section 97 of the Companies Act, 1956, (1 of 1956.) in consequence of increase of companys share capital, Installment of -	
	(a) if the memorandum of association has been accompanied under section 26 of the Companies Act, 1956 (1 of 1956) by articles of association on the alteration of which duty is paid under article 7;	Nil
	(b) if the memorandum of association has not been so accompanied and the duty is not so paid;	The same duty as is leviable on the memorandum of association under clause (b) of Article 35 as though the companys share capital, when the company was formed, had been equal to the total share capital so increased, less the sum already paid under the said clause (b).
	Exemption	
	Instrument of alteration of memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956 (1 of 1956).	
9	APPOINTMENT IN EXECUTION OF A POWER;	
	where made by any writing not being a will -	One hundred rupees.
	(a) of trustees	15[One hundred rupees.]
	(b) of property movable or immovable	

10	APPRAISEMENT OR VALUATION made otherwise than under an order of the Court in the course of a suit.	16[One hundred rupees.]
	Exemptions	
	(a) Appraisalment 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) Appraisalment of crops for purpose of ascertaining the amount to be given to a landlord as rent.	
11	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.	17[One hundred rupees.]
	Exemption	
	Instrument of apprenticeship by which a person is apprenticed by or at the charge of any public charity.	
12	ARTICLES OF ASSOCIATION OF A COMPANY -	
	where the company has no capital or the nominal share capital.	Subject to a minimum of one thousand rupees and a maximum of five lakhs, fifteen paise for every hundred rupees or part thereof.
		[Clauses (a) to (g) up to 31-7-98]
	(a) where the company has no capital or the nominal share capital does not exceed Rs. 1,00,000.	Five hundred rupees
	(b) Where the nominal share capital exceeds Rs. 1,00,000 but does not exceed Rs. 5,00,000.	Two thousand rupees
	(c) Where the nominal share capital exceeds Rs. 5,00,000 but does not exceed Rs. 15,00,000.	Five Thousand rupees.
	(d) Where the nominal share capital exceeds Rs. 15,00,000 but does not exceed Rs. 30,00,000.	Nine thousand rupees.

	(e) Where the nominal share capital exceeds Rs. 30,00,000 but does not exceed Rs. 50,00,000.	Fifteen thousand rupees.
	(f) Where the nominal capital exceeds Rs. 50,00,000 but does not exceed Rs. 1,00,00,000.	Twenty thousand rupees.
	(g) Where the nominal share capital exceeds Rs. 1,00,00,000	Thirty thousand rupees.
		clauses (a) to (g).
	Where the company has no share capital or nominal share capital	18[Subject to minimum of five lakhs rupees, fifty paise for every hundred rupees or part thereof.]
	Exemptions	
	Articles of Association of any company not formed for profit and registered under section 25 of the companies Act, 1956. (1 of 1956).	
	See : also Memorandum of Association (No. 35).	
	From 1-8-98 following substituted	
	Where the Company has no share capital or nominal share capital.	
	Amount of share capital	
	Rupees	
	where nominal share capital is	Amount of Stamp Duty
	Rs 5,00,000/-	Rupees
	Rs 6,00,000/-	1,000
	Rs 10,00,000/-	1,000
	Rs 15,00,000/-	1,000
	Rs 16,00,000/-	1,500
	Rs 20,00,000/-	2,250
	Rs 30,00,000/-	2,400
	Rs 31,00,000/-	3,000
	Rs 40,00,000/-	4,500
	Rs 50,00,000/-	4,650
	Rs 51,00,000/-	6,000
	Rs 75,00,000/-	7,500
	Rs 1,00,00,000/-	7,650
	where nominal share capital exceeds Rs. 1,00,00,000 say -	11,250
	Rs 2,00,00,000/-	15,000

	Rs 3,00,00,000/-	30,000
	Rs 10,00,00,000/-	45,000
	Rs 20,00,00,000/-	1,50,000
	Rs 30,00,00,000/-	3,00,000
	Rs 35,00,00,,000/- (maximum)	4,50,000
	Exemptions	5,00,000
	Articles of Association of any company not formed for profit and registered under section 25 of the companies Act, 1956. (1 of 1956).	
	See : also Memorandum of Association (No. 35)	
	ASSIGNMENT See Conveyance (No. 20), Transfer (No. 56) and Transferor Lease (No. 57) as the case may be.	
	ATTORNEY, See Power of Attorney (No. 45).	
	AUTHORITY TO ADOPT,	
	See Adoption Deed (No. 3).	
13	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.	19[One hundred rupees.]
	Exemption	
	Award under the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964) section 268 or the Bombay Hereditary Offices Act, 1874, (Bom. III of 1874.) section 18.	
20[14.	BOND as defined by section 2(c) not being a debenture and not being otherwise provided for by this Act, or by the Bombay Court fees Act, 2004, (Guj. 4 of 2004) if the amount or value secured by the bond	Six rupees for every Rs. 100 or pail thereof of the amount or value secured by the bond.
	(i) does not exceed Rs. 10,00,00,000	
		Subject to maximum of one lakh rupees, twenty-five paise for every hundred rupees or part thereof.
	(ii) where it exceeds Rs. 10,00,00,000	
		Subject to maximum of three

		lakh rupees, fifty paise for every hundred rupees or part thereof.
	See Administration Bond (No.2), Bottomry Bond (No. 15) Customs Bond or Excise Bond (No. 23), Indemnity Bond (No.29) Respondentia Bond (No.50), Security Bond (No.51),	
	Exemption	
	Bond when executed 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 annum.]	
15	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. 14) for the same amount.
16	CANCELLATION- Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	21[One Hundred Rupees]
	See also Release (No.49), Revocation of Settlement (No 52-B), Surrender of Lease (No.55), Revocation of Trust(No. 58-B).	
17	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 or by an officer, of Customs :-	The same duty as is leviable on a conveyance under Article 20 for a market value equal to the amount of the purchase money.
18	CERTIFICATE OR OTHER DOCUMENT, evidencing the right or title of the holder thereof, or any other person either to any share, scrip or stock in or any incorporated	21[One rupee for every one thousand rupees or part thereof of the value of the share, scrip

	company, or other body corporate, or to become proprietor of shares, scrip or stock, in or of any such company or body.	or stock.]
	See also Letter of Allotment of Shares (No. 31).	
	Remission	
	Order No. 53 in Annex. H.	
22[18A.	(1) CLEARANCE LIST, - relating to the transactions for the purchase or sale of Government securities submitted to the clearing house of a stock exchange.	The sum of duties payable under Article 5 (b) or 39 (g), as the case may be in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.
	(2) CLEARANCE LIST, - relating to the transactions for the purchase or sale of a share, script, stock, bond, debenture, debenture - stock or other marketable security of a like nature in or of an incorporated company or other body corporate submitted to the clearing house of a stock exchange whether recognized or not under the Securities Contracts (Regulation) Act, 1956 XLII of 1956	The sum of duties payable under Article 5 (c) (i) or 39 (f), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.
18B.	CLEARANCE LIST, - relating to transactions for the purchase or sale of cotton submitted to the clearing house of a Cotton Association.	The sum of duties payable under Article 5 (d) or 39 (a), as the case may be in respect of each of the entries in such list on the units of transaction or part thereof.
18C.	CLEARANCE LIST, - relating to the transactions for the purchase or sale of bullion or species submitted to the clearing house of a Bullion Association.	The sum of duties payable under Article 5 (e) or 39 (b), as the case may be, in respect of the entries in such list on the units of transaction or part thereof.
18D.	CLEARANCE LIST, - relating to the transactions for the purchase or sale of oil seeds submitted to the clearing house of oil seed Association.	The sum of duties payable under Article 5 (f) or 39 (c), as the case may be, in respect of the entries in such list on the units of transaction or part thereof.
18E.	CLEARANCE LIST, - relating to the transactions for the purchase or sale of yarn of any kind, non mineral oil or spices of any kind.	The sum of duties payable under Article 5 (g) or 39 (d), as the case may be, in respect of the entries in such list on the units of transaction or part thereof.)

19	COMPOSITION -DEED, - that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtors business, under the supervision of inspectors or under letters of licence for the benefit of his creditors.	one hundred rupees
24[20.]	(a) CONVEYANCE, not being a transfer charged or exempted 4[under Article No. 56. relating to immovable property.]	23[Three rupees and fifty paise] for every Rs. 100 or part thereof of the amount of the consideration for such conveyance or, as the case may be, the market value of the property which is the subject matter of such conveyance whichever is greater.
	Exemption	
	Assignment of copy-right by entry made under the Copyright Act, 1957.(XIV of 1957.)	
		Two rupees for every hundred rupees or part thereof of the amount of the consideration for such conveyance or, as the case may be, the market value of the property which is the subject matter of such conveyance whichever is greater.]
	3 [(aa) CONVEYANCE, not being a transfer charged or exempted under article 56, relating to movable property.	
	24[(b)] CONVEYANCE (not being a transfer charged or exempted under Article No.56) so far as it relates to premises of a co-operative society registered or deemed to have been registered under the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962) by such society in favour of its member (whether in consequence of purchase of its shares or not) or by such member in favour of another member (whether in	23[Three rupees and fifty paise] for every Rs. 100 or part thereof of the consideration for such conveyance or, as the case may be, the market value of the property which is the subject matter of such conveyance whichever is greater.

	consequence of transfer of his shares to another member or not)	
	24[(c)] CONVEYANCE (not being a transfer charged or exempted under Article No.56) of the property which is subject matter of the conveyance so far it relates to premises -	The same duty as is leviable under article 20 (b);
	(i) of a Corporation formed and registered under the Bombay Non-Trading Corporation Act, 1959; (Bom. xxvi of 1959); or	
	(ii) of a Board constituted under the Gujarat Housing Board Act, 1961, (Guj . xviii of 1961) or the Gujarat Rural Housing Board Act, 1972; (Guj.22 of 1972); or	
	(iii) to which provisions of the Gujarat Ownership Flats Act, 1973 apply by such Corporation, Board, Society, Company or, as the case may be, Association in favour of its member or as the case may be, allottee (whether in consequence of purchase of his share or not) or by, such member or, as the case may be allottee in favour of another member or allottee (whether in consequence of transfer of his share to another member or as the case may be, allottee or not	
	6[(cc) CONVEYANCE, (not being a transfer charged or exempted under article No. 56) if relating to both movable and immovable property.	The stamp duty is payable under clause (a) or (aa), as the case may be.";]
	5[(d) CONVEYANCE, so far as it relates to reconstruction or amalgamation of companies by an order of the High Court under section 394 of the Companies Act, 1956(1 of 1956)	Subject to maximum of ten crores rupees
		(i) an amount equal to 25[One per cent], of the aggregate amount comprising of the market value of share issued or allotted

		in exchange of or otherwise, or the face value of such shares, whichever is higher and the amount of consideration, if any, paid for such amalgamation, or
		(ii) an amount equal to 25[One per cent], of the true market value of the immovable property situated in the State of Gujarat of the transferor company.
		Whichever is higher.
	Explanation I - For the purpose of this Article, an agreements to sell an immovable property or an irrevocable power of attorney shall, in case of transfer of the possession of such property before, at the time of, or after the execution of such agreement or power of attorney, be deemed to be a conveyance and the stamp duty thereon shall be chargeable accordingly :	
	Provided that the provisions of section 32 - A shall apply mutatis mutandis to such agreement or power of attorney as are applicable to a conveyance :	
	Provided further that where subsequently a conveyance is executed in pursuance of such agreement of sale, or an irrevocable power of Attorney, the stamp duty, if any, already paid and recovered on the agreement of sale or an irrevocable power of Attorney which is deemed to be a conveyance, shall be adjusted towards the total duty leviable on the conveyance.	
	Explanation II - For the purposes of this Article, the expression "premises" means any land or building or part of a building including any flat, apartment, tenement, shop or warehouse therein and includes ;-	
	(i) gardens, grounds and out houses, if any, appertaining to such building or part of a	

	building, and (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof.	
	Explanation III - for the purpose of clause (d), the market value of share -	
	(a) in relation of the transferee company whose shares are listed and quoted for trading on a stock exchange, means the market value of share as on the appointed date mentioned in the scheme of amalgamation or when appointed date is not so fixed, the date of order of the High court.	
	(b) In relation to the transferee company, whose shares are not listed or listed but not quoted for trading on a stock exchange means the market value of the share issued or allotted with reference to the market value of share of the transferor company,	
	(c) Where the transferee company and transferor company, whose shares are not list or not listed but not quoted for trading on stock exchange means the face value of the share issued or allotted with reference to the face value of share of the transferee company.	
21	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.	26[One hundred rupees]
	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 births, baptisms, namings, dedications, marriages, tli-	

	vances, deaths or burials.	
22	COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid.	27[One hundred rupees]
	Exemption	
	Counterpart of any lease granted to cultivator when such lease is exempted from duty.	
23	CUSTOMS BOND OR EXCISE BOND, that is to say, any bond given pursuant to the provisions of any law for the time being in force or to the directions of any officer of Customs or Excise for, or in respect of, any of the duties of Customs or Excise or for preventing frauds or evasions thereof or for any other matter or thing relating thereto.	28[One hundred rupees]
	DECLARATION OF ANY TRUST,	
	See Trust (No. 58)	
24	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, 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 ³⁰ [when such goods exceed in value one hundred rupees].	29[One hundred rupees for thousand rupees or part thereof]
	DEPOSIT OF TITLE - DEEDS -	
	See Agreement relating to Deposit of Title Deeds, Pawn or pledge (No. 6)	
	DISSOLUTION OF PARTNER-SHIP-	
	See Partnership (No. 44)	
25	DIVORCE, Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	31[One hundred rupees]

	DOWER-Instrument of, See Settlement (No. 52)	
	DUPLICATE, See Counterpart (No.22).	
26	EXCHANGE OF PROPERTY - Installment of -	The same duty as is leviable on a conveyance under article 20 on the market
	EXCISE BOND, See Customs Bond or Excise Bond (No. 23)	value of the property of the greatest value.
27	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 36 (that is, with possession).	The same duty as is leviable on a conveyance under Article 20 (a) for the amount of further charge secured by such instrument.
	(b) when such mortgage is one of the description referred to in clause (b) of Article 36 (that is, without possession)-	
	(i) if at the time of execution of the instrument of further charge possession of the property is given under such instrument.	32[Three rupees and fifty paise] for every Rs. 100 or part thereof for 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.
	7 [(ii) if possession is not so given.	33[(a)Where the amount of further charge secured by such instrument does not exceed Rs. 10,00,00,000/- subject to maximum of one lakh rupees, twenty-five paise for every hundred or part thereof;
		(b) Where the amount of further charge secured by cash instrument exceeds Rs. 10,00,00,000/- subject to maximum of three lakh rupees, fifty paise for every hundred rupees or part thereof.]
	36[***]	
24[28.]	GIFT-Instrument of not being a Settlement (No. 52) or Will or Transfer No. (56)	The same duty as is leviable on a conveyance under article 20 market value of the property which is the subject-matter of the gift.
		Provided that where an instrument of gift contains any

		provision for the revocation of the gift the value of the property which is the subject matter of the gift shall, for the purposes of duty, be determined as if no such provision were contained in the instrument.
	HIRING AGREEMENT or agreement for service. (See Agreement No. 5)	
	Remission	
	Orders nos. 96 and 101 of Annexure H	
29	INDEMNITY BOND.	34[One hundred rupees]
	INSPECTORSHIP - DEED.	
	See Composition Deed (NO. 19)	
24[30.]	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.	8 [One Rupee for every hundred rupees, or part thereof] or the whole amount payable or deliverable under such lease.
	(ii) Where the lease purports to be for a term of not less than one year but not more than three years;	8 [35[Two Rupee] for every hundred rupees, or part thereof] 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 but not more than ten years;	The same duty as is leviable on a conveyance under Article 20 for the amount or value of the average annual rent reserved.
	(iv) Where the lease purports to be for a term in excess of ten years but not more than thirty years;	The same duty as is leviable on a conveyance under Article 20 for twice the amount or value of the average annual rent reserved.
	(v) Where the lease purports to be for a term in excess of thirty years but not more than ninety eight years;	The same duty as is leviable on a conveyance under Article 20 for thrice the amount or value of the average annual rent reserved.
	(vi) Where the lease purports to be for a term in excess of ninety eight years;	The same duty as is leviable on a conveyance under Article 20 for five times the amount or value of the average annual rent reserved.
	(vii) Where the lease purports to be in perpetuity;	The same duty as is leviable on a conveyance under Article 20 for one fifth of the whole amount or rents which would be paid or

		delivered in respect of the first fifty years of the lease.
	(viii) Where the lease does not purports to be for any definite term;	The same duty as is leviable on a conveyance under Article 20 for 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 or to be advanced and where no rent is reserved.	The same duty as is leviable on a conveyance under Article 20 for the amount or value of such fine or premium or advances as set forth in the lease.
	(c) Where the lease is granted for a fine or premium or for money advanced or to be advanced in addition to rent reserved	The same duty as is leviable on a conveyance under Article 20 for 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 where an agreement to lease is stamped with advalorem stamp required for a lease and a lease in pursuance of such agreement, is subsequently executed, the duty on such lease shall not exceed ten rupees.
	(d) Where the lease relates to movable property.	Two rupees for every hundred rupees of pait thereof on the amount of average annual rent plus the total amount of fine or premium or money advanced or to be advanced, irrespective of the period for which such lease or agreement to lease is executed.
	Explanation I	
	Rent paid in advance shall be deemed to be premium or money advanced within the meaning of this article unless it is specifically provided in the lease that rent paid in advance will be set off towards the last installment or installments of rent.	
	Explanation II	
	When a lessee undertakes to pay any recurring charge such as Government revenue, landlords share of cesses, or	

	the owners share of municipal rates of taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee, shall be deemed to be part of the rent.	
2 [30A.	LEAVE AND LICENCE AGREEMENT relating to immovable property other than the residential property.	Fifty paise for every hundred rupees or part thereof on the whole amount payable or deliverable plus the total amount of fine or premium or money advanced or to be advanced irrespective of the period for which such leave and licence agreement is executed.]
31	LETTER OF ALLOTMENT OR RENUNCIATION OF SHARES, in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.	37[One rupee for every one thousand rupees or part thereof of the value of the shares]
	See also Certificate or other Document (No. 18)	
32	LETTER OF GUARANTEE.	38[One hundred rupees]
	Remission	
	Serials No. 22	
33	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.	39[One hundred rupees]
34	MARRIAGE REGISTRATION	40[One hundred rupees]
35	MEMORANDUM OF ASSOCIATION OF A COMPANY.	
	(a) if accompanied by articles of association under section 26 of the Companies Act, 1956. (1 of 1956)	41[One thousand rupees].
	(b) if not so accompanied Exemption	The same duty as is leviable on article of Association under Article 12 according to the share capital of the company.
	Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956 (1 of 1956.)	
	MORTGAGE - DEED, not being an Agreement relating to	

24[36.]	Deposit of Title-Deeds, Pawn or Pledge (No. 6), Botomry Bond (No. 15), Mortgage of a Corp (No. 37), Respondentia Bond (No. 50) or Security Bond (No. 51),	
	(a) when possession of the property or any part of the property comprised in such deed is [***] given, or is agreed to be given, by the mortgagor. Clause (b) & Explanation up to 31-7-98	The same duty as is leviable on a conveyance under clause (a) of Article 20 for the amount secured by such deed.
	42[(b) When possession of the property or any part of the property comprised in such deed is not given or not agreed to be given.	The same duty as is leviable under article 6(1)(a).]
	43[Explanation I - A mortgagor who gives to the mortgage 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	
	Explanation II - For the purpose of this article, the expression "residential purpose" means and includes acquiring of land, constructing, purchasing or repairing a dwelling house for own use.]	
	9[***]	
	(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.	Five rupees for every sum Rs. 1000 secured or part thereof.
	Exemptions	
	(1) Instrument executed by persons taking advances under the Land Improvement Loans Act, 1883 (XIX of 1883.) or the Agriculturists Loans Act, 1884, (XII of 1884.) or by their sureties as security for the repayment of such advances.	
	(2) Letter of hypothecation accompanying a bill of exchange.	
	MORTGAGE OF A CROP,	

37	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 mortgage -	
	(a) when the loan is repayable not more than three months from the date of the instrument,	44[Fifty paise] for every sum of Rs. 100 or part thereof secured by such mortgage.
	(b) When the loan is repayable more than three months but not more than eighteen months from the date of the instrument.	One rupee for every sum of Rs. 100 or part thereof secured by such mortgage.
38	NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a Protest (No. 46) made or signed by a Notary in the execution of the duties of his office, or by any other person lawfully acting as a Notary.	Twenty rupees.
	See also Protest of Bill or Note (No.46)	
45[39.	NOTE OR MEMORANDUM, sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal -	
	(a) of cotton including cotton pods or Kapas (Unginned Cotton)	One rupee for every ten thousand rupees or part thereof of the value of cotton at the time of its purchase or, as the case may be, sale.
	(b) of bullion or specie	One rupee for every ten thousand rupees or part thereof of the value of silver, gold or as the case may be, sovereigns at the time of its purchase or, as the case may be, sale.
	(c) of oil-seeds	One rupee for every ten thousand rupees or part thereof of the value of oil seeds at the time of its purchase or, as the case may be, sale.
	(d) of yarn of any kind, non-mineral oil or spices of any kind.	One rupee for every ten thousand rupees or part thereof of the value of such yarn, ground-nut oil, other non-mineral oil or spices at the time

		of its purchase or, as the case may be, sale.
	(e) Of any other goods exceeding in value twenty rupees in value.	Nil.
	(f) of any share, scrip, stock bond, debenture stock or other marketable security of a like nature exceeding in value twenty rupees in value not being a Government security.	One rupee for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or, as the case may be, sale.
	(g) of a Government security	One hundred rupees.]
	46[Explanation - The record of transaction (electronic or otherwise)effected by the firm for itself or by a proprietor for himself, as defined in clause (a) of section 2, of the forward contract (Regulation) Act, 1952 shall deemed to be a note or memorandum for the purpose of this Article.]	
40	NOTE or ENTRY in records made or a LETTER written BY CREDITOR, relating to the deposit of title deeds to serve as evidence of the title to any property whatsoever (other than marketable security) where there is no agreement of memorandum of agreement relating to deposit of such title deeds.	The same duty as AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS (No. 6)
41	NOTE FOR PROTEST BY THE MASTER OF A SHIP - See also protest by the Master of a ship (No. 47).	47[One hundred rupees]
42	ORDER FOR THE PAYMENT OF MONEY not being a Bill of Exchange within the meaning of the INDIAN STAMP ACT, 1899. (II of 1899.) -	
	(a) Where payable otherwise than on demand but not more than one year after date or sight.	48[Five rupee] for every Rs. 1,000 or part thereof the amount of bill or note.
	(b) Where payable at more than one year after date or sight.	The same duty as a Bond (No. 14) for the same amount.
		The same duty as a Bond (no. 14) for the amount of the market value of the separated share of shares of the property. N.B. : The largest share remaining,

43	PARTITIONED - Instrument of as defined by section 2(m).	after the property is partitioned (or, if there are two or moreshares of equal value and not smaller than any of the other shares, than one of such equal shares) shall be deemed to be that from which the other shares are separated ;
		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 48[One hundred rupees]
		(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 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 49[One hundred rupees.]
44	PARTNERSHIP	Subject to a maximum of two thousand rupees, two hundred rupees for every Rs. 10, 000 or part thereof of the amount of the capital of partnership, [up to 31-7-98]
	(1) Instrument of -	
		From 1-8-98...
	(1) Instrument of -	51[Subject to a maximum of ten thousand rupees, one rupee for every hundred rupees or part

		thereof of the amount of capital of partnership
	(2) (a) Alteration in the constitution of the partnership in consequence of increase of the capital of the partnership, Instrument of	A Sum equal to the duty that would have been leviable under clause (I) as though capital of the partnership had been, when the partnership was formed, equal to the capital so increased, less sum already paid under clause (1).
	(b) Alteration in the constitution of the partnership in consequence of any reason other than that referred to in sub-clause (a), Instrument of	50[One hundred rupees]
	(3) Dissolution of -	
	(a) where any immovable property is taken as his share on dissolution of partnership by a partner other than a partner who brought that property as his share or contribution to partnership.	The same duty as is leviable on conveyance under Article 20 for the market value of such property or one hundred rupees, whichever is more.
	(b) in any other case.	Two hundred rupees.
45	POWER OF ATTORNEY - as defined by section 2(r), not being a proxy -	50[One hundred rupees]
	(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	One hundred rupees.
	(b) When required in suits or proceedings under the Presidency Small Cause Courts Act, 1882; (XV of 1882)	One hundred rupees.
	(c) When authorising one person or more to act in a single transaction other than the case mentioned in clause (a);	One hundred rupees.
	(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally;	One hundred 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;	One hundred rupees.
		The same duty as is leviable on a

	24[(f)] when given for consideration and authorizing the attorney to sell any immovable property.	conveyance under Article 20 for the amount of the consideration or, as the case may be, the market value of the immovable property whichever is greater;
	"(g) When given to a promoter or developer; by whatever name called, for construction on; or development of, or sale or transfer (in any manner whatsoever) of, any immovable property.	One rupee for every hundred rupees or part thereof of the market value of the property which is the subject matter of such power of attorney.
		Provided that the provisions of section 32A shall mutatis mutandis apply to such instrument of power of attorney as they apply to a Conveyance under that section :
		Provided further that when proper stamp duty is paid under clause (ga) of article 5, on an agreement or records thereof or memorandum of an agreement executed between the same parties and in respect of same property, the duty chargeable under this clause shall be rupees one hundred.;
	(h) in any other case	one hundred rupees for each person authorised.
	Explanation I : For the purposes of this article, more persons than one when belonging to the same firm shall be deemed to be one person.	
	Explanation - II : The term "registration includes every operation incidental to registration under the Registration Act, 1908. (XVI of 1908)	
	Explanation - III : Where under clause 10[(f)] duty has been paid on the power of attorney, and a conveyance relating to that property is subsequently executed in pursuance of the power of attorney between the executants of the power of attorney, and the person in whose favour it is executed, the duty on conveyance shall	

	be the duty calculated on the market value of the property reduced by duty paid on the power of attorney.	
46	PROTEST OF BILL, OR NOTE, that is to say, any declaration in writing made by a Notary or other person lawfully acting as such, attesting the dishonor of Bill of Exchange or promissory note.	52[One hundred rupees.]
47	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 charters or the consignees for not loading or unloading the ship when such declaration is attested or certified by a Notary or other person lawfully acting as such.	52[One hundred rupees.]
	See also Note of Protest by the Master of a ship (No. 41).	
48	RECONVEYANCE OF MORTGAGED PROPERTY -	53[One hundred rupees]
54[48A.	RECORD OF TRANSACTION (electronic or otherwise effected by a trading member through a stock exchange or the association, -	
	(a) If relating to sale and purchase of Government Securities.	
	(b) If relating to purchase or sale of securities, other than those falling under item (a) above,-	
	(i) in case of delivery	One hundred rupees
	(ii) in case of non- delivery	
	(c) If relating to futures and options trading	One rupee for every ten thousand rupees or part thereof.
	(d) If relating to forward contracts of commodities described in clauses (a) to (d) of Articles 39, traded through an association or otherwise.	Twenty paise for every ten thousand rupees or part thereof.
	Explanation I- No duty shall be chargeable under this article on agreement or its record or	Twenty paise for every ten

	note or memorandum, if proper duty is paid under article 5 or 39, as the case may be.	thousand rupees or part thereof.
	Explanation II- For the purpose of clause (b), securities shall have the same meaning as defined under the securities contract (Regulation) Act, 1956 (42 of 1956)]	One rupee for every one lakh rupees or part thereof.
49	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.	55[One hundred rupees.]
50	RESPONDENTIA BOND that is to say, any instrument securing a loan on the cargo laden or to 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. 14) for the amount of the loan secured.
	REVOCATION of any trust or Settlement See Settlement (No. 52); Trust (No. 58)	
51	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	56[One hundred rupees.]
	Exemptions :	
	Bond or other instrument, when executed-	
	(a) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mansem;	
	(b) under the rules made by the State Government under section 76 of the Bombay Irrigation Act, 1879; (Bom Vn of 1879.)	

	(c) Executed by person taking advances under the Land Improvement Loans Act, 1883, (XIX of 1883.) or the Agriculturists Loan Act, 1884 (XII of 1884.) or by their sureties as security for the repayment of such advances;	
	(d) executed by officers of the Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.	
24[52.]	SETTLEMENT -	
	A. - Instrument of (Including a deed of dower)-	
	(i) where the settlement is made for a religious or charitable purpose.	The same duty as a Bond (No. 14) for a sum equal to the amount or, as the case may be, the market value of the property settled.
	(ii) in any other case,	The same duty as is leviable on a conveyance under Article 20 for the amount or, as the case may be, the market value of the property settled;
		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 the 57[one hundred rupees;]
		Provided farther that where an instrument of settlement contains any provision for the revocation of the settlement, the amount or, as the case may be, the market value of the property settled shall, for the purpose of duty, be determined as if no such provision were contained in the instrument.
	Exemption	
	Deed of dower executed on the occasion of a marriage between Muham-madans.	
	B-Revocation of -	
		The same duty as a Bond

	(i) In respect of settlement described in A (i) above.	(No.14) for a sum equal to the amount or, as the case may be, the market value of the property concerned but not exceeding 58[one hundred rupees.]
	(ii) in respect of" settlement described in A (ii) above.	The same duty as is leviable on a conveyance under Article 20 for the amount or, as the case may be, the market value of the property concerned but not exceeding 59[one hundred rupees.]
53	SHARE WARRANTS to bearer issued under the Companies Act, 1956. (1 of 1956.)	The same duty as a Bond (No.14) for the same amount.
	Exemption :	
	Share-warrant when issued by a company in pursuance of the provisions of section 114 of the Companies Act, 1956, (I of 1956) to have effect only upon payment as composition for that duty, to (he 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.	
	SCRIP, See Cerifaicate (No. 18)	
54	SHIPPING ORDER for or relating to the conveyance of goods on board on any Vessel.	Fifty paise.
55	SURRENDER OF LEASE -	60[One hundred rupees]
	Exemption :	
	Surrender of lease, when such lease is exempted from duty.	
56	TRANSFER (whether with or without consideration)-	
	(a) of debentures, being marketable securities whether the debenture is liable to duty or not except debentures provided for by section 8 of the	Subject to a maximum of ten thousand rupees, One rupees for every Rs. 100 or part thereof of the face amount of the

	Indian Stamp Act, 1899. (II of 1899.)	debenture.
	Explanation - For the purpose of this clause, the term "debenture includes debenture stock.	60[One hundred rupees]
	(b) of any interest secured by bond, mortgage - deed or policy of insurance.	60[One hundred rupees]
	(c) of any property under the Administrators General Act, 1963 (45 of 1963) section 22.	
	(d) of any trust property without consideration from one trustee to another trustee or from a trustee to a beneficiary.	60[One hundred rupees]
	Exemptions	
	Transfer by endorsement -	
	(a) of a bill of exchange, cheque of promissory note;	
	(b) of a bill of lading, delivery order, warrant for goods or other mercantile document of title of goods;	
	(c) of a policy of insurance;	
	(d) of securities of the Central Government.	
57	TRANSFER OF LEASE by way of assignment and not by way of under lease. Or way of decree or final order passed by any civil court or any Revenue officer	The same duty as is leviable on a conveyance under Article 20)(a) for the amount of consideration for the transfer, or as the case may be market value of the immovable property which ever is greater
	Exemption	
	Transfer of any lease exempt from duty.	
58	TRUST -	
	A. Declaration of - of, or concerning any property when made by any writing not being a will.	61[One hundred rupees]
	B. Revocation of - of, or concerning, any property when made by any instrument other than a will.	62[One hundred rupees]
	(See also Settlement (No. 52))	
	VALUATION, SEE Appraisement (No.10)	
	WARRANT FOR GOODS, that is	

59	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.	One rupees.
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1. Inserted by Guj. Act. No. 19 of 2001 w.e.f. 1-9-2001.
2. Inserted by the Bombay Stamp (Guj. Amendment). Act. 2002 w.e.f. 1-4-2002.
3. These words were substituted for the words "Eight rupees" by Gujarat Act 18 of 2004 w. e. f. 11.6.2004
4. Substituted for the words "under article No. 56" by Guj. Act. No. 19 of 2001 w.e.f. 1-9-2001.
5. Substituted by the Bombay Stamp (Guj. Amendment) Act, 2002 w.e.f. 1-4-2002.
6. Inserted by Guj. Act. No. 19 of 2001 w.e.f. 1-9-2001.
7. Substituted by Guj. Act. No. 19 of 2001 w.e.f. 1-9-2001.
8. Substituted for the words "The Same Duty as a Bond (No. 14) by the Bombay Stamp (Guj. Amendment). Act. 2002 w.e.f. 1-4-2002.
9. Explanation II and III Deleted by Guj. Act. No. 19 of 2001 w.e.f. 1-9-2001.
10. Substituted for "(g)" by Guj. Act. No. 19 of 2001 w.e.f. 1-9-2001.
11. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (2) w.e.f. 01.04.2006 for the following :-

"Subject to a maximum of One hundred Rupees, four rupees for every hundred rupees or part thereof of the value of the bond."
12. Any person receiving - any money exceeding Rs. 5000 - any bill of exchange, cheque or promissory note exceeding Rs. 5000 or - any movable property, in satisfaction of debt; shall give a duly stamped receipt for the same on demand by the person paying or delivering the money - stamp duty receipt is Rs. 1 for Rs. 5000 and above as per Indian Stamp Act 53 w.e.f. 1994 Act 1 was Omitted w.e.f. 01.04.2006 for the following :-

"1.	ACKNOWLEDGEMENT of a debt exceeding twenty rupees in amounts 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 bankers pass book) or on a separate piece of paper when such book or paper is left in the creditors possession ;	Fifty paise"
	Provided that such acknowledgement does not contain any promise to pay the debt or any	

	stipulation to pay interest or to deliver any goods or other property.	
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13. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5(4) w.e.f. 01.04.2006 for the following :-

"5.	AGREEMENT OR MEMORANDUM OF AN AGREEMENT OR ITS RECORDS	
	(a) if relating to the sale of a bill of exchange;	Fifty paise
	(b) if relating to the purchase or sale of a Government security;	Subject to a maximum of forty rupees, twenty five paise for every rupees 10,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
	(c) if relating to the purchase or sale of shares, scrips, stocks, bonds, debentures, stocks or any other marketable security of a like nature in or of any incorporated company or other body corporate-	
	(i) when such agreement or memorandum of an agreement is with or through a member or between members of a Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956; (XLII of 1956.)	In the case of forward contracts relating to the purchase or sale of securities. (a) where that value of the Security at the time of its purchase or sale, as the case may be, does not exceed Rs. 2,500, twenty paise;
		(b) where such value exceeds Rs. 2,500 thirty five paise for every 5,000 or part thereof.
	(ii) in other cases;	Fifty paise on every Rs. 25,00 or part thereof of the value of the security at the time of its purchase or sale as the case may be.
	(d) if relating to the purchase or sale of cotton including cotton pods or kapas (unginned cotton).	Twenty five paise for every unit of transaction or part thereof
	(e) if relating to the purchase or sale of bullion or specie;	(a) Ten paise for every unit of 10 Kilogram of Silver or Part thereof.

			<p>(b) Forty paise for every unit of 1 kilogram of gold or part thereof</p> <p>(c) Seventy five paise for every unit of 250 sovereigns or part thereof.</p>
		(f) if relating to purchase or sale of oil seeds;	<p>Such rate not exceeding -</p> <p>(i) Fifty paise for every 5,000 kilograms of oilseeds or part thereof, where the unit is 5,000 kilograms,</p> <p>(ii) One rupee for every 10,000 kilograms of oil seeds or part thereof, where the unit is 10,000 kilograms, or</p> <p>(iii) Two rupees for every 25,000 kilograms of oilseeds or part thereof where the unit is 25,000 kilograms.</p> <p>as may be specified by the State Government by notification in the official Gazette.</p>
		(g) if relating to the purchase or sale of yarn or any kind, non - mineral oils or spices of any kind;	<p>(1) In the case of yarn and spices such rate not exceeding one rupee for every Rs. 2,500 or part thereof of the value of yarn of any kind or spices of any kind as may be specified by the State Government by notification in the Official Gazette.</p> <p>(2) In the case of groundnut oil or any other non-mineral oil such rate not exceeding</p> <p>(i) twenty five paise for every unit of 100 tins of such oil or part thereof, where the unit of transaction is 100 tins, each containing a quantity of oil</p>

			weighing approximately 16.50 kilograms, or
			<p>(ii) fifty paise for every 5,000 kilograms of such oil or part thereof where the unit is 5,000 kilograms, or</p> <p>(iii) one rupee for every 10,000 kilograms of such oil or part thereof, where the unit is 10,000 kilograms, or</p> <p>(iv) Two rupees and twenty five paise for every 25,000 kilograms of such oil part thereof, where the unit is 25,000 kilograms, as may be specified by the State Government by notification in the Official Gazette.</p>
		<u>1</u> (ga) if relating to giving authority or power to a promoter or a developer; by whatever name called, for construction on; or development of, or sale or transfer (in any manner whatsoever) of, any immovable property.	One rupee for every hundred rupees or part thereof of the market value of the property which is the subject matter of such agreement;
			PROVIDED that the provisions of section 32A shall, mutatis mutandis, apply to such agreement, memorandum or records thereof or as they apply to an instrument under that section :
			PROVIDED further that if the proper stamp duty is paid under clause (g) of article 45 on a power of attorney executed between the same parties in respect of the same property, then the stamp duty under this article shall be fifty rupees.
		<p><u>2</u> [(gb) if relating to advertisement on radio, television, cinema, cable network or any media other than newspapers.</p> <p>(h) if not otherwise provided for</p>	Subject to maximum of twenty-five thousand rupees, twenty-five paise for every hundred rupees or part thereof on the amount of consideration of such agreement.]

			Fifty Rupees.
	Exemption Agreement or Memorandum of Agreement, or its records (a) for or relating to the purchase or sale of goods or merchandise exclusively, not being an agreement or memorandum of agreement chargeable under entry (d) entry (e), entry (1) or entry (g) of this Article or a note or memorandum chargeable under Article 40;		
	(b) made in the from of tenders to the Central Government for or relating to any loan.		
	Explanation - For the purposes of entry (d) of this article unit of transaction means the quantity of cotton weighing approximately 4,500 kilograms.		
	AGREEMENT TO LEASE :- (See Lease No. 30)"		

14. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5(5) w.e.f. 01.04.2006 for the following :-

"6.	AGREEMENT OR MEMORANDUM OF AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN, PLEDGE OR HYPOTHECATION, that is to say any instrument evidencing an agreement or memorandum of 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), where such deposit 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 - (i) where the amount of loan or debt	Fifty paise for every hundred rupees or part thereof.

	does not exceed Rs. 15,00,000	
	(ii) where it exceeds Rs. 15,00,000	Subject to maximum of one lakh rupees one rupee for every hundred rupees or part thereof.
	(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).
	(2) the pawn Or pledge or hypothecation of movable property, where such pawn, pledge or hypothecation 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 -	
	(i) where the amount of loan or debt does not exceed Rs.5,00,000	Nil
	(ii) where it exceeds Rs.5,00,000	Subject to maximum of two lakhs rupees, twenty paise for every hundred rupees or part thereof"

15. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5(6) w.e.f. 01.04.2006 for the words "Two hundred and Fifty rupees"

16. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (7) w.e.f. 01.04.2006 for the words "Subject to a maximum of One Hundred rupees, four rupees for every hundred rupees or pail thereof."

17. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (8) w.e.f. 01.04.2006 for the words "Fifty rupees"

18. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (9) w.e.f. 01.04.2006 for the words "Subject to minimum of one thousand rupees and maximum of five lakhs rupees, fifteen paise for every hundred rupees or part thereof"

19. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (10) w.e.f. 01.04.2006 for the words "The same duty as a Bond (No. 14) for the amount or value of the property to which the award relates subject to a maximum of forty rupees"

20. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (11) w.e.f. 01.04.2006 for the following :-

14.	BOND as defined by section 2(c) not being a debenture and not being otherwise provided for by this Act, or by the Bombay Court fees Act, 1959. (Bom. CXXVI of 1959).	Six rupees for every Rs. 100 or pail thereof of the amount or value secured by the bond.
	See Administration Bond (No.2).	

		Bottomry Bond (No. 15) Customs Bond or Excise Bond (No. 23), Indemnity Bond (No.29) Respondentia Bond (No.50), Security Bond (No.51), Exemption		
		Bond when executed 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 mensurn.		
		Remission		
		Order no. 96 in Annexure H.		

21. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5(12) w.e.f. 01.04.2006 for the words "fifty rupees" and "two rupees".

22. Inserted by the Gujrat 13 of 1994 S11(4) with addition duty 40 % on proper duty as per Sec. 3A i.e. 4.90%.

23. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2007 Sec. 2(1)(a)(b) (14) w.e.f. 01.04.2007 for the words "3[Six rupees]".

24. With addition duty 40% on proper duty as per Sec. 3A i.e. 4.90%.

25. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (14) w.e.f. 01.04.2006 for the words "0.75 per cent".

26. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (15) w.e.f. 01.04.2006 for the words "twenty rupees".

27. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (16) w.e.f. 01.04.2006 for the words "The same duty as is payable on the original subject to a maximum of Fifty rupees".

28. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (17) w.e.f. 01.04.2006 for the words "Subject to a maximum of One hundred rupees, four rupees for every Rs. 100 or part thereof the amount of bond.".

29. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 18(a) w.e.f. 01.04.2006 for the words "twenty rupees".

30. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 18(a) w.e.f. 01.04.2006 for the words "when such goods exceed in value twenty rupees."

31. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 19 w.e.f. 01.04.2006 for the words "five hundred rupees".

32. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2007 Sec.2(1)(a)(c) w.e.f. 01.04.2007 for the words "3[Six rupees]".

33. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5(20)(ii) w.e.f. 01.04.2006 for the following :-

"Subject to maximum of two lakhs rupees, two rupees for every hundred rupees or part thereof, for the amount of the further charge secured by such instrument."

34. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (21) w.e.f. 01.04.2006 for the following :-

"Subject to maximum of One hundred rupees, six rupees for every Rs. 100 or part thereof the amount secured."

35. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (22) w.e.f. 01.04.2006 for the words "Three rupees".

36. Omitted w.e.f. 01.04.2006.

37. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (23) w.e.f. 01.04.2006 for the words "Two rupees".

38. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (24) w.e.f. 01.04.2006 for the words "Sixty rupees".

39. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (25) w.e.f. 01.04.2006 for the words "Fifty rupees".

40. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (26) w.e.f. 01.04.2006 for the words "Two hundred nad fifty rupees".

41. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (27) w.e.f. 01.04.2006 for the words "One Thousand rupees rupees".

42. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5(28)(a) w.e.f. 01.04.2006 for the following :-

"(b) When possession of the property or any part of the property comprised in such deed is not given or not agreed to be given. Subject to maximum of rupees two lakhs, two rupees for every hundred rupees or part thereof for the amount secured by such deed."

43. The existing Explanation shall be re-numbered as Explanation I and after I as so renumbered, Explanation II and III was inserted by Guj 9 of 1998 Sec. 4(b) w.e.f. 01.08.1198 and deleted by Gujrat Act No. 19 of 2001 Sec. 6(4)(ii) w.e.f. 01.09.2001 and again Explanation II inserted by Guj. 15 of 2003 Sec. 4 (2)(b) w.e.f. 01.04.2003.

44. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (29) w.e.f. 01.04.2006 for the words "Twenty five paise"

45. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (30) w.e.f. 01.04.2006 for the following :-

39.	NOTE OR MEMORANDUM, sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal -	
	(a) of cotton moulding cotton pods or Kapas (Unginned	Twenty five paise for every unit of transaction or part thereof

	Cotton)	
	(b) of bullion or specie	<p>(a) Ten paise for every unit of 10 kilograms of silver or part thereof.</p> <p>(b) Forty paise for every unit of 1 kilogram of gold or part thereof.</p> <p>(c) Seventy five paise for every unit of 250 sovereigns or part thereof.</p>
	(c) of oil-seeds	<p>Such rate not exceeding -</p> <p>(i) Fifty paise for every 5,000 kilograms of oil seed or part thereof, where the unit is 5,000 kilograms, or</p> <p>(ii) One rupee for every 10,000 kilograms of oilseeds or part thereof where the unit is 10,000 kilograms, or</p> <p>(iii) Two rupees for every 25,000 kilograms of oilseeds or part thereof where the units is 25,000 kilograms, as may be specified by the State Government by notification in the official Gazette.</p>
	(d) of yarn of any kind, non-mineral oil or spices of any kind.	<p>(1) In the case of yarn and spices, such rate not exceeding one rupee for every Rs, 2,500 or part thereof the value of yarn of any kind or spices of any kind as may be specified by the State Government by* notification in the Official Gazette.</p> <p>(2) In the case of groundnut oil or any other - non-mineral oil such rate not exceeding.</p> <p>(i) twenty five paise for every unit of 100 tins of such oil or part thereof, where the unit of transaction is 100 tins, each containing a quantity of oil weighing approximately 16.50 kilograms or</p> <p>(ii) fifty paise for every 5,000 kilograms of, such oil or part thereof, where the unit is 5,000</p>

			kilograms, or (iii) one rupee for every 10,000 kilograms of such oil or part thereof where the unit is 10,000 kilograms, or (iv) Two rupees and twenty five paise for every 25,000 kilograms of such oil or part thereof where the unit is 25,000 kilograms. as may be specified by the State Government by notification in the Official Gazette,
		(e) Of any other goods exceeding in value twenty rupees.	Fifty paise.
		(f) of any share, scrip, stock bond, debenture stock or other marketable security of a like nature exceeding in value twenty rupees, not being a Government security.	(1) In the case of forward contracts relating to the purchase or sale of securities, thirty five paise for every Rs. 5,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be. (2) In any other case, twenty paise for every Rs. 2,500 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
		(g) of a Government security	Subject to a maximum of forty rupees, twenty five paise for every 10,000 rupees or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
		Explanation - For the purpose of entry (a) of this Article unit of transaction means the quantity of cotton weighing approximately 4,500 kilograms.	

46. Inserted by the Bom. Stamp (Gujrat. Amendment) Act, 2007.

47. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (31) w.e.f. 01.04.2006 for the words "Twenty rupees".

48. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (32) w.e.f. 01.04.2006 for the words "One rupees" and "ten rupees"

49. Substituted by the Bom. Stamp (Gujrat. Amendment) Act, 2006 Sec. 5 (33) w.e.f. 01.04.2006 for the words "ten rupees."

50. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. [5(34)(b) (c)] w.e.f. 01.04.2006 for the words "two rupees."

51. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. [5(34)(a)] w.e.f. 01.04.2006 for the words "Subject to a minimum of five hundred rupees and maximum of five thousand rupees, one rupee for every one hundred rupees or part thereof of the amount of capital of partnership"

52. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. [5 (34)(b) (c)] w.e.f. 01.04.2006 for the words "twenty rupees."

53. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5 (37) w.e.f. 01.04.2006 for the following :-

" Subject to a maximum of One hundred rupees six rupees, for every Rs. 100 or part thereof of the consideration for which the property was mortgaged."

54. Inserted by the Bom. Stamp (Gujrat IIInd Amendment) Act, 2007 Sec. 9 (2).

55. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5 (38) w.e.f. 01.04.2006 for the following :-

"Subject to a maximum One hundred rupees six rupees for every Rs. 100 or part thereof of the amount or value of the claim."

56. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5 (39) w.e.f. 01.04.2006 for the following :-

"Subject to a maximum of Sixty rupees six rupees for every Rs. 100 or part thereof of the amount secured."

57. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5[(43)(a)] w.e.f. 01.04.2006 for the words "Ten rupees."

58. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5[(43)(b)] w.e.f. 01.04.2006 for the words "Ten rupees."

59. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5[(43)(c)] w.e.f. 01.04.2006 for the words "Ten rupees."

60. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5[(43)(c)] w.e.f. 01.04.2006 for the following :-

"Subject to a maximum of One hundred rupees, the duty with which such lease chargeable." and

"The same duty as a Bond (No. 14) for such amount or value of the interest as set forth in the transfer subject to a maximum of fifty rupees." and

"Fifty rupees." and

"The same duty as a Bond (No. 14) on the market value of the property held on trust subject to a maximum of fifty rupees."

61. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5 [(44)(a)]

w.e.f. 01.04.2006 for the following :-

"The same duty as a Bond (No. 14) for a sum equal to the amount or market value of the property which is the subject-matter of the trust but not exceeding one hundred rupees."

62. Substituted by the Bom. Stamp (Gujrat Amendment) Act, 2006 Sec. 5[(44)(b)]
w.e.f. 01.04.2006 for the following :-

"The same duty as a Bond (No. 14) for a sum equal to the amount or market value of the property which is the subject- matter of the trust, but not exceeding fifty rupees."

SCHEDULE 2

Instruments Governed by the Indian Stamp Act, 1899

As Applicable to the State of Gujarat

Description of instrument (1)	Proper Stamp Duty (2)	
13. BILL OF EXCHANGE as defined by section 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;	4 [Thirty paise].	
if it exceeds Rs. 500 but does not exceed Rs. 1,000;	5 [Sixty paise]	
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1 ,000;	5 [Sixty paise]	
(ii) where payable more than three months but not more than six months after date or sight --		
if the amount of the bill or note does not exceed Rs. 500;	5 [Sixty paise]	
if it exceeds Rs. 500 but does not exceed Rs. 1,000;	6 [One rupee twenty paise]	
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1 ,000;	6 [One rupee twenty paise]	
(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;	7 [Ninety paise]	
if it exceeds Rs. 500 but does	8 [One rupee eightv	

not exceed Rs. 1,000; and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;		paise] 8 [One rupee eighty paise]	
(iv) where payable more than nine months but not more than one year after date or sight --			
if the amount of the bill or note does not exceed Rs. 500;		6 [One rupee twenty-five paise]	
if it exceeds Rs. 500 but does not exceed Rs. 1,000;		9 [Two rupees fifty paise].	
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;		9 [Two rupees fifty paise].	
(c) where payable more than one year after date or sight --			
if the amount of the bill or note does not exceed Rs. 500;		9 [Two rupees fifty paise].	
if it exceeds Rs. 500 but does not exceeds Rs. 1,000;		10 [Five rupees].	
and for every additional Rs. 1,000 or part thereof in excess of Rs. 1,000;		10 [Five rupees].	
21 [Provided that the rates of stamp-duty specified in column (2) on Bills of Exchange for items (b) and (c) in Article 13 and on promissory note for item (b) of Article 49 shall not apply to usance bills of exchange or promissory notes drawn or made for securing finance from Reserve Bank of India , Industrial Finance Corporation of India, Industrial Development Bank of India, State Financial Corporations, Commercial Banks and Cooperative Banks for (a) bona fide commercial or trade transactions , (b) seasonal agricultural operations or the marketing of crops, or (c) production or marketing activities of cottage and small scale industries and such instruments shall bear the rate of stamp duty at one-fifth of the rate mentioned against items			

<p>(b) and (c) in Article 13 and item (b) in Article 49 of Schedule I of the Stamp Act, 1899 (2 of 1899).</p> <p>Explanation 1- For the purposes of the proviso -</p> <p>(a) the expression agricultural operations includes animal husbandry and allied activities jointly undertaken with the agricultural operations;</p> <p>(b) "crops" include products of agricultural operations;</p> <p>(c) the expression "marketing of crops" includes the processing of crops prior to marketing by agricultural producers or any organization of such producers.</p> <p>Explanation 2- The duty chargeable shall, wherever necessary, be rounded off to the next five paise.]</p>			
14. BILL OF LADING (including a through bill of lading) .		11 [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 described are received at a place within the limits of any port as defined under the 12 Indian Ports Act, 1889 (10 of 1889), and are to be delivered at another place within the limits of the same port.			
(b) Bill of lading when executed out of 7 [India] and relating to property to be delivered in 13 [India].			
14 [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;			15 [Ten paise.]	
where it exceeds Rs. 10 and does not exceed Rs. 50;			16 [Twenty paise.]	
Ditto	50	ditto	100	17 [Thirty-five paise]
Ditto	100	ditto	200	18 [Seventy-five paise]
Ditto	200	ditto	300	19 [One rupee ten paise]
Ditto	300	ditto	400	20 [One rupee fifty paise]
Ditto	400	ditto	500	21 [One rupee eighty-five paise]
Ditto	500	ditto	600	22 [Two rupees twenty-five paise]
Ditto	600	ditto	700	23 [Two rupees sixty paise]
Ditto	700	ditto	800	24 [Three rupees]
Ditto	800	ditto	900	25 [Three rupees forty paise]
Ditto	900	ditto	1,000	8 [Three rupees seventy-five paise]
and for every Rs. 500 or part thereof in excess of Rs. 1,000;			7 [One rupee eighty-five paise]	
(b) by delivery				
where the amount or value of the consideration for such debenture as set forth therein does not exceed Rs. 50;			17 [Thirty-five paise]	
where it exceeds Rs. 50 but			18 [Seventy-five	

where it exceeds Rs. 50 but does not exceed Rs. 100;				10 [Seventy-five paise]	
Ditto	100		ditto	200	20 [One rupees fifty paise]

Ditto	200		ditto	300		22 [Two rupees twenty-five paise]
Ditto	300		ditto	400		24 [Three rupees]
Ditto	400		ditto	500		8 [Three rupees seventy-five paise]
Ditto	500		ditto	600		26 [Four rupees fifty paise]
Ditto	600		ditto	700		27 [Five rupees twenty-five paise]
Ditto	700		ditto	800		28 [Six rupees]
Ditto	800		ditto	900		29 [Six rupees seventy-five paise]
Ditto	900		ditto	1,000		30 [Seven rupees fifty paise]
and for every Rs. 500 or part thereof in excess of Rs. 1,000;				8 [Three rupees seventy-five 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.						
Exemptions						

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.				
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.	11 [One rupees]			
47. POLICY OF INSURANCE	If drawn singly		If drawn in duplicate for each part	
2 [A -- SEA INSURANCE (See section 7) --				
(1) for or upon any voyage --				
(i) where the premium or consideration does not exceed the rate of 32 [***] one eighth per centum of the amount insured by the policy;	33 [Five paise]		34 [Five paise]	
(ii) in any other case, in respect of every full sum of one thousand five hundred rupees] and also any fractional part of 35 [one thousand five hundred rupees] insured by the policy;	33 [Five paise]		34 [Five paise]	
(2) for time --				
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy --				
where the insurance shall be made for any time not exceeding six months;	36 [Ten] paise]		33 [Five paise]	
where the insurance shall be made for any time exceeding six months and not exceeding twelve months	37 [Ten paise]		36 [Five paise]	
B. 38 [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;	39 [Twenty-five paise]			
(ii) in any other case ... and	40 [Fifty rupee]			
(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	One-half of the duty payable in respect of the original policy in addition to the amount, if any chargeable under No. 53]			
C. -- ACCIDENT AND SICKNESS INSURANCE--				
(a) against railway accident, valid for a single journey only.	33 [Five paise]			
Exemption				
When issued to a passenger travelling by the intermediate or the third class in any railway.				
(b) in any other case -- for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceed Rs. 1,000, and also where such amount exceeds Rs. 1,000, for every Rs. 1,000 or part thereof.	36 [Ten paise]:			
	5 [Provided that, in case of a policy of insurance against, death by accident when the annual premium payable does not exceed 41 [Rs. 2.50] per Rs. 1,000 the duty on			

		such instrument shall be 33 [Five Paise] for every Rs. 1,000 or part thereof of the maximum amount which may become payable under it]			
43 [CC. INSURANCE BY WAY OF INDEMNITY against liability to pay damages on account of accidents to workmen employed by or under the insurer or against liability to pay compensation under the Workmens Compensation Act, 1923 (8 of 1923) for every Rs. 100 or part thereof payable as premium.		33 [Five paise]			
44 [D. LIFE INSURANCE 45 [or group insurance or other insurance] not specifically provided for except such a REINSURANCE, as is described in division E of this article --		If drawn singly		If drawn in duplicate for each part	
(i) for every sum insured not exceeding Rs. 250;		36 [Ten paise]		33 [Five paise]	
(ii) for every sum insured exceeding Rs. 250 but not exceeding Rs. 500;		37 [Ten paise]		36 [Five paise]	
(iii) for every sum insured exceeding Rs. 500 but not exceeding Rs. 1,000; and also for every Rs. 1,000 or part thereof in excess of Rs 1,000.		16 [Twenty paise]		15 [Ten paise]	

	46 [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]	
Exemption		

	<p>E.-- RE-INSURANCE by an Insurance Company which has granted a Policy 47 [of the nature specified in Division A or Division B of this Article], with another company by way of indemnity or guarantee against payment on the original insurance of a certain part of the sum insured thereby.</p>		<p>One quarter of the duty payable in respect of the original insurance but not less than 33 [five paise] or more than 40 [fifty paise]:</p>	
		<p>48 [PROVIDED that if the total amount of duty payable is not a multiple of 34 [five paise], the total amount shall be rounded off to the next higher multiple of 34 [five paise].</p>		
	General Exemption			
	Letter of cover of engagement to issue a policy of insurance:			
	<p>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.</p>			
	<p>49 [49. PROMISSORY NOTE (as defined by section 2(22))--</p>			

(a) when payable on demand --			
(i) when the amount or value does not exceed Rs. 250;		33 [Five paise]	
(ii) when the amount or value exceeds Rs. 250 but does not exceeds Rs. 1,000;		36 [Ten paise]	
(iii) in any other case		37 [Fifteen 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.	
<p>21 [Provided that the rates of stamp-duty specified in column (2) on Bills of Exchange for items (b) and (c) in Article 13 and on promissory note for item (b) of Article 49 shall not apply to usance bills of exchange or promissory notes drawn or made for securing finance from Reserve Bank of India , Industrial Finance Corporation of India, Industrial Development Bank of India, State Financial Corporations, Commercial Banks and Cooperative Banks for (a) bona fide commercial or trade transactions , (b) seasonal agricultural operations or the marketing of crops, or (c) production or marketing activities of cottage and small scale industries and such instruments shall bear the rate of stamp duty at one-fifth of the rate mentioned against items (b) and (c) in Article 13 and item (b) in Article 49 of Schedule I of the Stamp Act, 1899 (2 of 1899).</p> <p>Explanation 1- For the purposes of the proviso - (a) the expression agricultural operations includes animal husbandry and allied activities jointly undertaken with the agricultural operations; (b) "crops" include products of agricultural operations; (c) the expression "marketing of crops" includes the processing of crops prior to marketing by agricultural producers or any organization of such producers.</p> <p>Explanation 2- The duty chargeable shall, wherever necessary, be rounded off to the next five paise.]</p>			
52. PROXY, empowering any person to vote at any one election of the members of a district or local		50 [Fifteen	

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.		paise]	
53. RECEIPT, [as defined by section 2(23)] for any money or other property the amount or value of which exceeds 7 [five thousand rupees]		51 [One Rupee]	
Exemptions			
Receipt --			
(a) endorsed on or contained in any instrument duly stamped 53 [or any instrument exempted] under the proviso to section 3 (instruments executed on behalf of the Government) 54 [or any cheque or bill of exchange payable on demand] acknowledging the receipt of the consideration money therein expressed or the receipt of any principal money, interest or annuity or other periodical payment thereby secured;			
(b) for any payment of money without consideration;			
(c) for any payment of rent by a cultivator on account of land assessed to Government revenue or 55 [in the States of Madras, Bombay and Andhra] 56 [as they existed immediately before the 1st November, 1956,] of Inam lands;			
(d) for pay or allowances by noncommissioned 57 [or petty] officers, 58 [soldiers, 59 [sailors] or airmen] or 57[60 [the Indian] military, 58 [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 or allowances the sum comprised in the receipt has been assigned is a noncommissioned 57 [or petty] officer, 58 [soldiers, 57 [sailor or airmen], of 61 [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 57 [or petty] officers, 58[soldiers, 57 [sailors] or airmen,] and not serving the 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 also that this exemption shall not extend to a receipt or acknowledgement for any sum paid or deposited for or upon a letter of allotment of a share, or in respect of a call upon any script or share of, or in any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.			
62. TRANSFER, (whether with or without consideration) --			
62 [(a) of shares in an incorporated company or other body corporate;		39 [Twenty-five Paise] for every hundred rupees or part thereof of the value of the share:	

1. The word, figure and brackets "and (3)" omitted by Act 5 of 1927 section 5.
2. The entry (a) omitted by Act 5 of 1927 section 5.
3. Substituted by Act 76 of 1956 for the former items (b) and (c) (w.e.f. 1-2-1957), section 4 and sch. II.
4. Substituted by S. O. 130(E), dated 28-1-2004, for "One rupee twenty-five nayepaise" (w.e.f. 1-3-2004).
5. Substituted by S. O. 130(E), dated 28-1-2004, for "Two rupees fifty naye paise" (w.e.f. 1-3-2004).
6. Substituted by S. O. 130(E), dated 28-1-2004, for "Five rupees" (w.e.f. 1-3-2004).
7. Substituted by S. O. 130(E), dated 28-1-2004, for "Three rupees seventy-five nayepaise" (w.e.f. 1-3-2004).
8. Substituted by S. O. 130(E), dated 28-1-2004, for "Seven rupees fifty naye paise" (w.e.f. 1-3-2004).
9. Substituted by S. O. 130(E), dated 28-1-2004, for "Ten rupees" (w.e.f. 1-3-2004).
10. Substituted by S. O. 130(E), dated 28-1-2004, for "Twenty rupees" (w.e.f. 1-3-2004).
11. Substituted by S. O. 130(E), dated 28-1-2004, for "Two rupees" (w.e.f. 1-3-2004).

12. Therelevant provisions of the Indian Ports Act, 1908 (15 of 1908) be referred to.
13. Substituted by Act 43 of 1955 for the words "the States" (w.e.f. 1-4-1956), section 2.
14. Substituted by Act 43 of 1955 (w.e.f. 1-4-1956), section 7.
15. Substituted by S. O. 130(E), dated 28-1-2004, for "Twenty naye paise" (w.e.f. 1-3-2004).
16. Substituted by S. O. 130(E), dated 28-1-2004, for "Forty naye paise" (w.e.f. 1-3-2004).
17. Substituted by S. O. 130(E), dated 28-1-2004, for "Seventy-five naye paise" (w.e.f. 1-3-2004).
18. Substituted by S. O. 130(E), dated 28-1-2004, for "One rupee fifty naye paise" (w.e.f. 1-3-2004).
19. Substituted by S. O. 130(E), dated 28-1-2004, for "Two rupees twenty-five nayepaise" (w.e.f. 1-3-2004).
20. Substituted by S. O. 130(E), dated 28-1-2004, for "Three rupees" (w.e.f. 1-3-2004).
21. These words were inserted by theby S. O. 130(E), dated 28-1-2004 (w.e.f. 1-3-2004).
22. Substituted by S. O. 130(E), dated 28-1-2004, for "Four rupees fifty naye paise" (w.e.f. 1-3-2004).
23. Substituted by S. O. 130(E), dated 28-1-2004, for "Five rupees twenty-five nayepaise" (w.e.f. 1-3-2004).
24. Substituted by S. O. 130(E), dated 28-1-2004, for "Six rupees" (w.e.f. 1-3-2004).
25. Substituted by S. O. 130(E). dated 28-1-2004, for "Six rupees seventy-five nayepaise" (w.e.f. 1-3-2004).
26. Substituted by S. O. 130(E), dated 28-1-2004, for "Nine rupees" (w.e.f. 1-3-2004).
27. Substituted by S. O. 130(E), dated 28-1-2004, for "Ten rupees fifty naye paise" (w.e.f. 1-3-2004).
28. Substituted by S. O. 130(E), dated 28-1-2004, for "Twelve rupees" (w.e.f. 1-3-2004).
29. Substituted by S. O. 130(E), dated 28-1-2004, for "Thirteen rupees fifty nayepaise" (w.e.f. 1-3-2004).
30. Substituted by S. O. 130(E), dated 28-1-2004, for "Fifteen rupees" (w.e.f. 1-3-2004).
31. Substituted by Act 5 of 1906, for the original divisions A and B, section 7.
32. Thewords "fifteen naye paise or" omitted by Act 14 of 1961, section 16.

- 33.Substituted by S. O. 130(E), dated 28-1-2004, for "Ten naye paise" (w.e.f.1-3-2004).
- 34.Substituted by S. O. 130(E), dated 28-1-2004, for "five naye paise" (w.e.f.1-3-2004).
- 35.Substituted by Act 18 of 1998, for "one thousand rupees" section 2 and Sch. I.
- 36.Substituted by S. O. 130(E), dated 28-1-2004, for "Fifteen naye paise" (w.e.f.1-3-2004).
- 37.Substituted by S. O. 130(E), dated 28-1-2004, for "Twenty-five naya paise" (w.e.f.1-3-2004).
38. Substitutedby Act 43 of 1923. for thewords "Fire Insurance".
- 39.Substituted by S. O. 130(E), dated 28-1-2004, for "Fifty naye paise" (w.e.f.1-3-2004).
- 40.Substituted by S. O. 130(E), dated 28-1-2004, for "One rupee" (w.e.f. 1-3-2004).
- 41.Substituted by Act 18 of 1928. section 2 Sch. I.
- 42.Substituted by Act 19 of 1958. for the words "Rupees 2.80" (w.e.f. 1-10-1958).section 13.
- 43.Insertedby Act 15 of 1925, section 2.
- 44.Substituted by Act 18 of 1928 for the original division D, section 2 Sch.I
- 45.Substituted by Act 43 of 1955. for the words "Or other insurance" (w.e.f.1-4-1956), section 7.
46. Inserted by Act 43 of 1955.(w.e.f. 1-4-1956), section 7.
- 47.Substituted by words "of sea-insurance or a policy of fire-insurance" by Act 43 of1923, section 2.
- 48.Inserted by Act 14 of 1961, section 16.
- 49.Substituted by Act 43 of 1923 for the original, section 2
- 50.Substituted by S. O. 130(E), dated 28-1-2004, for "Thirty paise" (w.e.f.1-3-2004).
- 51.Substituted by Act 32 of 1994, for the words "Twenty paise" (w.e.f. 13-5-1994),section99.
- 52.Substituted by Finance (No. 2) Act, 2004(23 of 2004) section117(iii), for "Five hundred rupees" (w.e.f.10-9-2004).
- 53.Substituted by Act 18 of 1928, for the words "or exempted", section2 and Sch. I.
- 54.Inserted by Act 18 of 1928, section 2 and Sch. I
- 55.Substituted by Andhra (Adaptation of laws on Union Subject) Order, 1954, for

"in thePresidencies of Fort St. George and Bombay" (w.e.f. 1-10-1953).

56.Inserted by the A.O., Adaptation of Laws (No.2), 1956.

57.Subby Act 35 of 1934, section 2 and Sch.

58.Substituted by Act 10 of 1927, for the words "or soldiers", section2 and Sch. I.

59.Substituted by Act 10 of 1927, for "Her Majestys Army or Her Majestys Indian Army,section 2 and Sch. I.

60.Substituted by the A.O. 1950, for "His Majestys".

61.Substituted by Act 10 of 1927 for "either of the said forces", section2 and Sch. I.

62.Substituted by Act 43 of 1955 for "original clause" (w.e.f. 1-4-1956).section 7

63.The relevant provisions of the Administrator Generals Act, 1913 (3 of 1913) and theAdministration, General Act, 1963 (45 of 1963) to be referred to.