

## **THE STAMP ACT, 1899**

**(Act II of 1899)**

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<sup>1</sup>[THE STAMP ACT, 1899]

(Act II of 1899)

[27<sup>th</sup> January, 1899]**An Act to consolidate and amend the law relating to Stamps.****WHEREAS** it is expedient to Consolidate and amend the law relating to stamps;

It is here by enacted as follows:—

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<sup>1</sup>. For Statement of Objects and Reasons, *see* Gazette of India, 1897. Pt. V, P. 175, for Report of the Select Committee, *see ibid* 1898, Pt(V. P. 231; and for Proceedings in Council, *see ibid.*, Pt. VI pp. 10 and 278 ; and *ibid* 1899Pt.VI,P.5.

The Act has been amended in its application to:--

- (1) the Punjab and the Khyber Pakhtunkhwa by the Indian Stamp (Punjab Amendment) Act, 1922 (Punjab VIII of 1922), the Indian Stamp (Punjab Amendment) Act, 1924 (Punjab 1924) and the Indian Stamp (Khyber Pakhtunkhwa . Amendment) Act, 1948 (Khyber Pakhtunkhwa Act XV of 1948); *See* also the Punjab Stamp (Amendment) Act, 1935 (Punjab I of 1935), Punjab Act XIV of 1948, s. 2 and Act XI of 1949, s.2, applying only to the Punjab :
- (2) Sind, by the Indian Stamp (Sind Amendment) Act, 1938 (Sind XII of 1938 );
- (3) Capital of the Federation by the Finance Act, 1952 (V of 1952); and
- (4) the Province of West Pakistan (except the Capital of the Federation ) by West Pakistan Act XVI of 1957, s.3 (3) and 3rd Sch. (with effect from 14th October, 1955).

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the Khyber Pakhtunkhwa. subject to certain modification, and extended to the Excluded Area of Upper Tanawal (Khyber Pakhtunkhwa.) other than Phulera with effect from such date and subject to such modifications as may be notified, *see* Khyber Pakhtunkhwa (Upper Tanawal Excluded Area) Laws Regulation, 1950. This Act and all rules, notifications, declaration and orders made under it which were in force immediately before the first-day of April, 1952, have been extended to and brought into force in the State of Bahawalpur, *see* the Bahawalpur (Extension of Laws) Order, 1952, (G.G.O.H of 1952).

It has been extended to Khairpur State, *see* the Khairpur (Federal Laws) (Second Extension) Order, 1953, (G.G.O. XV of 1953).

It has also been extended to the Leased Areas of Baluchistan, *see* the Leased Areas (Laws) Order, 1950 (G.G.O. III of 1950); and applied in the Federated Areas of Baluchistan, *see* Gazette of India 1937 Pt. I, p. 1499. It has also been extended to the Baluchistan States Union, *see* G.G.O. XVIII of 1953. This Act has been amended in its application to the Province of West Pakistan by W.P. Order XXXVI of 1959 (with effect from the 15th August, 1959).

It has further been amended in its application to the Province of West Pakistan by W.P. Act II of 1964, s.2.

## CHAPTER1

### PRELIMINARY

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|----|--|--|
| 1. | <p>(1) This Act may be called the <sup>1</sup>[* * *] Stamp Act, 1899.</p> <p><sup>2</sup>[(2) It extends to the whole of Pakistan.</p> <p>(3) It shall come into force on the first day of July, 1899.</p>  | Short title,<br>extent and<br>commencement   |
| 2. | <p>in this Act, unless there is something repugnant in the subject or context.</p> <p>(1) 'banker' includes a bank and any person acting as a banker:</p> <p>(2) 'bill of exchange' means a bill of exchange as defined by the Negotiable Instruments Act, 1881, and includes also a hundi, and any other document entitling or purporting to entitle any person whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money:</p> <p>(3) "bill of exchange payable on demand" includes-</p> <p style="margin-left: 40px;">(a) an order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen:</p> <p style="margin-left: 40px;">(b) an order for the payment of any sum of money weekly, monthly or at any other stated periods; and</p> <p style="margin-left: 40px;">(c) a letter of credit, that is to say, any instrument by which one person authorizes another to give credit to the person in whose favour it is drawn:</p> <p>(4) "bill of lading" includes a 'through bill of lading', but does not include a mate's receipt:</p> | <p>Definitions.</p> <p>Banker.</p> <p>Bill of exchange.</p> <p>"Bill of exchange payable on demand."</p> <p>"Bill of lading"</p> |

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<sup>1</sup>. The word "Indian" omitted by A.O. 1949.

<sup>2</sup>. Subsection (2), by Ord. No. XXI of 1960

(5) "bond" includes mate's receipt:

"Pond"

- (a) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be avoid 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:

(6) "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 instrument, chargeable under the law in force in <sup>1</sup>[Pakistan] when such instrument was executed or where several persons executed the instrument at different times, first executed:

Chargeable.

(7) "cheque" means a bill of exchange drawn on specified banker and not expressed to be payable otherwise than on demand;

Cheque.

(8) <sup>2</sup>[\* \* \* \* \*]

(9) Collector.

<sup>3</sup>[(a) means the Collector of a district; and]

[(b) includes a Deputy Commissioner and any officer whom <sup>4</sup>[the Provincial Government] may, by notification in the Official Gazette, appoint in this *behalf*:

(10) "conveyance" includes a conveyance on sale and every instrument by which property, whether movable or immovable, is transferred *inter vivos* and which is not otherwise specifically provided for by Schedule I:

Conveyance.

<sup>1</sup>. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs, by A.O.1949, Arts, 3(2) and 4, for "British India".

<sup>2</sup>. Repealed vide A. O., 1937.

<sup>3</sup>. Sub. by A.O. 1949, Sch. for the original sub-clause (a).

<sup>4</sup>. The original words "the L.G. " were fist subs, by A.O., 1937 and then amended by W P Ord. XLVI of 1959.



<sup>1</sup>[(11) "duly stamped" means affixation of an adhesive or impressed stamp or e-stamp of not less than the requisite amount and that such stamp has been legally affixed, used or electronically generated:]

Duly Stamped.

<sup>2</sup>[(11A) "e-stamp" means a paper printed or partially printed containing a bar code or having any of its unique identification code or features and such other information, as may be specified by the rules, to be generated and printed, on deposit of money equivalent to chargeable stamp duty in the account of Government:]

(12) "executed" and "execution", used with reference to instruments, mean "signed" and "signature" :

Executed and  
"execution"

(12-A) <sup>3</sup>[\* \* \*]

(13) "impressed stamp" includes—

"Impressed  
Stamp"

(a) labels affixed and impressed by the proper officer, <sup>4</sup>[\*\*\*]

(b) stamps embossed or engraved on stamped paper: <sup>5</sup>[and]

<sup>6</sup>[(c) an e-stamp:]

(14) "instrument" includes every document by which any, right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded <sup>7</sup>[and any instrument executed in electronic form]:

Instrument.

(15) "instrument of partition" means any instrument where by co-owners of any property divide or agree to divide such property in severally, and includes also a final order for effecting a partition passed by any Revenue-; authority or any Civil Court and an award by an arbitrator directing a partition:

"Instrument of  
Partition.

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XIV of 2020

<sup>2</sup> Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

<sup>3</sup> omitted vide w.pord XLVI of 1959.

<sup>4</sup> Omitted vide Khyber Pakhtunkhwa Act No. XIV of 2020

<sup>5</sup> Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

<sup>6</sup> Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

<sup>7</sup> Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

(16) "lease" means a lease of immovable property, and includes also—s Lease.

(a) a patta;

(b) a *kahuliyat* or other undertaking in writing, not being a counter-part 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 tease intended to signify that the application is granted;

<sup>1</sup>[16-A.) "marketable security" means. a-security- of such a description as to be be capable of being sold in any stock market in <sup>2</sup>[Pakistan] or in the United Kingdom:]

Marketable security.

(17) "'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:

"Mortgage deed."

(18), "paper" includes vellum, parchment or any other material on which an instrument may be written;

"Paper."

(19) "policy of insurance" includes-

"Policy of insurance.

(a) any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event;

(b) a life-policy, and any policy insuring -any person against accident or sickness, and other personal insurance <sup>3</sup>[\* \* \*]:

(c) <sup>4</sup>[\* \* \* \* \*]

<sup>1</sup>. Ins.By the Indian Stamp (Amdt) Act, 1904 (XV of 1904).

<sup>2</sup>. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960).

<sup>3</sup>. By the Indian stamp (amdt) Act, 1906 (V of 1906).

<sup>4</sup>..By the Indian stamp (amdt) Act, 1906 (V of 1906)..

(20) "policy of sea-insurance" or "sea-policy"—

"Policy of sea insurance" or sea-policy.

- (a) means any insurance made upon any ship or vessel (whether for marine or in land navigation), or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in, or relating to, any ship or vessel and
- (b) includes any insurance of goods, merchandise or property for any transit which includes not only sea-risk within the meaning of clause (a) but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance

where any person, in consideration of any sum of money paid or to be paid for additional freight or otherwise, agrees to take upon himself any risk attending goods, merchandise or property of any description whatever while on board of any ship or vessel, or engages to indemnify the owner of any such goods, merchandise or property from any risk, loss or damage, such agreement or engagement shall be deemed to be a contract for sea-insurance:

(21) "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 specified person to act for and in the name of the person executing it:

(22) "Promissory note" means a promissory note as defined by the Negotiable Instruments Act, 1881; it also includes a note promising the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen:

<sup>1</sup>[(22a) "Public Officer, includes the officer incharge to a Government Office, or any office of the Local Council, a Local Authority, a Statutory Corporation or a similar body set up by the Federal or Provincial Government, a Commercial or Industrial concern, whether singly owned or run through partnership having more than twenty employees, a body registered under the Companies Act, 1913 (Act VII of 1913), or a Co-operative Society;]

(23) "receipt" includes any note, memorandum or writing-

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<sup>1</sup> Clause (22 a) ins: by Khyber Pakhtunkhwa Act No. VII of 1977.

- (a) whereby any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received, or
  - (b) whereby any other movable property is acknowledged to have been received in satisfaction of a debt, or
  - (c) whereby any debt or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged, or
  - (d) which signifies or imports any such acknowledgment, and whether the same is or is not signed with the name of any person <sup>1</sup>[\* \* \*]:
- (24) "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 <sup>2</sup>[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]: <sup>3</sup>[and]

<sup>4</sup>[(25)] "soldier" includes any person below the rank of non-commissioned officer who is enrolled under the Indian Army Act 1911 <sup>5</sup>[or the Pakistan Army Act. 1952.]

## CHAPTER II

### STAMP-DUTIES

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<sup>1</sup>. The word "and" rep. by the Repealing and Amending Act, 1928 (XVIII of 1928).

<sup>2</sup>. Ins. by the Indian Stamp (Amendment) Act, 1904 (XV of 1904), s.2.

<sup>3</sup>. The word "and" and cI. (25), ins. by Act XVIII of 1928, s.2. and Sch

<sup>4</sup>. The word "and" and cI. (25), ins. by Act XVIII of 1928, s.2. and Sch

<sup>5</sup>. Add. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

3. "Subject, to the provisions of this Act and the exemptions contained in Schedule I, the following instruments shall be charge, cable with duty of the amount indicated in that schedule as the proper duty there for respectively, that is to say —

- (a) every instrument mentioned in that Schedule which, not having been previously executed by any person, is executed in <sup>1</sup>[Pakistan] on or after the first day of July, 1899;
- (b) every bill of exchange <sup>2</sup>[payable otherwise than on demand] <sup>3</sup>[\* \*] or promissory note drawn or made out of <sup>4</sup>[Pakistan] on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or other-wise negotiated, in <sup>5</sup>[Pakistan]; and
- (c) every Instrument (other than a bill of exchange <sup>6</sup>[\* \*] or promissory note) mentioned in that Schedule, which, not having been previously executed by any person, is executed' out of <sup>7</sup>[Pakistan] on or after that day, relates to any property situate, or to any matter or thing done or to be done, in <sup>8</sup>[Pakistan] and is received in <sup>9</sup>[Pakistan]:

Provided that, no duty shall be chargeable in respect or\_

(1) any instrument executed by, or on behalf of, or in favour, of the <sup>4</sup>[Government] in cases where, but for this exemption, title <sup>10</sup>[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, 1894 or under Act XIX of 1838, <sup>11</sup>[\* \*] or the Registration of Ships Act, 1841, as amended by subsequent Acts.

4. <sup>12</sup>[(1) Where, in die case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I, for

Several instruments used in single transaction of

<sup>1</sup>. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960.

<sup>2</sup>. Ins. by the Indian Finance Act, 1927 (V of 1927) s.5.

<sup>3</sup>.The word "cheque" rep., *ibid*.

<sup>4</sup>. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960).

<sup>5</sup>. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960).

<sup>6</sup>.The word "cheque" rep., *ibid*.

<sup>7</sup>. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960).

<sup>8</sup>. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960).

<sup>9</sup>. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960).

<sup>10</sup>. Subs. by W.P. Ord. XLVI of 1959 .for "Crown."

<sup>11</sup>.The Bombay Coupling Vessels Act, 1838.

<sup>12</sup>.Subs by W. P. Act II of 1964.

the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of four rupees instead of the duty (if any) prescribed for it in that Schedule.]

sale mortgage  
of settlement.

(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. 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.

Instruments  
relating to  
several distinct  
matters.

6. Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions in Schedule 1, shall, where the duties chargeable thereunder are different, be chargeable only with the highest of such duties:

Instruments  
coming witing  
several  
descriptions in  
Schedule I.

<sup>1</sup>[Provided that nothing contained in this Act shall render chargeable with duty exceeding four rupees a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid.]

7. (1) No contract for sea-insurance (other than such insurance as is referred to in section 506 of the Merchant Shipping Act, 1894) shall be valid unless the same is expressed in a sea-policy.

Policies of sea  
insurance.

(2) No sea-policy made for time shall be made for any time exceeding twelve months.

(3) "No sea-policy shall be valid unless it specifies the particular risk or adventure, or the time, for which it is made, the names of the subscribers or under-writers, and the amount or amounts insured.

(4) Where any sea-insurance is made for or upon a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy shall

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<sup>1</sup>. Subs by W. P. Act II of 1964.

be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.

8. (1) Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the Local Authorities Loan Act, 1879, or of any other law for the time being in force, by the issue of bonds, debentures or other securities, shall, in respect of such loan, be chargeable with a duty of <sup>1</sup>[one per centum] on the total amount of the bonds, debentures or other securities issued by it, and such bonds, debentures or other securities need not be stamped, and shall not be chargeable with any further duty on renewal, consolidation, subdivision or otherwise.

(2) The provisions of sub-section (1) exempting certain bonds, debentures or other securities from being stamped and from being chargeable with certain further duty shall apply to the bonds, debentures or other securities of all outstanding loans of the kind mentioned therein, and all such bonds, debentures or other securities shall be valid, whether the same are stamped or not:

Provided that nothing herein contained shall exempt the local authority which has issued such bonds, debentures or other securities from the duty chargeable in respect thereof prior to the twenty-sixth day of March, 1897, when such duty has not already been paid or remitted by order issued by the <sup>2</sup>[Federal Government].

(3) In the case of willful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the <sup>3</sup>[Provincial] 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. <sup>4</sup>[The Provincial Government] may, by rule or order published in the <sup>5</sup>[Official Gazette].

Power to reduce, remit or compound duties.

(a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of <sup>6</sup>[the territories under its administration], the duties with which any instruments or any particular class of instruments, or any of the instruments

<sup>1</sup>. Subs., by the Indian Stamp (Amendment) Act, 1910 (VII1910), s. 2, for "eight annas per centum."

<sup>2</sup>. Subs., by Khyber Pakhtunkhwa A.L.O. 1975 for Central Government."

<sup>3</sup>. Ins. by W.P. Ord XLVI of 1959.

<sup>4</sup>. The Original words "The G.G., in C." were first subs., by A.O., 1937 and then amended by W. P. Ordinance XLVI of 1959.

<sup>5</sup>. Subs., by A.O. 1937, for "Gazette of India"

<sup>6</sup>. Subs., *ibid.*, for "British India."

belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, <sup>1</sup>[\* \* \*]

- (b) provide for the composition or consolidation of duties in the case of issues by any incorporated company or other body corporate of debentures, bonds or other marketable securities <sup>2</sup>[,]  
<sup>2</sup>[,]

- <sup>3</sup>[“(c) exempt from payment of duties, either in whole or in part, in respect of any instrument executed between the Pakistan Water and Power Development Authority and any other body corporate or company, which is owned or controlled by Federal Government or by the Pakistan Water and Power Development Authority, engaged in the generation, transmission or distribution of electric power; provided this exemption shall be admissible for once only”] <sup>4</sup>[;and]

- <sup>5</sup>[“(d) exempt from payment of duties either in whole or in part in respect of the instrument executed by Al-Shifa Trust, for the transfer of land, donated by Government free of cost measuring 80 kanals, for the construction of an Eye Hospital at Kohat”]  
<sup>6</sup>[;and]

- <sup>7</sup>[“(e) exempt from payment of duties either in whole or in part in respect of the instrument executed by ShoukatKhanum Memorial, Cancer Hospital and Research Centre Lahore, for the transfer of a house, measuring 54 marlas donated by Raja Haq Nawaz Kiyani, son of Raja Ali Akbar Khan resident of Azeem House, MohallahBandiRajgan, KotNajibullah, Haripur District”].

<sup>8</sup>[**9 A.—Power of Provincial Government to exempt certain Instrument.—**The Provincial Government may, by Notification in the official gazette, generally exempt from payment of the whole or any part of the duties on any instruments executed by or in favour of a banking company in the normal course of its banking business.

1. Deleted vide Khyber Pakhtunkhwa Ordinance No.XI of 2002.

2. Replaced vide Khyber Pakhtunkhwa Ordinance No.XI of 2002.

3. Inserted vide Khyber Pakhtunkhwa Ordinance No.XI of 2002.

4. Replaced vide Khyber Pakhtunkhwa Ordinance No.XL-VI of 2002.

5. Added vide Khyber Pakhtunkhwa Ordinance No.XL-VI of 2002.

6. Added vide Ordinance No.III of 2003.

7. Inserted vide Ordinance No.III of 2003.

<sup>8</sup>9:A, ins. Khyber Pakhtunkhwa Ord. No. I of 1985.



**Explanation.**—For the purpose of this Section, "banking company " shall have the same meaning as assigned to it in the Banking Tribunals Ordinance, 1984 (LVIII of 1984),]

***B—Of the mode of using them***

10. (1) Except as otherwise expressly provided in this Act, all duties with which any instruments are chargeable shall be paid, and such payment shall be indicated on such instrument, by means of stamps <sup>1</sup>[or e-stamps]—

Duties how to be paid.

(a) according to the provisions herein contained, or

(b) when no such provision is applicable thereto, as the <sup>2</sup>[Provincial Government] may by rules direct.

(2) The rules <sup>3</sup>[made] under sub-section (1) may, among other matters, regulate;—

(a) in the case of each kind of instrument- the description of stamps <sup>4</sup>[or e-stamps] which may be used;

(b) in the case of instruments stamped with impressed stamps— the number of stamps which may be used;

(c) in the case of bills of exchange or promising -notes written in any Oriental language—the size of the paper on which they are written.

11. The following instruments may be stamped with adhesive stamps, namely:—

Use of adhesive stamps.

(a) instruments chargeable with <sup>5</sup>[a duty not exceeding twenty-five paisa], except parts of bills of exchange payable otherwise than on demand and drawn in sets;

(b) bills of exchange, <sup>6</sup>[\* \*] and promissory notes drawn or made out of <sup>7</sup>[Pakistan]:

<sup>1</sup> Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

<sup>2</sup> Subs, by W.P. Ord. XLVI of 1959, for "Collecting Government" which had been sub, by A.O., 1937, for "G G in C."

<sup>3</sup> See the Stamp Rules, 1925.

<sup>4</sup> Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

<sup>5</sup> Subs, by W.P. Act II of 1964, for "the duty of one anna or half an anna".

<sup>6</sup> The word "cheques" rep., by the Indian Finance Act, 1927 (V of 1927), s.5.

<sup>7</sup> Subs, by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960).

- (c) entry as an advocate, vakil or attorney on the role of a High Court;
- (d) notarial acts ; and
- (e) transfers by endorsement of shares in any incorporated company or other body corporate.

12. (1) (a) 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 same so that it cannot be used again ; and

Cancellation of adhesive stamps.

(b) whoever executes any instrument on any paper bearing an adhesive stamp shall, at the time of execution, unless such stamps has been already cancelled in manner aforesaid, cancel the same so that it cannot be used again.

(2) Any instrument bearing an adhesive stamp which ha..not been cancelled so that it cannot be used again, shall, so fur as such stamp is concerned, be deemed to be unstamped.

(3) The person required by sub-section (1) 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.

13. 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.

Instruments stamped with impressed stamps how to be written.

14. 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:

Only one instrument to be on same stamp.

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.

15. Every instrument written in contravention of section 13 or section 14 shall be deemed to be unstamped.

Instrument written contrary to section 13 or

14 deemed un-stamped,

16. 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, 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 other manner (if any) as the <sup>1</sup>[Provincial Government] may by rule prescribe.

Denoting duty.

### *C—of the time of stamping Instruments*

17. All instruments chargeable with duty and executed by any person in <sup>2</sup>[Pakistan] shall be stamped before or at the time of execution.

Instruments executed in Pakistan,

18. (1) Every instrument chargeable with duty executed only out of <sup>3</sup>[Pakistan], and not being a bill of exchange, <sup>4</sup>[\* \*] or promissory note, may be stamped within three months after it has been first received in <sup>5</sup>[Pakistan].

Instruments other than bills and notes executed out of <sup>6</sup>[Pakistan]

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefore, 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 <sup>7</sup>[Provincial Government] may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

19. The first holder in <sup>8</sup>[Pakistan] of any bill of exchange, <sup>9</sup>[payable] otherwise than on demand] <sup>10</sup>[\* \*] or promissory note drawn or made out of <sup>11</sup>[Pakistan] shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in <sup>12</sup>[Pakistan], affix there to the proper stamp and cancel the same:

<sup>1</sup>. Subs, by W.P. Ord. XLVI of 1959.

<sup>2</sup>. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>3</sup>. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>4</sup>. The word "cheque" rep. by the Indian Finance Act, 1927 (V of 1927), s.5.

<sup>5</sup>. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>6</sup>. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>7</sup>. Subs, by W.P. Ord. XLVI of 1959, for "Collecting Government", which had been subs by A.O. 1937, for G.G. in C."

<sup>8</sup>. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>9</sup>. Ins. *ibid*.

<sup>10</sup>. The word "Cheque" rep. by the Indian Finance Act, 1927 (V of 1927), s.5.

<sup>11</sup>. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>12</sup>. Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

Provided that,—

- (a) if, at the time any such bill of exchange,<sup>1</sup>[\* \*] or note comes into into the hands of any holder thereof in <sup>2</sup>[Pakistan]. the proper adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12, and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Act, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled;
- (b) nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

#### *D — Of valuations for duty*

20. (1) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of <sup>3</sup>[Pakistan], such duty shall be calculated on the value of such money in the currency of <sup>4</sup> [Pakistan] according to the current rate of exchange on the day of the date of the instrument.

(2) the <sup>5</sup>[Federal Government] may, from time to time, by notification in in the <sup>6</sup>[Official Gazette], prescribed <sup>7</sup>[\*\*\*] a rate of exchange for the conversion of British or any foreign currency into the currency of <sup>8</sup>[Pakistan] for the purposes of calculating stamp-duty, and such rate shall be deemed to be the current rate for the purposes of sub-section (1).

21. 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.

Stock and marketable securities how to be valued.

22. 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 present, until the contrary is proved, to be duly stamped.

Effect of statement of rate of exchange or average price.

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<sup>1</sup>.The word "Cheque" rep. by the Indian Finance Act, 1927 (V of 1927), s.5.

<sup>2</sup>.Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>3</sup>.Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>4</sup>.Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>5</sup>."Sub. Khyber Pakhtunkhwa .A.L. 1975 for "Central Government."

<sup>6</sup>.Subs. *ibid.*, for" Gazette of India."

<sup>7</sup>.For notification prescribing such rates, *see* Finance Department (Central Revenues) Notification No. C. 125-stamps25, dated 18-9-1925 (Gazette of India, 1925, Pt. I p.886 as mended by Notification No. 8- Stamps, dated 7-11-31.

<sup>8</sup>.Subs by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960).

23. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with duty higher<sup>1</sup> than that with which it would have been chargeable had no mention of interest been made therein.

Instruments  
reserving  
interest.

<sup>1</sup>[23-A.(1) Where an instrument (not being a promissory note or bill of exchange)—

Certain  
instruments  
connected with  
mortgages of  
marketable  
securities to be  
chargeable as  
agreements.

(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 future 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 memorandum of an agreement chargeable with duty under <sup>2</sup>[Article No. 5 (c) of Schedule I.

(2) A release or discharge of any such instrument shall only be chargeable with the like duty.]

24. 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 contingently 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 is to be deemed the whole or part, as the case maybe, 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 No. 18 of Schedule I.

**Explanation**—In the case of a sale of property subject to a mortgage or other encumbrance, any unpaid mortgage-money or money charged, 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 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.

<sup>1</sup>. Ins. by the Indian Stamp (Amendment) Act, 1904 (XV of 1904), s.3.

<sup>2</sup>. Subs. by the Indian Stamp (Amendment Act, 1912 (1 of 1912), s. 3, for "Article No.5 (b)",

### *Illustrations*

(1) A owes B Rs. 1,000. A sells a property to B, \haz consideration being Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp-duty is payable on Rs. 1,500.

(2) A sells a property to B for Rs. 500 which is subject to a mortgage to C for Rs. 1,000 and unpaid interest Rs. 200. Stamp-duty is payable on Rs. 1,700.

(3) A mortgages a house of the value of Rs. 10,000 to B for Rs. 5,000. B afterwards buys the house from A. Stamp-duty is pay able on Rs. 10,000 less the amount of stamp-duty already paid for the mortgage.

25. 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 terminable 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.

26. 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 shall 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:

<sup>1</sup> [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 the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp-duty,-

- (a) when the lease has been granted by or on behalf of <sup>2</sup>[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 <sup>3</sup>[the Government] under the lease, or,
- (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:] 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 31 or 41, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

27. The consideration (if any) and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it is chargeable, shall be fully and truly set forth therein.

<sup>4</sup>[27 A].(1) Where any instrument chargeable with ad valorem duty under clause (b) of Article 23 or clause (b) of Article 23 or clause (b) of Article 31 of Schedule I relates to land only or land with any building or structure thereon, the value of the land shall be calculated according to the valuation table notified by the Collector in respect of land situated in the area or locality concerned <sup>5</sup>["or as the Provincial Government may, from time to time, by notification in the official Gazette, determine"]].

Valuation of Urban Land.

(2) Where an instrument mentioned in sub-section (1) relates to land with building or structure thereon, it shall state the value of the land and the building or structure, separately, and the value of the building or structure so stated shall, subject to the provisions contained in this Act, be accepted.

(3) Where the value of land stated in an instrument to which sub-section (1) applies is more than the value fixed according to the valuation table, the value declared in the instrument shall be accepted as value for the purpose of duty.

<sup>1</sup>. Subs, by the Indian Stamp (Amdt) Act, 1904 (XV of 1904,) 3,4, for the original proviso.

<sup>2</sup>. The Original words "the Secretary of State in Council " were first subs, by A.O., 1937 and then amended by W.P. Ord. XLVI of 1959.

<sup>3</sup>. First substituted vide A.O, 1937 and then amended by w.pord XLVI of 1959.

<sup>4</sup> Inserted vide Khyber Pakhtunkhwa Act No.VI 1992.

<sup>5</sup> Added vide Khyber Pakhtunkhwa Act No.III of 1997.

(4) Where the value given in the valuation table notified under subsection (1), when applied to any land, appear to be excessive, the Commissioner may, on application made to him by the aggrieved person, determine its correct value and for that purpose the provisions of section 31 and section 32 shall apply *mutatis mutandis*.”

28. (1) Where 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.

(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.

(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.

(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 consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration, and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with *ad valorem* duty in respect only of the excess of the original consideration over the aggregate of the consideration paid by the sub-purchasers:

Provided that the duty on such last-mentioned conveyance shall in no case be less than one rupee.

(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 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 five rupees, with a duty of five rupees.

***E—Duty by whom payable***

29. In the absence of an agreement to the contrary, the expense Duty of providing the proper stamp shall be borne, —

- (a) in the case of any instrument described in any of the following Articles of Schedule I, namely:—

No. 2. (Administration Bond),

<sup>1</sup>[No. 6. (Agreement relating to Deposit of Title-deeds, Pawn or pledge],

No. 13, (Bill of Exchange),

No. 15. (Bond),

No. 16. (Bottomery Bonds),

No. 26. (Customs Bond),

No. 27. (Debenture),

No. 32. (Further Charge),

No. 34. (Indemnity-Bond),

No. 40. (Mortgage-Deed),

No. 49. (Promissory-Note),

No. 55. (Release),

No. 56. (Respondentia Bond),

No. 57. (Security Bond of Mortgage-Deed),

No. 58. (Settlement)

No. 62.(a) (Transfer of Debentures, being market-able securities, whether the debenture is liable to duty or not, except debentures provided for by section 8).

No. 62. (b) (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance),— by the person drawing, making or executing such instrument:

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<sup>1</sup>.Subs. by the Indian Stamp (Amdt.) Act, 1904 (XV of 1904), s.5.for "No.6 Agreement to mortgage)."

<sup>1</sup>[(b) in the case of a policy of insurance other than fire-insurance—by the person effecting the insurance;

(bb) in the case of a policy of fire-insurance—by the person issuing the policy;]

(c)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;

(d)in the case of a counterpart of a lease—by the lessor:

(e)in the case of an instrument of exchange — by the parties in equal shares;

(f)in the case of a certificate of sale-by the purchaser of the property to which such certificate relates: and

(g) 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 Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

30. Any person receiving any money exceeding twenty rupees in amount, or any bill of exchange, cheque or promissory note for an amount exceeding twenty rupees, or receiving in satisfaction or part satisfaction of a debt any movable property exceeding twenty rupees in value, shall, on demand by the person paying or delivering such money, bill, cheque, note or property, give a duly stamped receipt for the same.

<sup>2</sup>[Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire-insurance, shall, within one month after receiving or taking credit for such premium or consideration, give a duly stamped receipt for the same.]

### CHAFFER III

#### ADJUDICATION AS TO STAMPS

31. (1) When any instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, . and the 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 of such amount (not exceeding five rupees and not less

Adjudication as to proper stamp.

<sup>1</sup>. Ins. by Indian Stamp (Amdt) Act 1906 (V of 1996), s.4, for the original cl.(b).

<sup>2</sup>.Ins. by Indian Stamp (Amdt) Act 1906 (V of 1996).

than <sup>1</sup>[fifty paise] as the Collector may in each case direct, 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.

32. (1) When an instrument brought to the Collector under section 31, 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 31, 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 <sup>2</sup>[\* \* \*]

the Collector shall certify by endorsement on such instrument that that 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.

<sup>1</sup>Subs. by W.P. Act II of 1964 for "eight annas."

<sup>2</sup> For refund of its duty in the case of certain instruments, see the stamp (Specified Instruments) Act, 1924 (XIII of 1924),

(3) Any instrument, upon which an endorsement has been made under this section, shall be deemed to be duly stamped *do* 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 executed or first executed in <sup>1</sup>[Pakistan] 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 executed or first executed out of <sup>2</sup>[Pakistan] and brought to him after the expiration of three months after it has been first received in <sup>3</sup>[Pakistan]; or
- (c) any instrument chargeable with <sup>4</sup>[a duty not exceeding twenty-five paisa] or any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped.

<sup>5</sup>[32A. **Certificate of designated officer.**--- An officer designated by Government shall, by notification in the Official Gazette, issue a certificate as to genuineness or otherwise of an e-stamp for the purpose of evidence in legal proceedings.]

## CHAPTER IV INSTRUMENT NOT DULY STAMPED

33. (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 functions, 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<sup>6</sup>[Pakistan] when such instrument was executed or first executed: Provided that—

<sup>1</sup>.Subs. by the Central Laws (Statue Reforms Ordinance, 1960 (XXI of 1960).

<sup>2</sup>.Subs. by the Central Laws (Statue Reforms Ordinance, 1960 (XXI of 1960).

<sup>3</sup>.Subs. by the Central Laws (Statue Reforms Ordinance, 1960 (XXI of 1960).

<sup>4</sup>.Subs. by W.P. Act II of 1964, anna.

<sup>5</sup> Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

<sup>6</sup>.Subs. by the Central Laws (Statue Reforms Ordinance, 1960 (XXI of 1960).

- (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 Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898;
  - (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, in cases of doubt.—
- (a) <sup>1</sup>[the Provincial Government] may determine <sup>2</sup>[\* \* \*]what offices shall be deemed to be public offices; and
  - (b) <sup>3</sup>[the Provincial Government] may determine who shall be deemed to be persons in charge of public offices.

34. Where any receipt chargeable with a duty <sup>4</sup>[not exceeding twenty-five paise is tendered to or produced before any officer unstamped in the course of the audit of any public account, such officer may, in his discretion, instead of impounding the instrument, require a duly stamped receipt to be substituted therefor.

Special provision as to unstamped receipts.

35. No instrument chargeable with duty shall be admitted in a 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 persons or by any public officer, unless such instrument is duly stamped:

Instruments not duly stamped inadmissible in evidence, etc.

Provided that—

- <sup>5</sup>(a) any such instrument not being an instrument chargeable with a duty <sup>6</sup>[not exceeding twenty-five paise] only, or a bill of exchange or promissory note, shall, subject to all just exceptions, 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

<sup>1</sup>. The original words "the G.G in C." were first subs, by A.O. 1937, and then amended by W.P. Ord. XLVI of 1959.

<sup>2</sup>. For the purposes of this section the office of a returning officer appointed for the purposes of an election to legislative body constituted under the Government of India Act is not a public officer, *see* Gazette of India, 1920 (Ft.) I, p. 2136).

<sup>3</sup>. The original words "the G.G. in C" were first subs, by A.O., 1937 and then amended by W. P. Ord. XL-VI of 1959.

<sup>4</sup>. Subs, by W.P. Act II of 1964, for "one anna or half an anna."

<sup>5</sup>. For modifications of this provision in respect of instruments to which the Stamps (Specified instruments) Act, 1924 (XIII of 1924), applies *see* s. 3 of that Act.

<sup>6</sup>. Subs, by W.P. Act II of 1964, for "on" anna or half an anna"1899 Act.

make up such duty, together with a penalty of five-rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;

- (b) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it;
- (c) where a contract or agreement of any kind is effected by correspondence consisting of "two" or more letters, and anyone of! lie letters bears the proper stamp, the contractor agreement shall be deemed to be duly stamped;
- (d) nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in u Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898:
- (e) nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of <sup>1</sup>[the Government], or where it bears the certificate of the Collector as provided by section 32 or any other provision of this Act.

36. Where an instrument has been admitted in evidence, such admission shall not, except as provided in section 61, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

Admission of instrument where not to be questioned.

37. The [<sup>2</sup>Provincial 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.

Admission of improperly stamped instrument

38. (1) When the person impounding an instrument under section 33 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 35 or of duty as provided by section 37, 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

Instruments impounded how dealt with.

<sup>1</sup>. The original words "the Government", were first subs. by A.O., 1937 and, then amended by W.P. Ord. XLVI of 1959.

<sup>2</sup>. The original words "the G.G. in C " were first subs. by A.O., 1937 and then amended by W.P Ord. XLVI of 1959.

Collector, or to such 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.

39. (1) When a copy of an instrument is sent to the Collector under section 38, sub-section (1), he may, if he thinks fit <sup>1</sup>[\* \* \*]refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

Collectors power to refund penalty paid under section 38, such section (1).

(2) When such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may refund the whole penalty so paid.

<sup>2</sup>[40]. (1) When the Collector impounds any instrument under section 33, or or receives any instrument sent to him under section 38, sub-section (2), not being an instrument chargeable with a duty <sup>3</sup>[not exceeding twenty-five paisa] only or a bill of exchange or promissory note, he shall adopt the following procedure:—

Collector's power to stamp instrument impounded.

- (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 opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees ; or, if he thinks fit, <sup>4</sup>[an amount not exceeding] ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of five rupees:

Provided that, when such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the Collector may, if he thinks fit, remit the whole penalty prescribed by this section.

(2) Every certificate under clause (a) of sub-section (1) shall, for the purposes of this Act, be conclusive evidence of the matters stated therein.

<sup>1</sup>. The words "upon application made to him in this behalf or, if no application in made, with the consent of the Chief Controlling Revenue-authority" rep. by the Decentralization Act, 1914 (iv of 1914). s.2ana Sch. Pt.I.

<sup>2</sup>. For modifications of these provisions in respect of instruments which the Stamp (Specified Instruments) Act, 1924 (XIV of 1924), applies *see* s.3 of the Act.

<sup>3</sup>. Subs. by W.P. Act II of 1964, for "one anna or half an anna".

<sup>4</sup>. Ins. by the Indian Stamp (Amendment) Act, 1904 (XV of 1904),

(3) Where an instrument has been sent to the Collector under section 38, sub-section (2), the Collector shall, when he has dealt with it as provided by this section, return it to the impounding officer.

<sup>1</sup>[41]. If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable with a duty of <sup>2</sup>[not exceeding twenty-five paise] only or a bill of exchange or promissory note, 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 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 33 and 40, receive such amount and proceed as next hereinafter prescribed.

Instrument unduly stamped by accident.

42. (1) When the duty and penalty (if any) leviable in respect of any instrument have been paid under section 35, section 40 or section 41, 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.

Endorsement of instruments on which duty has been paid under sections 35, 40 or 41.

(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 35, 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 the <sup>3</sup>[Code of Civil Procedure], section 144, clause 3.

<sup>1</sup>. For modifications of these provisions in respect of instruments to which the Stamp (Specified Instruments) Act, 1924 (XVIII of 1924), applies, see that Act.

<sup>2</sup>. Substituted vide w.p. Act II of 1964, for "one anna or half an anna".

<sup>3</sup>. Now the Code of Civil Procedure, 1908 (V of 1908).



43. 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:

Prosecution for offence against stamp-law.

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 appears to the Collector that the offence was committed with an intention of evading payment of the proper duty.

44. (1) when any duty or penalty has been paid under section 35, section 37, section 40 or section 41, by any person in respect of an instrument, and, by agreement or under the provisions of section 29 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 persons the amount of the duty or penalty so paid.

Persons Paying duty or Penalty may recover same in certain case.

(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 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.

45. (1) Where any penalty is paid under section 35 or section 40, the <sup>1</sup>[Chief Revenue Authority] may, upon application in writing by made within one year from the date of the payment, refund such penalty wholly or in part.

Power to Revenue authority to refund penalty or excess duty in certain cases.

(2) Where, in the opinion of the <sup>2</sup>[Chief Revenue Authority], stamp-duty in excess of that which is legally chargeable has been charged and paid under section 35 or section 40, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.

46. (1) If any instrument sent to the Collector under section 38, sub-section (2), is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

Non-liability for loss of instruments sent under section 38.

<sup>1</sup>. Subs. by A.O. 1961, Art.2 and Schs. for "Chief Controlling Revenue-authority" (with effect from the 23rd March, 1956).

<sup>2</sup>. Subs. by A.O. 1961, Art.2 and Schs. for "Chief Controlling Revenue-authority" (with effect from the 23rd March, 1956).

(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.

<sup>1</sup>[47]. When any Bill of Exchange, chargeable with the duty of five paisa, or promissory note chargeable with the duty of fifteen by paisa is presented for payment unstamped, the person to whom it is so presented may affix there to the necessary adhesive stamp, and upon cancelling the same in the manner hereinbefore provided, may

Power of payer to stamp bills and promissory notes received by him unstamped.

pay the sum payable upon such bill or note and may charge the duty against the person who ought to have paid the same, or deduct it from the sum payable as aforesaid, and such bill or note shall, so far as respects the duty, be deemed good and valid :

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill or note.]  
48. All duties, penalties and other sums required to be paid under this Chapter 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.

## CHAPTER V

### ALLOWANCES FOR STAMPS IN CERTAIN CASES

49. Subject to such rules as may be made by the <sup>2</sup>[Provincial 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 50, 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 :

<sup>1</sup>.Subs. by.W. P. Act II of 1964.

<sup>2</sup>. The original words "G.G. in C." have successively been amended by the Decentralization Act, 1914(IV of 1914)s.2 and Sch., Pt- I.A.O..1937 and W.P. Ord. XL.VT of 1959.

- (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) in the case of bills of exchange <sup>1</sup>[payable otherwise than on demand] <sup>2</sup>[\*\*\*] Or promissory notes —
  - (1) the stamp on <sup>3</sup>[any such bill of exchange] <sup>4</sup>[\*\*\*] signed by or on behalf of the drawer which has not been accepted or made use of in any manner whatever or delivered out of his hands for any purpose other than by way of tender for acceptance provided that the paper on which any such stamp is impressed does not bear any signature intended as or for the acceptance of any bill of exchange <sup>5</sup>[\* \* \*] to be afterwards written there on :
  - (2) the stamp on any promissory note signed by or on behalf of the maker which has not been made use of in any manner whatever or delivered out of his hands:
  - (3) the stamp used or intended to be used for <sup>6</sup>[any such bill of exchange] <sup>7</sup>[\* \* \*] or promissory note signed by, or on behalf of, the drawer thereof, but which from any omission or error has been spoiled or rendered useless, although the same, being a bill of exchange <sup>8</sup>[\*\*\*], may have been presented for acceptance or accepted or endorsed, or, being a promissory note, may have been delivered to the pay provided that another completed and duly stamped bill of exchange <sup>9</sup>[\* \* \*] or promissory note is produced identical in every particular, except in the correction of such omission or error as aforesaid, with the spoiled bill <sup>10</sup>[\* \* \*] or note:
- (d) the stamp used for an instrument execute. by any party thereto which—

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<sup>1</sup>. Ins. by the Indian Finance Act, 1927 (V of 1927), s.5

<sup>2</sup>.The word "cheques" rep. *ibid*.

<sup>3</sup>. Subs. for., I or any bill of exchange."

<sup>4</sup>. "The words "or cheque" rep. *ibid*.

<sup>5</sup>.The words "or cheque" rep. by Act V of 1927.

<sup>6</sup>. Subs, *ibid.*, for "any bill of exchange."

<sup>7</sup>.The words "or cheque" rep. by Act V of 1927.

<sup>8</sup>.The words "or cheque" rep. by Act V of 1927.

<sup>9</sup>.The word "cheque" rep. *ibid*.

<sup>10</sup>.The word "cheque" rep. *ibid*.

- (1) has been afterwards found to be absolutely void in law from the beginning:
- (2) has been afterwards found unfit, by reason of any error or mistake therein, for the purpose originally intended:
- (3) 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:
- (4) for want of the execution thereof by some material party, and his inability or refusal to sign the same, is in fact incomplete and insufficient for the purpose for which it was intended:
- (5) 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 office thereby granted, totally fails of the intended purpose:
- (6) 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:
- (7) 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:
- (8) is inadvertently and undersigned 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 32 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of this section.

50. The application for relief under section 49 shall be made within the following periods, that is to say,—

- (1) in the cases mentioned in clause (d) (5). within two months of the date of the instrument:

(2) in the case of a stamped paper in which no instrument has been executed by any of the parties thereto, within six months after the stamp has been spoiled

(3) 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 <sup>1</sup>[Pakistan], the application may be made within six months after it has been received back in <sup>2</sup>[Pakistan]:
- (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.

51. The <sup>3</sup>[Chief Revenue Authority] <sup>4</sup>[or the Collector if empowered by the <sup>5</sup>[Chief Revenue Authority] in this behalf] may, without limit of time, make allowance for stamped papers used for printed form of instruments <sup>6</sup>[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 <sup>7</sup>[banker], <sup>7</sup>[banker], company or body corporate; provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

52.

- (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 15, owing to such instrument having been written in contravention of the provisions of section 13;

<sup>1</sup>. Subs. by the Central Laws (Statute Reform) Ordinance, 1960, (XXI of 1960).

<sup>2</sup>. Subs. by the Central Laws (Statute Reform) Ordinance, 1960, (XXI of 1960).

<sup>3</sup>. Subs. by A.O. 1961, for "Chief Controlling Revenue Authority".

<sup>4</sup>. Ins. by the Decentralization Act, 1914 (TV of 1914) s.2 and Sch., Part 1.

<sup>5</sup>. Subs. by A.O. 1961, for "Chief Controlling Revenue Authority".

<sup>6</sup>. Ins. by the India Stamp (Amendment) Act, 1906 (V of 1906), s.6.

<sup>7</sup>. Ins. by the India Stamp (Amendment) Act, 1906 (V of 1906), s.6.

the Collector may, on application made within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the persons 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.

53. In any case in which allowance is made for spoiled or misused stamps, the Collector may give in lieu thereof—

Allowance for spoiled or misused stamps how to be made.

- (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 <sup>1</sup>[ten per centum of the value].

54. 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 <sup>2</sup>[ten per centum of the value] upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction—

Allowance for stamps not required for use.

- (a) that such stamp or stamps were purchased by such person with a bona fide intention to use them," and
- (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.

55. When any duly stamped debenture is renewed by the issue of a new debenture in the same terms, the Collector shall, upon application made within one month, repay to the person issuing such debenture, the value of the stamp on the original or on the new debenture, whichever shall be less:

Allowance on renewal of certain debentures.

<sup>1</sup>.Subs. by W.P. Act II of 1964, for "one anna for each rupee or fraction of a rupee".

<sup>2</sup>.Subs. by W.P. Act II of 1964, for "one anna for each rupee or fraction of a rupee".

Provided that the original debenture is produced before the Collector and cancelled by him in such manner as the <sup>1</sup>[Provincial Government] may direct.

**Explanation** - A debenture shall be deemed to be renewed in the same terms within the meaning of this section notwithstanding the following changes :---

- (a) the issue of two or more debentures in place of one original debenture, the total amount secured being the same;
- (b) the issue of one debenture in place of two or more original debentures, the total amount secured being the same;
- (c) the substitution of the name of the holder at the time of renewal for the name of the original holder; and
- (d) the alteration of the rate of interest or the dates of payment thereof,

## CHAPTER VI REFERENCE AND REVISION

56. (1) The powers exercisable by a Collector under Chapter IV and Chapter V <sup>2</sup>[and under clause (a) of the first proviso to section 26 shall in all cases be subject to the control of the <sup>3</sup>[Chief Revenue Authority].

Control of and statement of, case to, Chief Revenue Authority.

(2) If any Collector, acting under section 31, section 40 or section 41, 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 <sup>4</sup>[Chief Revenue Authority].

(3) Such authority 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.

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<sup>1</sup>. Subs. by A.O., 1937, for "G.G. in C."

<sup>2</sup>. Ins. by the Indian Stamp (Amdt.) Act, 1904 (XVI of 1904), s.7.

<sup>3</sup>. Subs. by A. O. 1961, Art. 2 and Sch. for "Chief Controlling Revenue-authority " (with effect from the 23rd March, 1956),

<sup>4</sup>. Subs. by A. O. 1961, Art. 2 and Sch. for "Chief Controlling Revenue-authority " (with effect from the 23rd March, 1956),

57. (1) The <sup>1</sup>[Chief Revenue Authority] may state any case to referred to it under section 56, sub-section (2), or otherwise coming to its notice, and refer such case, with its own opinion thereon, —

Statement of case by Chief Revenue Authority to High Court.

<sup>2</sup>[(a) [\* \* \* \* \*]]

<sup>3</sup>(b) [\* \* \* \* \*]

(2) Every such case shall be decided by not less than three Judges of the High Court <sup>4</sup>[\* \* \*] to which it is referred, and in case of difference, the opinion of the majority shall prevail.

58. If the High Court <sup>5</sup>[\* \* \*] is not satisfied that the statements contained in the case are sufficient to enable it to determine j 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.

Power of High Court to call for further particulars as to case stated.

59. (1) The High Court <sup>6</sup>[\* \* \*], 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.

Procedure in disposing of case stated.

(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.

60. (1) If any Court, other than a Court mentioned in section 57, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to section 35 , the Judge may draw up a statement of the case and refer it, with his

Statement of case by other Court to High

<sup>1</sup>. Subs. by A. O. 1961, Art. 2 and Sch. for "Chief Controlling Revenue-authority " (with effect from the 23rd March, 1956),

<sup>2</sup>. Del. by Khyber Pakhtunkhwa .A.L.O.1975.

<sup>3</sup>.Omitted W P. Act No.XVI of 1957.

<sup>4</sup>.The words "or Chief Court" as amended by A.O., 1937, A.O., 1949 and Act XXVI of 1951 have been omitted by Ord. XXI of 1960, s.3 and 2nd Sch. (with effect from the 14th October, 1955)

<sup>5</sup>.The words "or chief Court" as amended by A.O. 1937. A.O., 1949 and Act XXVI of 1951 has been omitted by Ord. XXI oil960.2nd Sch. with effect from the 14th October, 1955.

<sup>6</sup>.The words "or chief Court" as amended by A.O. 1937. A.O., 1949 and Act XXVI of 1951 has been omitted by Ord. XXI oil960.2nd Sch. with effect from the 14th October, 1955.



own opinion thereon, for the decision of the High Court <sup>1</sup>[\*\*] to which, if he were the Chief Revenue Authority,] he would, under section 57, refer the same. Court.

(2) Such Court shall deal with the case as if it had been referred under section 57, and send a copy of its judgment under the seal of the Court and the signature of the Registrar to the <sup>2</sup>[Chief Revenue Authority] and another like copy of 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.

61. (1) When any Court in the exercise of its civil or revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898, 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 35, the Court to which appeals lie from, or reference are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

Revision of certain decisions of Courts regarding the sufficiency of stamp.

(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 35, 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 subsection (2), the Court recording the same shall send a copy there 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 42, or in section 43, prosecute any person for any offence against the Stamp-Jaw which the Collector considers him to have committed in respect of such instrument:

Provided that –

<sup>1</sup>.The words "or chief Court" as amended by A.O. 1937. A.O., 1949 and Act XXVI of 1951 has been omitted by Ord. XXI of 1960. 2nd Sch. with effect from the 14th October, 1955.

<sup>2</sup>.Subs. by A.O., 1960, Art. and Sch. for "Chief Controlling Revenue-authority " (with effect from the 23rd March, 1956).

- (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 35, 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 42.

## CHAPTER VII

### CRIMINAL OFFENCES AND PROCEDURE

<sup>1</sup>[62]. (1) Any person—

- (a) drawing, making, issuing, endorsing or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating, any bill of change <sup>2</sup>[payable otherwise than on demand] <sup>3</sup>[\* \* \*] or promissory note without the same being duly stamped; or
- (b) executing or signing otherwise than as a witness any other instrument chargeable with duty without the same being duly stamped; or
- (c) voting or attempting to vote under any proxy not duly stamped; shall for every such offence be punishable with fine which may extend to five hundred rupees:

Penalty for executing, etc, instrument non duly stamped.

Provided that, when any penalty has been paid in respect of any instrument under section 35, section 40 or section 61, 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 be punishable with fine which may extend to five hundred rupees.

<sup>1</sup>. For modification of provisions in respect of instruments to which the Stamp (Specified Instruments) Act, 1924 (XII1 of 1924) applies, see s. 3 of that Act.

<sup>2</sup>. Ins. by the Indian Finance Act, 1927 (V of 1927) s.5. 3

<sup>3</sup>. The word "cheque" rep. *ibid*.

63. Any person required by section 12 to cancel an adhesive stamp, and failing to cancel such stamp in manner prescribed by that section, shall be punishable with fine which may extend to one hundred rupees. Penalty for failure to cancel adhesive stamp.
64. Any person who, with intent to defraud the Government,:
- (a) executes any instrument in which all the facts and circumstances required by section 27 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 instrument, 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 fine which may extend to five thousand rupees.
65. Any person who— Penalty for refusal to give receipt, and for devices to evade duty on receipts,
- (a) being required under section 30 to give a receipt, refuses or neglects to give the same; or,
  - (b) with intent to defraud the Government of any duty upon a payment of money or delivery of property exceeding twenty rupees in amount or value, gives a receipt for an amount or value not exceeding twenty rupees, or separates or divides the money or property paid or delivered; shall be punishable with fine which may extend to one hundred rupees.
66. Any person who— Penalty for not making out policy, or making one not duly stamped.
- (a) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, such premium or consideration, make out and execute a duly stamped policy of such insurance: or

makes, executes or delivers out any policy which is not duly stamped, or pays or allows in account, or agrees to pay or allow in account, any money upon, or in respect of, any such policy;

- (b) shall be punishable with fine which may extend to two hundred rupees.

67. Any person drawing or executing a bill of exchange <sup>1</sup> [payable otherwise than on demand] or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped the whole number of bills or policies of which such bill or policy purports the set to consist, shall be punishable with fine which may extend to one thousand rupees.

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

68. Any person who—

Penalty for postdating bills, and for other devices to defraud the revenue.

- (a) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made; or
- (b) knowing that such bill or note has been so post-dated endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiates the same; or
- (c) with the like intent, practices or is Concerned in any Act, contrivance or device not specially provided for by this Act or any other law for the time being in force;

shall be punishable with fine which may extend to one thousand rupees.

69. (a) Any person appointed to sell stamps who disobeys any rule made under section 74; and

Penalty for breach of rule relating to sale of stamps and for

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<sup>1</sup>Ins. by the Indian Finance Act, 1927 (V of, 1927),...

unauthorized  
sale.

(b) any person not so appointed who sells or offers for sale any stamp other than <sup>1</sup>[five paisa, fifteen paisa, or twenty-five paisa revenue] 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. (1) No prosecution in respect of any offence punishable under this Act or any Act hereby repealed shall be instituted without the sanction of the Collector or such other officer as <sup>2</sup>[the Provincial Government] generally, or the <sup>3</sup> [Collector] specially, authorizes in that behalf.

Institution and  
conduct of  
prosecutions.

(2) The <sup>4</sup>[Chief Revenue Authority], or any officers generally or specially specially authorized 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 48.

71. No Magistrate other than <sup>5</sup>[\* \* \*] a Magistrate whose powers are not less than those of a Magistrate of the second class, shall try any offence under this Act.

Jurisdiction of  
Magistrates.

72. Every such offence committed in respect of any instrument may be tried in any district <sup>6</sup>[\* \* \*] in which such instrument is found as well as in any district <sup>7</sup> [\* \* \*] in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

Place of trial.

## CHAPTER VIII

### SUPPLEMENTAL PROVISIONS

73. Every public officer 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 person authorized in writing by the Collector to inspect for such purpose the registers, books, papers, documents

Books, etc, to  
be open to  
inspection

<sup>1</sup>. Subs, by W.P. Act II of 1964, for "one anna or half an anna".

<sup>2</sup>. Subs, by A.O. 1937, for "the Local Government".

<sup>3</sup>. Subs, by W.P. Ord. XLVI of 1959 for "Collecting Government".

<sup>4</sup>. Subs, by A.O. 1961, for "Chief Controlling Revenue-Authority".

<sup>5</sup>. The words "Presidency Magistrate or", omitted by A.O., 1949.

<sup>6</sup>. The words "or Presidency Town" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951). and II Sch.

<sup>7</sup>. The words "or Presidency Town" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), .

and proceedings, and to take such notes and extracts as he may deem necessary, without fee or charge.

74. The <sup>1</sup>[Provincial Government] <sup>2</sup>[\* \* \*] may make rules for regulating—
- Power to make rules relating to sale of stamps.
- (a) the supply and sale of stamps and stamped papers,
  - (b) the parsons by whom alone such sale is to be conducted, and
  - (c) the duties and remuneration of such parsons:

Provided that such rules shall not restrict the sale of <sup>3</sup>[five] paisa, fifteen paisa or twenty-five paisa revenue] adhesive stamps.

75. The <sup>4</sup>[Provincial Government] may make rules <sup>5</sup>[\* \* \*] to carry out generally the purposes of this Act, and may by such rules prescribe the fines, which shall in no case exceed five hundred rupees, to be incurred on breach thereof.
- Power to make rules generally to carry out Act.

76. <sup>6</sup>[(1) All rules made under this Act, shall be published in the Official Gazette.]
- Publication of rules.

(2) All rules published as required by this section shall, upon such publication, have effect as if enacted by this Act.

- <sup>7</sup>[76-A. <sup>8</sup>[\* \* \* \*] the Provincial Government, may n by notification notification in the Official Gazette delegate
- Delegation of certain powers.

- (a) all or any of the powers conferred on it by sections 2 (9), 33 (3) (b), 70 (1), 74 and 78 to the <sup>9</sup>[Chief Revenue Authority] ; and
- (b) all or any of the powers conferred on the <sup>10</sup>[Chief Revenue Authority] by section 45 (1), (2), 56 (1) and 70 (2) to such

<sup>1</sup>. Subs. by W P. Ord. XLVI of 1959, for "Collecting Government".

<sup>2</sup>. The Words "subject to the control of the G.G. in C." rep. by A.O., 1937.

<sup>3</sup>. Subs. by W.P. Act II of 1964, for "one anna or half an anna."

<sup>4</sup>. Subs. by W.P., Ord. XLVI of 1959, for Collecting Government.

<sup>5</sup>. See The Stamp Rules 1927.

<sup>6</sup>. Subs. by A.O. 1937.

<sup>7</sup>. Section 76-A inserted by Act, IV of 1914.

<sup>8</sup>. The words "Central Government Subject to the provision.-; of Section 124(of the Government of India Act, 1935 and 'del. by ,W.P. Ord. XLVr of 1959.

<sup>9</sup>. Subs by A.O, 196Jj for "Chief Controlling Revenue-authority. "

<sup>10</sup>. Subs by A.O, 196Jj for "Chief Controlling Revenue-authority. "

subordinate Revenue- authority as may be specified in the notification.]

77. 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. Savings as to court-fees.

78. Every <sup>1</sup>[Provincial Government] shall make provision for the sale of translations of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding <sup>2</sup>[twenty-five paisa] per copy. Act to be translated and sold cheaply.

79. *[Repeal]. Rep. by the Repealing and Amending Act, 1914 (X 0/1914), s. 3 and Sch. II.*

**APPENDIX**  
<sup>3</sup>["SCHEDULE-1"]  
[see section-2]  
**STAMP DUTY ON INSTRUMENTS**  
[SEE SECTION-3]

Article Number	Description of Instrument	Proper Stamp
1	2	3
1.	<b>ACKNOWLEDGEMENT</b> of a debt exceeding twenty rupees in amount of 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 banker's pass-book or on a separate piece of paper when such book or paper is left in the creditor's possession, provided that such acknowledgement 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.	<b>ADMINISTRATTON BOND</b> , including a bond given under section 291, 375 and 376 of the Succession Act, 1925, section 6 of the Government Saving Banks Act, 1873-	

<sup>1</sup>. Subs, by A.O. 1937.

<sup>2</sup>. Subs. by W.P. Act. H of 1964 for, "four annas ."

<sup>3</sup>. Schedule-I is substituted vide Khyber Pakhtunkhwa Act No.II of 2007.

	<p>(a) Where the amount does not exceed Rs.1000/-</p> <p>(b) In any other case.</p>	<p>The same duty as on a Bond (No. 15) on such amount.</p> <p>One hundred and fifty rupees.</p>
3.	<p><b>ADOPTION-DEED</b> that is to say, any instrument (other than a will) recording an adoption or conferring or purporting to confer any authority adopt.</p> <p><b>ADVOCATE SEE ENTRY AS AN ADVOCATE (NO. 30).</b></p>	One hundred and fifty rupees
4.	<p><b>AFFIDAVIT</b>, Including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.</p> <p><b>EXEMPTIONS</b> Affidavit or declaration in writing when made :-</p> <p>(a) as a condition of enrolment under the Indian army Act, 1911 (VII of 1911) or the Pakistan Army Act, (XXIX of 1951) or the Indian Air Force Act, 1932 (XIV of 1932) or the Pakistan Air Force Act, (VI of 1953);</p> <p>(b) for the immediate purpose of being filed or used in any Court of before the officer of any Court; or</p> <p>(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.</p>	<sup>1</sup> [Hundred] rupees.
5.	<p><b>AGREEMENT OR MEMBERADUM OF AN AGREEMENT-</b></p> <p>(a) If relating to the sale of a bill of exchange,</p> <p>(b) If relating to the sale of Government security.</p>	<p>Three rupees.</p> <p>Two rupees for every 310,000 rupees or part thereof of the value of the security, subject</p>

<sup>1</sup> . Substituted vide Act No. IX of 2016.



	<p>(c) If relating to the sale of a share in an incorporated company or other body corporate.</p> <p>(cc) If relating to the sale of immovable property.</p> <p>(ccc) for collection or recovery of tax on transfer of immovable property by a contractor with a Local Council.</p> <p>(d) if not otherwise provided for.</p> <p style="text-align: center;"><b>EXEMPTIONS</b></p> <p>(a) Agreement or Memorandum of an agreement for or relating to the purchase of or sale of goods or merchandise exclusively, not being a NOTE or MEMORANDUM chargeable under No. 43;</p> <p>(b) Made in the form of tenders to the Federal Government for or relating to any loan.</p> <p><b>AGREEMENT TO LEASE, see LEASE (No.35).</b></p>	<p>to a maximum of one hundred rupees.</p> <p>Two rupees for every rupees 5000 or part thereof of the value of the share.</p> <p>One hundred rupees,</p> <p>Fifty paisa for every rupees one hundred or part thereof the amount of the contract.</p> <p>Fifty rupees.</p>
6.	<p><b>AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE</b>, that is to say any instrument evidencing an agreement relating to-</p> <p>(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than marketable security), or</p>	

	<p>(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 any of loan or an existing or future debt,-</p> <p>(a) if such loan or debt is pay on demand or more than three months from the date of the instrument evidencing the agreement.</p> <p>(i) in the case of banking companies or other financial institutions, when the entire finance is not based on interest; and</p> <p>(ii) in any other case.</p> <p>(b) If such loan or debt is repayable not morethanthree months from the date of such instrument.</p> <p>(i) in the case of banking companies or other financial institutions, when the entire finance is not based on interest;and</p> <p>(ii)in any other case.</p>	<p>One-fifth of one percent, that is to say, 0.2% of the loan amount subject to a maximum of one hundred thousand rupees.</p> <p>One-fifth of one percent, that is to say, 0.2% of the loan amount.</p> <p>One-tenth of one percent, that is to say, 0.1% of the loan amount subject to a maximum of fifty thousand rupees.</p> <p>One-tenth of one percent, that is to say 0.1% of the loan amount.</p>
6(A)	<b>Allotment Order or Transfer of Allotment Order</b> issued by a developer, builder, co-operative Society, housing society or housing authority, or any other body or organization providing open plots dwelling houses or built up commercial premises;	

	<p>(i) in respect of residential open plots.</p> <p>(ii) in respect of commercial open plots.</p>	<p>Rupees <sup>1</sup>[300]per Marla.</p> <p>Rupees <sup>2</sup>[600] per Marla.</p>
<b>6(B)</b>	<b>Transfer of Allotment Orders before lease.</b>	one half of the rates calculated according to the rates given in clause (A) above
<b>7.</b>	<p><b>APPOINTMENT IN EXECUTION OF A POWER</b> Where made by any writing not being a will-</p> <p>(a) of trustees.</p> <p>(b) of property, movable or immovable</p>	<p>Seventy rupees.</p> <p>One hundred and fifty rupees.</p>
<b>8.</b>	<p><b>APPRAISEMENT OR VALUATION</b> made otherwise than under an order of the Court in the course of a suit-</p> <p>(a) where the amount does not exceed Rs. 1,000;</p> <p>(b) in any other case.</p> <p style="text-align: center;"><b>EXEMPTIONS</b></p> <p>(a) Appraisement of valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreements or operation of law.</p> <p>(b) Appraisement of crop for the purpose of ascertaining the amount to be given to a landlord as rent.</p>	<p>At the rate of four percent.</p> <p>Rupees one hundred and fifty</p>
<b>8-A</b>	<p><b>Application made on plain paper.</b></p> <p>(i) For arms licences of non-prohibited bore.</p>	<sup>1</sup> [Three hundred rupees]

<sup>1</sup> .substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

<sup>2</sup> .substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

	<p>(ii) For arms licences of prohibited bore.</p> <p>(iii) For form X and XII prescribed under the Arms Rules.</p>	<p><sup>2</sup>[One thousand and Five hundred rupees]</p> <p><sup>3</sup>[Five thousand rupees].</p>
9.	<p><b>APPRENTICESHIP-DEED</b>, 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 <b>ARTICLES OF CLERKSHIP (No. 11)</b></p> <p style="text-align: center;"><b>EXEMPTION</b></p> <p>Instrument of apprenticeship executed by a Magistrate under the Apprentices Act, 1850(XIX of 1850) or by which a person is apprenticed by or at the charge of any public charity.</p>	Rupees one hundred and fifty.
10.	<b>ARTICLES OF ASSOCIATION OF A COMPANY</b>	Deleted through Finance Act, 2004.
11.	<p><b>ARTICLES OF CLERKSHIP</b> or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court.</p> <p><b>ASSIGNMENT</b> See <b>CONVEYANCE (No.23), TRANSFER (No.62) AND TRANSFER OF LEASE (No.63)</b>, as the case may be <b>ATTORNEY</b>, See entry as an Attorney (No.30) and power of Attorney (No.48) <b>AUTHORITY OF ADOPT</b> See <b>ADOPTION DEED (No.3)</b>.</p>	One thousand rupees.
11(B)	<p><b>AUTHENTICATED DECLARATIONS</b> that is to say declarations of newspapers, periodicals or printing presses authenticated by a legally competent authority.  <i>Explanation I—The duty shall be paid by the declarant.</i>  <i>Explanation II—The declaration shall not be authenticated unless the duty is paid.</i></p>	Five thousand rupees per declaration

<sup>1</sup>. Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

<sup>2</sup>. Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

<sup>3</sup>. Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

<b>12</b>	<sup>1</sup> [" <b>AWARD;</b> (i) 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; and  (ii) directing partition.	The same duty as on a Bond (No. 15), for the amount or value of the property to which the award relates as set forth in such award.  Rs: 50.00 for every kanal or part thereof"].
<b>12(A)</b>	<b>BANK GUARANTEE"</b> that is to say the guarantee to be issued by any schedule Bank.	One rupee for every one hundred rupees or part thereof of the value of the Guarantee.
<b>12(B)</b>	<b>BILL OF ENTRY</b> including goods declaration or any documents relating to good declaration for the purpose of custom clearance.	Two hundred and twenty five rupees.
<b>13.</b>	<b>BILL OF EXCHANGE</b> as defined by section 2(2) not being <b>BOND</b> , bank note or currency note-  (a) where payable otherwise than on demand by not more than one year after date or sight-  (i) if drawn singly  (ii) if drawn in set of two, for each part of the set.  (iii) if drawn in set of three, for each part of the set	Two rupees for every Rs.1000/- or part thereof of the amount of the Bill.  Rs.1.50/- for every Rs.1000/-or part thereof of the amount of the Bill  One rupees for every Rs.1000/-or

<sup>1</sup>.substituted vide Khyber Pakhtunkhwa Act No.XXV of 2014.

	<p>(b) Where payable more than one year after date or sight.</p>	<p>part thereof of the amount of the Bill.</p> <p>2.25 percent of the amount of the bill.</p>
14	<p><b>BILL OF LADING</b> (including a through bill of lading).  <b>Note</b>—If a bill of lading is drawn in parts, the proper stamp therefore must be borne by each one of the sets.</p> <p style="text-align: center;"><b>EXEMPTION</b></p> <p>(a) Bill of lading when the goods therein described are received at a place within the limits of any port as defined under the Ports Act, 1908, XV of 1908, and are to be delivered at another place within the limits of the same port.</p> <p>(b) Bill of lading when executed out of Pakistan and relating to property to be delivered in Pakistan.</p>	<p>Ten rupees for every one lac rupees or part thereof the value of the bill subject to minimum of one hundred rupees.</p>
15.	<p><b>BOND</b> as defined by section 2(5) not being a <b>DEBENTURE</b> (No.27) and not being otherwise provided for by this Act, or by the Court Fees Act. 1870.</p> <p>(a) When covered by the category of bonds specified in such clauses (a) and (b) of section 2 (5) and issued by public sector corporations or by financial institutions approved by or under the regulatory control of the State Bank of Pakistan, the Federal Government or a Provincial Government.</p> <p>(b) Other bond not covered by (a) above.</p> <p>(i) Where the amount or value</p>	<p>i. On first transaction at 0.33% of the amount or value secured.</p> <p>ii. On each subsequent transaction at 0.15% of the amount or value secured.</p> <p>Fifteen Rupees.</p>

	<p>secured does not exceeds Rs.500/-</p> <p>(ii) Where it exceeds Rs.500/-, for every additional amount of Rs.500/- or part thereof.</p>	Fifteen Rupees.
	<b>See ADMINISTRATION BOND (No. 2) BOTTOMRY BOND (No. 16) CUSTOMS BOND (No.26).</b>	
	<b>INDEMNITY BOND (No. 34) RESPONDENTIA BOND (No.56) SECURIY BOND(No.57)</b>	
	<p><b>EXEMPTION</b></p> <p>Bond when executed by any person for the purpose of guaranteeing that the local income derived from private subscription to a Charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.</p>	
<b>16.</b>	BOTTOMARY 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.	The same duty as on a Bond (No,15) for the same amount.
<b>17.</b>	<p><b>CANCELLATION</b>-Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.</p> <p><b>See also RELEASE (No.55), REVOCATION OF SETTLEMENT (No.58-B), SURRENDER OF LEASE (No.61) REVOCATION OF TRUST (No.64-B).</b></p>	Seventy five rupees.
<b>18.</b>	<b>CERTIFICATE OF SALE</b> (in respect of each property put up as 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	Two percent of the consideration equal to the amount of the purchase money.
<b>19.</b>	<b>CERTIFICATE OR OTHER DOCUMENT</b> 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	Thirty rupees.

	stock in or of any such company or body.  <b>Sec also LETTER OF ALLOTMENT OF SHARES (No.36)</b>	
<b>20.</b>	<b>CHARTER PARTY</b> , that is to say, any instrument (except an agreement for the hire of a tugsteamer) 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.	One hundred rupees for every one lac rupees or part thereof of the value of the charter party.
<b>21.</b>	<b>CHEQUE PAY ORDER OR BANK DRAFT.</b>	Deleted.
<b>22.</b>	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 inspector or under letters of licence for the benefit of his creditors.	Two hundred and fifty rupees.
<b>22(A)</b>	<p><b>CONTRACT</b>, that is to say any instrument of the nature of memorandum of agreement, made or entered into by a contractor with Government, a Corporation, Local Body, Local Authority, Agency or Organization set up or controlled by the Federal or the Provincial Government.</p> <p>(a) to execute any work-</p> <ul style="list-style-type: none"> <li>(i) where the amount of contract does not exceed fifty thousand rupees;</li> <li>(ii) where the amount exceeds fifty thousand rupees but does not exceed five hundred thousand rupees;</li> <li>(iii) where the amount exceeds five hundred thousand rupees but does not exceed one million rupees;</li> <li>(iv) where the amount exceeds one million rupees but does not exceed five million rupees.</li> </ul>	<p>Two hundred and fifty rupees.</p> <p>One thousand Two hundred and fifty rupees.</p> <p>One thousand Eight hundred and fifty rupees.</p> <p>Six thousand Two hundred and fifty rupees.</p>



	<p>(v) where the amount exceeds five million rupees,</p> <p>(b) To procure Stores and Materials.</p>	<p>Eighteen thousand seven hundred and fifty rupees.</p> <p>One rupee for every Rs. 100.00 or part thereof of the amount of the contract.</p>
23.	<p><b>CONVEYANCE</b> as defined by section 2 (10) not being a TRANSFER charged or exempted under No.62,</p> <p>(a) in case of agriculture.</p> <p>(b) in case of immoveable property in an urban area</p> <p>(c) In any other case</p> <p><b>Explanation-I</b> For the purpose of sub-article (b) (1) "Urban area" shall mean-</p> <p>(i) an area as defined under the West Pakistan Urban Immoveable Property Tax Act, 1958; and</p> <p>(ii) any built up area including land situated within or adjoining such area, specified by notification by Government to be an urban area for the purpose of this clause.</p> <p>(iii) For the purpose of sub-clause (ii) "built up area" shall mean land which is occupied as site of a building or enclosure and is not used for agricultural purposes or a purpose subservient to agriculture.</p> <p>(iv) duty chargeable in respect of instrument relating</p>	<p>Two rupees for every one hundred rupees or part thereof of the value of land.</p> <p>Two rupees for every one hundred rupees or part thereof of the value of the property.</p> <p>Two rupees for every one hundred rupees or part thereof of the value of the property.</p>

	<p>to property in an urban area specified by the government under sub clause (i) shall be effective from the date such area is specified as urban area.</p> <p><b>Explanation-II</b> Any reference in schedule I to article 23 shall mean a reference to sub articles (a) and (c) only.</p> <p>(1) "rural area" means an area not within the boundaries of a City, Municipality or Cantonment Board;</p> <p>(2) "agricultural land" means any land in the rural area other than a village abadi or a town.</p> <p style="text-align: center;"><b>EXEMPTION</b></p> <p>Assignment of copyright by entry made under the Copy Right Act, 1914, Section 5.</p> <p><b>CO-PARTNERSHIP-DEED, See PARTNERSHIP (No.46)</b></p>	
24.	<p><b>COPY OR EXTRACT</b> 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. .</p> <p>(i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed four rupees.</p> <p>(ii) In any other case.</p> <p style="text-align: center;"><b>EXEMPTIONS</b></p> <p>(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;</p> <p>(b) Copy of, or extract from, any register relating to births, baptisms, dedications, marriages (divorces), deaths or burials.</p>	<p>Three rupees.</p> <p>Fifteen rupees.</p>
25.	<b>COUNTERPART OR DUPLICATE</b> of any	

	<p>instrument chargeable with duty and in respect of which the proper duty has been paid—</p> <p>(a) If the duty with which the original instrument is chargeable does not exceed five rupees;</p> <p>(b) In any other case.</p> <p style="text-align: center;"><b>EXEMPTION</b></p> <p>Counterpart of any lease granted to a cultivator when such lease is exempted from duty.</p>	<p>The same duty as is leviable on the original.</p> <p>Twenty rupees.</p>
26.	<p><b>CUSTOMS-BOND-</b></p> <p>(a) where the amount does not exceed Rs. 1,000</p> <p>(b) in any other case.</p>	<p>The same duty as on a Bond (No. 15) for such amount.</p> <p>One hundred and twenty five rupees.</p>
27.	<p><b>DEBENTURE OR PARTICIPATION CERTIFICATE OR TERM FINANCE CERTIFICATE OR ANY OTHER INSTRUMENT OF REDEEMABLE CAPITAL OTHER THAN A COMMERCIAL PAPER.</b></p> <p>(whether or not a mortgage debenture, a Participation Term Certificate, a Term Finance Certificate or any other instrument of redeemable capital), being a marketable security transferable by endorsement or by separate instrument of transfer or by delivery.</p> <p><b>EXPLANATION. I</b> The term "Debenture includes any interest coupons attached thereto, but the amount of such coupons shall not be included in estimating the duty.</p> <p><b>EXPLANATION. II.</b> The term "Participation Term Certificate" means an instrument or certificate of a specified denomination called the face value or nominal value, issued by a company for raising capital, the holder whereof participates in the profit and loss of the company over such period to such extent and on such conditions as may be specified at the time of its issue.</p>	<p>One-Twentieth of one percent, that is to say. 0.05% of the face value per annum subject to the maximum of one million rupees.</p>

	<p><b>EXPLANATION. III.</b> The term "Term Finance Certificate" means a fixed tenure instrument of certificate of a specified denomination called the face value or nominal value issued to raise capital by a body corporate in the form of transferable security.</p>	
28.	<p><b>DELIVERY ORDER IN RESPECT OF GOODS</b>, 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 ware house 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.</p> <p><b>DEPOSIT OF TITLE-DEED</b> [See <b>AGREEMENT relating to DEPOSIT OF TITLE-DEEDS PAWN OR PLEDGE (No.6)</b>]. <b>DISSOLUTION OF PARTNERSHIP</b>, See <b>PARTNERSHIP (No.46)</b>.</p>	Ten rupees.
29.	<p><b>DIVORCE</b>.— Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.</p> <p><b>DOWER</b>. Instrument of See <b>SETTLEMENT (No.58)</b>.</p> <p><b>DUPLICATE</b>- See <b>COUNTERPART (No.25)</b></p>	Fifty rupees.
30.	<p><b>ENTRY AS AN ADVOCATE, OR ATTORNEY ON THE ROLL OF ANY HIGH COURT</b>—under the Legal Practitioners and Bar Councils Act, 1965-</p> <p style="padding-left: 40px;">(a) in the case of an Advocate</p> <p style="padding-left: 40px;">(b) in the case of Attorney</p> <p style="text-align: center;"><b>EXEMPTION</b></p> <p>Entry of an Advocate or attorney on the roll of any High Court when he has previously been enrolled in a High Court.</p>	<p>One thousand and five hundred rupees.</p> <p>One thousand and five hundred rupees.</p>

31.	<p><b>EXCHANGE OF PROPERTY</b>---Instrument of-</p> <p>(a) when executed in respect of agricultural land.</p> <p>(b) when executed in respect of immoveable property in an Urban Area as defined in No.23.</p> <p>(c) In any other case.</p> <p><b>EXTRACT See Copy (No.24).</b></p>	<p>Two rupees for every one hundred rupees of the value of the property of the greatest value.</p> <p>Two rupees for every one hundred rupees of the value of the property of the greatest value.</p> <p>Two rupees for every one hundred rupees of the value of the property of the greatest value.</p>
31-A.	<p><b>Financing document</b>, that is to say, any instrument or set of instruments in the nature of sale and repurchase on markup basis agreement of letter of hypothecation or pledge, mortgage, memorandum of deposit of title deed, or deed of floating charge executed in favour of a banking company by any of its customers under any mode of finance not based on interest, in a single transaction.</p> <p>i) Where the amount does not exceed Rs. 0.5 Million.</p> <p>ii) Where the amount does not exceed Rs. 1.00 Million.</p> <p>iii) Where the amount exceeds Rs. 1.00 Million, but does not exceeds 10.00 Million.</p> <p>iv) Where the amount exceeds Rs. 10.00</p>	<p>0.2 percent (Advalorem)</p> <p>One thousand rupees.</p> <p>Two thousand and five hundred rupees.</p> <p>Ten thousand</p>

	<p>Millions, but does not exceed 50.00 Millions</p> <p>v) Where the amount exceeds Rs. 50.00 Millions, but does not exceeds 100.00 Million.</p> <p>vi) Where the amount exceeds Rs. 100.00 Millions but does not exceed 300.00 Million.</p> <p>vii) Where the amount exceeds Rs. 300.00 Millions but does not exceed 500.00 Million.</p> <p>viii) Where the amount exceeds Rs. 500.00 Millions.</p>	<p>rupees.</p> <p>Twenty five thousand rupees.</p> <p>Thirty five thousand rupees.</p> <p>Fifty thousand rupees.</p> <p>One lac rupees.</p>
32.	<p><b>FUTURE CHARGE</b>---Instrument of, that is to say, any instrument imposing a further charge on mortgaged property-</p> <p>(a) when the original mortgage is one of the description referred to in clause (a) of Article No.40 (that is, with possession);</p> <p>(b) when such mortgage is one of the description referred to in clause (b) of Article No.40 (that is, without possession)—</p> <p>(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;</p>	<p>The same duty as on a Conveyance (No.23) for a consideration equal to the amount of the further charge secured by such instrument.</p> <p>The same duty as on a Conveyance (No.23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid</p>

	<p>(ii) If possession is not given.</p>	<p>on such original mortgage and further charge.</p> <p>The same duty as on a Bond (No. 15) for the amount of the further charge secured by such instrument.</p>
33.	<p><b>GIFT-instrument of, not being a SETTLEMENT (No.58) OR WILL OR TRANSFER (NO.62).</b></p> <p>(a) (i) when executed in favour of legal heirs in respect of Agricultural Land;</p> <p>(ii) in any other case, in respect of Agricultural Land;</p> <p>(b) other property (other than legal heir).</p> <p><b>HIRING AGREEMENT or agreement of service, See AGREEMENT. (No.5)</b></p>	<p>1.25 percent as set forth in such instruments.</p> <p>Two rupees for every one hundred rupees or part thereof of the value of the property, as notified by the District Collector.</p> <p>Three percent of the value of the property, as notified by the District Collector.</p>
34.	<p><b>INDEMNITY BOND INSPECTION-DEED, See COMPOSITION-DEED (No.22). INSURANCE, See POLICY OF INSURANCE (NO.47)</b></p>	<p>The same duty as on a Security Bond (No.57) for the same amount.</p>
35.	<p><b>LEASE</b>, including an under lease or sub-lease and any agreement let or sub-let-</p> <p>(a) where by such lease the rent is fixed</p>	

	and no premium is paid or delivered—	
	(i) where the lease purports to be for a term of less than one year;	The same duty as on a Bond (No. 15) for the whole amount payable or deliverable under such lease.
	(ii) where the lease purports to be for a term of not less than one year but not more than three years;	The same duty as on a Bond (No. 15) for the amount or value of the average annual rent reserved.
	(iii) where the lease purports to be for a term in excess of three years, but not more than twenty years;	The same duty as on a Bond (No. 15) for a consideration equal to the amount or value of the average annual rent reserved.
	(iv) where the lease purports to be for a term in excess of twenty years or in perpetuity;	The same duty as on a Bond (No. 15) for a consideration equal to the whole amount of rents which would be paid or delivered in respect of the first ten years of the lease.
	(v) where the lease does not purport to be for any definite term;	The same duty as on a Bond (No. 15) for a consideration equal to the



		amount or value of the average annual rent which would be paid or delivered for the first ten years, if the lease continued so long.
(b)	(i) where the lease is granted for money advanced and where no rent is reserved;	The same duty as is leviable on a Conveyance (No.23) for a consideration equal to the amount of such advance as set forth in the lease.
	(ii) where the lease is granted for a fine or premium and where no rent is reserved.	The same duty as is leviable on a Conveyance (No.23) for a consideration equal to the amount of such fine or premium as set forth in the lease.
(c)	(i) where the lease is granted for money advanced in addition to rent reserved.	The same duty as is leviable on a Conveyance (No.23) for a consideration equal to the amount of advance as set forth in the lease, in addition to the duty which would have been payable on

	<p>(ii) where the lease is granted for a fine or premium in addition to rent reserved.</p>	<p>such lease, if no advance had been paid or delivered; provided that, in any case when an agreement to leases is stamped with the <i>advalorem</i> stamp required for a lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed one hundred rupees.</p> <p>The same duty as is leviable on a Conveyance (No.23) for a consideration equal to the amount of such fine or premium as set forth in the lease in addition to the duty which would have been payable on such lease if no fine or premium had been paid or delivered; provided that, in any case when an agreement to lease is stamped with</p>
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	<p style="text-align: center;"><b>EXEMPTION</b></p> <p>Leases, 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.</p>	theadvalorem stamp required for a lease and such agreement is subsequently executed, the duty on such lease shall not exceed one hundred rupees.
36.	<p><b>LETTER OF ALLOTMENT OF SHARES</b> in any company or proposed company, or in respect of any loan to be raised by any company, or proposed company.</p> <p><b>See also CERTIFICATE OR OTHER DOCUMENT (No. 19)</b></p>	Two rupees only.
37	<p><b>LETTER OF CREDIT</b>, that is to say, the instrument including applications and agreements for opening letter of credit by which one person authorizes another to give credit to the person in whose favour it is drawn-</p> <p>a) If the amount of letter of Credit does not exceed Rs. 50,000;</p> <p>b) If the amount exceeds Rs. 50,000/- but does exceed Rs. 500,000;</p> <p>c) for any amount exceeding Rs. 500,000/-</p> <p><b>LETTER OF GAURANTEE See agreement No. 5</b></p>	<p>One hundred rupees.</p> <p>Two hundred rupees.</p> <p>Five hundred rupees.</p>
38.	<p><b>LETTER OF LICENCE</b>, that is to say, any agreement between a debtor and his creditor, that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.</p>	Seventy rupees.
39	<p><b>MEMORANDUM OF ASSOCIATION OF A COMPANY-</b></p>	Deleted through Finance Act, 2004

40	<p><b>MORTGAGE-DEED, not being (an AGREEMENT RELATING TO DEPOSIT OR 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)-</b></p> <p>(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;</p> <p>(b) when possession is not given or agreed to be given as aforesaid;</p> <p><b>Explanation:-</b>A mortgagor who gives to the mortgage 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.</p> <p>(c) When a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above mentioned purposes where the principal or primary security is duly stamped-</p> <p>(i) for every sum secured not exceeding Rs. 1,000.</p> <p>(ii) and for every Rs, 1 ,000 or part thereof secured in excess of Rs. 1,000.</p> <p>d). i). Mortgage with banking companies, that is to say, simple or legal mortgage for banking companies or other financial institution, when the entire finance is not based on interest; and</p>	<p>The same duty as on a Conveyance (No.23) for a consideration equal to the amount secured by such deed</p> <p>The same duty as on a Bond (No. 15) for the amount secured by such deed.</p> <p>Fifteen rupees.</p> <p>Fifteen rupees.</p> <p>One-fifth of one percent, that is to say, 0.2% of the loan amount subject to a maximum of one hundred thousand rupees.</p>

	<p><i>ii).</i> In any other case.</p> <p><i>iii).</i> Mortgage with banking companies - simple/ legal mortgage for banking companies.</p>	<p>One fifth of one percent, that is to say, 0.2% of the loan amount.</p> <p>0.25% of the mortgage money.</p>
<b>41.</b>	<p><b>MORTGAGE OF A CROP</b>, including any instrument evidencing an agreement to secure the payment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of mortgage-</p> <p>(a) when the loan is repayable not more than three months from the date of the instrument;</p> <p>for every Rs.200.00 or part thereof the sum secured</p> <p>(b) when loan is repayable more than three months, but not more than eighteen months, from the date of instrument-for every Rs.100/- or part thereof of the sum secured.</p>	<p>One percent</p> <p>One percent</p>
<b>42.</b>	<p><b>NOTARIAL ACT</b>, that is to say, any instrument, endorsement, note, attestation, certificate or entry not being a PROTEST (No.50) made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.</p> <p><u>See also PROTEST OF BILL OR NOTE (No.50)</u></p>	<p>Twenty five rupees.</p>
<b>43.</b>	<p><b>NOTE OR MEMORANDUM SENT BY</b> a broker or agent to his principal intimating the purchase or sale on account of such principal</p> <p>(a) of any goods exceeding in value twenty rupees;</p> <p>(b) of any stock or marketable security exceeding in value twenty rupees, not being a Government Security;</p> <p>(c) of a Government Security.</p>	<p>Seven rupees.</p> <p>Seven rupees for every Rs. 5,000 or part thereof of the value of stock or security.</p> <p>Three Rupees for</p>

		every Rs.10,000/- or part thereof of the value of the security subject to a maximum of fifty Rupees.
44.	<p><b>NOTE OF PROTEST BY THE MASTER OF A SHIP</b> See also <b>PROTEST BY MASTER OF A SHIP (No.51).</b></p> <p><b>ORDER FOR THE PAYMENT OF MONEY</b> See <b>BILL OF EXCHANGE (No.13).</b></p>	10 Rupees
45.	<b>PARTITION</b> -instrument of [as defined by section 2(15)]-	<p>The same duty as on a Bond (No. 15) for the amount of the value of the separated share or shares of the property.</p> <p><b>Explanation-</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 than one of such equal shares) shall be deemed to be that from which the other shares are separated.</p> <p><b>Provided always that—</b> (a) When an instrument of partition</p>

		<p>containing an agreement to divide property in severally is executed and a partition in pursuance of such agreement, the duty chargeable upon the instrument affecting such partition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than one hundred rupees.</p> <p>(b) Where 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.</p> <p>(c) Where a final order for effecting a partition passed by any Revenue Authority or any Civil court, or an</p>
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		<p>award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed one hundred rupees.</p> <p>(d) When instrument of partition is executed in respect of agricultural land, the stamp duty shall be charged as one rupee and twenty five paise for every one hundred rupees or part thereof of the value of such land.</p>
46.	<p><b>PARTNERSHIP- A-INSTRUMENT OF</b></p> <p>(a) where the capital of the partnership does not exceed Rs. 10,000;</p> <p>(b) in any other case.</p> <p><b>B-DISSOLUTION OF - PAWN OF PLEDGE—See AGREEMENT RELATION TO DEPOSIT OF TITLE- DEEDS PAWN OR PLEDGE (No.6)</b></p>	<p>One hundred and fifty rupees.</p> <p>Five hundred rupees.</p> <p>Half of the stamp duty payable on original</p>



47	<p><b>POLICYT OF INSURANCE</b></p> <p><b>A-See INSURANCE (See section 7)—</b></p> <p><b>(1) For each voyage--</b></p> <p>(i) where the premium or consideration does not exceed the rate of 1/8 percent of the amount insured by the policy, for every full sum of Rs. 5,000 and also any fractional parts thereof insured by the policy;</p> <p>If drawn singly.</p> <p>If drawn in duplicate for each part.</p> <p>(ii) in any other case, in respect of every full sum of Rs.2,000 and also any fractional part thereof insured by the policy.</p> <p>If drawn singly.</p> <p>If drawn in duplicate for each part.</p> <p><b>(2) For time--</b></p> <p>In respect of every full sum of Rs. 2,000 or part thereof insured by the policy—</p> <p>(i) where the insurance shall be made for any time not exceeding six months;</p> <p>If drawn singly.</p> <p>If drawn in duplicate for each part.</p> <p>(ii) where the insurance shall be made for any time not exceeding six months and not exceeding twelve months.</p> <p>If drawn singly.</p> <p>If drawn in duplicate for each part.</p> <p><b>B-FIRE-INSURANCE AND OTHER CLASSES OF INSURANCE NOT ELSEWHERE INCLUDED IN THIS ARTICLE COVERING GOODS,</b></p>	<p>Three rupees</p> <p>Three rupees</p> <p>Three rupees</p> <p>Three rupees</p> <p>Three rupees.</p> <p>Three rupees</p> <p>Three rupees</p> <p>Three rupees</p>
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	<p><b>MERCHANDISE PERSONAL EFFECTS, CROPS AND OTHER PROPERTY AGAINST LOSS OR DAMAGE—</b></p> <p>(1) In respect of an original policy--</p> <p>(i) when the sum insured does not exceed Rs.5,000</p> <p>(ii) in any other case; and</p> <p>(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.</p> <p><b>C-ACCIDENT AND SICKNESS-INSURANCE-</b></p> <p>(a) Against railway accident, valid for a single journey only.</p> <p style="text-align: center;"><b>EXEMPTION</b></p> <p>When issued to a passenger traveling by the intermediate or the third class in any railway.</p> <p>(b) In any other case for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceeds Rs. 2,000 and also where such amount exceeds Rs. 2,000 for every Rs. 2,000 or part thereof.</p>	<p>Five rupees.</p> <p>Eight rupees.</p> <p>One half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No 53.</p> <p>Three rupees</p> <p>Three rupees; provided that, in case of a policy of insurance against death by accident when the annual premium payable does not exceed Rs. 3 per Rs. 1,000 the duty on such instrument shall be seven paise for every Rs. 1,000 or part thereof of the maximum amount which</p>
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		may become payable under it.  Three rupees.
	<p><b>D-INSURANCE BY WAY OF INDEMNITY-</b> Against liability to pay damages on account of accidents to workmen employed by or under the insurer or against liability to pay compensation under the Workmen's Compensation Act, 1923, for every Rs.100 or part thereof payable as premium.</p> <p><b>E-LIFE INSURANCE OR OTHER INSURANCE NOT SPECIFICALLY PROVIDED FOR, except such a REINSURANCE as is described in Division of this article-</b></p> <p>(i) for every sum insured not exceeding Rs.250;  If drawn Singly  If drawn in duplicate for each part.</p> <p>(ii) for every sum insured exceeding Rs.250 but not exceeding Rs.500;  If drawn Singly  If drawn in duplicate for each part.</p> <p>(iii) for every sum insured exceeding Rs. 500 but not exceeding Rs. 1,000 and also for every Rs. 1,000 or part thereof in excess of Rs. 1,000.  If drawn Singly  If drawn in duplicate for each part.</p> <p><b>EXEMPTION</b> Policies of life insurance granted by the Director General of Post Offices in accordance with rules for Postal Life Insurance issued under the authority of the Federal Government.</p> <p><b>F-RE-INSURANCE BY AN INSURANCE COMPANY WHICH HAS GRANTED A POLICY OF THE NATURESPECIFIED IN</b></p>	<p>Three rupees</p> <p>Three rupees</p> <p>Three rupees</p> <p>Three rupees</p> <p>Three rupees</p> <p>Three rupees</p> <p>Three rupees</p> <p>One-half of the duty payable In respect of the original insurance but not less than</p>

	<p><b>DIVISION A OR DIVISION B OF THIS ARTICLE WITH ANOTHER COMPANY BY WAY OF INDEMNITY OR GUARANTEE AGAINST THE PAYMENT ON THE ORIGINAL INSURANCE OF A CERTAIN PART OF THE SUM INSURED THEREBY.</b></p> <p><b>GENERAL EXEMPTION</b></p> <p>Letter of cover or engagement to issue a policy of insurance:</p> <p>Provided that, unless such letter or engagement bear the stamp prescribed by this Act for such policy nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.</p>	three rupees or more than eight rupees.
48	<p><b>POWER OF ATTORNEY</b> as defined by section 2(21), not being a proxy (No.52)-</p> <p>(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents.</p> <p>(b) When authorizing one person or more to act in a single transaction other than the case mentioned in clause (a), (e), (ee) and (eee).</p> <p>(c) When authorizing not more than five persons to act jointly and severally in more than one transaction or generally;</p> <p>(d) When authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;</p>	<p><sup>1</sup>[Six hundred rupees]</p> <p><sup>2</sup>[Six hundred rupees]</p> <p><sup>3</sup>[One thousand and five hundred rupees]</p> <p>Nine hundred rupees.</p>

<sup>1</sup>. Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

<sup>2</sup>. Substituted vide Khyber Pakhtunkhwa Act No. IX of 2016.

<sup>3</sup>. Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

	<p>(e) When given for consideration and authorizing the attorney to sell any immovable property.</p> <p>(ee) <sup>1</sup>[* * *]</p> <p>(eee). When given not for consideration and authorizing the attorney to sell any immovable property</p> <p>(d) In any other case.</p> <p><b>EXPLANATION 1.</b> For the purpose of this Article more person than one when belonging to the same firm shall be deemed to be one person.</p> <p><b>EXPLANATION 2.</b> The term "Registration" includes every operation incidental registration under the Registration Act, 1908;</p>	<p>The same duty as is leviable on a Conveyance (No.23) for the amount of the consideration.</p> <p><sup>2</sup>[* * *]</p> <p>Two thousand rupees.</p> <p>Fifteen rupees for each person authorized.</p>
49.	<p><b>PROMISSORY NOTE</b> [as defined by section 2(22)]—</p> <p>(a) when payable on demand-</p> <p>(i) when amount or value does not exceed rupees 2,50,000</p> <p>(ii) when amount or value exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000</p> <p>(iii) in any other case</p> <p>(b) when payable otherwise than on demand, including a commercial paper</p>	<p>Thirty rupees</p> <p>Sixty rupees</p> <p>One hundred rupees</p> <p>One-fiftieth of one percent, that is to say, 0.02% per</p>

<sup>1</sup>. Deleted vide Khyber Pakhtunkhwa Act NO.XXV of 2014.

<sup>2</sup>. Deleted vide Khyber Pakhtunkhwa Act NO.XXV of 2014.

		annum of the amount payable.
50.	<b>PROTEST OF BILL OR NOTE</b> , 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 for promissory note.	Fifteen rupees.
51.	<p><b>PROTEST BY THE MASTER OF A SHIP</b>, 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.</p> <p>See also <b>NOTE OF PROTEST BY THE MASTER OF A SHIP(No.44).</b></p>	Fifteen rupees
52.	<b>PROXY</b> empowering any person to vote at any one election of the members of a district or local board or of a body of municipal commissioners, or at any one meeting of (a) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable; (b) a local authority, or (c) proprietors, members or contributors to the funds of any institution.	Ten rupees.
53.	<p><b>RECEIPTS</b> as defined by section 2(23) for any money or other property the amount or value of which exceeds twenty rupees.</p> <p>(a) where such amount does not exceed Rs. 2,000;</p> <p>(b) where such amount exceeds Rs.2,000 but does not exceed Rs. 10,000;</p> <p>(c) where such amount exceeds Rs. 10,000.</p> <p style="text-align: center;"><b>EXEMPTIONS</b></p> <p><b>RECEIPT—</b></p> <p>(a) endorsed on or contained in any instrument duly stamped or any instrument exempted under the proviso to section 3 (instruments executed on</p>	<p>Two rupees</p> <p>Three rupees</p> <p>Seven rupees</p>

	<p>behalf of the Government) or any cheque or bill of exchange payable on demand acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal-money interest or annuity, or other periodical payment thereby secured;</p> <p>(b) for any payment of money without consideration;</p> <p>(c) for any payment of rent by a cultivator on account of land assessed to Government revenue;</p> <p>(d) for pay or allowances by non-commissioned or petty officer; soldiers, sailors airmen of the armed forces of Pakistan/ Pakistan military, naval or air forces when serving in such capacity, or by mounted police-constables;</p> <p>(e) given by holders of family certificates in cases where the person from whose pay or allowances the sum comprised in the receipt has been assigned as a noncommissioned or petty officer, soldier, sailor or airmen or any of the said forces and serving in such capacity;</p> <p>(f) for pensioners or allowances by persons receiving such pensions or allowances in respect of their services as such non-commissioned or petty officers, soldiers, sailors or airmen, and not serving the State in any other capacity;</p> <p>(g) given by a headman or lambardar for land-revenue or taxes collected by him;</p> <p>(h) given for money or securities for money deposited in the hands of any banker, to be accounted for:</p> <p>Provided that the same is not expressed to be received of, or by the hand of, any other than the person to whom the same is to be accounted for: Provided also that this exemption shall not extend to receipt or acknowledgment for any sum paid or deposited for, or upon a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in, any incorporated company or other body corporate or</p>	
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	such proposed or intended company or body or in respect of a debenture being a marketable security.  <b>See also POLICY OF INSURANCE [No.47-B (2)].</b>	
<b>54.</b>	<b>RE-CONVEYANCE OF MORTGAGE PROPERTY—</b>  (a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000;  (b) in any other case.	The same duty as on a Bond (No. 15) for the amount of such consideration as set forth in the re-conveyance.  One hundred And thirty rupees,
<b>55.</b>	<b>RELEASE</b> , 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 another person or against any specified property.	The same duty as on a Bond (No. 15) for such amount of the claim or value of the property.
<b>56.</b>	<b>RESPONDENTIA BOND</b> , 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 part of destination. <b>REVOCATION OF FARMY TRUST OR SETTLEMENT.</b> <b>See settlement (No.58) Trust (No. 64).</b>	The same duty as on a Bond. (No. 15) for the amount of the loan secured.
<b>57.</b>	<b>SECURITY BOND OR MORTGAGE-DEED</b> 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 in favour of a Court for the due discharge of a contingent liability or executed by asurety to secure the due performance of a contract—  (a) when the amount secured does not exceed Rs. 1,000  (b) in any other case.  <b>EXEMPTIONS</b> <b>Bond or other instrument, when executed</b>	The same duty as on a Bond (No. 15) for the amount secured. One hundred and thirty rupees.



	<p>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;</p> <p>(a) under No. 3-A of the rules made by the Provincial Government under section 70 of the Sindh Irrigation Act, 1879;</p> <p>(b) executed by persons taking advance under the Land Improvement Loans Act, 1883. or the West Pakistan Agriculture Loans Act, 1958, or by their sureties, as security for repayment of such advance;</p> <p>(c) executed by servants of the State of their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.</p>	
<b>58.</b>	<p><b>SETTLEMENT-</b> A-Instrument of (including a deed of dower)—</p> <p>(i) where the settlement is made in favour of legal heirs in respect of agricultural land.</p> <p>(ii) where the settlement is made for a religious or charitable purpose.</p> <p>(iii) in any other case.</p>	<p>Two rupees for every one hundred rupees or part thereof of the value of the property settled.</p> <p>Two rupees for every one hundred rupees or part thereof of the value of the property settled.</p> <p>The same duty as is leviable on a Conveyance (No.23) for a consideration</p>

		<p>equal to the amount or value of the property settled;</p> <p>Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such , instrument shall not exceed one hundred rupees:</p> <p>Provided further that where an instrument of settlement contains any provision for the revocation of the settlement, the amount or value of the property settled shall, for purposes of duty, be determined as if no such provision were contained in the instrument.</p> <p>The same duty as is leviable on a Conveyance (No.23) for a consideration</p>
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	<p style="text-align: center;"><b>EXEMPTION</b></p> <p>Deed of dower execution on the occasion of a marriage between Muslims.</p> <p><b>B-REVOCATION OF-</b>  <b>See also TRUST (No.64)</b></p>	<p>equal to the amount or value of the property concerned, as set forth in the Instrument of Revocation but not exceeding one hundred rupees.</p>
59.	<p><b>SHARE WARRANTS</b> to bearer issued under the Companies Act, 1913.</p> <p style="text-align: center;"><b>EXEMPTIONS</b></p> <p>Share warrant when issued by a company in pursuance of the Companies Act, 1913, section 30 to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue-of—</p> <p>(a) One and a half per centum of the whole subscribed capital of the company; or</p> <p>(b) If any company which has paid the said duty or composition in full subsequently issues an addition to its subscribed capital one and a half per centum of the additional capital so issued.</p> <p><b>SCRIP, See Certificate (No.19).</b></p>	<p>One and half times the duty payable on a Bond (No. 15) for a consideration equal to the nominal amount of the shares specified in the warrant.</p>

<b>60.</b>	<b>SHIPPING ORDER</b> for or relating to the conveyance of goods on board of any vessel.	Ten rupees
<b>61.</b>	<p><b>SURRENDER OF LEASE-</b></p> <p>(a) when the duty with which the lease is chargeable does not exceed Thirty rupees.</p> <p>(b) in any other case.</p> <p style="text-align: center;"><b>EXEMPTION</b></p> <p>Surrender of lease, when such lease is exempted from duty.</p>	<p>The duty with which lease is chargeable.</p> <p>One hundred and thirty rupees.</p>
<b>62.</b>	<p><b>TRANSFER</b> (whether with or without consideration)-</p> <p>(a) of shares in an incorporated company or other body corporate;</p> <p>(b) of Debenture or Participation Term Certificate or Term Finance Certificate or any other instrument of redeemable capital (other than Commercial paper), whether mortgaged or not, being a transferable security, whether liable to duty or not except as provided for by section 8; and</p> <p>(c) of any interest secured by a bond, mortgage-deed or policy of insurance-</p> <p style="padding-left: 40px;">(i) if the duty on such bond, mortgage-deed or policy does not exceed twenty rupees,</p> <p style="padding-left: 40px;">(ii) in any other case</p> <p>(d) of any property under the Administrator-General Act, 1913, section-31;</p>	<p>One-fourth of the duty, payable on a Conveyance (No.23) for a consideration equal to the value of the share.</p> <p>One-tenth of one percent, that is to say, 0.1 % of the face value of the instrument.</p> <p>The duty with which such bond, mortgage-deed or policy of insurance is chargeable.</p> <p>Seventy rupees</p> <p>Seventy rupees.</p>

	<p>(e) of any trust property without consideration from one trustee to another trustee or from a trustee to a beneficiary.</p> <p style="text-align: center;"><b>EXEMPTIONS</b></p> <p>Transfers by endorsement—</p> <p>(a) of a bill of exchange, cheques or promissory note;</p> <p>(b) of a bill lading, delivery order, warrant for goods or other mercantile document of title to goods;</p> <p>(c) of a policy of insurance;</p> <p>(d) of securities of the Federal Government.</p> <p><b>See also Section 8—</b></p>	<p>Thirty rupees or such smaller amount as may be chargeable under clauses (a) to (c) of this Article.</p>
<b>63.</b>	<p><b>TRANSFER OF LEASE</b> by way of assignment and not by way of under lease</p> <p style="text-align: center;"><b>EXEMPTION</b></p> <p>Transfer of any lease exempt from duty.</p>	<p>The same duty as is leviable on a Conveyance (No.23) for a consideration equal to the amount of the consideration for the transfer.</p>
<b>64.</b>	<p><b>TRUST---</b></p> <p><b>A—DECLARATION OF-</b> of, or concerning, any property when made by any writing not being a WILL.</p> <p><b>B-REVOCATION OF</b> — of, or concerning any property when made by any instrument other than a WILL.</p>	<p>The same duty as on a Bond (No. 15) for a sum equal to the amount or value of the property concerned as set forth in the instrument but not exceeding one hundred rupees.</p> <p>The same duty as on a Bond (No. 15) for a sum equal to the</p>

	<b>See also SETTLEMENT (No. 58). VALUATION. See APPRAISEMENT(No. 8).</b>	amount or value of the property concerned as set forth in the instrument but not exceeding one hundred rupees.
<b>65.</b>	<b>WARRANT FOR GOODS</b> , that is to say, any instrument evidencing the title of any person therein named, or his assignee, or the holder or thereof to the property in any goods lying in or upon any dock ware house or wharf, such instrument; being signed or certified by or on behalf of the person in whose custody such goods may be.	Ten rupees.