

ASSAM STAMP (AMENDMENT) ACT, 1950

300 ASSAM Act VII OF 1950 *THE ASSAM STAMP (AMENDMENT) ACT, 1950 [Published in the "Assam Gazette, Extraordinary", dated the 30th March 1950] Act to amend the Indian Stamp Act, 1899, in its application to Assam Preamble.—Whereas it is expedient to increase temporarily the revenues of Assam and for that purposes to amend the Indian Stamp Act, 1899 (11 Of 1899), hereinafter called the principal Act, in its application to Assam, in the manner hereinafter appearing ; It is hereby enacted as follows :— 1. Short title, extent and This Act may be called the Assam Stamp (Amendment) Act, 1950. (2) It extends to the whole Of Assam. (3) It shall come into force on the first day of April 1950 and shall remain in force for a period of five years

2. Amendment of section 3.—In section 3 of the principal Act, (I) after clause (c) the following shall be inserted, namely "Provided that, except as otherwise expressly provided in this Act. and notwithstanding anything contained in clauses (a), (b) or (c) of this section the amount indicated in Schedule I to this Act shall, subject to the exemptions contained in that schedule, be the duty chargeable under this Act on the following instruments, mentioned in clauses (aa) and (bb) of this proviso, as the proper duty therefor respectively,— (aa) every instrument, mentioned in Schedule I as chargeable with duty under that schedule. which, not having been previously executed by any person, is executed in Assam on or after the first day of April 1950 : and (bb) every instrument mentioned in Schedule I as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed out of Assam on or after the first day of April 1950, and relates to any property situated, or to any matter or thing done or to be done in Assam, and is received in Assam," (2) after the word "provided" the word "also" shall be inserted

3. Amendment of section sub-section (I) of section 4 of the principal Act—for the words "one rupee" the words "two rupees" shall be substituted

4. Amendment of section 6.—In section 6 of the principal Acts— In the proviso, for the words "one rupee" the words "two rupees" shall be substituted, S. Amendment of section the proviso to sub-section (4) of section 28 of the principal Act, for the words "one rupee" the words "two rupees" shall be substituted.

*For statement of Objects and Reasons see 'Assam Gazette', 1950, Part V, page 32. 301 6. Amendment of section 32.—In section 32 of the principal Act— (1) in clause (a) of the proviso, after the words "any instrument" the words "other than an instrument chargeable with a duty under clause (bb) of the first proviso to section 3" shall be inserted ; (2) the word "or" at the end of clause (b) of the proviso shall be omitted ; (3) after clause (c) of the proviso the following shall be inserted, namely "or (d) any instrument chargeable with duty under clause (bb) 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 Assam." 7. New Schedule IA.—In Schedule I to the principal Act, for items nos. 1-12, 15-20, 22-26, 28-36. 38-46. 48, 50-51, 54-61 and 63-65. the following shall be substituted, namely— 'SCHEDULE 1 Stamp duty on certain Instruments under the Assam Stamp (Amendment) Act, (See section 3 and first proviso) Description Of instrument 1. ACKNOWLEDGMENT of a debt exceeding twenty rupees in amount or value, written or signed by or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a debtor's pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession: provided at such acknowledgment does not contain any promise to pay the debt or any obligation to pay interest or to deliver any goods or other property. included- 2. ADMINISTRATION-BOND is a bond given under section 6 of the Government Savings Banks Act, 1873, Proper stamp-duty (2) One anna. Act V of 1873), or section 291 or section 375 or section 376 of the Indian Succession Act, 1925 (Act XXXIX of 1925). (a) Where the amount does not exceed Rs. 1,000 (b) in any other case . for such amount. Ten rupees. 302 (Schedule 1) Description of instrument (1) -3. ADOPTION-DEED, that is to say, 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.30)

4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.Exemption Affidavit or declaration in writing when made— (a) as a condition of enlistment under the Indian Army Act, 1911 (Act VIII of 1911). (b) for the immediate

purpose of being filed or used in any Court or before the officer of any Court ; or (c) for the sole purpose of enabling any person to receive any pension or charitable allowance

5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—(a) (b) (i) if relating to the sale of a Government security (ii) if relating to the sale of a share in an incorporated company or other body corporate; (c) if not otherwise provided for ; Proper stamp-duty Twenty rupees. Two rupees. Subject to a maximum of twenty rupees , two annas for every Rs. 10,000 or part thereof, Of value Of the security. Two annas for every Rs.5,000 or part thereof of the value of the share. One rupee. y N, r, r 303 (Schedule I) Description of instrument (1) Proper stamp-duty (2) (d) executed for service or for Four annas. performance of work in any estate whether held by one person, or by more persons than one as co-owners, and whether in one or more blocks, and situated in Assam, where the advance given under such agreement does not exceed fifty rupees. Exemptions Agreement or memorandum of men t— (a) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No.43. (b) made in the form of tenders to the Government of India for, or relating to, any loan AGREEMENT' TO LEASE. —See lease (No.35)

6. AGREEMENT RELATING TO SIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing agreement relating to— (1) the deposit Of title deeds or instruments constituting or being evidence the title to any property whatever other than a marketable security), or (2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt— (a) if such loan or debt is repayable on demand or more than three months from the date of Description of instrument (1) the instrument evidencing 304 (Schedule I) If drawn Singly Proper stamp-duty the agreement— (i) when the amount of the loan or debt does not (ii) when it exceeds Rs.200 but does not exceed Rs. 200 1,000 1,200 1,600 2,500 5,000 7,500 10,000 15,000 20,000 25,000 30,000 If drawn in set of two, for each part Of the set 03 o 4 9 6 o 4 If drawn on Set Of three for each part Of the set 3 Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto Ditto 400 600 1,000 1,200 ,600 2,500 7,500 10,000 15,000 20,000 ditto ditto ditto ditto ditto ditto ditto ditto ditto ditto 0 13 0 12 0 13 11 1 0 12 2 3 6 10 13 20 27 33 40 13 2 6 4 6 12 o 8 4 12 8 8 6 6 o 0 o o o o 9 2 1 11 3 6 5 6 12 10 2 13 g 14 20 4 6 12 6 6 o 0 6 o o o o o o o 0 0 o 2 3 4 6 9 11 13 4 4 6 7 9 2 4 6 8 12 o 4 B 8 a 6 6 0 0 0 o 3 loa and for every additional Rs. 10,000 or part thereof in excess of Rs.30,000 (b) if such loan or debt is repayable not more than three months from the date Of such instrument

7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property , movable or immovable, whether made by any writing not being a will

8. APPRAISEMENT 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. 1 ,000. (b) in any other case. Half the duty payable on or debt under clause (a) for the clause (a) (ii) secured. Twenty-five rupees. amou 'The same duty as a Bottomry Bo (No. 16) for such amount. Ten rupees. 305 (Schedule 1) Description Of instrument Exemptions (a) Appraisement 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) Appraisement 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 ition of any apprentice, clerk or servant laced with any master to learn any profession, trade or employment, not being •cles Of Clerkship (No.11). Exemptions Instruments or apprenticeship executed by a Magistrate under the Apprentices Act, (Act XIX of 1050), or by which a person is apprenticed by, or to the charge of, any public IO. ARTICLES OF ASSOCIATION OF A COMPANY— (a) where the nominal share capital not exceed one lakh of rupees; (b) where the nominal share capital exceeds one Exemptions Articles Of association not for profit and registered under section f Indian Companies Act, 1913. See also Memorandum of association Of a Company {No.3q}, Proper stamp-duty (2) Ten rupees. Fifty rupees, One hundred rupees. (Schedule 1) Description on (1) I I. ARTICLES OF CLERKSHIP or contract whereby any person first becomes bound to serve as clerk in order to his admission as an attorney in any High Court. ASSIGNMENT—See Conveyance (No.23), Transfer (No.62) and Transfer of lease (No.63), as the case may be. ATTORNEY—See entry as an Attorney (No.30), and Power-of-attorney (No.48). AUTHORITY TO ADOPT—See Adoption-deed (No.3)

12. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—(a) where the amount or value of the property to which the award relates as set forth in such award does not exceed Rs.1,000 ; (b) if it exceeds does not exceed Rs.5,000 ; and for every additional Rs. 1,000 or part thereof in excess of Rs.5,000. Exemptions Award under the Bombay District Municipal Act, 1901 (Bombay Act III of 1901), Section 160, or the Bombay Hereditary Offices Act, 1874 (Bombay Act III of 1874), Section 18. 13. 14

15. BOND [as defined by section not being a DEBENTURE (No.27), and not being otherwise provided for by this Act, or by the Court-fees Act, 1870 (Act VII of 1870)— where the amount Or value secured does not exceed Rs. 10 ; where it exceeds Rs.10 and does not exceed • where it exceeds Rs.50 and does not exceed Rs.100 ; Proper stamp-duty (2) Two hundred and fifty rupees. The same duty as a Bond (No. 15), for such amount. Ten rupees. Eight annas subject to a maximum of fifty rupees. Two annas. Four annas. Eight annas, 307 (Schedule i) description of ; instrument where it exceeds Rs. 100 and does not exceed Rs.200 ; where it exceeds Rs.200 and does not exceed Rs. 300 ; where it exceeds Rs.300 and does not exceed Rs.400 ; where it exceeds Rs.400 and does not exceed Rs.500 • where it exceeds and does not exceed Rs.600 , Where it exceeds Rs. 600 and does not exceed Rs. 700 ; where it exceeds Rs. 700 and does not exceed Rs.800 • where it exceeds and does not exceed Rs. ; where it exceeds and does not exceed Rs. 1,000 • and for every Rs.500 part thereof in excess of Rs. 1,000. See Administration-Bond (No.2), Bottomry Bond (No. 16), Customs Bond (No.26), Indemnity Bond (No.34), Respondentia Bond (No.56), Security Bond (No.57). Bond, when executed by— (a) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876 (Beng. Act of 1876), Section 99, for the due performance of their duties under that Act ; (b) 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. Proper stamp-duty (2) One rupee. Two rupees annas. Three rupees. Three rupees twelve annas. Four rupees eight annas. Five rupees four annas. Six rupees. Six annas, Seven rupees eight annas. Three rupees twelve annas. -80b (Schedule I) Description 01' instrument 16. BOTTOMRY BOND, that is [to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage where the amount or value secured does not exceed Rs. 10 ; where it exceeds Rs. 10 and does not exceed Rs.50 • where it exceeds Rs.50 and does not exceed Rs. 100 where it exceeds Rs. 100 and does not exceed Rs.200 ; where it exceeds Rs. 200 and does not exceed Rs.300 • Where it exceeds Rs.300 and does not exceed Rs.400 • where it exceeds Rs.400 not exceed Rs.500 ; where it exceeds Rs. 500 not exceed Rs. 600 • where it exceeds Rs.600 not exceed Rs. 700 where it exceeds Rs. 700 not exceed Rs. 800 Where it exceeds Rs.800 not exceed Rs. 900 ; where it exceeds Rs. 900 not exceed Rs. 1,000 and for every Rs.500 and does and does and does and does and does and does or part thereof in excess of Rs. 1 17. 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.55), Revocation of Settlement (No.58-B), Surrender of Lease (No.61), Revocation of Trust (No.64-B)

18. CERTIFICATE or SALE (in respect Of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue officer—(a) where the purchase-money does not exceed Proper-stamp-duty (2) Three annas. Six annas. Twelve annas. One rupee eight annas. Two rupees four annas. Three rupees. Three rupees twelve annas. Four rupees eight annas. Five rupees four annas. Six rupees, Six rupees twelve annas. Seven rupees eight annas. Three rupees twelve annas. Seven rupees eight annas. Four annas. 309 (Schedule I) Description instrument 0) (b) where purchase-money exceeds Rs. 100, does not exceed Rs. 25 in any other case 1 9. CERTIFICATE OR OTHER DOCUMENT evidencing the right or title of the holder thereof or any other person in, either to any shares, scrip or stock in or of any incorporated company or of her body, or to become proprietor of corpora shares, scrip or stock in or of any such company or body. See also LIST OF ALLO SHARES (No.36)

20. CHARTER PARTY, is to say, any instrument (except an agreement for the hire or a tug-steamer), whereby a vessel or some specified principal part thereof is let for specified purposes of the charter, whether it includes a penalty clause or not.21

22. COMPOSITION-BLEI' is to any instrument executed by a say, 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

25. CONVEYANCE [as defined by section 2 (IO)J, not being a Transferee charged or exempted under No.62]—where the value of the consideration such as set forth therein does not exceed Rs.50 ; Proper stamp-duty Eight annas. The same duty conveyed (No.23), for a consideration equal to the amount of the purchase money only. One annas. rupees. One rupee twelve annas. 310 (Schedule 1) Description Of instrument (1) where it exceeds Rs.50 but not exceed Rs. 100 where it exceeds Rs. 100 not exceed where it exceeds Rs 200 not exceed • where it exceeds Rs.300 not exceed Rs.400 where it exceeds Rs.400 not exceed • where it exceeds Rs.500 not exceed • but but but but does does does does does but does where it exceeds Rs.600 but not exceed Rs. 700 where it exceeds Rs. 700 but not exceed • where it exceeds but not exceed Rs. 900 where it exceeds Rs. 900 but not exceed Rs. 1,000 does does does does and for every or part thereof in excess of Rs. 1,000. Exemptions Assignment of copyright under the Indian Copyright Act, 1914 (Act III of 1914, section 5. CO-PARTNERSHIP-DEED.—See Partnership (No.46)

24. Copy OR EXTRACT, certified to be a true copy or extract or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—(i) if the original was not chargeable With duty, or if the duty with which it was chargeable does not exceed one rupee ; (ii) in any other case not falling within the provisions of section Proper stamp-duty (2) One rupee eight annas. Three rupees. Four rupees eight annas. Six rupees. Seven rupees eight annas. Nine rupees. Ten rupees eight annas. Twelve rupees. Thirteen rupees eight annas. Fifteen rupees. Seven rupees eight annas. One rupee. TWO rupees. 311 (Schedule 1) Description Of instrument Exemptions (a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose. (b) Copy or or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials

25. COUNTERPART OR DUPLICATE of any instrument, chargeable with duty and in respect of which the proper duty has been paid- (a) if the duty with which the original instrument is chargeable does not exceed two rupees (b) in any other case not falling within the provisions of section [ion Exemption Counterpart of any lease granted to a cultivator, when such lease is exempted from duty

26. CUSTOMS-BOND—(a) Where the amount does not exceed Rs. 1 (b) in any other case 27

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 twenty rupees. Proper stamp-duty (2) The same duty as original. Two rupees. is payable on it The same duty as a Bottomry Bond (No. 16) for such amount. Ten rupees. One anna. 312 (Schedule 1) Description Of instrument DEPOSIT OF TITLE-DEEDS—See Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No.6). DISSOLUTION OF PARTNERSHIP—See Partnership (No.46)

29. DOWER—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage. DOWER—Instrument of, See Settlement (No.58). DUPLICATE—See Counterpart (No.25)

30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY, ON THE ROLL OF HIGH COURT, under the Indian Bar Councils Act, 1926 (Act of 1920), or in exercise of power conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1884 (Act IX of 1884)—(a) in the case of an Advocate or vakil ; (b) in the case of an Attorney Exemption Entry of an Advocate, Vakil or Attorney on the roll of any High Court, when he has previously been enrolled in a High Court

31. EXCHANGE OF MENT OF EXTRACT—See Copy (No.2,4)

32. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property— (a) when the original mortgage is one of the description referred to in clause (a) of

Article No.40 (that is, with possession) Proper stamp-duty (2) Five rupees. Seven hundred and fifty rupees. Five hundred rupees. The same duty as a conveyance (No.23) for a consideration equal to the value of the property Of greatest value as set forth in such instrument. The same duty as a conveyance (No.23) for a consideration equal to the amount of the further charge secured by such instrument, 313 (Schedule 1) Description of instrument (b) when such mortgage is one of the description referred to in clause (b) Article No.40 (that is, without possession) — (i) if at the time of execution of the instrument of mortgage possession of the property is given or agreed to be given under such instrument. (ii) if possession is not so given 33. GIFT—Instrument of, not being a Settlement (No.5U) or Will (No.62). HIRING or agreement for service— See Agreement (No.5). 34, INDEMNITY BOND (No.22). See Compound 35. underlease or sub-lease and to let or sub- (a) where by such lease the rent is fixed and prepaid; paid or delivered— (i) where the lease purports to be for a term one year (ii) where lease to be for a less than ten years (iii) where the lease purports to be a term exceeding five years exceeding ten years Proper stamp-duty (2) The same duty as a conveyance (No.23) for a consideration equal to [the total amount of the charge original mortgage including the and any further charge already made], less the duty already paid on such original mortgage and further charge. The same duty as Bond (No. 15) for amount of the further charge secured by such instrument. The same duty as a conveyance (No.23) for a consideration equal to the value of the property as set forth in such instrument. The same duty as a security Bond (No.57) for the same amount, The same duty as a Bottomry Bond (No.16) Whole amount payable deliverable such lease. The same duty as a Bottomry Bond (No. 16) 'Or the amount or value of [the average annual rent reserved. The same duty as a conveyance for a consideration equal (No.23) to the amount or value of the average annual rent reserved. 314 (Schedule 1) Description of instrument (1) (iv) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years ; (v) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years ; (vi) where the lease purports to be for a term exceeding thirty years, but not exceeding one hundred years ; (vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity ; (viii) where the lease does not purport to be for any definite term (b) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved ; (c) where the lease granted for a fine or premium, or for money advanced in addition to rent reserved Proper stamp-duty (2) The same duty as a conveyance— (No.23) for a consideration equal to twice the amount or value of the", average annual rent reserved. The same duty as a conveyance (No.23) for a consideration equal to three times the amount or value of the average annual rent reserved, The same duty as a conveyance (No.23) for a consideration equal to four times the amount or value of the average annual rent reserved. The same duty as a conveyance (No.23) for a consideration equal in the case of a lease granted solely for agricultural purposes to one-tenth and in other case to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease. The same duty as a conveyance (No.23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long. The same duty as a conveyance (No.23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease. The same duty as a conveyance (No.23) for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered : Provided that, in any case when an agreement to lease is stamped with the ad valorem stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed twelve annas. Proper stamp-duty (2) 11. h "In (b) 315 (Schedule D Description of instrument (1) Exemption Lease, executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees. this exemption a lease for the purpose of cultivation shall include a lease of lands for cultivation together with a homestead or tank. Lease of fisheries granted under the Burma Fisheries Act, 1905 (Burma Act 111, 1905), or the Upper Burma Land and Revenue Regulation, 1889 (111 of 1889). Explanation.—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

36. LEITER OF ALLOTMENT OF SHARES any company or proposed company, or respect of any loan to be raised by any company or proposed company. See also CERTIFICATE OR OTHER DOCUMENT (No. 19). 37

38. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his discretion. Two annas. Fifteen rupees. 316 (Schedule I) Description of instrument (1) 39. MEMORANDUM OF ASSOCIATION OF COMPANY— (a) if accompanied by articles of association under section 17 of the Indian Companies Act, 1913 (Act VII of 1913). (b) if not so accompanied— (i) where the nominal share capital does not exceed one lakh of rupees • (ii) where the nominal share capital exceeds one lakh of rupees ; Exemption Memorandum of any association not formed for profit and registered under section 26 of the Indian Companies Act, 1913 (Act VII of 1913)

40. MORTGAGE-DEED, not being an agreement relating to Deposit of Title- deeds, Pawn or Pledge (No.6), Bottomry Bond (No. 16), Mortgage of a Crop (No.41), Respondentia Bond (No.56), or Security Bond (No.57)— (a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given ; (b) when possession is not given or agreed to be given as aforesaid ; Explanation.—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof is deemed to give possession within the meaning of this article ; Proper Stamp-duty (2) Thirty rupees. Eighty rupees. One hundred and thirty rupees. The same duty as a conveyance (No.23) for a consideration equal to the amount secured by such deed. The same duty as a Bond (No. 15) for the amount secured by such deed. 317 (Schedule I) Description of instrument (c) when a collateral or auxiliary or additional or substituted security, or by way of further for the above mentioned purpose where the principal or primary security (1) till the sum secured not exceeding Rs.1,000 , and for every Rs.] or part thereof secured in excess of Rs. 1,000. Exemptions (1) Instruments executed by persons taking advances under the Improvement Loans Act, (Act of 1083), or the Agriculturists Loans Act, (Act of) by their sureties as security for the repayment of such advances. (2) Letter of hypothecation accompanying a bill of exchange

41. MORTGAGE OF A CROP including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—(a) when the loan is repayable not more than three months from the date of the instrument— every sum secured not exceeding Rs. 200 • and for every Rs.200 or part secured in excess Rs.200 Proper Stamp-duty (2) Twelve annas. One rupee. Fifteen annas. 318 (Schedule Description of instrument (b) when the loan is repayable more than three months, but not more than eighteen months from the date of instrument— for every sum secured not exceeding Rs. 100; and for every Rs. 100 or part thereof secured in excess of Rs. 100

42. NOTARIAL ACT, that is to say, endorsement, note, any instrument, certificate, or entry not attestation, being a PROTEST (No.50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public. See also Protest of Bill or Note (No.50)

43. NOTE OR MEMORANDUM, sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—(a) of any goods exceeding in value twenty rupees ; (b) of any stock or marketable security exceeding in value twenty rupees but not being a Government security ; (c) of a Government security

44. NOTE OF PROTEST BY THE MASTER OF A SHIP—See also Protest by the Master of a ship (No.51). ORDER FOR THE PAYMENT OF MONEY—See Bill of Exchange (No.13). 1) Proper stamp-duty Four annas. Two rupees. Four annas. Two annas for every Rs.5,000 or part thereof of the value of the stock or security. Subject to a maximum of twenty rupees, two annas for every Rs. 10,000 or part thereof of the value of the security. One rupee. 319 (Schedule I) Description of instrument 45. PARTITION—Instrument of [as defined by section 15]

46. PARTNERSHIP—A.—Instrument of— (a) where the capital of the partnership does not exceed Rs.500 ; (b) in any other case— of— PAWN OR PLEDGE—See Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No.6)

47. Proper stamp-duty (2) The same duty as a Bond (No.15) for the amount of the value of the separated share or shares of property. N.B.—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares then one of such equal shares) shall be deemed to be that from which the other shares are separated : Provided always that— (a) When an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of the duty paid in respect of the first instrument, but shall not be less than one rupee ; (b) When land is held on revenue settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue ; (c) When a final order for effecting a partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition and an instrument of partition in pursuance of such order of award is subsequently executed the duty on such instrument shall not exceed one rupee. Five rupees. Twenty rupees. Ten rupees. •320 (Schedule I) Description of instrument (1) 48. as defined by section 2 (21)], not being a proxy— (a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution or one or more such documents • (b) when required in suits or proceedings under the Presidency, Small Cause Courts Act, (Act XV of 1882). (c) when authorizing one person or more to act in a single transaction other than the case mentioned in clause (a) ; (d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally ; (e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally • (f) when given for consideration and authorising the attorney to sell any immovable property • (g) in any other case Explanation.—For the purposes of this Article more persons than one when belonging to the same firm shall be deemed to be one person. 49

50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public or other person lawfully acting as such, attesting the dishonour of a bill-of-exchange or promissory note. Proper stamp-duty (2) One rupee. One rupee. Twenty rupees. The same duty as a conveyance (No.23) for the amount of the consideration. Two rupees for person authorising "Registration" N.B.—This includes every operation incidental to registration under the Indian Registration Act, 1908 (Act XVI of 1908). Two rupees. It is to be on both the 321 (Schedule Description of (1) 51. 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 charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such. See also Note of Protest by the Master of a ship (No.44). 52. 53. 1) Proper Two rupees. (2) 54. RECONVEYANCE OF MORTGAGED PROPERTY— (a) if the consideration for which the property was mortgaged does not exceed Rs. 1 ; (b) in any other case

55. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23-A), whereby a person renounces a claim upon or against another person or against any specified property—(a) if the amount or value of the claim does not exceed Rs.1,000 • (b) in any other case

56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making repayment contingent on the arrival of the cargo at the port of destination. The same duty as a conveyance (No.23) for the amount of such consideration as set forth in the reconveyance Fifteen rupee. The same duty as a Bond (No. 15) for such amount of value as set forth in the release. Ten rupees. The same duty as a Bottomry Bond (No. 16) for the amount of the loan secured. 322 (Schedule I) 'Description of instrument 0) REVOCATION OF ANY TRUST ON SETTLEMENT— See Settlement (No.58) • (No.64). Trust 57. SECURITY BOND OR MORTGAGE- executed by way of security DEED, for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract— (a) when the amount secured does not exceed Rs. 1,000 (b) in any other case Exemptions Bond or other instrument, when executed— nominated (a) by head men under rules framed in accordance with the Bengal Irrigation Act, 1876 (Beng. Act 111 of 1876), section 99, for the due performance of their duties under that Act (b) by any person for the purpose of guaranteeing that the total 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 • (c) under No.3-A of the rules made by the Governor of Bom- bay in Council, under section 70 of the Bombay Irrigation Act, 1879 (Bom. Act VII of. 1879). Proper stamp-duty (2) The same duty as a Bond (No. 15) for the amount secured. Ten rupees. 323 (Schedule I) Description of instrument (d) executed by person taking ad- vances under the Land Im- provement Loans Act, 1883 (Act XIX of 1883) or the Agriculturists Loans Act, 1884 (Act XII of 1884), or by their sureties, as security for the repayment of such ad- vances. (e) executed by officers of Govern- ment or their sureties to secure the due execution of an office, or the due accounting for money or other property received by virtue thereof

58. SETTLEMENT—A.—Instrument L Of (including a deed of dower). Exemption (a) Deed of dower executed on the occasion of a marriage between Muhammedans. (b) Hludassa, that is to say, any settlement of immovable pro- perty executed by a Buddhist in Burma for a religious pur- pose in which no value has been specified and on which a duty of Rs. IO has been paid. Proper stamp-duty (2) The same duty as a conveyance (No.23) for a sum equal to the amount or value of the property settled as set forth in such settle- ment : Provided that, where an agreement to settle is stamped With the stamp required for an instrument of settle- ment, and an instrument of settle- ment in pursuance of such agree- ment is subsequently executed, the duty on such instrument shall not exceed twelve annas. (Schedule I) Ih*iption , of instrument B.—Revocation of Sea also Trust (No.64.) 59. SHARE WARRANTS to bearer issued under the Indian Companies Act, 1913 (Aci VII of 1913). Exemption Share warrant when issued by a company in pursuance of the Indian Com- panies Act, 1913 (Act VII of 1913), sec- tion 43, to have effect only upon payment, as •composition for that duty, to the Collec- tor 'Of Stamp•revenue of— (a) one-and-a-half per centum of the whole subscribed capital of the company ; or (b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capi- tal one-and-a-half per centum of the additional capital so issued. Proper stanv.duty (2) The same duty as, , a conveyance (No.23) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding fifteen rupees. One-and-a-half times the duty payable on a conveyance (No.23 for a consideration equal to the nomi- •nal amount of the shares specified in the warrant. lei 60. SHIPPING ORDER for or relating to One anna, the conveyance of goods on board of any vessel

61. SURRENDER 0' LBASE—(a) When the duty with which the The duty with which such lease is lease is chargeable, does not chargeable. exceed seven rupees eight an- nas (b) in any other case Seven eigbvannas. 825 (Schedule I) Of ingtrüment (1) Surrender of lease, when such lease is exempted from duty. höper stamp-duty (2) 62

63. TRANSFER OF LEASE by way of ignment, and not by way of under- Exemption Transfer of, any lease exempt from uty

64. TRUST—A—DECLARATION OF—0fs or con- cernings any property when made by any writing not been a will. B.—REVOCATION OF—0fy or con- cerning, any lm)perty when made by any instrument other than a will. Sit also Settlement (No.58). The same duty as a conveyance (No.23) for a consideration equal to the amount of the consideration for the transfir. The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instru- ment, but not exceeding twenty- two rupees eight annas. The same duty as a Bottomry Bond (No. 16) for a sum equal to' the amount or value of the property concerned, as set 'forth in the instvue ment, but not exceeding fifteen rupees. VALUATION. See Appraisement (No.8) VAEIL. See Entry as Vakil (No.30)

65. WARRANT FOR GOODS, that is to Eight annas.any Linstrument evidencing the title of ny person therein named, or his assigns, the holder thereof, to the property in ny goods lying in or upon any dock, arehouse or wharf, such instrument ein signed or certified by or on behalf e person in whose custody such may be.