

Rajasthan Stamp (Amendment) Act, 2004

7 of 2004

[09 August 2004]

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Rajasthan Stamp (Amendment) Act, 2004

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An Act to amend the Rajasthan Stamp Act, 1998. Be it enacted by the Rajasthan State Legislature in the Fifty-fifth Year of the Republic India, as follows:-

1. Short tile and commencement :-

(1) This Act may be called the *Rajasthan Stamp (Amendment) Act, 2004. " (2) It shall be deemed to have come into force on and from 27th day of May, 2004

2. Amendment of section 2, Rajasthan Act No. 14 of 1999 :-

In section 2 of the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999), hereinafter referred to as the principal Act, the clause (xxxvi) shall be deleted.

3. Insertion of new section 9-A, Rajasthan Act No. 14 of 1999 :-

After section 9 and section 10 of the principal Act, the following new section shall be inserted, namely:- "9-A. Power to reduce or remit penalty or interest.- The State Government, if satisfied that it is necessary to do so in the public interest, by notification published

in the Official Gazette, reduce or remit the penalty; or both imposed or chargeable under this Act." Amendment of section 32, Rajasthan Act No, 14 of 1999.-- In section 32 of the principal expression "and" appearing at the end of clause (f) thereof shall be deleted and after clause recommended, the following new clause shall be inserted, namely:- in the case of a works contract or a sub-contract by the contractor or sub-contractor, as the case may be; and", Amendment of section 55, Rajasthan Act No. 14 of 1999.-- In subsection (4) of section the principal Act, for the existing word "refuse", the word "refute" shall be substituted. Amendment of section 58, Rajasthan Act No. 14 of 1999.-- In section 58 of the principal the existing expression "section 60", the expression "section 59" shall be substituted. Amendment of sections 67,68,69 and 70, Rajasthan Act No. 14 of 1999.-- In sections 67, and 170 of the principal Act,- be for the existing expressions Tax Tribunal", wherever occurring, the expressions "High Court" shall be substituted; and for the existing expressions "Tribunal", wherever occurring, the expressions "Court" shall be substituted. of the Schedule, Rajasthan Act No. 14 of 1999.-- In the Schedule of the (a). in Article 4, for the existing expression "Five rupees" appearing under column No. 2, the expression Ten rupees" shall be substituted; (b) in Article 5, after the existing clause (b) and before the existing clause (c), the following clauses shall be inserted, namely:- "(bb) if relating to purchase or sale of an Three percent of the total immovable property, when possession is consideration of the property as neither given nor agreed to be given. set forth in the agreement or memorandum of agreement: Provided that the stamp duty paid on such agreement shall at the time of the execution of a conveyance in pursuance of such agreement subsequently be adjusted towards the total amount of duty chargeable on the conveyance if such conveyance deed is executed within three years from the date of agreement. (bbb) if relating to secure the 0.1 percent of the amount of loan repayment of a loan or debt made by a or debt, bank or Finance Company. (bbbb) if relating to giving authority One percent of the market value or power to a promoter or a developer, of the property," by whatever name called, for construction on, or development of, any immovable property; (c). for the existing Article 6, the following shall be substituted, namely:-- "6. Agreement or any other document (memorandum etc.) relating to the deposit of title deeds, pawn or pledge i.e. any documentary proof relating to- (1) the deposit of title deeds or instruments constituting or being evidence

of the title to any property whatever, other than a marketable security, or (2) the pawn or pledge of movable property, where such deposit, pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt.- (a) if such loan or debt is repayable on 0.1 percent of the amount of loan demand or more than three months from or debt the date of the instrument evidencing the agreement or proof of deposit of title deeds, (b) if such loan or debt is repayable not more than half the duty payable under clause than three months from the date of such (a) for the amount secured, instrument. Exemption: Instruments of pawn or pledge of agricultural produce, if unattested."; (d) in Article 21, For the existing clause (i), the following shall be substituted namely:- "(i) if relating to immovable property. Eleven percent of the market value of the property."; (e) In Article 33,- (i) for the existing clause (b), the following shall be substituted, namely:- "(b) where the lease is granted for a fine or premium or for money advanced or development charges advanced or security charges advanced and where no rent is reserved:- (i) where the lease purports to be for a The same duty as on a conveyance term of not more than twenty years. (No. 21) for a consideration equal to the amount or value of such fine, premium, advance as set forth in the lease. (ii) where the lease purports to be for a The same duty as on a conveyance term in excess of twenty years, or in (No. 21) on the market value perpetuity or where the term is not the property which is the subject mentioned. matter of the lease."; (ii) for the existing clause (c), the following shall be substituted, namely:- "(c) where the lease is granted for a fine or premium or for money advanced or development charges advanced or security charges advanced in addition to rent reserved,- (i) where the lease purports to be for a The same duty as on a conveyance term of not more than twenty years. (No. 21) for a consideration equal to the amount or value of such fine premium, or advance and amount of average rent of two years as set forth in the lease. (ii) where the lease purports to be for a The same duty as on a conveyance term in excess of twenty years, or in (No. 21) on the market value of perpetuity or where the term is not the property which is the subject mentioned. matter of the lease." (iii) after clause (c) so substituted, the following proviso shall be inserted, namely:- "Provided that in any case when an agreement to lease, is stamped with the 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."; (2)

in Article 37, in column No. 2 against clause (b), for the existing expression "{No. 16}" the expression "(No. 14)" shall be substituted; (g) in Article 39, for the existing expression "Five rupees" appearing under column No. 2 the expression "Ten rupees" shall be substituted; (h) in Article 44, after the existing clause (c) and before the existing clause (d), the following new clause shall be inserted, namely:- "(cc) when authorizing any person Rupees five hundred."; (except a power of attorney executed in favour of father or mother or brother or sister or wife or husband or son or daughter or grandson or grand daughter to transfer any immovable property;"; (i) in Article 48, for the existing clause (a), the following shall be substituted, namely:- "(a) If the release deed of an One hundred rupees."; and ancestral property or part thereof is executed by or in favour of brother or sister (children of renouncers parents) or son or daughter or son of predeceased son or daughter of a predeceased son or father or mother, or spouse of the renouncer or the legal heirs of the above relatives. (j) after the existing Article 57, the following new Article shall be inserted, namely:- "58. Works contract that is to say a contract for works and labour or services involving transfer of property in goods (whether as goods or in some other form) in its execution and includes a sub-contract:- (a) Where the amount or value set One hundred rupees, forth in such contract does not exceed Rs. 10 lacs. (b) Where it exceeds Rs. 10 lacs but Five hundred rupees does not exceed Rs. 50 lacs. (c) Where it exceeds Rs. 50 lacs. One thousand rupees.".

4. xxx :-

5. xxx :-

6. xxx :-

7. xxx :-

8. xxx :-

9. Repeal and savings :-

(i) The Rajasthan Stamp (Amendment) Ordinance, 2004 (Ordinance No. 5 of 2004) is hereby repealed. (2) Notwithstanding such repeal all actions taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been taken or made under the principal Act as amended by this Act. STATEMENT OF OBJECTS AND REASONS The Rajasthan Stamp Act, 1998 (Act No. 14 of 1999) was enacted to consolidate and amend

the law relating to stamps but that Act could not be brought into force until 27th May, 2004. During the Period from 1998 to 27th May, 2004 the matters relating to stamps continued to be regulated under provisions of the Indian Stamp Act, 1899 (Central Act No. II of 1899) as adopted in the State by the Rajasthan Stamp Law (Adaptation) Act, 1952 (Act No. 7 of 1952). During the aforesaid period certain amendments were introduced by the State Legislature in the Indian Stamp Act, 1899 (Central Act No II of 1899) as adopted in the State as aforesaid. It was considered appropriate that the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999); should be brought into force equipped with the provisions introduced in the Indian Stamp Act, 1899 (Central Act No. II of 1899) during the aforesaid period. Therefore, amendments on the lines, of the amendments introduced during the aforesaid period in the Indian Stamp Act, 1899 (Central Act No. II of 1899), including certain other minor amendments were proposed to be made in the Rajasthan Stamp Act, 1998 (Act No. 14 of 1999). Since the Rajasthan Legislative Assembly was not in session and circumstances existed which rendered it necessary for the Governor of Rajasthan to take immediate action, he, therefore, promulgated the Rajasthan Stamp (Amendment) Ordinance, 2004 (Ordinance No. 5 of 2004) on 27th May, 2004, which was published in Rajasthan Gazette, Part IV (B), Extraordinary, dated 27th May, 2004. The Bill seeks to replace the aforesaid Ordinance.