

# The U.P. Stamp Act, 2008

UTTAR PRADESH

India

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### Act 17 of 2010

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The U.P. Stamp Act, 2008(U.P. Act No. 17 of 2010)Last Updated 10th October, 2019Statement of Objects and Reasons. - The Indian Stamp Act, 1899 which is presently in vogue does not cope with the modern developments and advancement in information technology. As such, documents which are not covered under this said Act, go without paying proper stamp duty. With a view to keeping in pace with new technology and development, it has been decided to make a new enactment by the name of The Uttar Pradesh Stamp Act, 2008 to consolidate and amend the law relating to stamp duties in the State of Uttar Pradesh.The Uttar Pradesh Stamp Bill, 2008 is introduced accordingly.Statement of Objects and Reasons - (Act No. 10 of 2019). - The Uttar Pradesh Stamp Act, 2008 (Uttar Pradesh Act 17 of 2010) has been enacted but could not be commenced for want of a notification by the administrative department under sub-section (3) of Section 1 of the said Act to appoint a date on which the said Act shall come into force. The administrative department could not issue the notification as aforesaid due to too many errors in Hindi and English version of the said Act.It has, therefore, been decided to repeal the said Act by introducing a Bill in the State Legislature.The Uttar Pradesh Stamp (Repeal) Bill, 2019 is introduced accordingly.(As passed by the Uttar Pradesh Legislature)Received the assent of the President on 27.03.2010 and published in the U.P. Gazette, Extraordinary, Part I, Section (Ka), dated 07.04.2010.An Act to consolidate and amend the law relating to stamp duties in the State of Uttar PradeshIt is hereby enacted in the Fifty-ninth Year of the Republic of India as follows-

## Chapter I

### Preliminary

#### 1. Short title, extent and commencement. -

(1)This Act may be called the Uttar Pradesh Stamp Act, 2008.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force on such date as the State Government may, by notification, appoint in this behalf and different dates may be fixed for different provisions.

## 2. Definitions. -

In this Act, unless there is anything repugnant in the subject or context, - (i) "association" - means any association, exchange, organization or body of individuals, whether incorporated or not, established for the purpose of regulating and controlling or conducting business of the sale or purchase of, or making any other transaction relating to, any goods or marketable securities; (ii) "banker" - means an association, a company or a person who accepts for the purpose of lending or investment deposits of money from the public, repayable on demand or otherwise and withdrawable by cheque, draft, pay-order or otherwise; (iii) "bond" - includes - (a) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be; (b) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and (c) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another. Explanation. - Notwithstanding anything to the contrary contained in any other law for the time being in force, for the purposes of this clause, "attested" in relation to an instrument means attested by one or more witnesses each of whom has seen the executant sign or affix his mark to the instrument, or has seen some other person sign the instrument, in the presence and by the direction of the executant or has received from the executant a personal acknowledgement of his signature or mark or of the signature of such other person, and each of whom has signed the instrument in the presence of the executant; but it shall not be necessary that more than one of the such witnesses shall have been present at the same time, and no particular form of attestation shall be necessary; (iv) "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. (v) "Chief Controlling Revenue Authority" - means a member of the Board of Revenue, a Divisional Commissioner or an Additional Divisional Commissioner or an officer of the Stamp Department not below the rank of Deputy Commissioner of Stamps and any such officer as the State Government may, by notification in the Gazette, appoint in this behalf for the whole or any part of the State; (vi) "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 bye-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 persons dealing in such transactions 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 including crossed out transactions and 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 clause (b) of Article 5 (Agreement or its records or memorandum of an agreement) or Article 44 (Note of Memorandum) of the Schedule of this Act, as the case may be, is omitted." Explanation. - Transaction for the purpose of this clause shall include both sale and purchase. (vii) "Collector" - means the Chief Officer in-charge of Revenue Administration of a District and includes any officer whom the State Government may, by notification in the Gazette appoint in this behalf; and on whom any or all the powers of the Collector exercisable under this Act are conferred either by such notification or by any other like

notification.(viii)"Conveyance" - includes -(a)conveyance on sale, or(b)every instrument, or(c)every decree or final order of any Civil or Revenue Court,(d)every order made by the High Court under Section 394 of the Companies Act, 1956 (Act No. 1 of 1956) in respect of the amalgamation or reconstruction of Companies, or(e)every order made by the Reserve Bank of India under Section 44-A of the Banking Regulation Act, 1949 (Act No. 10 of 1949) in respect of the amalgamation or reconstruction of banking companies,(f)transfer of share by co-operative housing societies in immovable property of an existing member of such society in favour of an incoming person by means of issuance of new share certificate or by endorsement on the share certificate of the existing member in favour of the incoming person.by which property, whether movable or immovable, is transferred to, or vested in, any other person, inter vivos, and which is not otherwise specifically provided for by the Schedule.Explanation. - Notwithstanding anything to the contrary contained in any other provisions of this Act or any other law for the time being in force, the following instruments shall, for the purpose of this clause, be deemed to be an instrument by which property is transferred inter vivos -(i)An instrument whereby a co-owner, of a property having defined share therein, transfers such share or part thereof to another co-owner of the property; or(ii)An instrument whereby a partner transfers his share in the property of the partnership business to another partner or to other partners whether separately or together with the transfer of other business or assets on retirement or dissolution, or whereby he contributes to the capital of partnership firm by transferring his right and title to, or interest in any property; or(iii)An instrument whereby the property of an incorporated company or body corporate is transferred by transfer of its equity shares to another incorporated company or body corporate, or a person or a group of persons.(ix)"Duly stamped" - as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with the law for the time being in force in the State.(x)"Executed" and "execution" - used with reference to instruments, mean "signed" and "signature".Explanation. - The terms "signed" and "signature" also include attribution of electronic record as provided under Section 11 of the Information Technology Act, 2000 (Act No. 21 of 2000).(xi)"Government Security" - means a Government Security as defined in the Public Debt Act, 1944 (Act No. 18 of 1944);(xii)"Immovable Property" includes land, buildings, hereditary allowances, right of way, lights, ferries, fisheries, or any other benefit arising out of land and things attached to the earth or permanently fastened to anything attached to the earth but does not include standing timber, growing crops oi grass, fruit upon or juice in trees, or beneficial interest of a beneficiary in a trust property.(xiii)"Impressed stamp" - includes(a)labels affixed and impressed by the proper officer, or(b)stamps embossed and engraved on stamped paper.(c)impression by franking machine, e-stamping or any other such machine as the State Government may be notification in the Gazette specify; or(d)any mark, seal or endorsement by any agency or person duly authorized by the State Government by notification in the Gazette.(xiv)"Instrument" - includes every document and record created or maintained in or by an electronic storage and retrieval device, media or electronic record, as defined in clause (f) of sub-section (1) of Section 2 of the Information Technology Act, 2000 (Act No. 21 of 2000), by which any right or liability is, or purports to be, created, transferred, limited, extended, vested, 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.(xv)"Instrument of Gift" - includes an instrument whether by way of declaration or otherwise, for making or accepting an oral gift.(xvi)"Instrument of partition" - means any

instrument whereby co-owners of any property divide or agree to divide such property in severalty, and also includes, -(a)a final order for effecting a partition passed by any Revenue Authority, or any Civil Court;(b)an award by an arbitrator directing a partition; and(c)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.(xvii)"Lease" - means a lease of movable or immovable property, and includes -(a)a patta;(b)a kabuliyat or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy or pay or deliver rent for immovable property;(c)any instrument by which tolls of any description are let;(d)any writing on an application for a lease intended to signify that the application is granted;(e)any instrument by which mining lease is granted in respect of minor minerals as defined in clause (e) of Section 3 of the Mines and Minerals (Regulation and Development) Act, 1957 (Act No. 67 of 1957),(f)a decree or final order of any Civil or Revenue Court in respect of a lease.(xviii)"Marketable security" - means a security of such a description as to be capable of being sold in any stock market in India.(xix)"Market value" - Market value of property means the value as determined on the basis of the rates fixed by the Collector or the consideration as set forth in the instrument, whichever is higher.For "Market value of shares" see Explanation (2) to Article 24(e).(xx)"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;(xxi)"Paper" - includes vellum, parchment or any other material on which an instrument may be written.(xxii)"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 specific person to act for and in the name of the person executing it.(xxiii)"Public Officer" - means a Public Officer as defined in clause (17) of Section 2 of the Code of Civil Procedure, 1908 (Act No. 5 of 1908) and includes every officer working in connection with the affairs of any of the following organizations, namely -(a)any statutory body or authority constituted under any Uttar Pradesh Act;(b)a "Financing Bank" or "Central Bank" as defined in clause (k) of Section 2 of the Uttar Pradesh Co-operative Societies Act, 1965 (Act No. 11 of 1966);(xxiv)"Settlement" - means any non-testamentary disposition in writing, of movable or immovable property made -(a)in consideration of marriage;(b)for the purpose of distributing property of the settler among his family, or those for whom he desires to provide, or for the purpose of providing for some person dependent on him; or(c)for any religious or charitable purpose;and includes an agreement in writing to make such a disposition, 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.(xxv)"Schedule" - means the Schedule appended to this Act.(xxvi)"Soldier" - includes any person below the rank of non-commissioned officer, who is enrolled under the Army Act, 1950 (Act No. 46 of 1950).(xxvii)"Stamp" - means any mark, seal or endorsement by any agency or person duly authorised by the State Government and includes an adhesive or impressed stamp, for the purpose of duty chargeable under this Act."(xxviii)The expressions "Common Roll" and "State Roll" shall have the meanings assigned to them in the Advocates Act, 1961 (Act No. 25 of 1961).(xxix)The words and expressions not defined in this Act but defined in the Indian Stamp Act, 1899 (Act No. 2 of 1899) shall have the meaning assigned to them in the said Act of 1899.

## Chapter II

### Stamp-Duties

A - Of the liability of Instruments to Duty

#### 3. Instruments chargeable with duty. -

Subject to the provisions of this Act and the exemptions contained in the Schedule, the following instruments shall be chargeable with duty of the amount indicated in the Schedule as the proper duty therefor, respectively, that is to say -(a)every instrument mentioned in the Schedule which, not having been previously executed by any persons, is executed in the State on or after the date of the commencement of this Act,(b)every instrument (other than a bill of exchange or promissory note) mentioned in the Schedule, which, not having been previously executed by any person, is executed out of the State under Section 23:Provided that except as otherwise expressly provided in this Act, and notwithstanding anything contained in clauses (a) and (b) of this section or in the Schedule, the following instruments shall, subject to the exemptions contained in the Schedule, be chargeable with duty of the amount indicated in the Schedule as the proper duty therefor, respectively, that is to say -(a)every instrument mentioned in the Schedule, which, not having been previously executed by any person was executed in Uttar Pradesh:(i)in the case of instruments mentioned in the Schedule, on or after the date on which the Uttar Pradesh Stamp (Amendment) Act, 1948, came into force; and(ii)in the case of instruments mentioned in the Schedule, on or after the date on which the Uttar Pradesh Stamp (Amendment) Act, 1952, comes into force;(b)every instrument mentioned in the Schedule, which, not having been previously executed by any person, was executed out of Uttar Pradesh, -(i)in the case of instruments mentioned in the Schedule, on or after the date on which the Uttar Pradesh Stamp (Amendment) Act, 1948, came into force; and(ii)in the case of instruments mentioned in the Schedule, on or after the date on which the Uttar Pradesh, Stamp (Amendment) Act, 1952, comes into force, and relates to any property situated, or to any matter or thing done or to be done in Uttar Pradesh and is received in Uttar Pradesh:Provided also 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 Merchant Shipping Act, 1958 (Act No.44 of 1958) or under Bombay Coasting Vessels Act, 1838 (Act 19 of 1838), or the Indian Registration of Ships Act, 1841 (Act No. 10 of 1841), as amended by subsequent Acts.(3)any instrument executed by or on behalf of or in favour of, the developer, or unit or in connection with the carrying out of purposes of a Special Economic Zone.Explanation 1. - For the purposes of this clause the expressions "developer", "special economic zone" and "unit" shall have meaning respectively assigned to them in clause (g), (za) and (zc) of Section 2 of the Special Economic Zones Act, 2005 (Act No. 28 of 2005).Explanation 2. - Where the amount of duty prescribed in the Schedule contains any fraction of a ten rupee, the proper duty shall be an amount rounded off to the next higher multiple of ten rupee, as hereinafter appearing in the said Schedule.

#### **4. Several instruments used in any single transaction. -**

(1)Where several instruments ,are employed for completing any single transaction, the principal instrument only shall be chargeable with the duty prescribed in the Schedule for the same and each of the other instruments shall be chargeable with a duty of one hundred rupees instead of the duty (if any) prescribed for it in that Schedule;(2)The parties may determine for themselves, which of the instruments so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument:Provided that the duty chargeable on the instrument so determined, shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

#### **5. Instrument relating to several distinct matters. -**

Any instrument comprising or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which separate instruments, each comprising or relating to one of such matters, would be chargeable under this Act.

#### **6. Instruments coming within several descriptions in the Schedule. -**

Subject to the provisions of Section 5, an instrument so framed as to come within two or more of the descriptions in the Schedule 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 fifty rupees, a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid unless it falls within the provisions of Section 7.

#### **7. Payment of the Uttar Pradesh stamp duty on copies, counterparts or duplicates, when that duty has not been paid on the principal or original instrument. -**

(1)Notwithstanding anything contained in Section 4 or 6, or any other law, unless it is proved that the duty chargeable under this Act has 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 any of the several instruments employed for completing a transaction, other than the principal instrument, or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in Uttar Pradesh, 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 24.(2)Where any instrument is registered in any part of India other than Uttar Pradesh and the instrument relates wholly or partly to any property situated in Uttar Pradesh, the copy of such instrument shall, when received in Uttar Pradesh, be liable to be charged with the difference of stamp duty as on the original under Section 24 to the extent of and in proportion to the consideration or value of the property situated in Uttar Pradesh, and the party liable to pay the stamp duty on the original instrument shall, upon receipt of notice from the registering officer pay the difference in duty within the time allowed.(3)Notwithstanding anything contained in any other

law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section has been paid thereon: Provided that a Court before which any such instrument, counterpart, duplicate or copy is produced, may, in its discretion, permit the duty chargeable under this section to be paid thereon, and may then receive it in evidence.

## **8. Bonds, debentures or other securities issued on loans. -**

(1) Notwithstanding anything contained in this Act, any local authority raising a loan under the provisions of the Local Authorities Loan Act, 1914 (Act No. 9 of 1914), or of any other law for the time being in force, by the issue of bonds, or securities other than debentures, shall, in respect of such loan, be chargeable with a duty of two per centum on the total amount of the 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 provisions of sub-section (1), exempting certain bonds or securities 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 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 the neglect continues.

## **9. Securities dealt in depository not liable to stamp duty. -**

Notwithstanding anything contained in any other provision of this Act or any other law for the time being in force, - (a) an issuer, by the issue of securities to one or more depositories shall, in respect of such issue, be chargeable with duty on the total amount of security, issued by it and such securities need not be stamped; (b) where an issuer issues certificate of security under sub-section (3) of Section 14 of the Depositories Act, 1996 (Act No. 22 of 1996) on such certificate duty shall be payable as is payable on the issue of duplicate certificate under this Act; (c) transfer of - (i) registered ownership of securities from a person to a depository or from a depository to a beneficial owner, (ii) beneficial ownership of securities, dealt by a depository; (iii) beneficial ownership of units, such units being units of a mutual fund including units of the Unit Trust of India established under sub-section (1) of Section 3 of the Unit Trust of India Act, 1963 (Act No. 52 of 1963) dealt with a depository, shall not be liable to duty under this Act or any other law for the time being in force. Explanation 1. - For the purposes of this section, the expression "beneficial ownership", "depository" and "issuer" shall have the same meanings respectively assigned to them in clauses (a), (e) and (f) of subsection (1) of Section 2 of the Depositories Act, 1996 (Act No. 22 of 1996). Explanation 2. - For the purposes of this section, the expression, "securities" shall have the meaning assigned to it in clause (h) of sub-section (2) of Section 2 of the Securities Contracts (Regulation) Act, 1956 (Act No. 42 of 1956).

## **10. Corporatisation and demutualization Schemes and related instruments not liable to duty. -**

Notwithstanding anything contained in any other provision of this Act or any other law for the time being in force, -(a)a scheme for corporatisation or demutualization, or both of a recognized stock exchange; or(b)any instrument, including an instrument of or relating to, transfer of any property, business, asset, whether movable or immovable, contract, right, liability and obligation, for the purpose of, or in connection with, the corporatisation or demutualization or both of a recognized stock exchange pursuant to a scheme,as approved by the Securities and Exchange Board of India under sub-section (2) of Section 4-B of the Securities Contracts (Regulation) Act, 1956 (Act No. 42 of 1956) shall not be liable to duty under [this Act] [Corrigenda vide Notification No. 593/79-VI-1-10(ka)-26-2008, dated 4.6.2010, published in the U.P. Gazette, Extraordinary, Part 1, Section (ka), dated 4.6.2010.] or any other law for the time being in force.Explanation. - For the purposes of this section -(a)The expressions "Corporatisation" "demutualization" and "scheme" shall have the meanings respectively assigned to them in clauses (aa), (ab) and (ga) of Section 2 of the Securities Contracts (Regulation) Act, 1956 (Act No. 42 of 1956).(b)"Securities and Exchange Board of India" means the Securities and Exchange Board of India established under Section 3 of the Securities and Exchange Board of India Act, 1992 (Act No. 15 of 1992).

## **11. Negotiable warehouse receipts not liable to stamp duty. -**

Notwithstanding anything contained in this Act, negotiable warehouse receipts shall not be liable to stamp duty.

## **12. Power to reduce, remit or compound duties. -**

Where the State Government is satisfied that it is necessary so to do in public interest, it may, by rule or order published in the 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 instruments belonging to such class, or any instruments when executed by or in favour of any particular class, persons, or by, or in favour of any members of such class, are chargeable; and(b)provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate or of transfers (where there is a single transferee, whether incorporated or not) of bonds or other marketable securities other than debentures:Provided that the State Government shall have the power to impose conditions while remitting or reducing stamp duty:Provided further that in the case of breach of the conditions imposed in the rule or order to reduce or remit stamp duty, the Collector shall have the power to recover the stamp duty so remitted or reduced along with an interest of one per cent for every month or part thereof from the date of execution of the instrument on which stamp duty has been so remitted or reduced after giving a proper opportunity of hearing to the party concerned.B - Of stamps and the mode of using them



### **13. Duties how to be paid. -**

(1) Except as otherwise expressly provided in [this Act] [Corrigenda vide Notification No. 593/79-VI-1-10(ka)-26-2008, dated 4.6.2010, published in the U.P. Gazette, Extraordinary, Part 1, Section (ka), dated 4.6.2010.], 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) where in any case no such provision is applicable thereto in accordance with the rules made by the State Government. (2) The rules made under sub-section (1) may, among other matters, provide for regulating -(a) the description of stamps which may be used in the case of each kind of instrument, (b) the numbers of stamps which may be used in the case of instruments stamped with impressed stamps. (3) Subject to the rules made under sub-section (1), the State Government in this behalf, may authorize any person, body or organization including Post Offices or Banks or any other financial institution to use machines for franking impression of stamps, e-stamping, mark, seal or endorsement, indicating the payment of stamp duty on the instruments.

### **14. Payment of stamp duty by cash, by demand draft or by pay order in certain cases. -**

(1) Notwithstanding anything contained in Section 13, the stamp duty payable on an instrument may also be paid in cash or by demand draft or by pay order, by challan in the banking treasury or the treasury, countersigned by an officer empowered by the State Government by notification in this behalf. The officer so empowered on production of such challan and after due verification that the duty has been paid, certify in such manner as may be prescribed by endorsement on the instrument of the amount of duty so paid. (2) An endorsement made on any instrument under sub-section (1) shall have the same effect as if the duty of an amount equal to the amount stated in the endorsement has been paid in respect thereof and such payment has been indicated on such instrument by means of stamps in accordance with the requirements of Section 13. Explanation. - For the purposes of this sub-section, the expressions, "demand draft" or by "pay order" means the demand draft or pay order issued by the State Bank of India constituted under the State Bank of India Act, 1955 (Act No. 23 of 1955) or a corresponding new bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act No. 5 of 1970) or under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Act No. 40 of 1980), or any other bank being a scheduled bank as defined in clause (e) of Section 2 of the Reserve Bank of India Act, 1934 (Act No. 2 of 1934).

### **15. Stock Exchange and Association to deduct stamp duty from Trading member's account. -**

Notwithstanding anything contained in this Act, in the case of transactions through Stock Exchange or an Association as defined in clause (a) of Section 2 of the Forward Contracts (Regulation) Act, 1952 (Act No. 74 of 1952), the Stock Exchange or as the case may be, the Association, shall collect the due stamp duty by deducting the same from the Trading Members' account at the time of

settlement of such transactions. The stamp duty so collected shall be transferred to the proper Head of Account in any Government Treasury /Sub-Treasury or Government Business Branch of the State Bank of India or any other bank authorized by the State Government for this purpose, and in the manner specified by Commissioner of Stamps.Explanation. - For the purposes of this section "stock exchange" means the stock exchange as defined in clause (j) of sub-section (2) of the Securities Contract (Regulation) Act, 1956 (Act No. 42 of 1956).

## **16. Use of adhesive stamps. -**

The following instruments may be stamped with adhesive stamps, namely -(a)certificate of enrolment under Section 22 of the Advocates Act, 1961 (Act No. 25 of 1961), issued by the State Bar Council of Uttar Pradesh;(b)notarial acts; and(c)transfers, by endorsement of shares in any incorporated company or other body corporate.

## **17. Cancellation of adhesive stamps. -**

(1)Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the stamp so that it cannot be used again.(2)Whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamp has been already cancelled in manner aforesaid, cancel the same so that it cannot be used again.(3)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.(4)The person required by sub-section (1) or sub-section (2) 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.

## **18. 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.

## **19. 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.

## **20. Instrument written contrary to Section 18 or Section 19 deemed unstamped. -**

Every instrument written in contravention of Section 18 or Section 19 shall be deemed to be unstamped.

## **21. 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, whether registered or not under the Registration Act, 1908 (Act No. 16 of 1908), the payment of such last mentioned duty shall, if application is made in writing to the Collector for that purpose, and on production of both the instruments, be denoted upon such first mentioned instrument, by endorsement under the hand of the Collector, or in such manner (if any) as the State Government may by the rules prescribe.C - Of the time of stamping instruments

## **22. Instruments executed in the State. -**

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

## **23. Instruments, other than bills and notes executed out of Uttar Pradesh. -**

(1)Every instrument chargeable with duty, executed only out of Uttar Pradesh and not being a bill of exchange or promissory note, may be stamped within three months after it has been first received in Uttar Pradesh.(2)Where any such instrument cannot, with reference to the description of stamp prescribed therefor, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as the State Government may, by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

## **24. Payment of duty on instruments liable to be increased duty in Uttar Pradesh under clause (b) and clause (d) of Section 3. -**

Where any instrument has become chargeable in any of the States, other than the Uttar Pradesh, with duty under [this Act] [Corrigenda vide Notification No. 593/79-VI-1-10(ka)-26-2008, dated 4.6.2010, published in the U.P. Gazette, Extraordinary, Part 1, Section (ka), dated 4.6.2010.], or any other law for the time being in force, in any of such States, and thereafter becomes chargeable with a higher rate of duty in Uttar Pradesh under clause (b) of the first proviso to Section 3, then  
-(i)notwithstanding anything contained in the first proviso to Section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under the Schedule, less the amount of duty, if any, already paid on it in such States; and(ii)in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for payment of

the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same persons as though such instrument were an instrument received in the States for the first time, at the time, when it became chargeable with the higher duty.

**D - Of Valuation for Duty**

## **25. Conversion of amount expressed in foreign currencies. -**

(1) Where an instrument is chargeable with ad valorem duty in respect of any money expressed in any currency other than 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 conversion of British or any foreign currency into the currency of India prescribed under sub-section (2) of Section 20 of the Indian Stamp Act, 1899 (Act No. 2 of 1899) shall be deemed to be the current rate for the purpose of sub-section (1).

## **26. 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.

## **27. 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.

## **28. 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.

## **29. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements. -**

(1) Where an instrument (not being a promissory note or bill of exchange) - (a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced, or to be advanced by way of loan, or for an existing or further 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 its records or memorandum of an agreement chargeable with duty under clause (h) of Article 5 of the Schedule. (2) A release or discharge of any such instrument shall only be chargeable with like duty.

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

Where any property is transferred to any person in consideration wholly, or in part, of any debt due to him, or subject either certainly or conditionally to the payment or transfer of any money or stock, whether being or constituting a charge or encumbrance upon the property or not, such debt, money or stock shall be deemed to be the whole or part, as the case may be, of the consideration in respect whereof the transfer is chargeable with ad valorem duty: Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in Article 18 of the Schedule. Explanation. - In the case of a sale of property subject to mortgage or other encumbrance, any unpaid mortgage money or money together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale: Provided that where 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. Illustrations (1) A owes B Rs. 1000. A sells property to B, the consideration being Rs 500 and the release of the previous debt of Rs. 1000. Stamp duty is payable on Rs. 1500. (2) A sells a property to B for Rs. 500, which is subject to a mortgage to C for Rs 1000 and unpaid interest Rs 200. Stamp duty is payable on Rs 1700. (3) A mortgaged a house of the value of Rs. 10,000 to B for Rs. 5000. B afterwards buys the house from A. Stamp duty is payable on Rs. 10,000 less the amount of stamp duty already paid for the mortgage.

### **31. 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, be deemed to be - (a) where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained such total amount; (b) where the sum is payable in perpetuity, or for an indefinite time, not terminable with any life in being at the date of such instrument, or conveyance the total amount which according to the terms of such instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and (c) where the sum is payable for an indefinite time terminating 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.

### **32. 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 will 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 rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purposes 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;(b)when the lease has been granted by any other person, at twenty thousand rupees a year;and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease :Provided also that, where proceedings have been taken in respect of an instrument under Section 37 or 46, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

### **33. Facts affecting duty to be set forth in instrument. -**

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

### **34. Direction as to duty in case of certain conveyances. -**

(1)When any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto and such conveyance shall be chargeable with ad valorem duty in respect of such distinct consideration or the market value of such separate part of the property, whichever is higher.(2)Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with ad valorem duty in respect of the distinct part of the consideration therein specified or the market value of the property, whichever is higher.(3)Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with ad valorem duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser or the market value of the property, whichever is higher.(4)Where a person, having contracted for the purchase of any property, but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person or persons, and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with ad valorem duty in respect only of the excess of the original consideration over the aggregate of the considerations paid by the sub-purchaser or the market

value of the property, whichever is higher: Provided that the duty on such last-mentioned conveyance shall in no case be less than one hundred rupees. (5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty in respect of the consideration paid by him or the market value of the property, whichever is higher and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the consideration obtained by such original seller, or where such duty would exceed one hundred rupees, with a duty of one hundred rupees. E - Duty by whom payable

### **35. Duty 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 the Schedule, namely - No. 2 (Administration Bond); No. 6 (Agreement relating to Deposit of Title-deeds, Pawn, Hypothecation or Pledge); No. 14 (Bond); No. 15 (Bottomry Bond); No. 27 (Customs Bond); No. 31 (Further Charge); No. 33 (Indemnity-bond); No. 41 (Mortgage-deed); No. 44 (Note or memorandum); No. 53 (Release); No. 54 (Respondentia Bond); No. 55 (Security Bond not being a Mortgage-deed); No. 56 (Settlement); No. 60(a) (Transfer of shares in an incorporated company or other corporate); No. 60(b) (Transfer of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided by Section 8); No. 60(c) (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance), by the person drawing, making or executing 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 transfer of one company to another under the order of the High Court under Section 394 of the Companies Act, 1956 (Act No. 1 of 1956), the stamp duty shall be borne by the company which is acquiring or re-constructing the assets and liabilities under sub-clause (d) of clause (viii) of Section 2; (d) in the case of acquisition of one bank by another bank under the provisions of Section 44-A of the Banking Companies Act, 1949 (Act No. 46 of 1949), the stamp duty shall be borne by the bank which is acquiring or re-constructing the other bank under sub-clause (e) of clause (viii) of Section 2; (e) in the case of transfer of property by any incorporated company or body corporate by the transfer of equity shares of another company or body corporate, the stamp duty shall be borne by the transferee company which is acquiring under explanation (iii) of clause (viii) of Section 2; (f) in the case of a counterpart of a lease - by the lessor; (g) in the case of an instrument of exchange - by the parties in equal shares; (h) in the case of a certificate of sale - by the purchaser of the property to which such certificate relates; (i) in the case of an instrument of Gift - by the donee; and (j) 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 in Civil Court, or an Arbitrator, in such proportion as such Authority, Court or an Arbitrator directs.

## **Chapter III**

### **Adjudication As To Stamps**

#### **36. Adjudication as to proper stamp. -**

(1) When any instrument, whether executed or not, and whether previously stamped or not, is brought to the Collector, and 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 for. Rupees One hundred (subject to such other amount as may be fixed by the State Government by notification in the Gazette), 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 enquiry 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.

#### **37. Certificate by Collector. -**

(1) When an instrument brought to the Collector under Section 36 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 36 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 authorize the Collector to endorse - (a) any instrument, other than an instrument chargeable with a duty under clause (b) of the first proviso to Section 3, executed or first executed in Uttar Pradesh 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 chargeable with duty under clause (b) of the first proviso to Section 3, and brought to him, after the expiration of three months from the date on which it is first received in Uttar Pradesh.



## **Chapter IV**

### **Instrument Not Duly Stamped**

#### **38. Examination and impounding of instruments. -**

(1) 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 duties, 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 in force in India, when such instrument was executed, or first executed: Provided that - (a) nothing herein contained shall be deemed to require any Magistrate, or Judge of a Criminal Court to examine or impound if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Sections 125 to 128 and Sections 145 to 148 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974). (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 appoints in this behalf. (3) For the purposes of this section, the State Government may, in cases of doubt, determine what officers shall be deemed to be public offices and who shall be deemed to be persons in charge of public officers. (4) Where deficiency in stamp duty is noticed from the copy of an instrument, the Collector may suo motu or on a reference from any Court, or from the Commissioner of Stamps, or an Additional Commissioner of Stamps, or a Deputy Commissioner of Stamps, or an Assistant Commissioner of Stamps call for the original instrument for the purpose of satisfying himself as to the adequacy of the duty paid thereon, and the instrument so produced before the Collector shall be deemed to have been produced, or come before him in the performance of his functions. (5) In case the instrument is not produced within the period specified by the Collector, he may require payment of deficit stamp duty, if any, together with penalty under Section 45 on the copy of the instrument: Provided that no action under sub-section (4) or sub-section (5) shall be taken after a period of four years from the date of execution of the instrument: Provided further that with the prior permission of the State Government an action under sub-section (4) or sub-section (5) may be taken after a period of four years but before a period of eight years from the date of execution of the instrument.

#### **39. Instruments not duly stamped inadmissible in evidence, etc. -**

No instrument chargeable with duty shall be admitted in evidence for any purpose by any person, having by law, or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer, unless such instrument is duly stamped: Provided that - (a) any such instrument shall 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 an amount not less than one time but not exceeding four times of the amount of proper duty or of the deficient portions thereof; (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 Sections 125 to 128 and Sections 145 to 148 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974);(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 37 or any other provision of this Act.

#### **40. Admission of instrument where not be questioned. -**

Where an instrument has been admitted in evidence, such admission shall not, except as provided in Section 63, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

#### **41. 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, shall then be deemed to have been duly stamped as from the date of its execution.

#### **42. Instruments impounded, how dealt with. -**

(1)When the person impounding an instrument under Section 38 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 39, or of duty as provided by Section 41, he shall send to the Collector an authenticated copy of such instrument together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Collector, or to such other person as he may appoint in this behalf.(2)In every other case, the person so impounding an instrument shall send it in original to the Collector.

#### **43. Collector's power to stamp instruments impounded. -**

(1)When the Collector impounds any instrument under Section 38, or receives any instrument sent to him under sub-section (2) of Section 42, not being a receipt, or a bill of exchange or a promissory note, he shall adopt the following procedure: -(a)if he is of opinion that such instrument is duly stamped, or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be;(b)if he is of the opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the amount required to make up the deficiency together with a penalty of an amount not exceeding four times the amount of deficient portion of the proper duty:Provided that, when such instrument has been impounded only because it has been written in contravention of Section 18 or Section 19, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section:Provided further

that no penalty shall be levied unless the party concerned has been given a reasonable opportunity of being heard.(2)The Collector shall also require, along with the amount of deficit stamp duty or penalty required to be paid under clause (b) of sub-section (1), the payment of a simple interest at the rate of one per cent per mensem on the amount of deficit stamp duty calculated from the date of execution of the instrument till the date of actual payment:Provided that the amount of interest under this sub-section shall be recalculated if the amount of deficit stamp duty is varied on appeal or revision or by any order of a competent Court or Authority.(3)The amount of interest payable under sub-section (2) shall be added to the amount due and be also deemed for all purposes to be part of the amount required to be paid.(4)Where realization of the deficit stamp duty remained stayed by any order of any Court or Authority and such order of stay is subsequently vacated, the interest referred to in sub-section (2) shall be payable also for any period during which such order of stay remained in operation.(5)Any amount paid or deposited by, or recovered from or refundable to any person under the provisions of this Act, shall first be adjusted towards the deficit stamp duty or penalty outstanding against him and the excess, if any, shall then be adjusted towards the interest, if any, due from him.(6)Every certificate under clause (a) of sub-section (1) shall, for the purposes of this Act, be conclusive evidence of the matter stated therein.(7)Where an instrument has been sent to the Collector, under sub-section (2) of Section 42, the Collector shall, when he has dealt with it as provided by the section, return it to the impounding officer.

#### **44. Instruments unduly stamped by accident. -**

If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty and not duly stamped, not being an instrument chargeable with a duty not exceeding twenty paise only, 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 38 and 43, receive such amount and proceed as next hereinafter prescribed.

#### **45. Endorsement of instruments on which duty has been paid under Sections 39, 43, 44 or 49. -**

(1)When the duty and penalty (if any), leviable in respect of any instrument have been paid under Section 39, Section 43 or Section 44 or Section 49, 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, the proper duty and penalty (stating the amount of each) have been levied in respect thereof, and the name and residence of the person paying them.(2)Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in this behalf to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct:Provided that -(a)no instrument which has been admitted in evidence upon payment of duty and a penalty under Section 39, 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 affect Schedule I of Order XXIII of the Code of Civil Procedure, 1908 (Act No. 5 of 1908) Section 144, Clause 3.

#### **46. Prosecution for offence against Stamp law. -**

The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the stamp-law in respect of such instrument:Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appear to the Collector that the offence was committed with an intention of evading payment of the proper duty.

#### **47. Persons paying duty or penalty may recover same in certain cases. -**

(1)When any duty or penalty has been paid under Section 39, Section 41, Section 43 or Section 44, by any person in respect of an instrument, and, by agreement or under the provisions of Section 35 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.

#### **48. Non-liability for loss of instruments sent under Section 42. -**

(1)If any instrument sent to the Collector under sub-section (2) of Section 42, 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.

#### **49. Under-valuation of the instrument. -**

(1)(a)If the market value of any property which is the subject of any instrument, on which duty is chargeable on the market value of the property as set forth in such instrument, is less than even the minimum value in accordance with the rules made under this Act, the Registering Officer appointed under the Registration Act, 1908 (Act No. 16 of 1908), notwithstanding anything contained in the

said Act, immediately after presentation of such instrument and before accepting it for registration and taking any action under Section 52 of the said Act, require the person liable to pay stamp duty under Section 35, to pay the deficit stamp duty as computed on the basis of the minimum value determined in accordance with the said rules and return the instrument for presenting again in accordance with Section 23 of the Registration Act, 1908 (Act No. 16 of 1908). (b) When the deficit stamp duty required to be paid under clause (a) is paid in respect of any instrument and the instrument is presented again for registration, the Registering Officer shall certify by endorsement thereon, that the deficit stamp duty has been paid in respect thereof and the name and the residence of the person paying them and register the same. (c) Notwithstanding anything contained in any other provisions of this Act, the deficit stamp duty may be paid under clause (a) in the form of impressed stamps or otherwise, containing such declaration as may be prescribed. (d) If any person does not make the payment of deficit stamp duty after receiving the order referred to in clause (a) and presents the instrument again for registration, the Registering Officer shall, before registering the instrument, refer the same to the Collector, for determination of the market value of the property and the proper duty payable thereon. (2) On receipt of a reference under such-section (1), the Collector shall, after giving the parties a reasonable opportunity of being heard and after holding an enquiry in such manner as may be prescribed by rules made under this Act, determine the market value of the property which is the subject of such instrument and the proper duty payable thereon. (3) The Collector may, suo motu, or on a reference from any Court or from the Commissioner of Stamps or an Additional Commissioner of Stamps or from a Deputy Commissioner of Stamps or from an Assistant Commissioner of Stamps or any officer authorized by the State Government in that behalf, within four years from the date of registration of any instrument on which duty is chargeable on the market value of the property, not already referred to him under sub-section (1), call for and examine the instrument for the purpose of satisfying himself as to the correctness of the market value, of the property which is the subject of such instrument and the duty payable thereon, and if, after such examination, he has reason to believe that market value of such property has not been truly set forth in such instrument, he may determine the market value of such property and the duty payable thereon: Provided that, with the prior permission of the State Government, an action under this sub-section may be taken after a period of four years but before a period of eight years from the date of registration of the instrument on which duty is chargeable on the market value of the property. Explanation. - The payment of deficit stamp duty by any person under any order of the Registering Officer under sub-section (1) shall not prevent the Collector from initiating proceedings on any instrument under subsection (3). (4) If on enquiry under sub-section (2) and examination under subsection (3) the Collector finds the market value of the property - (i) truly set forth and the instrument duly stamped, he shall certify by endorsement that it is duly stamped and return it to the person who made the reference; (ii) Not truly set forth and the instrument not duly stamped, he shall require the payment of the amount required to make up the deficiency in the same, together with a penalty of an amount not exceeding four times the amount of deficient portion of the proper duty. (5) The Collector shall also require along with the deficit stamp duty or penalty required to be paid under clause (ii) of sub-section (4), the payment of a simple interest at the rate of one per cent per mensem on the amount of deficit stamp duty calculated from the date of the execution of the instrument till the date of actual payment: Provided that the amount of interest under the sub-section shall be recalculated if the amount of deficit stamp duty is varied on appeal or revision or by any order of a competent Court or Authority. (6) The amount of interest

payable under sub-section (5) shall be added to the amount due and be also deemed for all purposes to be part of the amount required to be paid.(7)Where realization of the deficit stamp duty remained stayed by any order of any Court or Authority and such order of stay is subsequently vacated, the interest referred to in sub-section (5) shall be payable also for any period during which such order of stay remained in operation.(8)Any amount paid or deposited by or recovered from, or refundable to, a person under the provisions of this Act, shall first be adjusted towards the deficit stamp duty or penalty outstanding against him and the excess, if any, shall then be adjusted towards the interest, if any, due from him.(9)The instrument produced before the Collector under sub-section (2) or under sub-section (3) shall be deemed to have come before him in the performance of his functions.(10)In case the instrument is not produced within the period specified by the Collector, he may require payment of deficit stamp duty, if any, together with penalty on the copy of the instrument in accordance with the procedure as laid down in sub-sections (2) and (4).

## **50. Recovery of duties and penalties. -**

All duties, penalties, and other sums required to be paid under this Act may be recovered by the Collector by distress and sale of the movable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land revenue.

## **51. Validity of certificate or endorsement in respect of instruments for which higher rate of duty is payable in Uttar Pradesh. -**

Notwithstanding anything contained in this Act, no certificate or endorsement under this Act, in respect of an instrument chargeable in Uttar Pradesh with a higher rate of duty in accordance with this Act, shall be received in evidence or be in any way valid in respect of the payment of duty on such instrument unless the duty chargeable at the rates provided in this Act, has been paid on such instrument.

## **Chapter V**

### **Allowances For Stamps In Certain Cases**

## **52. 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 enquiry to be made, the Collector may, on application made within the period prescribed in Section 53, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely, -(a)the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person.(b)the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto;(c)the stamp used for an instrument executed by any party thereto which -(i)has been afterwards found to be absolutely void in law from the very beginning;(ii)has been afterwards found

unfit, by reason of any error or mistake therein, for the purpose originally intended;(iii)by reason of the death of any person by whom it is necessary that it should be executed, without having executed the same, or of the refusal of any such person to execute the same, cannot be completed so as to effect the intended transaction in the form proposed;(iv)for want of the execution thereof by some material party, and his inability or refusal to sign the same, is a fact incomplete and insufficient for the purpose for which it was intended;(v)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 officer thereby granted, totally fails of the intended purpose;(vi)becomes useless in consequence of the transaction intended to be thereby effected being effected by some other instrument between the same parties and bearing a stamp of not less value;(vii)is deficient in value and the transaction intended to be thereby effected has been effected by some other instrument between the same parties and bearing a stamp of not less value;(viii)is inadvertently and undesignedly spoiled, and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped:Provided that, in the case of an executed instrument, no legal proceeding has been commenced in which the instrument could or would have been given or offered in evidence and that the instrument is given up to be cancelled.Explanation. - The Certificate of the Collector under Section 37 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of this section.

### **53. Application for relief under Section 52 when to be made. -**

The application for relief under Section 52 shall be made within the following periods, that is to say -(a)in the cases mentioned in sub-clause (v) of clause (c), within two months of the date of the instrument;(b)in the case of a stamped paper on which no instrument has been executed by any of the parties thereto, within six months after the stamp has been spoiled;(c)in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed:Provided that -(a)when the spoiled instrument has been for sufficient reasons sent out of India, the application may be made within six months after it has been received back in India;(b)when, from unavoidable circumstances, any instrument for which another instrument has been substituted, cannot be given up to be cancelled within the aforesaid period, the application may be made within six months after the date of execution of the substituted instrument.

### **54. 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 paper has been duly paid.

## **55. Allowance for misused stamps. -**

(a)When 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(b)When any stamp used for an instrument has been inadvertently rendered useless under Section 19, owing to such instrument having been written in contravention of the provisions of Section 18, the Collector may, on application made within six months after the date of the instrument, or if it is riot 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.

## **56. 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 paise for each rupee or fraction of a rupee.

## **57. 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 paise for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction -(a)that such stamp or stamps were purchased by such person with a bona fide intention to use them;(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.

## **Chapter VI**

### **Reference, Revision And Appeal**

## **58. Control of, and statement of case to, Chief Controlling Revenue Authority.**

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(1)The power exercisable by a Collector under Section 12, clause (a) of the first proviso to Section 32, Chapter IV, Chapter V and Chapter VIII shall in all cases be subject to the control of the Chief Controlling Revenue Authority. Notwithstanding anything contained in any other provisions of this



Act, any person including the Government aggrieved by an order of the Collector under Section 12, clause (a) of the first proviso to Section 32, Chapter IV, Chapter V and Chapter VIII may, within 60 days from the date of receipt of such order prefer an appeal against such order to the Chief Controlling Revenue Authority, who shall, after giving the parties a reasonable opportunity of being heard, consider the case and pass such order thereon as he thinks just and proper and the order so passed shall be final: Provided that no application for stay of recovery of any disputed amount of stamp duty including interest thereon or penalty shall be entertained unless the applicant has furnished satisfactory proof of the payment of not less than one-third of such disputed amount: Provided further that where the Chief Controlling Revenue Authority passes an order for the stay of the recovery of any stamp duty, interest thereon or penalty, or for the stay of the operation of any order appealed against and such order results in the stay of recovery of any stamp duty, interest thereon or penalty, such stay order shall not remain in force for more than thirty days unless the appellant furnishes adequate security to the satisfaction of the Collector concerned for the payment of the outstanding amount. (2) If any Collector, acting under Section 36, Section 43 or Section 44, 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) The Authority referred to in sub-section (2) 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. (4) Where any order of Collector is partially altered or quashed by the Chief Controlling Revenue Authority, the Collector shall have the power to refund the excess amount of stamp duty, penalty or interest paid under the said order.

## **59. 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 58, or otherwise coming to its notice, and refer such case, with its own opinion thereon, if it arises in the State to the High Court of the State; (2) Every such case shall be decided by not less than three Judges of the High Court to which it is referred, and in case of difference, the opinion of the majority shall prevail.

## **60. 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 thereby, the Court may refer the case back to the Revenue Authority by which it was stated, to make such additions thereto or alterations therein as the Court may direct in that behalf.

## **61. Procedure in disposing of case stated. -**

(1) The High Court upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded. (2) The Court shall send to the Revenue Authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar; and the Revenue Authority shall, on receiving such copy, dispose of the case conformably to such judgment.

## **62. Statement of case by other Courts to High Court. -**

(1) If any Court, other than a Court mentioned in Section 59, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to Section 39, 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 to which, if he were the Chief Controlling Revenue Authority, he would, under Section 59, refer the same. (2) Such Court shall deal with the case as if it had been referred under Section 59, 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 other like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment. (3) References made under sub-section (1), when made by a Court subordinate to a District Court, shall be made through the District Court, and, when made by any subordinate Revenue Court, shall be made through the Court immediately superior.

## **63. Revision of certain decisions of Courts regarding the sufficiency of stamps. -**

(1) When any Court in the exercise of its civil or revenue jurisdiction of any Criminal Court in any proceeding under Sections 125 to 128 and Sections 145 to 148 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) 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 39, 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 40, 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 45, or in Section 46, prosecute any person for any offence against the Stamp law which the Collector considers him to have committed in respect of such instrument: Provided that - (a) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the instrument under Section 39, 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 45.

## **Chapter VII**

### **Criminal Offences And Procedure**

#### **64. Penalty for executing, etc. instrument not duly stamped. -**

(1) Any person who, with the intention to evade the duty, executes or signs 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 rigorous imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which may extend to five thousand rupees: Provided that, when any penalty has been paid in respect of any instrument under Section 39, Section 43, or Section 49, 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. (3) No person shall be prosecuted under sub-section (1) or sub-section (2) 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.

#### **65. Penalty for making false declaration in Clearance List. -**

Any person who makes a declaration in a clearance list which is false or which he either knows or believes to be false, shall, on conviction, be punished with imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which may extend to five thousand rupees.

#### **66. Penalty for failure to cancel adhesive stamp. -**

Any person required by Section 17 to cancel an adhesive stamp and failing to cancel such stamp in the manner prescribed by that section, shall be punishable with fine which may extend to one hundred rupees.

#### **67. Penalty for omission to comply with provisions of Section 33. -**

Any person who, with intent to defraud the Government, -(a) executes any instrument in which all the facts and circumstances required by Section 33 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 instruments, neglects or omits fully and truly to set forth therein all such facts and circumstances; or (c) does any other act calculated to deprive the Government of any duty or penalty under this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both.

## **68. Recovery of amount of deficit stamp duty. -**

(1)Where any person liable to pay duty under this Act is convicted of an offence under Section 64 or 67, in respect of any instrument (not being an instrument specified in Entry 91 of List I in the Seventh Schedule to the Constitution) the Magistrate shall, in addition to any punishment which may be imposed for such offence, direct recovery of the amount of duty and penalty, if any, due under this Act from such person in respect of that instrument and such amount shall also be recoverable as if it were a fine imposed by the Magistrate.(2)Upon such recovery the Collector shall thereupon certify by endorsement on that instrument that proper duty or penalty, as the case may be, has been levied in respect thereof;

## **69. Penalty for breach of rule relating to sale of stamps and for unauthorized sale. -**

(a)Any person appointed to sell stamps who disobeys any rule made under Section 75; and(b)Any person not so appointed who sells or offers for sale stamp (other than a paise or five paise adhesive stamp),shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

## **70. Institution and conduct of prosecutions. -**

(1)No prosecution in respect of any offence punishable under [this Act] [Corrigenda vide Notification No. 593/79-VI-1-10(ka)-26-2008, dated 4.6.2010, published in the U.P. Gazette, Extraordinary, Part 1, Section (ka), dated 4.6.2010.] or provisions of the Indian Stamp Act, 1899 (Act No. 2 of 1899) 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 authorised by it in this behalf, may stay any such prosecution or compound any such offence.(3)The amount of any such composition shall be recoverable in the manner provided by Section 50.

## **71. Jurisdiction of Magistrates. -**

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

## **72. Place of trial. -**

Every such offence committed in respect of any instrument may be tried in any district in which such instrument is found, as well as in any district in which such offence might be tried under the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) for the time being in force.

## **Chapter VIII**

### **Supplemental Provisions**

#### **73. Books, etc. to be open to inspection. -**

Every public officer or any person 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 officer whose duty it is to see that proper duty is paid or any other person authorised 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.

#### **74. Collector's power to call for information, instruments or records. -**

(1) Where the Collector or the Commissioner of Stamps, Additional Commissioner of Stamps, Deputy Commissioner of Stamps or Assistant Commissioner of Stamps has reason to believe that any instrument chargeable to duty has not been charged at all or has been incorrectly charged with duty leviable under this Act, he or any other officer authorised by them in writing, in this behalf (to be called the authorised officer) may require the person concerned who is having in his custody or maintaining such instruments, registers, books, records, papers, maps, documents or proceedings, to produce before him or the authorised officer any such instrument or any other relevant record pertaining thereto, including registers, books, records, paper, maps, documents or proceedings. Explanation. - For the purpose of this sub-section the expression "person concerned" includes a body of individuals, any statutory authority or association, whether incorporated or not. (2) If any person, on being required under sub-section (1) by the Collector or the Commissioner of Stamps, Additional Commissioner of Stamps, Deputy Commissioner of Stamps or Assistant Commissioner of Stamps or the authorised officer, wilfully fails to produce the required instrument or other record as aforesaid without any sufficient cause, the Collector or the Commissioner of Stamps, Additional Commissioner of Stamps, Deputy Commissioner of Stamps or Assistant Commissioner of Stamps may direct such person to pay an amount, by way of penalty, a sum not exceeding rupees five thousand: Provided that no such order under this sub-section shall be passed by the Collector or the Commissioner of Stamps, Additional Commissioner of Stamps, Deputy Commissioner of Stamps or Assistant Commissioner of Stamps unless the person on whom such penalty is proposed to be imposed is given a reasonable opportunity of being heard in the matter: Provided further that the order passed under this sub-section shall be subject to an appeal to the Chief Controlling Revenue Authority within a period of thirty days or within such extended time as may be allowed in that regard, who shall, after giving the appellant a reasonable opportunity of being heard, pass such order thereon as he thinks just and proper and the order so passed shall be final.

## **75. Power to make rules relating to sale of stamps. -**

The State Government, may by notification published in the Gazette make rules for regulating -  
(a)the supply and sale of stamps, e-stamp, stamp by franking machine, by use of Internet or any other machine and stamped papers;(b)the persons by whom alone such sale is to be conducted; and(c)the duties and remuneration of and the fees chargeable from such person:Provided that such rules shall not restrict the sale of ten paise or five paise adhesive stamps.

## **76. Power to make rules generally to carry out Act. -**

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

## **77. Delegation of certain powers. -**

The State Government may, by notification in the Gazette, delegate -(a)all or any of the powers conferred on it by clause (v) of Section 2, sub-section (3) of Section 38, sub-section (1) of Section 70, Section 75 to the Chief Controlling Revenue Authority; and(b)all or any of the powers conferred on the Chief Controlling Revenue Authority by Section 12, sub-section (1) of Section 58, sub-section (2) of Section 70 and Section 74 to such subordinate revenue authority or any officer of the Stamp and Registration Department not below the rank of Deputy Commissioner of Stamps, as may be specified in the notification.

## **78. Saving as to Court fees. -**

Except the provisions as to copies contained in Section 7, nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to Court-fees.

## **79. Saving as to certain stamps. -**

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

## **80. Application of Indian Stamp Act, 1899. -**

The Indian Stamp Act, 1899 (Act No. 2 of 1899) insofar as it relates to the subject-matter relatable to Entry 44 of List III of the Seventh Schedule of the Constitution in respect of documents specified in Entry 91 of List I of the said Schedule, shall, notwithstanding anything contained in this Act or any law for the time being in force, extend to the whole State of Uttar Pradesh.

## 81. Savings and Repeal. -

(1) The Indian Stamp Act, 1899 (Act No. 2 of 1899) as adopted in the State of Uttar Pradesh, except insofar as it relates to documents specified in Entry 91 of List I in the Seventh Schedule to the Constitution of India, is hereby repealed and the provisions of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act No. 1 of 1904), shall apply to such repeal: Provided that the repeal hereby shall not affect, - (i) any right, title, obligation or liability already acquired, accrued or incurred or anything done or suffered; (ii) any legal proceedings or 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 and 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, insofar as such appointments, notifications, 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 of four or multiples thereof shall be deemed to be stamps of the value of twenty-five naya paise or, as the case may be, multiples thereof and valid accordingly.

## Schedule

[See Section 3 and Section 80] Stamp duty on Instruments under the Uttar Pradesh Stamp Act, 2008

	Description of Instrument	Proper stamp duty
1.	Acknowledgment, of debt exceeding one thousand 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 the banker's passbook), or on a separate piece of paper when such book or paper is left in the creditor's possession: Provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.	Ten rupees
2.	Administration Bond, including a bond given under Section 291, 375 and 376 of the Indian Succession Act, 1925 (Act No. 39 of 1925) or Section 6 of the Government Savings Banks Act, 1873 (Act No. 5 of 1873)	The same duty as Bond (No. 14) subject to a maximum of two hundred rupees.
3.	Adoption deed, that is to say, any instrument (other than a Will) recording an adoption or conferring or purporting to confer an authority to adopt Advocate, see Entry as an Advocate (No. 17)	One hundred rupees
4.		Ten rupee

Affidavit, Including an affirmation or declaration in the case of persons by law allowed, affirming or declaring instead of swearing

#### Exemptions

Affidavit or declaration in writing when made—(a) as a condition of enrolment under the Indian Army Act, 1950 (Act No. 46 of 1950) the Indian Air Force Act, 1950 (Act No. 45 of 1950) or the Navy Act, 1957 (Act No. 62 of 1957), or (b) for the sole purpose of enabling any persons to receive any pension or charitable allowance

#### 5. Agreement or its Records or Memorandum of an Agreement

(a) if relating to the sale of a bill of exchange;

One rupee for every rupees 10,000 or part thereof

(b) if relating to the purchase or sale of a Government security,

(c) if relating to the purchase or sale of shares, scrips, stocks, bonds, debentures, debenture stocks, or any other marketable security of a like nature in or of any incorporated company or other body corporate—

Fifty paise for every rupees 1,00,000 or part thereof of the value of the security at the time of its purchase or sale, as the case may be

(i) when such agreement or memorandum of an agreement is with or through a member or between members of Stock Exchange recognized under the Securities Contracts (Regulation) Act, 1956 (XLII of 1956)

One rupee 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

(ii) in any other case;

One rupee 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

(d)(i) if relating to the purchase or sale of cotton

One rupee for every rupees ten thousand or part thereof of the value of cotton,

(ii) if relating to the purchase or sale of bullion or spices

One rupee for every rupees ten thousand or part thereof of the value of silver or gold or



(iii) if relating to the purchase or sale of oilseeds;

(iv) if relating to the purchase or sale of yarn of any kind, non-mineral oils or spices of any kind

#### Explanation

Any duty paid under Article 22, 44, or 52, as the case may be, shall be adjusted against the duty chargeable under clauses (6), (c), (d), (i), (ii), (iii) and (iv)

(e) if relating to the sale of an immovable property where every one possession is not admitted to have been delivered, nor is agreed to be delivered without executing the conveyance:

Provided that when conveyance in pursuance of such agreement is executed, within three years from the date of execution of the said agreement, the duty paid under this clause, in excess of the duty payable under clause (c) shall be adjusted towards the total duty payable on the conveyance. Provided further that if the said agreement is revoked within a period of three years from the date of execution of such agreement, the stamp duty paid on such agreement shall be refunded after deduction of ten per cent of the amount of stamp duty paid on such agreement, subject to minimum deduction of Rupees One hundred

(f) If relating to the construction of a building on a land by a person other than the owner or lessee of such land and having a stipulation that after construction, such building shall be held jointly or severally by that other person and the owner or lessee, as the case may be, of such land, or that it shall be sold jointly or severally by them or that a part of it shall be held jointly or severally by them and the remaining part thereof shall be sold jointly or severally by them

sovereigns or spices, as the case may be,

One rupee every 10,000 or part thereof of the value of yarn of any kind, non-mineral oils or spices of any kind, as the case may be

One rupee every rupees 10,000 or part thereof of the value of yarn of any kind, non-mineral oils or spices of any kind, as the case may be

Twenty rupees for every one thousand rupees or part thereof, on the amount of consideration as set forth in the instrument

Rupees Twenty for every Rupees One Thousand or part thereof on the amount of consideration, as set forth in the agreement or the market value of the immovable property

which is the subject of  
such agreement,  
whichever is greater

### Explanation

For the purposes of this clause:- (1) The expression "land" shall include things attached to the earth, or permanently fastened to anything attached to the earth (2) The expression "Lessee" shall mean a holder of a lease in perpetuity or for a period of thirty years or more (3) The expression "building" shall mean a building having more than one "apartment" and/or more than one "commercial unit" where the expression "apartment" means a part of any property, intended for independent use, including one or more rooms or enclosed spaces located on one or more floors or any part or parts thereof in a building, intended to be used for residential purpose and with a direct exit to a public street, road or highway or to a common area leading to such street, road or highway, which, together with its undivided interest in the common areas and facilities, forms an independent residential unit; and the expression "commercial unit" means any separate identifiable property, including enclosed spaces located in the building or commercial complex, on one or more floors or any part or parts thereof, to be used for the purpose of practicing any profession, or for carrying on any commercial activity, occupation, trade or business or for any other related use and with a direct exit to a public street, road or highway or to a common area leading to such street, road or highway which, together with its undivided interest in the common areas and facilities, forms an independent commercial unit and includes any godown, in the building in which such unit is located for use by the owner of such unit for keeping goods

(g) If relating to,-

(i) any advertisement on mass media, made for promotion of any product; or programme or event with an intention to make profits or business out of it,

(ii) conferring exclusive rights for telecasting, broadcasting or exhibition of an event or a film

Two rupees for every  
Rupees 1000 or  
part thereof on the  
amount agreed in the  
contract

Two rupees for every  
Rupees 1000 or  
part thereof on the  
amount agreed in the

(iii) specific performance by any person or a group of persons where the value of contract exceeds Rupees 1,00,000

contract

Two rupees for every Rupees 1000 or part thereof on the amount agreed in the contract

(iv) creation of any obligation, right or interest and having monetary value, but not covered under this Article,

Two rupees for every Rupees 1000 or part thereof on the amount agreed in the contract

(v) Assignment of copyright under the Copyright Act, 1957 (Act No. 14 of 1957)

Two rupees for every Rupees 1000 or part thereof on the amount agreed in the contract of value signed for such assignment

(h) If not otherwise provided for  
Exemption

One hundred rupees

Agreement or memorandum of agreement made in the form of tender to the Central Government for, or relating to any loan;

Agreement Relating to Deposit of Title Deeds, Pawn, Hypothecation 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, hypothecation or pledge of movable property, where such deposit, pawn, hypothecation 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—

6.

(a) If such loan or debt is repayable on demand or more than to a three months from the date of the instrument evidencing the agreement; for every Rupees One thousand or part thereof of the amount of loan or debt,

Five rupees, subject to a maximum of Rupees One thousand

Explanation

For the purposes of clause (1) of this Article, any letter, note or memorandum, record or writing, relating to the deposit of title deeds, whether written or made before, or at the time of, or after, the deposit of title deeds is effected, and whether it is in respect of the first loan or any subsequent loan, such

loan, such letter, note, memorandum, record or writing shall, in the absence of any separate agreement relating to deposit of title deeds, be deemed to be an instrument evidencing an agreement relating to the deposit of title deeds

(b) If such loan or debt is repayable not more than three on a loan or months from the date of such instrument

Half the duty payable on a loan or debt under clause (a) for the amount secured

#### Exemption

Instrument of pawn, hypothecation or pledge of agriculture produce, if unattested

7. Appointment in Execution of a Power, whether of trustees or of property, movable or immovable, where made by any writing not being a Will-

(a) where the value of the property does not exceed Rupees One thousand

Fifty rupees

(b) in any other case

One hundred rupees

8. Appraisalment or Valuation made otherwise than under an order of the Court in the course of a suit

(a) where the amount does not exceed Rs. 1000.

The same duty as a Bond (No. 14) for such amount

(b) in any other case.

The same duty as a Bond (No. 14) for Rupees One thousand

#### 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)

Twenty rupees

#### Exemption

Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850 (Act No. 19 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  
Exemption

Five hundred rupees

	Articles of any Association not formed for profit and registered under Section 26 of the Indian Companies Act, 1913 (Act No. 7 of 1913) See also Memorandum of Association of a Company (No. 40)	
11.	Articles of Clerkship or contract whereby any person first becomes bound to serve as a clerk in order to secure his admission as an attorney in any High Court Assignment - See Conveyance (No. 24), Transfer (No. 60), and Transfer of Lease (No. 61), as the case may be Attorney-See Entry as an Attorney (No. 17) and Power-of-Attorney (No. 48) Authority to Adopt-See Adoption Deed (No. 3)	Four hundred 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. 1000; (b) If it exceeds Rs. 1000, for every additional Rs. 1000 or part thereof (c) Where the subject-matter of award is incapable of valuation	The same duty as a bond (No. 14) for such amount.  Ten rupees  The same duty as bond (No. 14) for Rupees One thousand
	Exemption Award under the U.P. Municipalities Act, 1916 (Act No. 2 of 1916), Section 324(1) or the U.P. District Boards Act, 1922 (Act No. 10 of 1922), Section 191. Bank Guarantee. - Guarantee deed executed by a bank as a surety to secure the due performance of a contract or the due discharge of liability, - for every one thousand rupees or part thereof, Bill of Exchange - See No. 13 Schedule I, of the Indian Stamp Act, 1899 Bill of Lading. - See No. 14 Schedule I of the Indian Stamp Act, 1899 Schedule I.	
13.		Five rupees subject to a maximum of ten thousand rupees.
14.	Bond [as defined by Section 2(HI)] not being a debenture (No. 27 of Schedule of the Indian Stamp Act, 1899), and not being otherwise provided for by this Act, or by the Court Fees Act, 1870 (Act No. 7 of 1870) - Where the amount, or value secured does not exceed Rs. 100; where it exceeds Rs. 100 and does not exceed Rs. 1000 and for every additional Rs. 1000 or part thereof in excess of Rs. 1000 See Administration Bond (No. 2) Bottomry Bond (No. 15), Customs Bond (No. 27), Indemnity Bond (No. 33).	Four rupees Forty rupees

Respondentia Bond (No.54), Security Bond (No. 55)

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 subject of public utility shall not be less than as specified sum per mensem

- |     |   |   |
|-----|---|---|
| 15. | Bottomry Bond, that is to say, any instrument whereby the master of a seagoing 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 a sum equal to the amount or value secured                                     |
| 16. | Cancellation-Instrument of (including any instrument by which any instrument, previously executed is cancelled), if attested and not otherwise provided for See also Release (No. 53), Revocation of settlement (No.56-B), Surrender of Lease (No. 59), Revocation of-Trust (No.62-B)   | One hundred rupees  |
| 17. | Certificate of Enrolment under Section 22 of the Advocates Act, 1961 (Act No. 25 of 1961), issued by the State Bar Council of Uttar Pradesh   | Five hundred rupees   |
| 18. | Certificate of Practice as Notary under sub-section (1) of Section 5 of the Notaries Act, 1952 (Act No.53 of 1952), or endorsement of renewal of such certificate under sub-section (2) of the said section   | Two hundred rupees  |
| 19. | Certificate of Sale (in respect of each property put up a separate lot and sold) granted to the purchaser of any property sold by public auction by a Court, by an officer, authority or body empowered under any law, for the time being in force, to sell such property by public auction and to grant such certificate.                  | The same duty as a Conveyance [No. 24 clause(a)] for a consideration equal to the amount of the purchase money only |
| 20. | Certificate or Other Document, evidencing the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body See also Letter of Allotment of Shares (No.37) | One rupee   |
| 21. | Charter-Party, that is to say, any instrument (except an agreement for the hire of 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   | Ten rupees  |
| 22. | (1) Clearance List relating to the transactions for the purchase or sale of Government securities submitted to the  | The sum of duties payable under clause (b)  |

clearing house of a stock exchange

of Article 5 or Article 44(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

The sum of duties payable under Article 5(c)(i) or Article 44(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

The sum of duties payable under Article 5(d)(i) or 44(a), as the case may be, in respect of each of the entries in such list on the value

(2) Clearance List relating to the transactions for the purchase or sale of a share, scrip, stock, bond, debenture, debenture-stock or other marketable security of alike nature in or of an incorporated company or other body corporate, submitted to the clearing house of a stock exchange whether recognized or not recognized under the Securities Contract (Regulation) Act, 1956 (Act No. 42 of 1956)

(3) Clearance List relating to the transactions for the purchase or sale of cotton submitted to the cotton association

23. 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 debtor's business, under the supervision of Inspectors or under letters of license, for the benefit of his creditors.
24. Conveyance [as defined by Section 2(viii)], not being a transfer charged or exempted under No. 60-(a) if relating to immovable property where the amount or value of the consideration for such Conveyance as set forth therein or the market value of the immovable property which is the subject of such conveyance, whichever is greater, does not exceed Rs. 500 Where it exceeds Rs. 500 but does not exceed Rs. 1000 and for every Rs. 1000 or part thereof in excess of Rs. 1000. Provided that, if an immovable property is sold by Government or a Local Body constituted under the

Fifty rupees

Fifty rupees Eighty rupees Eighty rupees

Uttar Pradesh Municipalities Act, 1916 (U.P. Act No. 2 of 1916) or the Uttar Pradesh Nagar Palika Adhiniyam, 1959 (U.P. Act No. 2 of 1959) or by a Development Authority constituted under the Uttar Pradesh Urban Planning and Development Act, 1973 (President Act, No. 11 of 1973 as amended and re-enacted by U.P. Act No. 30 of 1974), an Industrial Development Authority constituted under the Uttar Pradesh Industrial Area Development Act, 1976 (U.P. Act No. 6 of 1976), the Uttar Pradesh Awas Evam Vikas Parishad established under the Uttar Pradesh Awas Evam Vikas Parishad Adhiniyam, 1965 (U.P. Act No. 1 of 1966) and the Uttar Pradesh State Industrial Development Corporation registered under the Companies Act, 1956 (Act No. 1 of 1956) on the basis of the pre-determined price, then the value determined by such bodies, shall be the market value of the subject matter of the property. Explanation.- For the purposes of this proviso the "predetermined price" includes the interest and/or penalty, if any, relating to the transferred property levied by the above-mentioned authorities on the allottee

(b) if relating to immovable property by a co-operative housing society registered or deemed to be registered under any law relating to co-operative societies for the time being in force, in favour of its members;

(c) If relating to transfer of share in immovable property of an existing member of a co-operative housing society in favour of an incoming person by the co-operative housing society by means of issuance of new share Certificates or when such transfer is effected by endorsement on the share certificate of the existing member in favour of the incoming person, Provided that in case stamp duty has already been paid on such transfer of shares as provided in the above clause (c) and when conveyance in pursuance of such transfer of shares is subsequently executed, the duty on such conveyances shall be one hundred rupees

#### Exemption

Instrument of conveyance executed in favour of co-operative society, not being a co-operative housing society, registered or deemed to be registered under any law relating to co-operative societies for the time being in force

The same duty as on Conveyance [No. 24 clause (a)] on one-half of the consideration or the market value of such property, whichever is higher

The same duty as on Conveyance [No. 24 clause (a)] on one-half of the consideration or the market value of such property, whichever is higher



(d) if relating to movable property: where the amount or value of the consideration of such conveyance as set forth therein does not exceed Rupees One thousand and for every Rupees One thousand or part thereof in excess of Rupees One thousand,

Twenty rupees  
Twenty rupees

(e)(i) If relating to the order of High Court in respect of the amalgamation or reconstruction of companies under Section 394 of the Companies Act, 1956 (Act No. 1 of 1956) or under the order of the Reserve Bank of India under Section 44-A of the Banking Regulation Act, 1949 (Act No. 10 of 1949), or

Ten percent of -The aggregate of the market value of the shares issued or allotted in exchange or otherwise and the amount of the consideration paid for such amalgamation, or

(ii) Whereby an incorporated company or body corporate transfers its property in the form of controlling interest by transfer of equity shares to another incorporated company or body corporate or a person or a group of persons,

The market value of the shares transferred to the transferee in the form of controlling interest, Provided that the amount of duty chargeable under this clause shall not exceed - (i) An amount equal to five per cent of the market value of the immovable property located within the territory of Uttar Pradesh of the transferor company; or (ii) An amount equal to 0.70 per cent of the aggregate of the market value of the shares issued or allotted in exchange or otherwise and amount of consideration paid for such amalgamation, whichever is higher among (i) or (ii), Provided further that in case of reconstruction or de-merger, the duty chargeable shall

not exceed—(i) An amount equal to five per cent of the market value of the immovable property located within the State of Uttar Pradesh transferred by the de-merging company to the resulting company or (ii) an amount equal to 0.70 per cent of the aggregate of the market value of the shares issued or allotted to the resulting company and the amount of consideration paid for such de-merger, whichever is higher

#### Exemption

Assignment of copyright in musical works by resident of, or first published in India

#### Explanation 1

For the purposes of this Article, in the case of an agreement to sell an immovable property, where possession is delivered before the execution or at the time of execution or is agreed to be delivered without executing the conveyance, the agreement shall be deemed to be a conveyance and stamp thereon shall be payable accordingly. Provided that the provisions of Section 52 shall, mutatis mutandis, apply to such agreement. Provided further that in case stamp duty has already been paid on agreement to sell with possession and when conveyance in pursuance of such agreement is subsequently executed within a period of three years from the date of execution of such agreement the duty on such conveyance shall be one hundred rupee; and if conveyance in pursuance of such agreement with possession is subsequently executed after a period of three years from the date of execution of such agreement; the stamp duty paid under this clause in excess of the duty payable under clause (e) of this Article shall be adjusted towards the total duty payable on the conveyance.

#### Explanation 2

(i) For the purposes of clause (e), the market value of shares,-

(a) in relation to the transferee company, whose shares are listed and quoted for trading on a stock exchange, means the market value of shares as on the appointed day mentioned in the scheme of amalgamation or when appointed day is not so fixed, the date of order of the High Court; and (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 shares issued or allotted with reference to the market value of the shares of the transferor company or as determined by the Collector after giving the transferee company an opportunity of being heard

(ii) for the purposes of clause (e), the number of shares issued or allotted in exchange or otherwise shall mean, the number of shares of the transferor company accounted as per exchange ratio as appointed date Co-partnership Deed. See Partnership (No. 47)

25. 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 with which it was chargeable does not exceed ten rupees:(ii) in any other case not falling within the provisions of Section 7,

Ten rupees Ten rupees

#### Exemptions

(a) Copy of any paper which a public officer is expressly required by law to make or to 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, marriage, divorces, deaths or burials  
26. 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, fifty rupees;(b) in any other case not falling within the provisions of Section 7

The same duty as is payable on the original Fifty rupees

#### Exemption

27. Counterpart of any lease granted to a cultivator when such lease is exempted from duty.

Customs-Bond

Subject to a maximum of one hundred fifty rupees, the same duty as on a

		Bond (No.14)
28.	Delivery Order in Respect of Goods, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value one thousand rupees. Deposit of title deeds. See Agreement Relating to Deposit of Title Deeds, Hypothecation, Pawn or Pledge (No.6) Dissolution of Partnership. See Partnership (No.47)	Ten rupees
29.	Divorce - Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage. Dower Instrument of. See Settlement (No. 56) Duplicate See Counterpart (No.26)	One hundred rupees
30.	Exchange of Property - Instrument of exchange of property including declaration or records of oral exchange of property or any decree or final order of any Civil or Revenue Court	The same duty as a Conveyance [No.24 clause(a)] for a consideration equal to the market value of the property of greatest value: Provided that where stamp duty has already been paid on the decree or order of the Court and subsequently an instrument of exchange of property is executed in pursuance of such decree or order, the stamp duty, if any, already paid or recovered on such decree or order shall be adjusted towards the total duty leviable on such instrument
31.	Extract. See Copy (No. 25) 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 41 (that is, with possession);	The same duty as a Conveyance [No. 24 clause(a)] 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 41 (that is, without possession)-	
	(i) if at the time of execution of the instrument of further charge possession of the property is given, or agreed to be given under such instrument;	The same duty as a Conveyance [No. 24 clause(a)] for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge
	(ii) if possession is not so given	The same duty as a Bond (No. 14) for the amount of the further charge secured by such instrument
32.	Gift - Instrument of, not being a Settlement (No. 56) or Will or Transfer (No. 60) Hiring Agreements or agreement for service. See Agreement (No. 5)	The same duty as a Conveyance [No. 24 clause(a)] for a consideration equal to the value of the property
33.	Indemnity-Bond Inspectorship Deed. See Composition Deed (No. 23); Insurance. See Policy of Insurance (No. 47 of Schedule of the Indian Stamp Act, 1899)	The same duty as a Security Bond not being a mortgage deed (No. 55) for the same amount
34.	Instrument correcting a purely clerical error in an instrument chargeable with duty and in respect of which the proper duty has been paid	One hundred rupees
35.	Lease, Including an under-lease or sub-lease and any agreement to let or sub-let or any renewal of lease - (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 not exceeding three years;

two per cent of the whole amount payable or deliverable under such lease

(ii) where the lease purports to be for a term exceeding three years but not exceeding five years;

two per cent of a consideration equal to three times the amount or value of the average annual rent reserved

(iii) where the lease purports to be for a term exceeding five years but not exceeding ten years;

two per cent of a consideration equal to five times 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;

two per cent of a consideration equal to ten times 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 or does not purport to be for any definite term;

two per cent of a consideration equal to twenty times the amount or value of the average annual rent reserved

(vi) where the lease purports to be for a term exceeding thirty years or in perpetuity;

The same duty as a Conveyance [No. 24 clause(a)] for a consideration equal to the market value of the property which is the subject of the lease

(b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved;

The same duty as a Conveyance [No. 24 clause(a)] for a

(i) where the lease purports to be for a term not exceeding thirty years or does not purport to be for any definite term;

consideration equal to the amount or value of such fine or premium or advance as set forth in the lease

(ii) where the lease purports to be for a term exceeding thirty years, or in perpetuity,

The same duty as a Conveyance [No. 24

clause(a)] for a consideration equal to the market value of the property which is the subject of 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. 24 clause(a)] 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

(i) where the lease purports to be for a term not exceeding thirty years or does not purport to be for any definite term;

ordelivered: Provided that in a case when an agreement to lease is stamped with the ad valorem stamp required for lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed fifty rupees

(ii) where the lease purports to be for a term exceeding thirty years, or in perpetuity,

The same duty as a Conveyance [No. 24 clause(a)] for a consideration equal to the market value of the property which is the subject of the lease

(d) where the rent is not specified and the lease is granted on the basis of sharing of profit or percentage in turnover or otherwise for a period not more than thirty years, the rent shall be assumed to be equal to the rent as calculated on the

As in clause (a) on the amount of rent so arrived

basis of such percentage or the rent as fixed by the Collector under Uttar Pradesh Stamp (Valuation of Property) Rules, 1997, as amended from time to time-whichever is higher (e) where the lease is granted for premium and/or rent on the basis of sharing of profit, or on percentage in turnover, or otherwise for a period not more than thirty years in addition to premium and/or rent: Provided that the minimum duty payable on any lease shall be one hundred rupees: Provided further that, if an immovable property is given on lease by Government or a Local Body constituted under the Uttar Pradesh Municipalities Act, 1916 (U.P. Act No. 2 of 1916) or the Uttar Pradesh Nagar Palika Adhiniyam, 1959 (U.P. Act No. 2 of 1959) or by a Development Authority constituted under the Uttar Pradesh Urban Planning and Development Act, 1973 (President Act No. 11 of 1973 as amended and re-enacted by U.P. Act No. 30 of 1974), an Industrial Development Authority constituted under the Uttar Pradesh Industrial Area Development Act, 1976 (U.P. Act No. 6 of 1976), the Uttar Pradesh Awas Evam Vikas Parishad established under the Uttar Pradesh Awas Evam Vikas Parishad Adhiniyam, 1965 (U.P. Act No. 1 of 1966) and the Uttar Pradesh State Industrial Development Corporation registered under the Companies Act, 1956 (Act No. 1 of 1956) the stamp duty shall be payable as follows-

(i) where the lease purports to be for a term exceeding thirty years,

(ii) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved,

(iii) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved and purports to

On the sum of duty arrived under clause (d) and clause (a), (b) or (c) as the case may be

The same duty as a Conveyance [No. 24 clause (a)] for the amount of consideration equal to ten times of the amount or value of the average annual rent reserved

The same duty as a Conveyance [No. 24 clause (a)] for the amount of consideration equal to the amount or value of such fine or premium or advance as set forth in the lease

The same duty as a Conveyance amount



be for a term exceeding thirty years,

of consideration equal to the amount or value of such fine or premium or advance as set forth in the lease in addition to the amount mentioned in respect of clause (i)

Provided also that if stamp duty has already been paid on decree or final order of a Court and subsequently an instrument of lease is executed in pursuance of such decree or order, the stamp duty, if any, already paid and/or recovered on such decree or order, the duty shall not exceed rupees one hundred

#### Exemption

Lease, executed in the case of a cultivator and for the purpose 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 In this exemption a lease for the purposes of cultivation shall include a lease of land for cultivation together with a homestead or tanks

#### Explanations

(1) When a lessee undertakes to pay any recurring charge such as Government revenue, the landlord's share of cesses or the owner's share of municipal rates or taxes which is by law recoverable from the lessor the amount so agreed to be paid by the lessee shall be deemed to be part of the rent (2) A lease from month to month or year to year without any fixed period or one for a fixed period with a provision allowing the lessee to hold over thereafter for an indefinite term, shall be deemed for the purposes of this Article to be a lease not purporting to be for any definite term (3) Rent paid in advance shall be deemed to be money advanced within the meaning of this Article unless it is specifically provided in the lease that rent paid in advance shall be set off towards the last instalment or instalments of rent (4) The aggregate amount at which tolls are let, whether payable in lump sum or in instalments shall be deemed to be premium for the purposes of this Article (5) Any consideration in the form of premium or money advanced or to be advanced or security deposit by whatever name called shall, for the purpose of

	this Article, be treated as premium passed on(6)The provision of extension of the lease period along with the pre-determined rate of rent and the obligation on the part of the lessor to extend the lease shall be treated as a part of the term of the present lease	
36.	Leave and License -If relating to immovable property, as defined in Section 52 of the Easements Act, 1882 (Act No. 5 of 1882)	The same duty as a Lease (Article 35)
37.	Letter of Allotment of Shares, in any company or proposed company, or in respect of any loan to be raised by any company or proposed company See also Certificate or Other Document (No. 20)	One rupee
38.	Letter of License, that is to say, any agreement between a debtor and his creditors, that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion	Thirty rupees
39.	Licence Relating to Arms or Ammunition, that is to say, document evidencing the license or renewal of license relating to arms or ammunition under the provisions of the Arms Act, 1959 (Act No. 54 of 1959)	
	(A) License relating to following arms;	
	(i) Revolvers or pistols	Two thousand rupees
	(ii) Rifles	One thousand five hundred rupees
	(iii) DBBL Weapons	One thousand rupees
	(iv) SBBL Weapons	One thousand rupees
	(v) ML Weapons	Two hundred rupees
	(B) License relating to arms or ammunitions on following Forms as set out in Schedule III to the Arms Rules, 1962;	
	(i) Form XI	Ten thousand rupees
	(ii) Form XII	Ten thousand rupees
	(iii) Form XIII	Five thousand rupees
	(iv) Form XIV	Three thousand rupees
	(C) Renewal of license relating to following arms;	
	(i) Revolvers or pistols	One hundred rupees
	(ii) Rifles	One hundred rupees
	(iii) DBBL Weapons	One hundred rupees
	(iv) SBBL Weapons	One hundred rupees
	(v) ML Weapons	One hundred rupees

(D) Renewal of license relating to arms orammunitions on following Forms as set out in Schedule III to theArms Rules, 1962;	
(i) Form XI	Three thousand rupees
(ii) Form XII	Three thousand rupees
(iii) Form XIII	Two thousand rupees
(iv) Form XIV	One thousand rupees
40. Memorandum of Association of a Company	
(a) If accompaniedby articles of association under Section 26 of the CompaniesAct, 1956 (Act No. 1 of 1956);	Five hundred rupees
(b) If not soaccompanied	One thousand rupees
Exemption	
Memorandum of any association not formed forprofit and registered under Section 26 of the Companies Act,1956 (Act No. 1 of 1956)	
41. Mortgage Deed,not being an agreementrelating to deposit of title deeds, hypothecation, pawn orpledge (No.6), Bottomry Bond (No. 15), Mortgage of a Crop (No.42), Respondentia Bond (No. 54), or Security Bond not being amortgage deed (No. 55)	
(a) when possession of the property or any partof the property comprised in such deed is given by the mortgagoror agreed to be given;	Rupees twenty for every Rupees One thousand orpart thereof for a consideration equal to the amount secured bysuch deed
(b) when possession is not given or agreed tobe given as aforesaid;	Rupees five for every rupees one thousand orpart thereof for the amount secured by such deed, subject to amaximum of Rupees Five lakh
Explanation	
A mortgagor who gives to the mortgage apower-of-attorney to collect rents or a lease of the propertymortgaged or part thereof, is deemed to give possession withinthe meaning of this Article	
(c) when a collateral or auxiliary oradditional or substituted security by way of further assurancefor the abovementioned purpose, where the principal or primarysecurity is duly	Ten rupeesTen rupees

stamped-For every sum secured not exceedingRs. 1000;and  
for every Rs. 1000 or part thereof secured in excess of Rs.  
1000

#### Exemptions

(1) Instruments, executed by persons taking advances under  
the Land Improvement Loans Act, 1883 (Act No. 19 of 1883),  
or the Agriculturists' Loans Act, 1884 (Act No. 12 of 1884),  
or by their sureties as security for the repayment of such  
advances (2) Letter of hypothecation accompanying a bill of  
exchange

42. 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. 6000; and for every Rs. 6000 or part thereof  
in excess of Rs. 6000;

Ten rupees Ten rupees

(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.  
3000; and for every Rs. 100 or part thereof secured in excess  
of Rs. 3000

Twenty rupees Twenty  
rupees

43. Notarial Act, that is to say, any instrument, endorsement,  
note, attestation, certificate or entry not being a Protest (No.  
49) made or signed by a Notary Public in the execution of  
the duties of his office, or by any other person lawfully acting  
as a Notary Public See also Protest of Bill or Note (No. 49)

44. 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

One rupee for every  
rupees 10,000 or  
part thereof on the value  
of cotton,

(b) of bullion or specie

One rupee for every  
rupees ten thousand or  
part thereof on the value  
of silver or gold or  
sovereigns, as the case  
may be

(c) of oilseeds,

(d) of yarn of any kind, non-mineral oils or species of any kind,

(e) of any other goods exceeding in value twenty rupees,

(f) of any share, scrip, stock, bond, debenture, debenture-stock or other marketable security of like nature exceeding in value twenty rupees, not being a Government security,

(g) of a Government security

#### Explanation

(1) For the purposes of this Article, 'Stock Exchange' referred herein above means a Stock Exchange as defined in clause (j) of Section 2 of the Securities Contract (Regulation) Act, 1956 (Act No. 42 of 1956). (2) For the purposes of Article 44, if any duty is paid under Article 52, then the same shall be reduced from the duty payable under this Article.

#### Exemption

Note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale on account of such principal or a Government security or a share, scrip, stock, bond, debenture, debenture-stock or other marketable security of like nature in or of an incorporated company or other body corporate, an entry relating to which is required to be made in Clearance List, described to Article 22.

45. Note of Protest by the Master of a Ship See also protest by the Master of a Ship (No. 50), Order for the Payment of Money See Bill of Exchange (No. 13 of Schedule of the Indian

One rupee for every 10,000 or part thereof on the value of oilseeds,

One rupee for every rupees 10,000 or part thereof of the value of yarn of any kind, non-mineral oils or species of any kind, as may be

One rupee for every rupees 10,000 or part thereof on the value of goods

One rupee 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

Fifty paise for every Rupees 1,00,000 or part thereof of the value of security

Ten rupees

Stamp Act, 1899)

46. Partition -Instrument of [as defined bySection 2 (xvi)]

Two per cent of the amount of the market valueof the separated share or shares of the property:Providedthat the duty payable shall be rounded off to the next multipleof ten rupees

N.B. -The largest share remaining afterthe property is partitioned (or, if there are two or more sharesof equal value and not smaller than any of the other shares)then one of such equal shares shall be deemed to be that fromwhich the other shares are separated:Provided always that-(a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the dutychargeable upon the instrument effecting such partition shall bereduced by the amount of duty paid in respect of the firstinstrument, but shall not be less than ten rupees;(b) whereland is held on Revenue Settlement, the value for the purposesof this Article shall be deemed to be-(i) twenty times theannual revenue, and(ii) ten times the net profit that hasarisen from the land during the year next before the date ofpartition, where the land is wholly or partly exempt frompayment of revenue;(c) where a final order effecting a partition passed by any revenue authority or any Civil Court, or an award by an arbitrator directing 'a partition, is stampedwith the stamp required for an instrument of partition, and aninstrument of partition in pursuance of such order or award issubsequently executed, the duty on such instrument shall notexceed ten rupees.

47. Partnership -A. Instrument of-

(a) where the capital of the partnership does not exceed Rs. 10,000;

One hundred rupees

(b) in any other case

The same duty as a Bond (No.14) for Rupees Ten thousandOne hundred rupees

B. Dissolution ofPawn or pledge. See Agreement Relating to deposit of title deeds, pawn or pledge (No. 6)Policy of insuranceSee Schedule of the(Indian Stamp Act, 1899)

48.

Power of Attorney as defined by Section 2 (xxii), not being a Proxy (No. 52 of the Indian Stamp Act, 1899) (Act No. 2 of 1899) When authorizing-

(a) grandfather father, grandmother, mother, husband, wife, son, grandson, daughter, real brother, real sister, without consideration to sell or otherwise transfer an immovable property,

One hundred rupees

(b) a person other than those mentioned in clause (a) without consideration to sell or otherwise transfer an immovable property-(i) given for a period not exceeding two years(ii) given for a period exceeding two years or for a period not mentioned in the instrument or for an indefinite period,

Five thousand rupees  
The same duty as a Conveyance [No. 24 clause (a)] for the market value of the property, which is the subject of the instrument

(c) any person to sell or otherwise transfer an immovable property situated in Uttar Pradesh, when given for consideration

The same duty as a conveyance (No. 24 clause (a)] for the amount of consideration or market value of the property, whichever is higher

(d) a person other than those mentioned in clause (a) by a person residing in a country other than India for a period of six months or more at the time of execution of the power of attorney to sell or otherwise transfer immovable property-(i) without consideration,(ii) with consideration

One hundred rupees  
The same duty as a Conveyance [No. 24 clause (a)] for the amount of consideration or market value of the property, whichever is higher

(e) when irrevocable authority is given to the attorney to sell immovable property

The same duty as a Conveyance [No. 24 clause (a)] on market value of the property forming subject-matter of such attorney

(f) one person or more to act in a single transaction otherwise than to sell or transfer immovable property

Fifty rupees

(g) persons other than those mentioned in clause (a) to sell or transfer immovable property outside the State of Uttar Pradesh,(i) without consideration,(ii) with consideration

Five hundred rupees  
One per cent of the amount of consideration mentioned in the instrument, subject to a minimum of Rupees One thousand

	(h) any other instrument of power of attorney for a purpose other than a sale or otherwise transfer immovable property or for a purpose not covered under clause (a) to (g) or 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 N.B. -The term 'registration' includes every operation incidental to registration under the Registration Act, 1908 (16 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 Promissory note-See No. 49 of Schedule of the Indian Stamp Act, 1899	One hundred rupees
49.	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 dishonor of a Bill of Exchange or Promissory Note  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 characters or the consignees for not loading or	Ten rupees
50.	unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such See also Note of Protest by the Master of a Ship (No. 45) Proxy. - See No. 52 of Schedule of the Indian Stamp Act, 1899 Receipt -See No. 53 of Schedule of the Indian Stamp Act, 1899	Ten rupees
51.	Re-Conveyance of Mortgaged Property -  (a) If the consideration for which the property was mortgaged does not exceed Rs. 1000;  (b) in any other case	The same duty as a Conveyance [No. 24 clause (a)] for the amount of such consideration as set forth in the Re-conveyance  The same duty as a Conveyance [No. 24 clause (a)] for Rupees One thousand
52.	Record of transaction (Electronic or otherwise) effected by a trading member through a stock exchange or the association	



referred to in Section 15,-

(a) if relating to sale or purchase of Government securities,

Fifty rupees for every Rupees One Crore or part thereof of the value of the security.

(b) If relating to purchase or sale of securities, other than those falling under the above sub-clause (a),-

(i) in case of delivery

One rupee for every Rupees Ten thousand or part thereof of the value of security,

(ii) in case of non-delivery

Twenty paise for every Rupees Ten thousand or part thereof,

(iii) if relating to future and/or options trading

Twenty paise for every Rupees Ten thousand or part thereof, of the value of security

(iv) if relating to forward contracts of commodities traded through an association or otherwise,

One rupee for every Rupees One lakh or part thereof of the value of security

Provided that the duty paid under Article 52 shall be adjusted with the duty paid under Article 5(b) Agreement or memorandum of an agreement, Article 22, Clearance List and Article 44 Note or Memorandum, as the case may be  
Explanation

For the purposes of clause (b), securities shall have the same meaning as defined in the Securities Contract (Regulation) Act, 1956 (Act No. 43 of 1956), the term "trading member" shall have the same meaning as defined in Regulation 2(GA) of Securities and Exchange Board of India (Stock Broker and Sub-broker) Regulations

53. Release, that is to say, any instrument, not being such a release as is provided for by sub-section (2) of Section 29;

(1) 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 Rupees Ten thousand (b) in any other case,

Same duty as a Bond (No. 14) for such amount as set forth in the release, Same duty as a Bond (No. 14) for Rupees Ten thousand

54.

	Respondentia Bond, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination	The same duty as a Bond (No. 14) for the amount of the loan secured
	Revocation of any Trust or Settlement, See Settlement (No. 56); Trust (No. 62)	
55.	Security Bond not being a 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 or the due discharge of liability-(a) when the amount secured does not exceed Rs.1.00(b) in any other case	Ten rupeesOne 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 mensem;(b) executed by persons taking advances under the Land Improvement Loans Act, 1883 (Act No. 19 of 1883), or the Agriculturists Loans' Act, 1884 (Act No. 12 of 1884), or by their sureties, as security for the repayment of such advances;(c) 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	
56.	Settlement	
	A. Instrument of-(Including a deed of dower)	The same duty as a Bond (No. 14) for a sum equal to the amount or 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

## Exemption

Deed of dower executed on the occasion of a marriage between Muhammadans

exceed ten rupees

B. Revocation of-See also Trust (No. 62)

The same duty as a Band (No.14) for a sum equal to the amount or value of the property concerned as set forth in the Instrument of Revocation but not exceeding fifty rupees

57. Share Warrants, to bearer issued under the Indian Companies Act, 1913 (Act No. 7 of 1913)

The same duty as a debenture transferable by delivery (No. 27 (5) of the Schedule of the Indian Stamp Act, 1889)] for a face amount equal to the nominal amount of the shares specified in the warrant

## Exemptions

Share warrant when issued by a company in pursuance of the Indian Companies Act, 1913 (Act No. 7 of 1913), Section 43, 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 as addition to its subscribed capital-one and a half per centum of the additional capital so issued. See Certificate (No. 20)

58. Shipping Order for or relating to the conveyance of goods on board of any vessel
59. Surrender of Lease -

Ten rupees

The same duty as a Bond (No. 14) for a consideration of Rupees One thousand or the duty with which such lease is chargeable, whichever is less: Provided that the duty payable shall be rounded off to the next

	multiple of ten rupees.
Exemption	
Surrender of lease, when such lease is exempted from duty	
60. Transfer (whether with or without consideration) -	
(a) See No. 62 of Schedule of the Indian Stamp Act, 1899	
(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by Section 8;	
When the value of the share or the face amount of the debenture does not exceed Rupees Five hundred,	Ten rupees
Where it exceeds Rupees Five hundred but does not exceed Rupees One thousand	Twenty rupees
And for every Rupees Five hundred or part thereof in excess of Rupees One thousand	Ten rupees
(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 one hundred rupees:	The duty with which such Bond, Mortgage Deed or Policy is chargeable: Provided that the duty payable shall be rounded off to the next multiple of ten rupees
(ii) in any other case	One hundred rupees: Provided further that the duty payable shall be rounded off to the next multiple of ten rupees: Provided that, if by any instrument the interest secured by several bonds, mortgage deeds or policies of insurance is transferred, the duty payable in respect of such instrument shall be the aggregate of the duties which would have been payable if separate instruments of transfer were executed in respect

		of each such bond, mortgage deed or policy of insurance;
	(d) of any property under the Administrator General's Act, 1913 (Act No. 45 of 1913), Section 25;	One hundred rupees
	(e) of any trust property without consideration from one trustee to another trustee or from a trustee to a beneficiary	Seventy rupees
	Exemptions	
	Transfers by endorsement-	
	(a) of a bill of exchange, cheque or promissory note;(b) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods;(c) of a policy of insurance;(d) of securities of the Central Government or the State Government See also Section 8	
61.	Transfer of Leaseby way of assignment and not by way of under-lease	
	(a) Where the transfer for lease purports to be for a term not exceeding thirty years.	The same duty as a Conveyance [No. 24 clause (a)] for a consideration equal to the amount of the consideration for the transfer
	(b) where the transfer of lease purports to be for a term exceeding thirty years or in perpetuity or does not purport to be for any definite term,	The same duty as a Conveyance consideration equal to the amount of the consideration for the transfer or market value of the property, whichever is greater
	Exemption	
	Transfer of any lease exempt from dutyExplanationThe renewal period, if specifically mentioned in the lease, shall be treated as part of the term of the present lease	
62.	Trust	
	A. Declaration of-Of, or concerning any property when made by any writing not being a Will-	
	(a) where the amount or value does not exceed Rupees Ten thousand,	The same duty as on a Bond (No.14)
	(b) where such amount exceeds Rupees Ten thousand, for	On ten thousand rupees,

every additional Rupees One thousand or part thereof

the duty payable under clause (a) and on the remainder, ten rupees for every additional one thousand rupees or part thereof

The same duty as a Bond (No. 14) for a sum equal to the amount or value of the property concerned, but not exceeding the duty payable on a Bond (No. 14) for Rupees Two thousand

B. Revocation of-Or, concerning any property when made by any instrument other than a Will

See also Settlement (No. 56) Valuation. See Appraisement (No. 8) Vakil, See Entry as a Vakil (No. 17)

63. 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 maybe

Ten rupees

64. Work Contract, executed for the execution of an agreement having a stipulation of security to secure the due performance of a contract or due discharge of a liability

Rupees five for every Rupees One thousand or part thereof, of the sum equal to the amount or value secured by such deed, subject to a minimum of Rupees One hundred and subject to a maximum of Rupees Ten lakh