

## **Indian Stamp (Madras Amendment) Act, 1958**

**14 of 1958**

**[11 July 1958]**

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Madras

### PREAMBLE

An Act further to amend the Indian Stamp Act, 1899 in its application to the State of Madras.

Whereas it is expedient further to amend the Indian Stamp Act, 1899 (Central Act II of 1899), in its application to the State of Madras for the purposes hereinafter appearing;

Be it enacted in the Ninth Year of the Republic of India as follows:--

1 For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 14th March 1958, Part IV-A, Pages 172 to 174.

**1. Short title, extent and commencement :-**

(1) This Act may be called the "Indian Stamp (Madras Amendment) Act, 1958."

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date<sup>1</sup> as the State Government may, by notification, appoint.

1 Came into force on the 1st October 1958.

**2. Amendment of section 2 :-**

In section 2, clause (10), of the Indian Stamp Act, 1899 (Central Act II of 1899), as amended by the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922), and the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) (hereinafter referred to as the principal Act), the words, figure and letter "or by Schedule I-A as the case may be" shall be omitted.

**3. Amendment of section 3 :-**

In section 3 of the principal Act, for the first proviso, the following proviso shall be substituted, namely:--

"Provided that any increase in the amount of duty chargeable under the Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922), or the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), shall not have the effect of increasing the duty payable in respect of instruments specified in clause (a) or clause (c) of this section and executed before the first day of April 1922."

**4. Amendment of section 4 :-**

In section 4 of the principal Act, for sub-section (1), the following

sub-section shall be substituted, namely:--

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

#### **5. Amendment of section 6 :-**

In section 6 of the principal Act--

(i) the words, figure and letter "or in Schedule I-A as the case may be" shall be omitted;

(ii) for the proviso, the following proviso shall be substituted, namely:--

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

#### **6. Amendment of section 11 :-**

In section 11, clause (a), of the principal Act, for the words "one and a half annas", the words "ten naye paise" shall be substituted.

#### **7. Amendment of section 19-A :-**

In section 19-A of the principal Act--

(i) in the marginal notes, the word, brackets and letters "clause (bb) of" shall be omitted;

(ii) the words, brackets and letters "clause (bb) of the first proviso to" shall be omitted;

(iii) the words "the first proviso to" shall be omitted:

(iv) for the words, figure and letter "under Schedule I-A", the words and figure "under Schedule I" shall be substituted.

#### **8. Amendment of section 23-A :-**

In section 23-A, sub-section (1), of the principal Act, the words, figures, letters and brackets "or article No. 4(c) of Schedule I-A as the case may be" shall be omitted.

#### **9. Amendment of section 24 :-**

In section 24 of the principal Act, the words, figures and letter "or Article 16 of Schedule I-A as the case may be" shall be omitted.

#### **10. Amendment of section 29 :-**

In section 29, clause (a), of the principal Act, the words, figure and letter "or the corresponding articles of Schedule I-A as the case may be" shall be omitted.

#### **11. Amendment of section 31 :-**

In section 31, sub-section (1), of the principal Act, for the words "not less than eight annas", the words "not less than fifty naye paise" shall be substituted.

#### **12. Amendment of sections 32, 35, 40 and 41 :-**

In clause (c) of the proviso to sub-section (3) of section 32, in clause (a) of the proviso to section 35, in sub-section (1) of section 40 and in section 41, of the principal Act--

(i) for the words "one and a half annas", the words "ten naye paise" shall be substituted;

(ii) for the words, figure, letters and brackets "[article 34(a) of Schedule I-A] chargeable under clauses (aa) or (bb) of section 3 with a duty of four annas", the words, figures, letter and brackets "[Article 41(a) of Schedule I] chargeable under section 3 with a duty of twenty-five naye paise" shall be substituted.

### **13. Amendment of sections 53 and 54 :-**

In sections 53 and 54 of the principal Act, for the Words "one anna for each rupee", the words "ten naye paise for each rupee" shall be substituted.

### **14. Substitution of new section for section 78 :-**

For section 78 of the principal Act, the following section shall be substituted, namely:--

"78. Duty to be collected or allowance to be made to the nearest ten naye paise.--

In the determination of the amount of duty payable or of allowance to be made under this Act, any fraction of ten naye paise less than five naye paise shall be disregarded and any fraction of ten naye paise equal to, or exceeding, five naye paise shall be regarded as ten naye paise."

### **15. Amendment of Schedule I :-**

In Schedule I to the principal Act--

(i) for entries 1 to 12, the following entries shall be substituted, namely:--

<b>Description of instrument.</b>	<b>Proper stamp-duty.</b>
"1. Acknowledgment of a debt exceeding twenty rupees in amount or value written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a bankers pass book) or on a separate piece of paper when such book or paper is left in the creditors possession: provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.	Ten naye paise,
2. Administration bond including a bond given under section 291 or section 375 of the Indian Succession Act, 1925 (Central Act XXXIX of 1925) or section 6 of the Government Savings Banks Act, 1873 (Central Act V of 1873)--	
(a) where the amount does not exceed Rs. 1,000;.	Three-fourths of the duty as a bond (No. 15) for such amount.
(b) in any other case	Fifteen rupees.
3. Adoption-deed, that is to say, any instrument (other than a will), recording an adoption, or conferring or	Twenty-two rupees fifty naye paise.

purporting to confer an authority to adopt.		
4. Affidavit including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.		Three rupees.
Exemptions.		
Affidavit or declaration in writing when made--		
(a) as a condition of enlistment under the Army Act, 1950 (Central Act XLVI 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.		
5. agreement or memorandum of an Agreement--		Forty naye paise.
(a) if relating to the sale of a bill of exchange;		
(b) if relating to the sale of a Government security or share in an incorporated company or other body corporate;		Subject to a maximum of thirty rupees twenty naye paise for every Rs. 10,000 or part thereof, of the value of the security or share.
(c) if not otherwise provided for.		One rupee fifty naye paise.
Exemptions.		
Agreement or memorandum of agreement--(a) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No. 43;		
Agreement or memorandum of agreement--		
(b) made in the form of tenders to the Central Government for, or relating to any loan.		
6. Agreement relating to deposit of Title-deeds Pawn, or Pledge, that is to say, any instrument evidencing an agreement relating to--		
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or		
(2) the pawn or pledge of movable property,		
where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt--		
(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement--		
	<b>If drawn singly.</b>	<b>If drawn in set of two for each part</b>
		<b>If drawn in set of three for each part of</b>

			of the set.		the set.	
	Rs.	nP.	Rs.	nP.	Rs.	nP.
(i) when the amount of the loan or debt does not exceed Rs. 200.	0	60	0	40	0	20
(ii) when it exceeds Rs. 200, but does not exceed Rs. 400.	1	15	0	60	0	40
when it exceeds Rs. 400, but does not exceed Rs. 600.	1	70	0	95	0	60
when it exceeds Rs. 600, but does not exceed Rs. 800.	2	25	1	15	0	75
when it exceeds Rs. 800, but does not exceed Rs. 1,000.	2	85	1	50	0	95
when it exceeds Rs. 1,000, but does not exceed Rs. 1,200.	3	40	1	70	1	15
when it exceeds Rs. 1,200, but does not exceed Rs. 1,600.	4	50	2	25	1	50
when it exceeds Rs. 1,600, but does not exceed Rs. 2,500.	6	75	3	40	2	25
when it exceeds Rs. 2,500, but does not exceed Rs. 5,000.	13	50	6	75	4	50
when it exceeds Rs. 5,000, but does not exceed Rs. 7,500.	20	25	10	15	6	75
when it exceeds Rs. 7,500, but does not exceed Rs. 10,000.	27	00	13	50	9	00
when it exceeds Rs. 10,000, but	40	50	20	25	13	50

does not exceed Rs. 15,000.						
when it exceeds Rs. 15,000, but does not exceed Rs. 20,000.	54	00	27	00	18	00
when it exceeds Rs. 20,000 but does not exceed Rs. 25,000.	67	50	33	75	22	50
when it exceeds Rs. 25,000 but does not exceed Rs. 30,000-	81	00	40	50	27	00
and for every additional Rupees 10,000 or part thereof in excess of Rs. 30,000-	27	00	13	50	9	00
(b) if such loan or debt is repayable not more than three months from the date of such instrument.					Half the duty payable on a loan or debt under clause (a) (i) or clause (a) (ii) for the amount secured. Stamp duty of half a naya paisa shall be omitted.	

Exemption.

Instrument of pawn or pledge of goods if unattested.

7. Appointment in execution of a power-whether of trustees or of property, movable or immovable, where made by writing not being a will.	Thirty-seven rupees fifty naye paise.
8. Appraisalment or Valuation made other wise than under an order of the Court in the course of a suit--	
(a) where the amount does not exceed Rs. 1,000.	The same duty as a Bottomry Bond (No. 16) for such amount.
(b) in any other case ... ..	Fifteen 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 the purpose of ascertaining the amount to be given to a landlord as rent.	
9. Apprenticeship deed, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment not being Articles of Clerkship (No. 11).	Seven rupees fifty naye paise.
Exemption.	
Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850 (Central Act XIX of 1850), or by which a person is apprenticed by, or at the charge of, any public charity.	
10. Articles of association of a company	One hundred rupees.
Exemption.	
Articles of any association not formed for profit and registered under the Companies Act, 1956 (Central Act 1 of 1956).	
11. Articles of clerkship or Contract, whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in the Madras High Court.	Three hundred and seventy-five rupees.
12. Award, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the court in the course of a suit--	
(a) where the amount or value of the property to which the award relates, as set forth in such award, does not exceed Rs. 1,000;	The same duty as a Bottomry Bond (No. 16) for such amount.
(b) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000;	Twenty rupees.
and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.	One rupee subject to maximum of one hundred rupees.";

(ii) for entries 15 to 20, the following entries shall be substituted, namely:--

"15. Bond as defined by section 2(5) not being a debenture and not being otherwise provided for by this Act, or by the Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955)-- where the amount or value secured does not exceed Rs. 10;	Twenty-five naye paise.
Where it exceeds Rs. 10 and does not exceed Rs. 50;	Fifty naye paise.
where it exceeds Rs. 50 and does not exceed Rs. 100;	One rupee.

where it exceeds Rs. 100 and does not exceed Rs. 200;	Two rupees fifty naye paise.
where it exceeds Rs. 200 and does not exceed Rs. 300;	Three rupees seventy-five naye paise.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Five rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500;	Six rupees twenty-five naye paise.
where it exceeds Rs. 500 and does not exceed Rs. 600;	Nine rupees.
where it exceeds Rs. 600 and does not exceed Rs. 700;	Ten rupees fifty naye paise.
where it exceeds Rs. 700 and does not exceed Rs. 800;	Twelve rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Thirteen rupees fifty naye paise.
where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees fifty naye paise.

### 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 mensem.

16. Bottomry bond, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage-- where the amount or value secured does not exceed Rs. 10;	Forty naye paise.
where it exceeds Rs. 10 and does not exceed Rs. 50;	Seventy-five naye paise.
where it exceeds Rs. 50 and does not exceed	One rupee fifty naye paise.

Rs. 100;	
where it exceeds Rs. 100 and does not exceed Rs. 200;	Three rupees.
where it exceeds Rs. 200 and does not exceed Rs. 300;	Four rupees fifty naye paise.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Six rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500;	Seven rupees fifty naye paise.
where it exceeds Rs. 500 and does not exceed Rs. 600;	Nine rupees.
where it exceeds Rs. 600 and does not exceed Rs. 700;	Ten rupees fifty naye paise.
where it exceeds Rs. 700 and does not exceed Rs. 800;	Twelve rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Thirteen rupees fifty naye paise.
where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees fifty naye paise.
17. Cancellation.-- Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Fifteen rupees.
18. Certificates 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--	
(a) where the Purchase-money does not exceed Rs. 10;	Forty naye paise.
(b) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25;	Seventy-five naye paise.
(c) in any other case .... ..	The same duty as a conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.
19. Certificate or other document evidencing the right or title of the holder thereof, or any other person; either to any shares, scrip or stock in or of any incorporated company or other body corporate or to become proprietor of shares, scrip or stock in or of any such company or body.	Twenty naye paise.
20. Charter Party, that is to say, any	Three rupees.

instrument (except an agreement for the hire of a tug-steamer), whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.	
20-A. Chitty agreement, that is an agreement relating to a chitty as defined in clause (2) of section 3 of the Travancore Chitties Act, 1120 (Travancore Act XXVI of 1120), if either such agreement is executed or such chitty is conducted, in the Kanyakumari district or the Shencottah taluk of the Tirunelveli district and if the aggregate amount or the value of such chitty exceeds one hundred rupees.	One rupee.";
(iii) for entries 22 to 26, the following entries shall be substituted, namely:-- "22. Composition-deed, that is to say, any instrument executed by a debtor, whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtors business, under the supervision of inspectors or under letters of licence, for the benefit of his creditors.	Twenty-two rupees fifty naye paise.
23. Conveyance [as defined by section 2(10)], not being a Transfer charged or exempted under No. 62--	
where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50;	One rupee fifty naye paise.
where it exceeds Rs. 50 but does not exceed Rs. 100;	Three rupees.
where it exceeds Rs. 100 but does not exceed Rs. 200;	Six rupees.
where it exceeds Rs. 200 but does not exceed Rs. 300;	Nine rupees.
where it exceeds Rs. 300 but does not exceed Rs. 400;	Twelve rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500;	Fifteen rupees.
where it exceeds Rs. 500 but does not exceed Rs. 600;	Eighteen rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700;	Twenty-one rupees.
where it exceeds Rs. 700 but does not exceed Rs. 800;	Twenty-four rupees.

where it exceeds Rs. 800 but does not exceed Rs. 900;	Twenty-seven rupees.
where it exceeds Rs. 900 but does not exceed Rs. 1,000;	Thirty rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Fifteen rupees.
Exemption.	
Assignment of copyright under the Copyright Act, 1957 (Central Act 14 of 1957), section 18.	
24. Copy or Extract, certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees-	
(i) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee;	One rupee fifty naye paise.
(ii) in any other case ... ..	Three 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, divorces, deaths or burials.	
25. Counterpart or duplicate of any instrument, chargeable with duty and in respect of which the proper duty has been paid--	
(a) if the duty with which the original instrument is chargeable does not exceed three rupees	The same duty as is payable on the original.
(b) in any other case ... ..	Three rupees.
Exemption.	
Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.	
26. Customs-Bond--	
(a) where the amount does not exceed Rs. 1,000.	The same duty as a Bottomry Bond (No. 16) for such amount.
(b) in any other case ... ..	Twenty rupees.";
(iv) for entries 28 to 36, the following entries shall be substituted, namely:--	
"28. Delivery Order in Respect of Goods that	Ten naye paise.

is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.	
29. DIVORCE--Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.	Three rupees.
30. ENTRY AS AN ADVOCATE OR ATTORNEY ON THE ROLL OF THE MADRAS HIGH COURT, under the Indian Bar Councils Act, 1926 (Central Act XXXVIII of 1926), or in exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1879 (Central Act XVIII of 1879)--	
(a) in the case of an Advocate ...	Six hundred and twenty-five rupees, or if previously enrolled as an Attorney in the same or any other High Court, three hundred and twelve rupees fifty naye paise.
(b) in the case of an Attorney ...	Three hundred and twelve rupees fifty naye paise.
Exemptions.	
(a) Entry as an Advocate on the roll of the Madras High Court when he has been previously enrolled as a Vakil in the same High Court or as an Advocate or Vakil in any other High Court.	
(b) Entry as an Attorney on the roll of the Madras High Court when he has been previously enrolled as an Advocate or Vakil in the same High Court or as an Advocate, Vakil or Attorney in any other High Court.	
31. Exchange of Property--Instrument of.	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greater value as set forth in such instrument.
32. Further Charge--Instrument of, that is to say, any instrument imposing a further charge on mortgaged property--	
(a) when the original mortgage is one of the description referred to in clause (a) of Article 40 (that is, with possession);	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further

	charge secured by such instrument.
(b) when such mortgage is one of the description referred to in clause (b) of Article 40 (that is, without possession)--	
(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instruments;	The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made), less the duty already paid on such original mortgage and further charge.
(ii) if possession is not so given	The same duty as a Bottomry Bond (No. 16) for the amount of the further charge secured by such instrument.
33. Gift--Instrument of, not being a Settlement (No. 58), or Will or Transfer (No. 62).	The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.
34. Indemnity Bond ... ..	The same duty as a Security Bond (No. 57) for the same amount.
35. Lease, including an under-lease or sub-lease and any agreement to let or sublet--(a) whereby such lease the rent is fixed and no premium is paid or delivered--	
(i) where the lease purports to be for a term of less than one year;	The same duty as a Bottomry Bond (No. 16) for the whole amount payable or deliverable under such lease.
(ii) where the lease purports to be for a term of not less than one year, but not more than five years;	The same duty as a Bottomry Bond (No. 16) for the amount or value of the average annual rent reserved.
(iii) where the lease purports to be for a term exceeding five years end not exceeding ten years;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.
(iv) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years;	The same duty as a Conveyance (No. 23) for a consideration equal to twice the amount or value of the average annual rent reserved.
(v) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years;	The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent reserved.
(vi) where the lease purports to be for a	The same duty as a Conveyance

term exceeding thirty years, but not exceeding one hundred years;	(No. 23) for a consideration equal to four times the amount or value of the average annual rent reserved.
(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity;	The same duty as a Conveyance (No. 23) for a consideration equal to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first-fifty years of the lease.
(viii) where the lease does not purport to be for any definite term;	The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(b) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.
(c) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered: Provided that, in any case when an agreement to lease is stamped with the ad valorem stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed the duty on such lease shall not exceed one rupee fifty naye paise.
Exemption.	
Lease executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.	
Explanation.--	



When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlords share of cesses, or the owners share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.	
36. Letter of Allotment of Share in any company or proposed company, or in respect of any loan to be raised by any company or proposed company.	Twenty naye paise.";
(v) for entries 38 to 46, the following entries shall be substituted, namely:-- "38. Letter of Licence, that is to say, any agreement between a debtor and his creditors that the latter shall for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.	Twenty-two rupees fifty naye paise.
39. Memorandum of Association of a company--	
(a) if accompanied by articles of association under the Companies Act, 1956 (Central Act I of 1956);	Sixty rupees.
(b) if not so accompanied ...	One hundred and sixty rupees.
Exemption	
Memorandum of any association not formed for profit and registered under the Companies Act, 1956 (Central Act 1 of 1956).	
40. Mortgage Deed, not being an Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No. 6); Bottomry Bond (No. 16), Mortgage of a Crop (No. 41), Respondentia Bond (No. 56) or Security Bond (No. 57)--	
(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed.
(b) when possession is not given or agreed to be given as aforesaid;	The same duty as a Bottomry Bond (No. 16) for the amount secured by such deed.
Explanation.-- A mortgagor who gives or has given to the mortgagee a power-of-attorney to collect rents, or gives or has given to the mortgagee a lease, of the property mortgaged, or part thereof, is deemed to give possession thereof within the meaning of this article;	
(c) when a collateral or auxiliary or additional	

or substituted security, or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped--	
for every sum secured not exceeding Rs. 1,000;	One rupee fifty naye paise.
and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.	One rupee fifty naye paise.
Exemptions.	
(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), or the Agriculturists Loans Act, 1884 (Central Act XII of 1884), or by their sureties as security for the repayment of such advances.	
(2) Letter of hypothecation accompanying a bill of exchange.	
41. Mortgage of A Crop, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage--	
(a) when the loan is repayable not more than three months from the date of the instrument--	
for every sum secured not exceeding Rs. 200;	Twenty-five naye paise.
and for every Rs. 200 or part thereof secured in excess of Rs. 200;	Twenty-five naye paise.
(b) when the loan is repayable more than three months, but not more than eighteen months from the date of the instrument--	
for every sum secured not exceeding Rs. 100;	Forty naye paise.
and for every Rs. 100 or part thereof secured in excess of Rs. 100.	Forty naye paise.
42. Notarial Act, that is to say, any instrument, endorsement, note, attestation, certificate, or entry not being a Protest (No. 50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.	Two rupees twenty-five naye paise.
43. Note or Memorandum sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal--	Forty naye Paise.

(a) of any goods exceeding in value twenty rupees;	
(b) of any stock or marketable security exceeding in value twenty rupees.	Subject to a maximum of thirty rupees twenty-five naye paise for every Rs. 10,000 or part thereof the value of the stock or security.
44. Note of Protest by the Master of a One rupee-Ship.	One rupee.
45. Partition--Instrument of [as defined by section 2(15)].--	The same duty as a Bottomry Bond (No. 16) for the amount of the value of the separated share or shares of the property.
	N.B.-- The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated:
	Provided always that--
	(a) when an instrument of partition containing an agreement to divide property in severalty is executed and 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 one rupee fifty naye paise
	(b) where land is held on Revenue Settlement and paying the full assessment, the value for the purpose of duty shall be calculated at twenty-five times the annual revenue;
	(c) where a final order for effecting a partition passed by any Revenue authority or any civil court, or an
	award by an arbitrator directing a partition is stamped with the stamp required for an instrument of partition and an instrument of partition in pursuance of such order or award is subsequently

	executed, the duty of such instrument shall not exceed one rupee fifty naye paise.
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#### 46. Partnership-- A.--

Instrument of-- (a) where the capital of the partnership does not exceed Rs. 500;	Ten rupees.
(b) in any other case ... ..	Forty rupees.
B.-- Dissolution of ... ..	Twenty rupees.";

(vi) for entry 48, the following entry shall be substituted, namely:--

"48. Power-of-Attorney as defined by section 2(21) not being a Proxy-- (a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;	Seventy-five naye paise.
(b) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a);	One rupee fifty naye paise.
(c) when authorising not more than five persons to act jointly and severally in more than one transaction or generally;	Eleven rupees twenty-five naye paise.
(d) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	Twenty-two rupees fifty naye paise.
(e) when given for consideration and authorising the attorney to sell any immovable property;	The same duty as a Conveyance (No. 23) for the amount of the consideration.
(f) in any other case ... ..	Two rupees twenty-five naye paise for each person authorized. N.B.-- The term Registration includes every operation incidental to registration under the Indian Registration Act, 1908 (Central Act

	XVI of 1908).
Explanation.-- For the purposes of this article, more persons than one when belonging to the same firm shall be deemed to be one person.";	
(vii) for entries 50 and 51, the following entries shall be substituted, namely:-- "50. Protest of Bill or Note, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.	Two rupees.
51. Protest by the master of a Ship, that is to say, any declaration of the particulars of her voyage drawn 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 characters or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.	Two rupees.";

(vii) for entries 50 and 51, the following entries shall be substituted, namely:--

"54. Reconveyance of Mortgaged Property-- (a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000;	The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the reconveyance.
(b) in any other case ... ....	Thirty rupees.
55. Release, that is to say, an instrument (not being such a release as is provided for by section 23-A) whereby a person renounces a claim upon another person or against any specified property--	
(a) if the amount or value of the claim does not exceed Rs. 1,000;	The same duty as a Bottomry Bond (No. 16) for such amount or value as set forth in the release.
(b) in any other case .. ...	Fifteen rupees.
56. Respondentia Bond, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination.	The same duty as a Bottomry Bond (No. 16) for the amount of the loan secured.
57. Security Bond or Mortgage Deed, executed by way of security for the due execution of an office, or to	

account for money or Other property received by virtue thereof, or executed by a surety to secure the due performance of a contract--	
(a) when the amount secured does not exceed Rs. 1,000;	The same duty as a Bottomry Bond (No. 16) for amount secured.
(b) in any other case ... ..	Fifteen 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 mensem;	
(b) executed by persons taking advances under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), or the Agriculturists Loans Act. 1884 (Central Act XII of 1884), or by their sureties, as security for the repayment of such advances;	
(c) executed by officers of Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.	
58. Settlement-- A. Instrument of (including a deed of dower).	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property settled as set forth in such settlement;
	Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed one rupee fifty naye paise.
Exemption..	
Deed of dower executed on the occasion of a marriage between Muhammadans. B. Revocation of ... ..	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding thirty rupees.
59. Share Warrants to bearer issued	One-and-a-half times the duty payable on

under the Companies Act, 1956 (Central Act I of 1956).	a conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.
Exemptions.	
Share warrant when issued by a company in pursuance of the Companies Act, 1956 (Central Act 1 of 1956), to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue of--	
(a) One-and-a-half per centum of the whole subscribed capital of the company; or	
(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital one-and-a-half per centum of the additional capital so issued.	
60. Shipping--Order for or relating to the conveyance of goods on board of any vessel.	Ten naye paise.
61. Surrender of Lease--	
(a) when the duty with which the lease is chargeable does not exceed fifteen rupees;	The duty with which such lease is chargeable.
(b) in any other case ... ..	Fifteen rupees.
Exemption,	

Surrender of lease, when such lease is exempted from duty.";

(ix) in entry 62, for clauses (b), (c), (d) and (e), the following clauses shall be substituted, namely:-- "(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8;	One-half of the duty payable on a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.
(c) of any interest secured by a bond, mortgage deed or policy of insurance--	
(i) if the duty on such bond, mortgage deed or policy does not exceed fifteen rupees;	The duty with which such bond, mortgage deed or Policy of insurance is chargeable.
(ii) in any other case ... ..	Fifteen rupees.
(d) of any property under the Administrator-Generals Act, 1913, (Central Act III of 1913),	Twenty-two rupees fifty naye paise.

section 25;	
(e) of any trust-property from one trustee to another trustee or from a trustee to a beneficiary.	Eleven rupees twenty-five naye paise or such smaller amount as may be chargeable under clauses (b) and (c) of this article.";
(x) for entries 63, 64 and 65, the following entries shall be substituted, namely:-- Description of instrument.	Proper stamp-duty.
"63. Transfer of Lease by way of assignment and not by way of under-lease.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer.
Exemption.	
The transfer of any lease exempt from duty.	
64. Trust-- A. Declaration of--of, or concerning, any property when made by any writing not being a Will;	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument but not exceeding forty-five rupees.
B. Revocation of--of, or concerning, any property when made by any instrument other than a Will.	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned as set forth in the instrument, but not exceeding thirty rupees.
65. Warrant for Goods, that is to say, any instrument evidencing the title of any person therein named, or his assigns; or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.	Seventy-five naye paise."

## **16. Omission of Schedule I-A :-**

Schedule I-A to the principal Act shall be omitted.

## **17. Construction of references to Schedule I-A :-**

All references in any enactment or in any notification, rule or order under any enactment or in any contract, deed or other instrument to any stamp duty payable under Schedule I-A to the principal Act



shall be construed as references to the stamp duty payable under Schedule I to the principal Act as amended by this Act.

**18. Repeal and savings :-**

The Madras Stamp (Amendment) Act, 1922 (Madras Act VI of 1922) and the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943), are hereby repealed as from the commencement of this Act:

Provided that section 8-A of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if section 4 of the Madras Stamp (Increase of Duties) Act, 1943 (Madras Act XVI of 1943) [directing that during the continuance of the said Madras Act XVI of 1943, the Indian Stamp Act, 1899 (Central Act II of 1899), shall have effect as if it had been amended in the manner specified in the said section 4] had expressly amended the text of the said Central Act II of 1899.

**19. Extension of Central Act II of 1899 to the transferred territory, construction of reference the repeal of corresponding law, etc :-**

(1) The principal Act, as in force immediately before the commencement of this Act in the State of Madras except in the transferred territory and in so far as it relates to matters with respect to which the State Legislature has power to make laws for the State and as amended by this Act (hereinafter in this section referred to as the Central Act) is hereby extended to, and shall be in force in, the transferred territory.

(2) If immediately before the commencement of this Act, there is in force in the transferred territory any law corresponding to the Central Act, such corresponding law shall stand repealed on such commencement.

(3) The repeal by sub-section (2) of any law corresponding to the Central Act in force in the transferred territory immediately before the commencement of this Act shall not affect--

(a) the previous operation of any such law or anything done or duly

suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued, or incurred under any such law, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(d) any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed, certificate granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of the Central Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the Central Act.

(5) For the purpose of facilitating the application of the Central Act in the transferred territory, any court or other authority may construe the Central Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(6) Any reference in the Central Act to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the corresponding law, if any, in force in that territory.

(7) Any reference in any law which continues to be in force in the

transferred territory after the commencement of this Act to any law repealed by sub-section (2) shall in relation to that territory, be construed as a reference to the Central Act.

Explanation.--For the purpose of this section, the expression transferred territory shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.