

DEFECTIVE IMPLEMENTATION OF THE SPIRIT OF THE INDIAN STAMP ACT 1899*By*

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We have fought against the Britishers to save ourselves and our country from the deception played by them in their entire administration in their regime and in several other aspects and at last we got the independence as we driven them away from our country and at first we framed our Constitution which is the framework to the people of India within which even a citizen of India including the Government shall act and respond. In the same way, our Government adopted, amended and prepared Acts in consonance with the framework of India for its ideal administration and after that even some Acts were abolished which were contradictory to the framework of the Constitution which were prepared by our Parliament. Hence, here it is pertinent to note that the constitutional framework is the most important aspect to be followed which is meant for the welfare of its subjects. In the same way, to fulfil the true spirit of the Constitution and the Acts which were framed thereunder to provide justice to all it's subjects for the ideal administration which is playing very important role is very very important to be made available as they are just like wheels of a vehicle if we assume the Constitution and Acts are the body of a vehicle. And not only that, the Acts and administration are the both bullocks to the same cart and as such if one of them goes back, results in defective movement of that cart. Now, with this back drop what I would like to say is the Indian Stamp Act, 1899 is imposing a stamp duty of five paise for the amount or value does not exceed Rs.250/- and ten paise when the amount or value exceeds Rs.250/- but does not exceed Rs.1,000/- and fifteen paise in any other case

vide Notification No.130(E) dated 28.1.2004 with effect from 1.3.2004 *vide* Article 49 of Schedule-I for 'the Promissory Note payable on demand' and earlier to that the Stamp Duty was ten paise, fifteen paise and twenty five paise respectively. But, so far, the administration of our Indian Government did not recognize the said stamp value even after sixty years of our independence and 108 years from the year of passing of the said Act. So far, the Government administration never released the revenue stamps worth ten paise, fifteen paise or twenty five paise when it was fixed for the said value and so far not released the revenue stamp worth five paise, ten paise or fifteen Paise respectively after 1.3.2004 from which date the new tariff of five paise, ten paise and fifteen paise came into effect by amending the Article 49 of Schedule-I of The Indian Stamp Act, 1899. It is agreeable by everybody that nobody would opt for getting execution of a Demand Promissory Note for a little much of amount below Rs.1,000/- which attracts the stamp duty of five paise, ten paise or earlier, ten paise, fifteen paise respectively, but even fifteen paise revenue stamp now or twenty five paise earlier should have been released. Prior to 1.3.2004 or after 1.3.2004 the people are forced to purchase twenty five paise revenue stamp earlier and one rupee revenue stamp which one alone is available right now. When, a person was purchasing two twenty five paise revenue tickets for a Demand Promissory Note he was forced to pay 75% extra than the actually payable stamp duty and now it has gone up to 566.66% and we can just imagine how much excess amount is collecting by the Government from it's

consumers ignoring the laws passed by the Government. The only available stamp in India which had reached up to villages since British period is revenue stamp and the general money transaction among the village people of our India is running through the Demand Promissory Notes alone. And so also, the stamp duty is generally required from the successful bidders and his/her sureties in the lakhs of Chit Fund Companies and *etc.* So the Government can say that for manufacturing the Revenue Stamp worth Ten Paise, Fifteen Paise, Twenty Five Paise it will be more expensive than the value of the stamp, but that cannot be a ground and the Government cannot form such an opinion because the Acts were implemented for the welfare of the people, if that being so for registration of the documents previously there were Non-judicial stamps consisting denomination of Rs.5/-, Rs.10/-, Rs.20/-, Rs.30/-, Rs.50/-, Rs.100/-, Rs.500/-, Rs.1,000/- and Rs.5,000/-. But now the Government is not manufacturing any stamp and collecting the stamp duty from the persons by way of Challans. So in one-way or the

other without manufacturing the Non-judicial stamps, the Government is collecting revenue from the people for the purpose of stamp duty, thereby the Government cannot say that for manufacturing of Five Paise, Ten Paise, Fifteen Paise revenue stamp the Government is incurring more expenditure than the worth of the stamps. I have no hesitation to say that the Government of India wantonly, for the purpose of collecting excess revenue, following the said wrong ways without releasing the stamps in consonance with the provisions of The Indian Stamp Act, 1899, and extracting 566.66% extra (75% earlier) from the consumers of the Revenue Stamps. If any shop owner collects 566.66% extra than the actual rate on the price of an article it is an offence under IPC. Hence, even now, I hope that the Indian Government will take notice of the same and also hope that immediately five paise, ten paise and fifteen paise stamps may be released and should be made available in every part of India within no time to implement the true spirit of the provisions of the Indian Stamp Act, 1899.

“The study of the law is useful in variety of points of view. It qualifies a man to be useful to himself, to his neighbours, and to the public.”—Thomas Jefferson (1743-1826), Letter to T.M. Randolph, 30 May 1790

“The law must be related to the changing standards of life, not yielding to every shifting impulse of the popular will but having regard to fundamental assessments of human values and the purposes of society.”—Viscount Simonds (1881-1971), Shaw v. D.P.P., [1962] AC 220 at 268