

Punjab Stamp Manual

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THE INDIAN STAMP ACT, 1899

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THE INDIAN STAMP ACT, 1899.
(ACT NO. 2 OF 1899)

[27th January, 1899.].

1	2	3	4
Year	No	Short title	Whether repealed or otherwise affected by legislation
1899	2	The Indian Stamp Act, 1899 ¹	Repealed in part and amended Act 5 of 1906
			Repealed in part and amended, Act 4 of 1914

Repealed in part and amended, Act 10 of 1914
Amended, Act 15 of 194
Amended, Act 6 of 1910
Amended, Act I of 1912
Amended, Act 13 of 1916
Amended, Act 18 of 1919
Amended, Act 11 of 1923
Amended, Act 43 of 1923
Amended, Act 13 of 1924
Amended, Act 15 of 1925
Amended, Act 32 of 1925
Amended, Act 38 of 1927
Amended, Act 5 of 1927
Amended, Act 10 of 1927
Amended, Act 18 of 1928
Amended, Act 8 of 1930
Amended, Act 14 of 1932
Amended, Act 35 of 1934
Amended Act 8 of 1935
Amended, Punjab Act 8 of 1929
Amended, Punjab Act I of 1924
Amended, Punjab Act I of 1933
Amended, Punjab Act I of 1935
Amended Government of India (Adaptation of Indian Laws Order 1937)
Repealed in part by Act I of 1938

¹For 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, page 231; and for Proceedings in Council, see *ibid.*, 1899, Pt. VI, p. 231; and *ibid.*, 1898, Pt. VI, pp. 10 and 278; and *ibid.*, 1899, Pt. VI, p. 5.

²For Statement of Objects and Reasons, see Punjab Gazette, 1922, Pt. V, p. 166, for report of the Select Committee, see *ibid*, 1922, Pt. V, pp. 182-96, and for Proceedings in Council, see Punjab Legislative Council Debates, Volume IV, pp. 429-34, 526, 671-707, 734-35. This Act came into force on 15th January, 1923, see Punjab Gazette, Extraordinary, 1922, dated 23rd December, 1922.

³For Statement of Objects and Reasons, see Punjab Gazette, 1923, Pt. I, p. 656, for report of the Select Committee, see *ibid*, 1924, Extraordinary, pp. 21-22 for Proceedings in Council, see Punjab Legislative Council Debates, Volume VI, pp. 362-72, 519. This Act came into force on 1st of March, 1925,-vide Punjab Government notification no. 1765-Bud., dated 21st January, 1925.

⁴For Statement of Objects and Reasons, see Punjab Gazette, 1933, Extraordinary, p. 45. For Proceedings in Council, see the Punjab Legislative Council Debates, Volume XXIII, p. 757.

⁵For Statement of Objects and Reasons, see Punjab Gazette, 1935, Extraordinary, page 11 and for Proceedings in Council, see the Punjab Legislative Council Debates, Volume XXVII, pages 986-88. It came into force on 6th May, 1935,-vide Punjab Government notification No. 183, dated 27th April, 1935.

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1899-concl'd	II-concl'd	The Indian Stamp Act, 1899-concl'd	Amended in part by the Indian Independence Adaptation of Central Acts and Ordinances) Order, 1948
			Amended in part by East Punjab Act 27 of 1949 ¹

	Amended in part by the Adaptation of Laws Order, 1950 and First Schedule
	Amended in part by Parliament Act No, 43 of 1955 ²
	Amended in part by Parliament Act 76 of 1956 ³
	Adapted by Adaptation Law (No, 2) Order 1956
	Affected by Punjab Act No, 5 of 1957 ⁴

¹For Statement of Objects and Reasons, see East Punjab Gazette (Extraordinary), 1949, page 698 for Proceedings in the Assembly, see East Punjab Legislative Assembly Debates, 1949, Volume IV, pages 5 (43)-5(47).

This Act came into force on 1st April, 1950.

²For Statement of Objects and Reasons, see Gazette of India, Extra-ordinary, Part II, section 2 of 1955, page 514.

Section 8 of this Act provides that :-

(1) If, immediately before the commencement of this Act, there is in force in any State any law fixing rates of stamp-duty in respect of the documents specified in entry 91 of List I in the Seventh Schedule to the Constitution such law, to the extent to which it is inconsistent with the principal Act as amended by this Act shall on such commencement stand repealed.

(2) For the removal of doubts it is hereby declared that section 6 of the General Clause Act, 1897, shall apply upon such appeal as if such law had been an enactment.

This Act came into force on the 1st day of April, 1956,-vide S.R.O. No. 637, dated 17th March, 1956.

³For Statement of Objects and Reasons, see Gazette of India, Extra-ordinary, Part II, section 2 of 1956, page 1044.

⁴For Statement of Objects and Reasons, see Punjab Government Gazette, 1957, at page 339. This Act was extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Laws (Extension No. 7) Act, 1957; (Punjab Act No. 5 of 1957).

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
			Amended by Punjab Act No. 13 of 1958 ¹ Amended by Punjab Act No. 26 of 1959 ² Amended by Act 19 of 1958 Amended by Punjab Act 34 of 1960 ³ Amended by Act 14 of 1961 Amended by Act 11 of 1963 Amended by Punjab Act 24 of 1964 ⁴ Amended by Punjab Act 6 of 1965 ⁵ Amended by the Punjab Re-organization and Delhi High Court Adaptation of Laws on Union Subjects) Order 1968

An Act to consolidate and amend the law relating to Stamps.

WHEREAS it is expedient to consolidate and amend the law relating to Stamp. It is hereby enacted as follows: -

CHAPTER I. PRELIMINARY

1. **Short title, extent and commencement.** – This Act may be called the Indian Stamp Act.

¹*For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958.*

²*For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1959, page 1006. This Act deemed to have come into force on the twenty-fifth day of April, 1953.*

³*For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1960, page 2078.*

⁴*For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, page 893.*

⁵*For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1965, page 48.*

¹ [(2) It extends to the whole of India except the State of Jammu and Kashmir :

Provided that it shall not apply to ¹[the territories which, immediately before the 1st November, 1956, were comprised in Part B States] (excluding the State of Jammu and Kashmir) except to the extent to which the provisions of this Act relate to rates of stamp duty in respect of the documents specified in entry 91 of list I in the seventh Schedule to the Constitutions.]

(3) It shall come into force on the first day of July, 1899.

2. **Definitions.** - In this Act, unless there is something repugnant in the subject of context-

“Banker.”

(1) “banker” includes a bank and any person acting as a banker ;

“Bill of exchange.”

(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;

“Bill of exchange payable on demand.”

(3) “bill of exchange payable on demand” includes-

(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, or for the payment of any sum of money out of any particular fund which may or maynot be available, or upon any condition or contingency which may or may not be performed or happen :

1Substituted for the old sub-section by Parliament Act 43 of 1955, section 3.

2Substituted by Adaptation of Laws (No. 2), Order, 1956, for the words “Part B States”.

(b) an order for the payment of any sum of money weekly, monthly or at any other stated periods; and

(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 ;

“Bill of lading.”

(4) “bill of lading” includes a “through bill of lading,” but does not include a mate’s receipt ;

“Bond.”

(5) “bond” includes”

(a) any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be ;

(b) any instrument attested by a witness and not payable to order or bearer, whereby a person obliges himself to pay money to another; and

(c) any instrument so attested, whereby a person obliges himself to deliver grain or other agricultural produce to another;

“Chargeable.”

(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 [India] when such instrument was executed or, where several persons executed the instrument at different times, first executed;

“Cheque”

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

(8) 1* * * * 2 * * *

“Collector.”

(9) “Collector”-

(a) means, within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras and Bombay, respectively, and, without those limits, the Collector of a district; and

(b) includes a Deputy Commissioner and any officer whom ³[the ⁴[State Government]] may, by notification in the Official Gazette, appoint in this behalf ;

“Conveyance.”

(10) “conveyance” includes a conveyance on sale and every instrument by which property, whether moveable or immoveable, is transferred inter vivos and which is not otherwise specifically provided for by Schedule I ⁵[or by Schedule I-A, as the case may be;]

“Duly stamped.”

(11) “duly stamped”, as applied to an instrument, means that the instrument bears an adhesive or impressed stamp of not less than the proper amount, and that such stamp has been affixed or used in accordance with the law for the time being in force in ¹India] ;

“Executed” and “execution.”

(12) “executed,” and “execution,” used with reference to instruments, mean “signed” and “signature;”

¹Substituted by Parliament Act No. 43 of 1955, section 2, for the words “the States” which were substituted for the words “the provinces” by the Adaptation of Laws Order, 1950. The words “the Provinces” had been substituted for the words “British India” by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, section 3 (2).

²This sub-section was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937. For the definition of Chief Controlling Revenue authority, see section 4 (a) of the

General Clauses Act, 1897, inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

³Substituted for the words “the Local Government” by *ibid*.

⁴Substituted for the words “Collecting Government” by the Adaptation of Laws Order, 1950, First Schedule.

⁵Added by Punjab Act, 8 of 1922, section 4.

Extracts from General Clauses Act, 1897 Section 3

(10) “Chief Controlling Revenue Authority”, or “Chief Revenue Authority” shall mean-

- (a) in a State where there is a Board of Revenue, the Board;
- (b) in a State where there is Revenue Commissioner, that Commissioner ;
- (c) in Punjab, the Financial Commissioner; and
- (d) elsewhere, such authority as in relation to matters enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and in relation to other matters, the State Government, may, by notification in the Official Gazette, appoint ;

(12-A) * * * 1 * *

“Impressed Stamps.”

(13) “impressed stamp” includes-

- (a) labels affixed and impressed by the proper officer, and

(b) stamps embossed or engraved on stamped paper ;

[(13-A)] ‘India’ means the territories, of India excluding the State of Jammu and Kashmir;]

* * *

“Instrument.”

(14) “instrument” includes every document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;

“Instrument of partition.”

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

“Lease.”

(16) “lease” means a lease of immoveable property, and includes also-

(a) a patta ;

(b) a kabuliyat or other undertaking in writing, not being a counterpart of a lease, to cultivate, occupy or pay or deliver rent for immoveable property ;

¹Sub-section (12-A), inserted by the Government of India (Adaptation of Indian Laws) Order, 1937, was omitted by the Adaptation of Laws Order, 1950, First Schedule.

²Inserted by Parliament Act 43 of 1955, section 4, clause (a), (w.e.f. 1st April, 1956).

(c) any instrument by which tolls of any description are let ;

(d) any writing on an application for a lease intended to signify that the application is granted :

“Marketable security.”

¹[(16-A) “marketable security” means a security of such a description as to be capable of being sold in any stock market in ²[India], or in the United Kingdom;]

“Mortgage-deed.”

(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 ;

“Paper.”

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

“Policy of Insurance.”

(19) “policy of insurance” includes-

(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 any other personal insurance ;

¹Added by the Indian Stamp (Amendment) Act, 1904 (15 of 1904), section 2.

²See foot-note under clause (6) or (11) ante.

³Sub-clause (c) and the word “and” prefixed thereto, were repealed by the Indian Stamp (Amendment) Act, 1906 (5 of 1906), section 2

¹[(19-A) ‘policy of group insurance’ means any instrument covering not less than fifty or such smaller number as the Central Government may approve, either generally or with reference to any particular case, by which an insurer, in consideration of a premium paid by an employer or by an employer and his employees jointly, engages to cover, with or without medical examination and for the sole benefit of persons other than the employer, the lives of all the employees or of any class of them, determined by conditions pertaining to the employment, for amounts of insurance based upon a plan which precludes individual selection] :

“Policy of sea-insurance” or “sea-policy.”

(20) “policy of sea-insurance” or “sea-policy”-

(a) means any insurance made upon any ship or vessel (whether for marine or inland 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 a 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 ;

New clause (19-A), inserted by Parliament Act, 43 of 1955, section 4, clause (b) , (w.e.f. 1st April, 1956).

“Power of Attorney.”

(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 ;

“Promissory note.”

(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.

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“Receipt.”

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

(a) whereby any money, or any bill of exchange, cheque or promissory note is acknowledged to have been received, or

(b) whereby any other moveable 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 acknowledgement ;

and whether the same is or is not signed with the name of any person : 1 * *

“Settlement.”

(24) “settlement” means any non-testamentary disposition, in writing, of moveable or immoveable property made-

(a) in consideration of marriage;

¹The word “and” was omitted by India Act 18 of 1928, section 2.

(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 ¹[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]; 2* *

“Soldier.”

³(25) ‘soldier’ includes any person below the rank of non-commissioned officer who is enrolled under the Indian Army Act, 1911;

⁴[(26) * * * * * .

**CHAPTER II.
STAMP-DUTIES.**

A.-Of the Liability of Instruments to Duty.

3. **Instruments chargeable with duty-**Subject to the provisions of this Act and the exemptions contained in Schedule I, the following instruments shall be chargeable with duty of the amount indicated in that Schedule as the proper duty therefore, respectively that is to say-

(a) every instrument mentioned in that Schedule which, not having been previously executed by any person, is executed in ⁵[India] on or after the first day of July, 1899;

¹Added by the Indian Stamp (Amendment) Act, 1904 (15 of 1904), section 2.

²The word “ad” was omitted by the Adaptation of Laws Order, 1950, First Schedule.

³Added by India Act 18 of 1928, section 2.

⁴The words “States” means all the territories for the time being comprised within part A States and part C States have been omitted by Parliament Act, 43 of 1955, section 4, clause (c).

⁵See Foot-note, under clause (6) or clause (11) ante.

(b) every bill of exchange ¹[payable otherwise than on demand or promissory note drawn

or made out of [India] on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred, or otherwise negotiated in ³[India]; and

(c) Every instrument (other than a bill of exchange or promissory note) mentioned in that Schedule, which, not having been previously executed by any person, is executed out of ³[India] on or after that day, relates to any property situate, or to any matter or thing done or to be done in ³[India] and is received in ³[India] :

⁴[Provided that, notwithstanding anything contained in clause (a), (b) or (c) of this section or in Schedule I, and subject to the exemptions contained in Schedule I-A, the following instruments shall be chargeable with duty of the amount indicated in Schedule I-A, as the proper duty therefore, respectively, that is to say-

(aa) every instrument mentioned in Schedule I-A as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed in ^{1 5}[Punjab] on or after the date of commencement of this Act ;

(bb) every instrument mentioned in Schedule I-A as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed by out of ⁵ [Punjab] on or after the date of the commencement of this Act and relates to any property situated, or to any matter or thing done or to be done in ¹[Punjab], and is received in ¹[Punjab].

¹*Inserted by Act 5 of 1927, section 5(1).*

²*The word “cheque” was omitted by Act 5 of 1927, section 5(1).*

³*See foot-note, under clause (6) or clause (11) of section 2 ante.*

⁴Added by Punjab Act, 8 of 1922, section 5.

⁵Substituted for the words “East Punjab” by the Adaptation of Laws Order, 1950. The words “East Punjab” had been substituted for the word “the Punjab” by the India (Adaptation of

Existing Indian Laws) Order, 1947.

In the Indian Stamp Act, 1899 :-

(a) section 3A shall be omitted:-

(It shall come into force on the 1st day of April, 1973.)

(Act 13 of 1973.)

In the Indian Stamp Act, 1899, after section 3, the following section shall be inserted, namely:-

“3A (1) Every instrument chargeable with duty under section 3 read with Article No. 13, 14, 27, 37, 47, 49, 52, 53 or 62 (a) of Schedule I shall, in addition to such duty, be chargeable with a duty of ten paise.

(2) The additional duty with which any instrument is chargeable under sub-section (1) shall be paid and means of adhesive stamps bearing the inscription “refugee relief” whether with or without any other design, picture or inscription.

(4) Except as otherwise provided in sub-section (2) the provisions of this Act shall, so far as may be, apply in relation to the additional duties chargeable under sub-sections (1) in respect of the instruments referred to therein as they apply in relation to the duties chargeable under section 3 in respect of these instruments:

It shall be deemed to have come into force on the 15th day of November, 1971.)

Provided that no duty shall be chargeable in respect of –

(1) any instrument executed by, or on behalf of, or in favour of, the Government in cases where, but for this exemption, the Government, would be liable to pay the duty chargeable in respect of such instrument ;

(2) any instrument for the sale, transfer or other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, interest, share or property of or in any ship or vessel registered under the Merchant Shipping Act, 1894, or under Act XIX of 1838, or the Indian Registration of Ships Act, 1841, as amended by subsequent Acts.

4. Several instruments used in single transaction of sale, mortgage or settlement - (1)

Where, in the case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule 4[I-A], for the conveyance, mortgage or settlement, and each of the other instruments shall be chargeable with a duty of 5[two rupees] instead of duty (if any) prescribed for it in that Schedule.

(2) The parties may determine for themselves which of the instruments so employed shall, for the purposes of sub-section (1), be deemed to be the principal instrument :

Provided that the duty chargeable on the instrument so determined shall be the highest duty which would be chargeable in respect of any of the said instruments employed.

1Substituted for the words “East Punjab” by the Adaptation of Laws Order, 1950. The words “East Punjab” had been substituted for the words “the Punjab” by the India (Adaptation of Existing Indian Laws) Order, 1947.

2Added by Punjab Act 8 of 1922, section 5.

3Substituted for the word “Crown” by the Adaptation of Laws Order, 1950.

4Substituted for the figure I by Punjab Act 8 of 1922, section 6.

5Substituted for the words “one rupee and eight annas” by East Punjab Act 27 of 1949, section 2.

5. Instruments relating to several distinct matters -Any instrument comprising, or relating to several distinct matters shall be chargeable with the aggregate amount of the duties with which

separate instruments, each comprising or relating to one of such matters, would be chargeable under this Act.

6. Instruments coming within several descriptions in Schedule I and Schedule I-A -

Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions [given] in Schedule I [and Schedule I-A] shall, where the duties chargeable thereunder be different, be chargeable only with the highest of such duties :

Provided that nothing in this Act contained shall render chargeable with duty exceeding 3 [two rupees] a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid 4[unless it falls with the provisions of section 6-A.]
Payment of the Punjab Stamp duty on copies, counterparts or duplicates when that duty has not been paid on the principal or original instrument.

5[6-A. (1) Notwithstanding anything contained in section 4 or 6 or in any other law, unless it is proved that the duty chargeable under the Indian Stamp (Punjab Amendment) Act, 1922, has been paid-

on the principal or original instrument as the case may be, or
in accordance with the provisions of this section,

the duty chargeable on an instrument of sale, mortgage or settlement other than a principal instrument or on a counterpart, duplicate, or copy of any instrument shall, if the principal or original instrument would, when received in 1[Punjab], have been chargeable under the Indian Stamp (Punjab Amendment) Act, 1922, with a higher rate of duty be the duty with which the principal or original instrument would have been chargeable under section 19-A.

1Inserted by Punjab Act 8 of 1922, section 7(1).

2Added by Punjab Act 8 of 1922.

3Substituted for the words “one rupee and eight annas” by East Punjab Act 27 of 1947, section 3.

4Inserted by Punjab Act 8 of 1922, section 7(2).

5Inserted by Punjab Act 8 of 1922, section 8.

(2) Notwithstanding anything contained in section 35 or in any other law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section, has been paid thereon;

7. Policies of sea-insurance – Where any sea-insurance is made for or upon a voyage and also for time or 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 be charged with duty as a policy for or upon a voyage, and also with duty as a policy for time.

8. Bonds, debentures or other securities issued on loans under Act XI of 1879 - (1)
Notwithstanding anything in this Act, any local authority raising a loan under the provisions of the 3Local 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 duty of 4[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, sub-division or otherwise.

1Substituted for the words “East Punjab” by the Adaptation of Laws Order, 1950. The words “East Punjab” had been substituted for the words “the Punjab” by the India (Adaptation of Existing Indian Laws) Order, 1947.

2Sub-sections (1), (2) and (3) repealed by Act 11 of 1963, section 92 (w.e.f. 1st August, 1963).

3See now Act 9 of 1914. Unrepealed Central Acts; Volume VI.

4Substituted for the words “eight annas per centum” by the Indian Stamp (Amendment) Act, 1910 (6 of 1910), section 2.

(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 1[Central 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 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. Power to reduce, remit or compound duties -²(1) The 3[* * *] Government may, by rule or order published in the 4Official Gazette-

(a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of [the territories under its administration], the duties with which any instruments, or any particular class of instruments, or any of the instruments belonging to such class or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable :

1Substituted for the words “Governor-General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937.

2The existing section renumbered as sub-section (1) of section 9, by the Adaptation of Laws Order, 1950, First Schedule.

3The word “collecting” omitted by the Adaptation of Laws Order 1950; First Schedule.

4Substituted for the words “Gazette of India” by the Government of India (Adaptation of Indian Laws) Order; 1937

5Substituted for the words “British India” by the Government of India (Adaptation of Indian Laws) Order, 1937

1[Provided that with respect to instruments which are chargeable with duty under Schedule I-A, such reduction or remissions may, by notification be granted by the 2[(State

Government)], and

(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.

1[(2) In this section the expression “the Government” means,-

(a) in relation to stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading letters of credit policies of insurance, transfer of shares, debentures, proxies and receipts, and in relation to any other stamp duty chargeable under this Act and falling within entry 96 in List I in the Seventh Schedule to the Constitution, the Central Government ;
Save as aforesaid, the State Government.].

B.-Of Stamps and the mode of using them.

10. **Duties how to be paid** - (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 instruments, by means of stamps-

(a) according to the provisions herein contained, or

(b) when no such provision is applicable there-to as the 4[State Government] may be rule direct.

1Inserted by Punjab Act 8 of 1922, section 9.

2Substituted for the word “Provincial” by the Adaptation of Laws Order, 1950. The words “Governor-General in Council” were substituted by the words “Provincial Government” by the Government of India (Adaptation of Indian Laws) Order, 1937.

3Added by the Adaptation of Laws Order, 1950 First Schedule.

4Substituted for the words “Collecting Government” by the Adaptation of Laws Order, 1950, (First Schedule).

(2) The rules made under sub-section (1) may, among other matters, regulate,-

(a) in the case of each kind of instrument-the description of 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 promissory notes 1[* * * *], the size of

the paper on which they are written.

11. Use of adhesive stamps - The following instruments may be stamped with adhesive stamps, namely :-

- (a) instruments chargeable ²[with a duty not exceeding ten naye paise], except parts of bills of exchange payable otherwise than on demand and drawn in sets;
- (b) bills of exchange, * * ³ * * and promissory notes drawn or made out of ⁴India];
- (c) entry as an advocate, vakil or attorney on the roll of a High Court;
- (d) notarial acts; and
- (e) transfers by endorsement of shares in any incorporated company or other body corporate.

12. Cancellation of adhesive stamps (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

¹The words “written in any Oriental Language” have been omitted by Parliament Act 43 of 1955, section 5.

²Substituted by the Indian Stamp (Amendment) Act; 1958; (19 of 1958) section 2. It came into force on 1st October, 1958.

³The word “cheques” was omitted by Act 5 of 1927, 5(2).

⁴Substituted by Parliament Act No. 43 of 1955, section 2; for the words “the States” which were substituted for the words “the Provinces” had been substituted for the words “British India” by the Indian Independence (Adaptation of Central Acts and Ordinances Order, 1948, section 3(2).

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

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

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. **Instruments stamped with impressed stamps how to be written** - Every instrument written upon paper stamped with an impressed stamp shall be written in such manner that the stamp may appear on the face of the instrument and cannot be used for or applied to any other instrument.

14. **Only one instrument to be on same stamp** - No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written :

Provided that nothing in this section shall prevent any endorsement which is duly stamped or is not chargeable with duty being made upon any instrument for the purpose of transferring any right created or evidenced thereby, or of acknowledging the receipt of any money or goods the payment r delivery of which is secured thereby.

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

16. **Denoting duty** -Where the duty with which an instrument is chargeable, or its exemption from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last mentioned duty shall, if application is made in written 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 ¹[State Government] may by rule prescribe.

C.-Of the time of stamping Instruments :

17. **Instruments executed in ¹India** - All instruments chargeable with duty and executed by any person in ¹[India] shall be stamped before or at the time of execution.

18. **Instruments other than bills, and notes executed out of ¹India** - (1) Every instrument chargeable with duty executed only out of ²[India], and not being a bill of exchange, *
* 4 * or promissory note, may be stamped within three months after it has been first received in ²[the States].

(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 ¹[State Government] may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

¹Substituted for the words "Collecting Government" by the Adaptation of Laws Order, 1950, (First Schedule).

²Substituted by Parliament Act No. 43 of 1955, section 2, for the words "the States" which were substituted for the words "the Provinces" by the Adaptation of Laws Order, 1950. The words "the Provinces" had been substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, section 3(2).

³Substituted for the words "the Provinces" by virtue of change made in the section.

⁴The word "cheque" was omitted by Act 5 of 1927, section 5(3) and (4), respectively.

19. **Bills and notes drawn out of India** - The first holder in ¹[India] of any bill of exchange, ²[payable otherwise than on demand] * * 3 * or promissory note drawn or made out of ¹[India] shall, before he presents the same for acceptance or payment, or endorses, transfers or otherwise negotiates the same in ¹[India] affix thereto the proper stamp and cancel the same :

Provided that,-

(a) if, at the time any such bill of exchange, ³* * or note comes into the hands of any holder thereof in ¹[India], 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.

4[19-A. Payment of duty on certain instruments liable to increased duty in 5Punjab under clause (bb) of section 3. - Where any instrument has become chargeable in any part of ¹[India] other than ⁶Punjab with duty under this Act or under any other law for the time being in force in any part of ¹[India] and there-after becomes chargeable with a higher rate of duty in Punjab under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Punjab Amendment) Act, 1922-

¹Substituted by Parliament Act No. 43 of 1955, section 2, for the words “the States” which were substituted for the words “the Provinces” by the Adaptation of Laws Order, 1950. The words the “Provinces” had been substituted for the words “British India” by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, section 3(2).

²Inserted by Act 5 of 1927, section 5(4).

³The word “cheque” was omitted by Act 5 of 1927, section 5 (3) and (4), respectively.

⁴Inserted by Punjab Act 8 of 1922; section 10.

⁵Substituted for the words “East Punjab” by virtue of change made in the section.

⁶Substituted for the words “East Punjab” by the Adaptation of Laws Order, 1950. The words “East Punjab” had been substituted for the word “Punjab” by the India (Adaptation of Existing Indian Laws) Order, 1948.

notwithstanding anything contained in the said proviso, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule I-A less the amount of duty, if any, already paid on it in ¹[India] ;
in addition to the stamps, if any, already affixed thereto such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same persons as though such instrument were an instrument received in ¹[India] for the first time at the time when it become chargeable with the higher duty.]

D -Of Valuations for Duty.

20. Conversion of amount expressed in foreign currencies (1) Where an instrument is chargeable with *ad valorem* duty in respect of any money expressed in any currency other than that of ¹[India], such duty shall be calculated on the value of such money in the currency of ¹[India] according to the current rate of exchange on the day of the date of the instrument.

(2) The ²[Central Government] may, from time to time, by notification in the ³[Official Gazette], prescribe a rate of exchange for the conversion of British or any foreign currency into the currency of ¹[the States] for the purposes of calculating stamp-duty and such rate shall be deemed to be the current rate of the purposes of sub-section (1).

¹Substituted by Parliament Act No. 43 of 1955, section 2, for the words "the States" which were substituted for the words "the Provinces" by the Adaptation of Laws Order, 1950. The words the "Provinces" had been substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, section 3 (2).

²Substituted for the words "Governor-General in Council" by the Government of India (Adaptation of India Laws) Order, 1937.

³Substituted for the words "Gazette of India" by the Government of India (Adaptation of Indian Laws) Order, 1937.

21. Stock and marketable securities hw to be valued - Where an instrument is chargeable with *ad valorem* duty in respect of any stock or of any marketable or other security, such duty shall be calculated on the value of such stock or security according to the average price or the value thereof on the day of the date of the instrument.

22. Effect of statement of rate of exchange or average price - Where an instrument contains a statement of current rate of exchange, or average price, as the case may require, and is stamped in accordance with such statement it shall, so far as regards the subject-matter of such statement, be presumed, until the contrary is proved, to be duly stamped.

23. Instruments reserving interest - Where interest is expressly made payable by the terms

of an instrument, such instrument shall not be chargeable with duty higher than that with which it would have been chargeable had no mention of interest been made therein.

¹[23-A Certain instruments connected with mortgages of marketable securities to be chargeable as agreements - (1) Where an instrument (not being promissory note or bill of exchange) –

- (a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or,
 - (b) makes redeemable or qualifies a duty stamped transfer, intended as a security, of any marketable security,
 - (c) is shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under [Art No. 5(c) of Sch.I]
- (2) a release or discharge of any such instrument shall only be chargeable with the like duty.

24. How transfer in consideration of or subject to future payment, etc., to be charged-

Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or 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 may be, of the consideration in respect whereof the transfer is chargeable with *ad valorem* duty :

¹Section 23-A was added by the Indian Stamp (Amendment) Act, 1904, (XV of 1904), section 3.

²Substituted for the words and figures “Article No. 5 (b)” by amendment Act No.1 of 1912, section 3.

³Substituted for the letter I by Punjab Act 8 of 1922, section 11.

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 18 of Schedule I, ¹[or Schedule I-A, as the case may be.].

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.

Illustrations.

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

A sells a property to B for Rs. 500 which is subject to a mortgage to C for 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 payable on Rs. 10,000, less the amount of stamp-duty already paid for the mortgage.

25. **Valuation in case of annuity, etc.** Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for 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-

where the sum is payable for a definite period so that the total amount to be paid can be previously ascertained-such total amount ;

¹*Inserted by Punjab Act 8 of 1922, section 12.*

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

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.

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26. Stamp where value of subject-matter s indeterminate. - Where the amount or value of the subject-matter of any instrument chargeable with *ad valorem* duty cannot be, or (in the case of an instrument executed before the commencement of this Act) could not have been, ascertained at the date of its execution or first execution, nothing 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 :

¹[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 [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 ²[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 ²[the Government] under the lease, or,

¹*Substituted for the first proviso by the Indian Stamp (Amendment) Act, 1904 (15 of 1904), section 4.*

²*Substituted for the word "Crown" by the Adaptation of Laws Order, 1950*

(b) when the lease has been granted by any other person, at twenty thousand rupees a year ;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease :]

Provided also, that where proceedings have been taken in respect of an instrument under section 31 or 41, the amount certified by the Collector shall be deemed to be the stamp actually used at the date of execution.

27. Facts affecting duty to be set forth in instrument - (1) 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.

Amendment of section 27 of Central Act 2 of 1899. Pb. Act No. 17 of 1994

2. In the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act), in its application to the State of Punjab,-

(i) section 27 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :-

“(2) In the case of instruments relating to immovable property chargeable with an *ad valorem* duty on the value of the property, and not on the value set forth in the instrument, the instrument shall fully and truly set forth, the annual land revenue in the case of revenue paying land, the annual rental or gross assets, if any, in the case of other immovable property, the local rates, municipal or other taxes, if any, to which such property may be subject, and any other particulars which may be prescribed by rules made under this Act .”

28. Direction as to duty in case of certain conveyances - (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 considerations paid by the sub-purchasers:

(5) Where a sub-purchase 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. Duties by whom payable - In the absence of an agreement to the contrary, the expense of providing the proper stamps shall be borne,-

(a) in the case of any instrument described in any of the following articles of Schedule ¹[I-A], namely :-

No. 2 (Administration Bond),

²*[No. 6 (Agreement relating to Deposit of Title deeds, Pawn or Pledge),]*

¹*Substituted for the figure 'I' by Punjab Act, 8 of 1922, section 13.*

²*Substituted for the words and figures "No. 6 (Agreement to mortgage)" by the Indian Stamp (Amendment) Act, 1904 (15 of 1904), section 5.*

No. 13 (Bill of exchange),

No. 15 (Bond),

No. 16 (Bottomry Bond),

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 or Mortgage-deed),

No. 58 (Settlement),

No. 62(a) (Transfer of shares in an incorporated company or other body corporate).

No. 62(b) (Transfer of debentures being marketable securities whether the debenture is liable to duty or not, except debentures provided for by section 8).

No. 62(c) (Transfer of any interest secured by a bond, mortgage-deed or policy of insurance),-

By the person drawing, making or executing such instrument :

¹[(b) in the case of policy of insurance other than fire-insurance-by the person effecting the insurance ;

¹(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 :
in the case of a counterpart of lease-by the lessor :

¹Clauses (b) and (bb) were substituted for the old clause (b) by the Indian Stamp (Amendment) Act, 1906 (5 of 1906), section 4.

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. **Obligation to give receipt in certain cases** - 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 moveable 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.

¹[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.]

CHAPTER III ADJUDICATION AS TO STAMPS.

31. **Adjudication as to proper stamps** - (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 than ²[fifty naye 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.

¹*Added by the Indian Stamp (Amendment) Act, 1906 (5 of 1906).*

²*Substituted by the Indian Stamp (Amendment) Act, 1958, section 3.*

(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-

no evidence furnished in pursuance of this section shall be used against any person in any civil proceedings except in an inquiry as to the duty with which the instrument to which it relates is

chargeable; and

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. Certificate Collector (1) When an instrument brought to the Collector under section 31 is, in his opinion, one of a description 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;
- (c) the Collector shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.

(2) When such instrument is, in his opinion, not chargeable with duty, the Collector shall certify in manner aforesaid that such instrument is not so chargeable.

(3) Any instrument upon which an endorsement has been made under this section, shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and if chargeable with duty shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped :

Provided that nothing in this section shall authorize the Collector to endorse-
any instrument ¹[other than an instrument chargeable with a duty under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Punjab Amendment) Act, 1922], executed or first executed in ²[India] and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be;

any instrument executed or first executed out of ³[India] and brought to him after the expiration of three months after it has been first received in ³[India];

any instrument chargeable ⁴[with a duty not exceeding ten naye paise] or any bill of exchange or promissory note, ¹[or acknowledgement or delivery order], when brought to him, after the drawing or execution thereof, on paper not duly stamped, or

any instrument chargeable with duty under clause (bb) of the first proviso to section 3 as amended by the Indian Stamp (Punjab Amendment) Act, 1922, and brought to him after the expiration of three months from the date on which it is first received in ²[Punjab].]

¹*Inserted by Punjab Act 8, of 1922, section 14.*

²*Substituted by Parliament Act No. 43 of 1955, for the words 'the States' which were substituted for the words "the Provinces" by the Adaptation of Laws Order, 1950. The words "the Provinces" had been substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, section 3(2).*

³*Substituted for the words "the States" by the Parliament Act No. 43 of 1955, section 2.*

⁴*Substituted by the Indian Stamp (Amendment) Act, 1958 (19 of 1958); section 4*

⁵*Inserted by East Punjab Act 27 of 1949, section 4.*

CHAPTER IV. INSTRUMENTS NOT DULY STAMPED.

33. **Examination and impounding of instruments** - (1) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his 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 ³[India] when such instrument was executed or first executed :

Provided that-

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;

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.

¹*Inserted by Punjab Act, VIII of 1922, section 14.*

²*Substituted for the word “East Punjab” by the Adaptation of Laws Order, 1950.*

³*Substituted for the words “the State” by the Parliament Act No. 43 of 1955, section 2.*

(3) For the purposes of this section, in cases of doubt,-

- (a) the ¹[State Government] may determine what offices shall be deemed to be public offices; and,
- (b) the ¹[State Government] may determine who shall be deemed to be persons in charge of public offices.

34. Special provision as to unstamped receipts- Where any receipt chargeable ²[with a duty not exceeding ten naye 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 therefore.

35. Instruments not duly stamped inadmissible in evidence etc. - No instrument chargeable with duty shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon, registered or authenticated by any such person or by any public officer unless such instrument is duly stamped :

Provided that-

any such instrument not being an instrument chargeable [with a duty not exceeding ten naye paise] only or a bill of exchange or promissory note, [or acknowledgement or delivery order], 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 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;

¹*Substituted for the words “Collecting Government” by the Adaptation of Laws Order, 1950, First Schedule.*

²*Substituted by the Indian Stamp (Amendment) Act, 1958 (19 of 1958), section 5 and 6.*

³*Inserted by East Punjab Act 27 of 1949, section 5.*

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;

where a contract or agreement of any kind is effected by correspondence consisting of two or more letters, and any one of the letters bears the proper stamp, the contract or agreement shall be deemed to be duly stamped;

nothing herein contained shall prevent the admission of any instrument in evidence in any proceeding in a Criminal Court, other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 :

nothing herein contained shall prevent the admission of any instrument in any Court when such instrument has been executed by or on behalf of the ¹[Government], or where it bears the certificate of the Collector as provided by section 32 or any other provisions of this Act.

36. Admission of instrument where not to be questioned - 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.

37. Admission improperly stamped instruments The ²[State Government] may make rules providing that, where an instrument bears a stamp of sufficient amount but of improper description, it may, on payment of the duty with which the same is chargeable, be certified to be duly stamped and any instrument so certified shall then be deemed to have been duly stamped as from the date of its execution.

¹*Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.*

²*Substituted for the words "Collecting Government" by the Adaptation of Laws Order, 1950, First Schedule.*

38. Instruments impounded how dealt with. - (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 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. Collector's power to refund penalty paid under section 38, sub-section (1). - (1) When a copy of an instrument is sent to the Collector under section 38, sub-section (1), he may, if he thinks fit, ¹* * * * refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

(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.

40. Collector's power to stamp instruments impounded. - (1) When the Collector impounds any instrument under section 33, or receives any instrument sent to him under section 38, sub-section (2), not being an instrument chargeable ²[with a duty not exceeding ten naye paise] only or a bill of exchange or promissory note, ³[or acknowledgement or delivery order], he shall adopt the following procedure :-

(a) if he is of opinion that such instrument is duly stamped or is not chargeable with duty, he shall certify by endorsement thereon that it is duly stamped, or that it is not so chargeable, as the case may be :

¹The words "upon application made to him in this behalf or, if no application is made with the consent of the Chief Controlling Revenue Authority" were omitted by Pt. I of the Schedule to the Decentralization Act, 1914, (IV of 1914).

²*Substituted by Indian Stamp (Amendment) Act, 1958 (19 of 1958) section 6.*

³*Inserted by East Punjab Act 27 of 1949, section 7.*

(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 ¹[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 matter stated therein.

(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.

41. Instrument unduly stamped by accident - If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable [with a duty not exceeding ten naye paise] only or a bill of exchange or promissory note,[or acknowledgement or delivery order], is produced by any person of his own motion before the Collector within one year from the date of its execution or first execution, and such person brings to the notice of the Collector the fact that such instrument is not duly stamped and offers to pay to the Collector the amount of the proper duty, or the amount required to make up the same, and the Collector is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under section 33 and 40, receive such amount and proceed as next hereinafter prescribed.

¹*Inserted by the Indian Stamp (Amendment) Act, 1904 (15 of 1904), section 6.*

²*Substituted by Indian Stamp (Amendment) Act, 1958 (19 of 1958) ; section 6.*

³*Inserted by East Punjab Act 27 of 1949, section 7.*

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

- (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.

(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-

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.

Nothing in this section shall affect the ¹Code of Civil Procedure, section 114, clause 3.

43. Prosecution of offence against Stamp-law - The taking of proceedings or the payment of a penalty under this Chapter in respect of any instrument shall not bar the prosecution of any person who appears to have committed an offence against the Stamp-law in respect of such instrument:

¹See now the Code of Civil Procedure, 1908, (V of 1908).

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. Persons paying duty or penalty may recover same in certain cases - (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 person the amount of the duty or penalty so paid.

(2) For the purpose of such recovery, any certificate granted in respect of such instrument under this Act shall be conclusive evidence of the matters therein certified.

(3) Such amount may, if the Court thinks fit, be included in any order as to costs in any suit or proceeding to which such persons are parties and in which such instrument has been tendered in evidence. If the Court does not include the amount in such order, no further proceedings for the recovery of the amount shall be maintainable.

45. Power to Revenue authority to refund penalty or excess duty in certain cases - (1)

Where any penalty is paid under section 35 or section 40, the ¹Chief Controlling Revenue-authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(2) Where, in the opinion of the ¹Chief Controlling 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. Non-liability for loss of instruments sent under section 38 - (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.

¹For its definition, see the General Clauses Act, 1897, section 3.

(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.

47. Power of payer to stamp bills, promissory notes and cheques received by him unstamped - When any bill of exchange, ¹[or promissory note] chargeable with a duty not exceeding ten naye paise] is presented for payment unstamped, the person to whom it is so presented may affix thereto the necessary adhesive stamp, and, upon canceling the same in manner hereinbefore provided, may pay the sum payable upon such bill, ²[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 ²[or note] shall, so far as respects 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 ³[or note].

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DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS

Notification

13th October, 1982

No. 25-Leg./82-The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 4th August, 1982 and is hereby published for general information :-

PUNJAB ACT No. 21 OF 1982

THE INDIAN STAMP (PUNJAB AMENDMENT) ACT, 1982

AN ACT

To amend the Indian Stamp Act, 1899, in its application to the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Thirty-third Year of the Republic of India, as follows :-

Short title and commencement.

(1). This Act may be called the Indian Stamp (Punjab Amendment) Act, 1982.

(2). It shall come into force at once.

Insertion of new section 47-A in Central Act 2 of 1899.

2. In the Indian Stamp Act, 1899, in its application to the State of Punjab, after section 47, the following section shall be inserted, namely :-

“47-A. (1) If the Registering Officer appointed under the Registration Act, 1908 (Central Act No. 16 of 1908), while registering any instrument relating to the transfer of any property, has reason to believe that the value of the property or consideration, as the case may be, has not been truly set forth in the instrument, he may, after registering such instrument, refer the same to the Collector, for determination of the value of the property or the consideration, as the case may be, and the proper duty payable thereon.

(2) On receipt of reference under sub-section (1), the Collector shall, after giving the parties reasonable opportunity of being heard and after holding an enquiry in such manner as may be prescribed by rules under this Act, determine the value or consideration and the duty as

aforesaid and the deficient amount of duty, if any, shall be payable by the person liable to pay the duty.

(3) The Collector may, *suo moto*, or on the receipt of a reference from the Inspector General of Registration or Registrar of a District appointed under the Registration Act, 1908 (Central Act No. 16 of 1908), in whose jurisdiction the property or any portion thereof which is the subject matter of the instrument is situated or on the receipt of a report of audit by the Comptroller and Auditor General of India or by any other authority authorized by the State Government in this behalf or otherwise, within a period of three years from the date of the registration of an instrument, call for and examine any instrument for the purposes of satisfying himself as to the correctness of the value of the property or of the consideration disclosed and of all other facts and circumstances affecting the chargeability of the instrument or as to the true character and description thereof and the amount of the duty with which it was chargeable and if after such examination, he has reason to believe that proper duty has not been paid, he may, after giving the person concerned reasonable opportunity of being heard and after holding an enquiry in the manner provided under sub-section (2), determine the value of the property or the consideration or the character or description of instrument and the duty with which it was chargeable and the deficient amount of duty, if any, would be payable by the person liable to pay duty; and

(4) Any person aggrieved by an order of the Collector under sub-section (2) or sub-section (3) may, within thirty days from the date of that order, prefer an appeal before the District Judge and all such appeals shall be heard and disposed of in such manner as may be prescribed by rules made under this Act.

Explanation.-For the purpose of this section, value of any property shall be estimated to be the price which in the opinion of the Collector the appellate authority, as the case may be, such property would have fetched, if sold in the open market on the date of execution of the instrument relating to the transfer of such property.”

AFTAB SINGH BAKHSHI,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

48. Recovery of duties and penalties - 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 moveable 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. Allowance for spoiled stamps - Subject to such rules as may be made by the [State Government] as to the evidence to be required, or the enquiry to be made, the Collector, may, on application made within the period prescribed in section 50, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely :-

¹*Substituted for the words "promissory note or cheque" by Act 5 of 1927, section 5 (5).*

²*Substituted by Indian Stamp (Amendment) Act, 1958 (19 of 1958); section 7.*

³*Substituted for the words "note or cheque" by Act 5 of 1927, section 5 (5).*

⁴*Substituted for the words "Collecting Government" by the Adaptation of Laws Order, 1950, First Schedule.*

the stamp on any paper inadvertently and undersigned 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 :

the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto :

in the case of bills of exchange ¹[payable otherwise than on demand] ^{2*} * *

* or promissory notes-

(1) the stamp on ³[any such bill of exchange] ^{2*} 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 * * * *⁴ to be afterwards written thereon :

(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 ³[any such bill of exchange] * * 4
 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 *
 * 1 * * may have been presented for acceptance or accepted or endorsed, or, being
 delivered to the payee : provided that another completed and duly stamped bill of exchange,
 * * * 1 or promissory note is produced identical in every particular,
 except in the correction of such omission or error as aforesaid, with the spoiled bill, *
 * * 1 or note.

¹*Inserted by Act V of 1927, section 5 (6).*

²*The word "cheques" and the words "or cheque" were omitted by Act 5 of 1927, section 5 (6).*

³*The words "or cheque" and the word "cheque" were omitted by Act 5 of 1927, section 5 (6).*

the stamp used for an instrument executed by any party thereto which-

has been afterwards found to be absolutely void in law from the beginning;

has been afterwards found unfit by reason of any error or mistake therein, for the purpose originally intended;

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;

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;

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;

becomes useless in consequence of the transaction intended to be thereby effected or being effected by some other instrument between the same parties and bearing a stamp of not less value;

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;

is inadvertently and undersignedly spoiled and in lieu whereof another instrument made between the same parties and for the same purpose is executed and duly stamped :

¹The words “or cheque” and the word “cheque” were omitted by Act 5 of 1927, section 5 (6).

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 any instrument is chargeable has been paid is an impressed stamp within the meaning of this section.

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

in the cases mentioned in clause (d) (5), within two months of the date of the instrument;

in the case of stamped paper on which no instrument has been executed by any of the parties thereto, within six months after stamp has been spoiled;

in the case of a stamped paper in which any instrument has been executed by any of the parties thereto, within six month 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,-

when the spoiled instrument has been for sufficient reasons sent out of ¹[India], the application may be made within six months after it has been received back in ¹[India];

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. Allowance in case of printed forms no longer required by corporation - The Chief Controlling Revenue-authority [or the Collector if empowered by the Chief Controlling Revenue-authority in this behalf] may, without limit of time, make allowance for stamped papers used for printed forms of instruments ³[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 ³[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. Allowance for misused stamps - (a) When any person has inadvertently used, for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, or a stamp of greater value than was necessary, or has inadvertently used any stamp for an instrument not chargeable with any duty; or

(b) When any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of the provisions of section 13; 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 person by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

¹*Substituted for the words "the States" by the Parliament Act No. 43 of 1955, section 2.*

²*Inserted by Part I of the Schedule to the Decentralization Act, 1914 (IV of 1914).*

³*Inserted by the Indian Stamp (Amendment) Act, 1906 (V of 1906), section 6.*

53. Allowance for spoiled or misused stamps how to be made - In any case in which allowance is made for spoiled or misused stamps, the Collector may give in lieu thereof other stamps of the same description and value; or if required, and he thinks fit, stamps of any other description to the same amount in value; or, at his discretion, the same value in money, deducting ¹[ten naye paise] for each rupee or fraction of a rupee.

54. Allowance for stamps not required for use - When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which, he has no immediate use, the Collector shall repay to such person the value of such stamp or stamps in money, deducting ¹[ten naye paise] for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the Collector's satisfaction :- that such stamp or stamps were purchased by such person with a *bona fide* intention to use them; and that he has paid the full price thereof; and 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.

²[**54-A. Allowances for stamps in denominations of annas** - Notwithstanding anything contained in section 54, when any person is possessed of a stamp or stamps in any denominations, other than in denominations of annas four or multiples thereof and such stamp or stamps has or have not been spoiled, the Collector shall repay to such person the value of such stamp or stamps in money calculated in accordance with the provisions of sub-section (2) of section 14 of the Indian Coinage Act, 1906, upon such person delivering up, within six months from the commencement of the Indian Stamp (Amendment) Act, 1958, such stamp or stamps to the Collector.]

¹ *Substituted by the Indian Stamp (Amendment) Act, 1958 (19 of 1958) section 8.*

² *Inserted by ibid., section 11.*

after section 54A, the following section shall be inserted, namely :-

154-B. Notwithstanding anything contained in section 54, when any person is possessed of stamps bearing the inscription “Refugee Relief” (being stamps issued in pursuance of section 38, before its omission) and such stamps have not been spoiled, the Collector shall, upon such person delivering up, within six months from the commencement of the Refugee Relief Taxes (Abolition) Act, 1973 such stamps to the Collector, refund to such person the value of such stamps in money or give to lieu thereof other stamps of the same value:

Provided that the State Government may, with a view to facilitating expeditious disposal of claims for such refunds, specify, in such manner as it deems fit, any other procedure which may also be followed for claiming such refunds.”

(It shall come into force on the 1st day of April, 1973).

(Act 13 of 1973)

55. Allowance on renewal of certain debentures - 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 :

Provided that the original debenture is produced before the Collector and cancelled by him in such manner as the ¹[State] 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:-

the issue of two or more debentures in place of one original debenture, the total amount secured being the same;

the issue of one debenture in place of two or more original debentures, the total amount secured being the same ;

the substitution of the name of the holder at the time of renewal for the name of the original holder; and

the alteration of the rate of interest or the dates of payment thereof.

CHAPTER VI

Reference and Revision

56. Control of, and statement of case to, Chief Controlling Revenue-authority - (1) The powers exercisable by a Collector under Chapter IV and Chapter V ²[and under clause (a) of the first proviso to section 26] shall in all cases be subject to the control of the Chief Controlling Revenue-authority.

¹*Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.*

²*Inserted by the Indian Stamp (Amendment) Act, 1904 (15 of 1904), section 7.*

(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 Chief Controlling 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.

57. Statement of case by Chief Controlling Revenue-authority to High Court - (1) The Chief Controlling Revenue-authority may state any case referred to it under section 56, sub-section (2), or otherwise coming to its notice, and refer such case, with its own opinion thereon;-

¹[(a) if it arises in a State, to the High Court for that State ;

²[(b) if it arises in the Union territory of Delhi to the High Court of Delhi;

(bb) if it arises in the Union territory of Himachal Pradesh, to the High Court of Punjab and Haryana upto and inclusive of the 30th April, 1967, and to the High Court of Delhi thereafter;

(c) if it arises in the Union territory of Manipur or Tripura, to the High Court of Assam ;

if it arises in the Union territory of the Andaman and Nicobar Islands, to the High Court at Calcutta; and

if it arises in the Union territory of the Lacadive, Minicoy and Amindivi Islands, to the High

Court of Kerala.]

¹[(ee) if it arises in the Union territory of Chandigarh to the High Court of Punjab and Haryana.]

¹Substituted for the former clauses (a), (b) and (c) (Substituted by Adaptation of Laws Order, 1948-G. G. O. 37 of 1948) by Adaptation of Laws Order, 1950, as amended by the Adaptation of Laws (Amendment) Order 1950.

²Substituted by the Punjab Re-organization and Delhi High Court (Adaptation of Laws o Union subjects) Order, 1968, section 3 and Schedule, for Clause (b) (w.e.f. 1st November, 1966).

(2) Every such case shall be decided by not less than three Judges of the High Court, * * * 1 * * * to which it is referred, and in case of difference the opinion of the majority shall prevail.

58. Power of High Court * * 4 * to case stated- If the High Court * * * * * is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue-authority by which it was stated, to make such additions thereto or alterations therein as the Court may direct in that behalf.

59. Procedure in disposing of case stated - (1) The High Court, * * * 1 * * * upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.

(2) The Court shall send to the Revenue-authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar; and the Revenue-authority shall, on receiving such copy, dispose of the case conformably to such judgment.

60. Statement of case by other Courts to High Court * 4 * - (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 own opinion thereon, for the decision of the High Court, * * * * 5 * * * * to which, if he were the Chief Controlling Revenue-authority, he would, under section 57, refer the same.

¹Inserted by the Punjab Reorganization and Delhi High Court (Adaptation of Laws on Union subjects) Order, 1968, section 3 and Schedule (w.e.f. 1st November, 1966).

²The words “Chief Court or Judicial Commissioner’s Court” omitted by the Adaptation of Laws Order, 1950, First Schedule.

³The words “Chief Court or Judicial Commissioner’s Court” were omitted by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

⁴The words “Chief Court or Judicial Commissioner’s Court” omitted by virtue of the omission in the section.

⁵The words “Chief Court or Judicial Commissioner’s Court” were omitted by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

(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 Chief Controlling Revenue-authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

(3) References made under sub-section (1), when made by a Court subordinate to a District Court, shall be made through the District Court, and, when made by any subordinate Revenue Court, shall be made through the Court immediately superior.

61. Revision of certain decisions of Courts regarding the sufficiency of stamps - (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 references are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 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 sub-section (2), the Court recording the same shall send a copy thereof to the Collector, and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such

instrument.

(4) The Collector may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 42, or in section 43, prosecute any person for any offence against the Stamp-law which the Collector considers him to have committed in respect of such instrument :

Provided that-

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 ;

except for the purposes of such prosecution, no declaration made under this section shall effect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 42.

CHAPTER VII CRIMINAL OFFENCES AND PROCEDURE

62. Penalty for executing etc., instrument not duly stamped - (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 exchange ¹[payable otherwise than on demand] ²* * * 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 voting or attempting to vote under any proxy not duly stamped ;

¹*Inserted by Act 5 of 1927, section 5 (7).*

²*The word "cheque" omitted by *ibid*.*

shall for every such offence be punishable with fine which may extend to five hundred rupees :

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.

63. Penalty for failure to cancel adhesive stamp - 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.

64. Penalty for omission to comply with provisions of section 27 - Any person who, with intent to defraud the Government,-
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
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
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. Penalty for refusal to give receipt and for devices to evade duty on receipts - Any person who-

being required under section 30 to give a receipt, refuses or neglects to give the same; or

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. Penalty for not making out policy or making one not duly stamped - Any person who-

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; shall be punishable with fine which may extend to two hundred rupees.

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

-Any person drawing or executing a bill of exchange ¹[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.

¹*Inserted by Act 5 of 1927, section 5 (8).*

68. Penalty for postdating bills, and for other devices to defraud the revenue - Any person who-

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

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

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. Penalty for breach of rule relating to sale of stamps and for unauthorized sale- (a)

Any person appointed to sell stamps who disobeys any rule made under section 74, and

(b) any person not so appointed who sells or offers for sale any stamp (other than ¹[ten naye paise or five naye paise] adhesive stamp) ;

(c) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

70. Institution and conduct of prosecutions - (1) No prosecution in respect of any offence punishable under this Act or any Act hereby repealed shall be instituted without the sanction of the Collector or such other officer as the ²[State Government] generally, or the Collector specially, authorizes in that behalf.

(2) The Chief Controlling Revenue-authority, or any officer generally or 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.

¹*Substituted by the Indian Stamp (Amendment) Act, 1958 (19 of 1958, section 10.*

²*Substituted for the words "Collecting Government" by the Adaptation of Laws Order, 1950, First Schedule.*

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

72. Place of trial - Every such offence committed in respect of any instrument may be tried in any district or presidency-town in which such instrument is found, as well as in any district or presidency-town in which such offence might be tried under the Code of Criminal Procedure for the time being in force.

CHAPTER VIII SUPPLEMENTAL PROVISIONS.

73. Books etc., to be open to inspection - 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 and proceedings, and to take such notes and extracts as he may deem necessary, without fee or charge.

74. Powers to make rules relating to sale of stamps - The ¹[State Government] * * * *
² * * * * * may make rules for regulating-
 the supply and sale of stamps and stamped papers ;
 the persons by whom alone such sale is to be conducted; and
 the duties and remuneration of such persons :
 Provided that such rules shall not restrict the sale of ³[ten naye paise or five naye paise]
 adhesive stamps.

75. Power to make rules generally to carry out Act - The ¹[State Government] may make rules 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.

¹ *Substituted for the words "Collecting Government" by the Adaptation of Laws Order, 1950, First Schedule.*

² *The words "subject to the control of the Governor-General in Council" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.*

³ *Substituted by the Indian Stamp (Amendment) Act, 1953 (13 of 1958, section 10.*

76. Publication of rules - ¹[(1) All rules made under this Act shall be published in the Official Gazette.]

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

²[76-A. **Delegation of certain powers** - * * * * 3 The ⁴[State] Government may be notification in the Official Gazette delegate-

all or any of the powers conferred on it by section 2 (9), 33 (3) (b), 70 (1), 74 and 78 to the Chief Controlling Revenue-authority; and

all or any of the powers conferred on the Chief Controlling Revenue-authority by section 45 (1), (2), 56 (1) and 70 (2) to such subordinate Revenue-authority as may be specified in the notification].

77. Saving as to court-fees - ⁵[Except for the provisions as to copies contained in section 6-A] 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.

⁶[**77-A. Saving as to certain Stamps** - All stamps in denominations of annas four or multiples thereof shall be deemed to be stamps of the value of twenty-five naye paise or, as the case may be, multiples thereof and shall, accordingly, be valid for all the purposes of this Act.]

78. Act to be translated and sold cheaply - Every ⁴[State] 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 ⁷[twenty-five naye paise] per copy.

79. [Repealed.] * * * * 8 * * * *

¹*Substituted for the old sub-section (1) by the Government of India (Adaptation of Indian Laws) Order, 1937.*

²*Inserted by Pt. I of the Schedule to the Decentralization Act, 1914, (IV of 1914).*

³*The words "The Central Government subjects to the provisions of section 124 (i) of the Government of India Act, 1935 and" omitted by the Adaptation of Laws Order, 1950, First Schedule.*

⁴*Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.*

⁵*Inserted by Punjab Act, VIII of 1922, section 15.*

⁶*Inserted by the Indian Stamp (Amendment) Act, 1958 (19 of 1958), section 11.*

⁷ *Substituted by *ibid.*, section 12.*

⁸ *Repealed by Act X of 1914, section 4 and Schedule.*

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GOVERNMENT OF INDIA RULES UNDER THE STAMP ACT
(Finance Department Notification No. C-63-Stamps-25, Dated 5th May, 1925)
RULES UNDER THE INDIAN STAMP Act, 1899

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CHAPTER-I
PRELIMINARY

- 1. Short title-** These rules may be called the Indian stamp Rules, 1925.
- 2. Definition-** In these rules-
 - (a) 'The Act' means the Indian Stamp Act 1899 (II of 1899).
 - (b) 'Section' means a section of the Act.
 - (c) 'Schedule' means a schedule of the Act.
 - (d) 'Superintendent of Stamps' means the Superintendent of Stamps, Madras, Bombay, Karachi, Rangoon or Nagpur, and includes the Financial Commissioner, Punjab, and any other Officer appointed by the Local Government to perform the functions of a Superintendent of stamps.
- 3. Description of Stamps-** (1) Except as otherwise provided by the Act or by these rules-
 - (i) all duties with which any instrument is chargeable shall be paid, and such payment shall be indicated on such instrument, by means of stamps issued by Government for the purposes of the Act, and

- (ii) a stamp which by any word or words on the face of it is appropriated to any particular kind of instrument, shall not be used for an instrument of any other kind.

Note to clause (ii)-A draft drawn by a firm in Bombay on a bank in Amritsar cannot be stamped with the Foreign Bill Stamp. See note to rule 17.

(2) There shall be two kinds of stamps for indicating the payment of duty with which instruments are chargeable namely-

- (a) impressed stamps, and
(b) adhesive stamps.

CHAPTER II OF IMPRESSED STAMPS

4. (1) Hundis- Hundis, other than hundis which may be stamped with an adhesive stamp under section 11, shall be written on papers as follows, namely:

- (a) A hundi payable otherwise than on demand, but not at more than one year after date or sight and for an amount not exceeding rupees thirty thousand in value, shall be written on paper on which a stamp of the proper value bearing the word 'hundi' has been engraved or embossed.
- (b) A hundi for an amount exceeding rupees thirty thousand in value, or payable at more than one year after date or sight, shall be written on paper supplied for sale by the Government to which a label has been affixed by the Collector* of stamp Revenue, Calcutta or a Superintendent of stamps, and impressed by such officer in the manner prescribed by rule 11.
- (2) Every sheet of paper on which a hundi is written shall be not less than $8\frac{5}{8}$ inches long and $5\frac{1}{8}$ inches wide, and no plain paper shall be joined thereto.
- (3) The provisions of sub section (1) of rule 7 shall apply in the case of hundis.

Note- Hundi stamps should not be used for any documents except Hundis under this rule, and for promissory notes and bills of exchange other than those provided for by section 11 of the Act, or by rules 13 and 17 (see rule 5). No plain paper should be joined to an impressed sheet bearing the word 'Hundi'. Clause 3 should be noted carefully.

*Government of India, Finance (C.R) 13, dated 20th May 1926.

5. Promissory notes and bills of exchange-A promissory note or bill of exchange shall,

except as provided by section 11 or by rules 13 and 17, be written on paper on which a stamp of the proper value, with or without the word 'hundi' has been engraved or embossed.

6. Other instruments- Every other instrument chargeable with duty shall, except as provided by section 11 or by rules* 10, 12 and 13, be written on paper on which a stamp of the proper value, not bearing the word 'hundi' has been engraved or embossed.

7. Provision where single sheet of paper is insufficient-(1) Where two or more sheets of paper on which stamps are engraved or embossed are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(2) Where a single sheet of paper, not being paper bearing an impressed hundi stamp, is insufficient to admit of the entire instrument being written on the side of the paper which bears the stamps, so much plain paper may be sub joined thereto as may be necessary for the complete writing of such instrument:

Provided that in every such case a substantial part of the instrument shall be written on the sheet which bears the stamp before any part is written on the plain paper subjoined.

****8. One anna and two annas impressed stamps-** The duty on any instrument which is chargeable with a duty of one anna under the Act or of two annas under articles 5, 19, 36, 37, 43, 49 and 52 of Schedule-I may be denoted by a coloured impression marked on a skeleton form of such instrument by the Collector** of Stamp Revenue at Calcutta or the Superintendent of Stamps.

****9. The Proper Officer-** The officers specified in Appendix-I and any officer appointed in this behalf by the Local Government of a Governor's Province, are empowered to affix and impress or perforate** labels, and each of them shall be deemed to be 'the proper officer' for the purposes of the Act and of these rules.

*Government of India, Finance (C.R) 13, dated 15th October 1927.

** (Government of India, Finance Department (Central Revenues) Notification Stamp No. 13 dated 20th May 1926).

**See note to rule 11.

10. Affixing and impressing of labels by proper officer permissible in certain cases-

Labels may be affixed and impressed or perforated* by the proper officer in the case of any of the following instruments, namely:

*(Government of India, Finance Department (Central Revenues), notification No. 13 dated the 20th May 1926)

- (i) those specified in Appendix II, and the counter parts thereof other than instruments on which the duty is less than two annas; and
- (ii) Those specified in Appendix III, when written in any European language, and accompanied, if the language is not English, by a translation in English:

Provided that the Local Government may direct that this rule shall apply, subject to any conditions, which it may prescribe, to agreements or memoranda of agreements such as are specified in Appendix III, when written in any oriental language.

Notes- (1) The Punjab Government have ruled, under Act XVIII of 1879, that the certificates of Pleaders, Mukhtars and Revenue agents, admitted under that Act, shall be stamped with impressed labels-(Punjab Government Notification No. 743, dated 18th July 1887).

(2) Note to clause (ii) and proviso-Instruments of agreements and memorandum of agreement when written in the Urdu character may, in the Punjab, be stamped with special adhesive labels-(Punjab Government, Finance Department, Notification No. 3873, dated 6th February 1926).

Financial Commissioners' Office Punjab

Correction Slip No. 29 Dated Lahore The 13th August 1935

Punjab stamp Manual, 1934

Part-I B, Chapter 2, Page 4

**For the proviso to clause (ii) and note (2) to rule 10 the following should be substituted:
'Provided that the Local Government may direct that this rule shall apply, subject to any conditions which it may prescribe to any of the instruments specified in Appendix III, other than Bills of Exchange when written in any oriental language'.**

(Government of India, Finance Department (Central Revenues), notification No. 4-Stamps, dated the 14th July 1934).

(2) Note to clause (ii) and proviso- In the Punjab the restriction on the use of special adhesive

labels has been removed in the case of all instruments (other than Bills of Exchange) specified in Appendix III to these rules when written in the Urdu character.

(**Punjab Government notification No. 543-St. dated the 3rd July 1935**).

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Correction Slip No. 68 Dated Lahore The 18th January 1937

Punjab stamp Manual, 1934

Part-I B, Chapter 2, Page 4

In the second line of note (1) to rule 10, the word and comma 'pleaders,' should be deleted.

(**Punjab Government notification No. 1046-St. dated the 5th September 1936**).

11. Mode of affixing and impressing labels-(1) The proper officer shall, upon any instrument specified in rule 10 being brought to him before it is executed, and upon application being made to him, affix thereto a label or labels of such value as the applicant may require and pay for and impress or perforate such label or labels by means of a stamping machine or a perforating machine, and also stamp or write on the face of the label or labels the date of impressing or perforating the same.

Note-It has been ruled that the words 'before it is executed' must be taken to mean 'before an instrument is fully and finally executed by all the parties thereto,' hence an instrument executed by one party or more, but not by all the parties thereto may be stamped under this rule-(Punjab Government letter No. 1051, dated 15th April 1880).

In the case of instruments written on parchment, the labels shall be further secured by means of metallic eyelets.

(2) On affixing any label or labels under this rule, the proper officer shall, where the duty amounts to rupees five or upwards, write on the face of the label or labels his initials, and where

the duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the label or labels.

(3) The following officers may discharge the functions of the proper officer under sub rule (2), namely:

- (i) Any principal assistant of the proper officer empowered by the Local Government in this behalf;
- (ii) In Calcutta, the Deputy Collector and the Superintendent of the Stamp Department of the Collector's office;
- (iii) In Karachi, the Assistant Superintendent of Stamps; and
- (iv) In Lahore, the head or any other Assistant for the time being in charge of the stamping work in the Financial Commissioner's Office.

Note to rule 8-11-The stamping is done in the office of the Financial Commissioners, Punjab (Rule 2(d) and Appendix I) for the Punjab for the North West Frontier Province. See also Part III, Chapter 6.

Financial Commissioners' Office Punjab

Correction Slip No. 166 Dated Lahore The 28th March 1942

Punjab stamp Manual, 1934

Part-I B, Chapter 2, Page 5

In the note at end of rule 11 delete the words 'and for the North West Frontier Province'.
(N.W.F.P. Government (Revenue Department) notification No. 1880 S.A., dated the 15th January 1942).

12. (1) Certain instruments to be stamped with impressed label- Instruments executed out of British India and requiring to be stamped after their receipt in British India (other than instruments which, under section 11 of rule 13, may be stamped with adhesive stamps) shall be stamped with impressed labels.

(2) Where any such instrument as aforesaid is taken to the Collector under section 18, sub section (2), the Collector, unless he is himself the proper officer, shall send the instrument to the proper officer, remitting the amount of duty paid in respect thereof; and the proper officer shall stamp the instrument in the manner prescribed by rule 11, and return it to the Collector for delivery to the person by whom it was produced.

Note: See Part III Chapter 6.

CHAPTER III OF ADHESIVE STAMPS

13. Use of adhesive stamps on certain instruments - The following instruments may be stamped with adhesive stamps, namely:

- (a) Bills of exchange payable otherwise than on demand and drawn in sets, when the amount of duty does not exceed one anna for each part of the set.
- (b) Transfers of debentures of public companies and associations.
- (c) Copies of maps and plans and printed copies when chargeable with duty under Article 24 of Schedule-I.

Financial Commissioners' Office Punjab

Correction Slip No. 80 Dated Lahore The 12th October 1935

Punjab stamp Manual, 1934

Part-I B, Chapter 2, Page 6

In clause (e) of rule 18 for the words 'copies of maps and plans and printed copies,' the words 'copies of maps of plans, printed copies and copies of or extracts from registers given on printed forms ' should be substituted.

Government of India Finance Department(Central Revenues) notification No. 13., dated the 14th September 1935).

Financial Commissioners' Office Punjab

Correction Slip No. 192 Dated Lahore The 22nd November 1945

Punjab stamp Manual, 1934

Part-I B, Chapter 2, Page 6

For the existing entry No. 13 (c) as inserted by correction slip No. 30, dated the 12th October 1935, substitute the following :

'Copies of maps and plans and printed copies, copies of or extracts from registers given on printed forms and copies of records of the courts and offices under the control of the High Court

of Judicature at Lahore other than the records of Judicial proceedings when chargeable with duty under Article 24 of Schedule I-A.’

- (d) Instruments chargeable with duty under Articles 5 (a) and (b) and 43 of Schedule I.
- (e) Instruments chargeable with stamp duty under Article 47 of Schedule I.
- (f) Instruments chargeable with stamp duty under Articles 19, 36, 37, 49 (a) (ii) and (iii) and 52 of Schedule I.

Note: See Rules 16 and 17.

13-A. Notwithstanding anything contained in these rules whenever the stamp duty, payable under the Act in respect of any instrument, cannot be paid exactly by reason of the fact that the necessary stamps are not in circulation the amount by which the payment of duty shall on that account be in defect shall be made up by the affixing of one anna and half anna adhesive stamps such as are described in rule 16, provided that a Local Government may direct that instead of such stamps, adhesive Court fee stamps shall be used for the purpose.

14. Supply of deficient duty on transfer of share- When any instrument of transfer shares in a Company or Association is written on a sheet of paper on which a stamp of the proper value is engraved or embossed and the value of the stamp so engraved or embossed is subsequently, in consequence of a rise in the value of such shares, found to fall short of the amount of duty chargeable under Article No. 62 (a) of Schedule I, one or more adhesive stamps bearing the words ‘Share Transfer’ may be used to make up the amount required.

15. Enrolment of Advocates, Vakils or Attorneys- *When adhesive stamps are used to indicate the duty chargeable on entry as an Advocate, Vakil or Attorney on the roll of any High Court such stamps shall be affixed under the superintendence of a gazetted officer of High Court, who shall obtain the stamp from the Superintendent of Stamps or other officer appointed in this behalf by the Local Government and account to him for it. Such gazetted officer shall, after affixing the stamp, write on the face of it his usual signature with the date thereof.

Note: This stamping is at present done in the office of the Financial Commissioner at Lahore.

*(Government of India, Finance Department (Central Revenue), Notification Stamps No. 13, dated 20th May 1926).

***16.** Except as otherwise provided by these rules, the adhesive stamps used to denote duty shall be the requisite number of stamps-

- (i) bearing the words 'Four annas' or 'Two Annas' or 'One Anna' or 'Half Anna'; and
- (ii)(a) in the case of instruments executed elsewhere than in Burma, bearing the words 'India Revenue or, where the instrument has been executed in Bihar, and Orissa, the words 'Revenue B. & O.' or where the instrument has been executed in the Bombay Presidency the words 'Bombay Revenue'.
- (iii) in the case of instruments executed in Burma inscribed for use either for postage or for revenue or for both postage and revenue.'

*(Government of India, Finance Department (C.R.), Notification Stamps No. 3, dated 31st March, 1934).

17. Special adhesive stamps to be used in certain cases –The following instruments when stamped with adhesive stamps shall be stamped with the following descriptions of such stamps, namely:

- (a) Bills of exchange, cheques and promissory notes drawn or made out of British India and chargeable with a duty of more than one anna; with stamps bearing the words 'Foreign Bill'.

Note-A promissory note, bill of exchange, or cheque drawn or made in British India, and made payable in or drawn upon any person resident in British India is an 'Inland instrument'. Any instrument not so drawn made or made payable is a 'foreign instrument'. (Section 11 and 12 of Act XXVI of 1881). See amendments to articles 13 and 21 of Schedule I, cheques are no long liable to duty.

- (b) Separate instruments of transfer of shares and transfers of debentures of Public Companies and Associations; with stamps bearing the words 'Share Transfer'.
- (c) Entry as an Advocate, Vakil or Attorney on the roll of any High Court; with stamps bearing the word 'Advocate', 'Vakil' or 'Attorney', as the case may be.
- (d) Notarial acts; with foreign bill stamps bearing the world 'Notarial'.
- (e) Copies of maps or plans and printed copies certified to be true copies; with court fee stamps.

Financial Commissioners' Office Punjab

Correction Slip No. 80 Dated Lahore The 12th October 1935

Punjab stamp Manual, 1934

Part-I B, Chapter 2, Page 8

In clause (e) of rule 17 for the words 'copies of maps or plans and printed copies,' the words 'copies of maps or plans, printed copies and copies of or extracts from registers given on printed forms ' should be substituted.

Government of India Finance Department (Central Revenues) notification No. 13, dated the 14th September 1935).

Financial Commissioners' Office Punjab

Correction Slip No. 192 Dated Lahore The 22nd November 1945

Punjab stamp Manual, 1934

Part-I B, Chapter 2, Page 8

For the existing entry No. 17 (e) as inserted by correction slip No. 31, dated the 12th October 1935, substitute the following :

- '(i) Copies of maps or plans and printed copies, copies of or extracts from registers given on printed forms and copies of records of the courts and offices under the control of the High Court of Judicature at Lahore other than the records of Judicial proceedings certified to the true, and
(ii) Printed Central Excise Bond forms to be executed under with court fee stamps'.

(f) instruments chargeable with stamp duty under Articles 5 (a) and (b) or 43 of Schedule I; with stamps bearing the words 'Agreement' or 'Brokers' Note,' respectively.

(g) Instruments chargeable with stamp duty under Article 47 of Schedule I; with stamps bearing the word 'Insurance'.

CHAPTER IV

MISCELLANEOUS

18. Provision for cases in which improper description of stamp is used- When an

instrument bears a stamp of proper amount, but of improper description, the Collector may, on payment of the duty with which the instrument is chargeable certify by endorsement that it is duty stamps:

*Provided that where the stamp borne on the instrument is a postage stamp and the proper description of stamp is a stamp bearing the words 'India Revenue', or the words 'revenue B. & O.' or the words 'Bombay Revenue', the Collector shall so certify if the instrument was executed before, and shall not so certify if it was executed on or after the 1st April 1935.

Note- See Section 37 and 40 of the Act.

*Government of India, Finance Department (C.R.), Notification Stamps No. 3, dated 31st March 1934.

***19. Evidence as to circumstances of claim to refund or renewal-** The Collector may require any person claiming a refund or renewal under Chapter V of the Act, or his duty authorised agent, to make an oral deposition on oath or affirmation or to file an affidavit, setting forth the circumstances under which the claim has arisen, and may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in any such deposition or affidavit.

***Note-** See Part III, Chapter 8.

20. Payment of allowances in respect of spoiled or misused stamps or on the renewal of debentures- When an application is made for the payment, under Chapter V of the Act, or an allowance in respect of a stamp** which has been spoiled or misused or for which the applicant has no immediate use or on the renewal of a debenture, and an order is passed by the Collector sanctioning the allowance or calling for further evidence in support of the application, then if the amount of the allowance or the stamp given in lien thereof is not taken, or if the further evidence required is not furnished, as the case may be, by the applicant within one year of the date of such order, the application shall be struck off, and the spoiled or misused stamp (if any) sent to the Superintendent of Stamps or other officer appointed in this behalf by the Local Government for destruction.

***21. Mode of cancelling original debenture on refund under section 55-** When the Collector makes a refund under section 55, he shall cancel the original debenture by writing on or across it the words 'Cancelled' and his usual signature with the date thereof.

***Note** -See part III Chapter 8.

****(Government of India, Finance Department (Central Revenue), Notification Stamps No. 13, dated 20th May 1926).**

22. Rewards- On the conviction of any offender under the Act, the Collector may grant to any person who appears to him to have contributed thereto a reward not exceeding such sum as the Local Government may fix in this behalf.

Note-See Section 69 of the Act, Part I-A.

The sum fixed is Rs. 50 (Punjab Government No. 1501, dated 24th August 1882). Any magistrate trying an offender (Section 71) should, if he thinks the grant of a reward necessary, refer the matter for the orders of the Collector. In order that cases in which rewards should be given are not lost sight of, the Record keeper should pass over the files of all such relevant cases before filing them to the Head Vernacular Clerk in order that he might obtain the orders of the Collector. Fines under the Stamp Act are credited to 'XVII-Administration of Justice' and rewards should be drawn on separate bills and debited to the allotment provided for the purpose under head 7- Stamps'.

NOTES AND ADMINISTRATIVE INSTRUCTIONS ON SECTIONS AND ARTICLES OF SCHEDULES I AND I-A OF THE STAMP ACT.

1. In the paragraphs that follow sections of the Stamp Act and articles in schedules I and I-A thereof are discussed, the discussion being supplemented, where necessary, by quoting the orders issued by competent authority.

A---Notes on sections of the Stamp Act.

2. (i) Section `2(1) . ----**“Banker “** includes---

- (a) person or a corporation or company acting as bankers(Section 3, Act 26 of 1881);and
- (b) a Government treasury in respect of local fund money lodged therein.

(ii) Section 2(2) .— “A bill of exchange is an instrument in writing containing an unconditional order, signed by the maker , directing a certain person to pay a certain sum of money only to , or to the order of certain person, or to the bearer of the instrument . A promise or order to pay is not conditional within the meaning of this section and section 4, by reason of the time for payment of the amount or any instalment thereof being expressed to be on the lapse of a certain period after the occurrence of a specified event, which, according to the ordinary expectation of mankind, is certain to happen although the time its happening may be uncertain, The sum payable may be ‘certain’ within the meaning of this section and section 4, although it includes future interest, or is payable at an indicated rate of exchange, or is according to the course of exchange, and although the instrument provides that, on default of payment of an instalment, the balance unpaid shall become due. The person to whom it is clear that the direction is given, or that payment is to be made, may be ‘certain person’ within the meaning of this section and section 4 although he is misnamed, or designated by description only.”(Section 5 Act 26 of 1881.)

(iii) Section 2(3) – In a promissory note or bill of exchange the expression “at sight” and “ on presentment” mean on demand (Section 21, Act 26 of 1881.). A promissory note or bill of exchange , in which no time for payment is specified, is payable on demand. (Section 19 of the same Act.)

(iv) Section 2(5) –Clause(a) relates to a bond *with a condition*: Clauses(b) and (c) relate to *single* bonds.

It is necessary to hold firmly in mind the requisites of a bond. The requisites are as follows :-

- (1) It must be in writing.
- (2) It must bear the signature, seal, or thumb mark of the obligor,
- (3) It must be attested by at least one witness who is not the writer.
- (4) It must contain a distinct agreement by which the obligor binds himself to pay something to the obligee.
- (5) It must not be payable to bearer or order.

When any one of these requisites is absent, the instrument is not a bond.

For discussion as to differentiation between a bond and an acknowledgment please see note under article 1 of the schedules to the stamp Act—paragraph 58 *infra*.

(v) Section 2(7). - Cheques are no longer liable to stamp duty (See Indian Finance Act, 5 of 1927.)

(vi) Section 2(8)(d). – The Chief Controlling Revenue Authority in the Punjab is the Financial Commissioner , and as such he exercises the powers and functions which under the Stamp Act, are required to be exercised by the Chief Controlling Revenue Authority, such as those mentioned in sections 45,56,57 and 70 But independently of these, the Financial Commissioner, being charged with the general control of the stamp revenue as a matter of administration , may exercise such powers and discharge such duties as the Government may direct, so far as such powers and duties are not opposed to, or inconsistent with the stamp law.

(vii) Section 2(9)(b). - In the case of Lahore district the powers of Collector have been conferred on the First Assistant to the Deputy Commissioner, Lahore, The power of Collector to sanction allowances for non-judicial stamps under Chapter V of the Stamp Act have also been conferred upon all officers in charge of treasuries who have passed the treasury branch of the departmental examination (*Punjab Government Notification no. 28321-F ., dated the 4th October 1928, and no. 4983 –R & S., dated the 14th August 1934*)

(viii) Section 2 (12). -“Signed “ and “signature” include “ marked “ and “mark” in an illiterate person(*The General Clauses Act, 10 of 1897.*)

(ix) Section 2(13). —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 for the purposes of section 49 of the Stamp Act.

(x) Section 2(15). --- “The final order “means not the order authorising a partition to proceed , but the order passed after the partition has been made, declaring the various allotments of land . (*Reference by Revenue Board 2 All. 664 , F.B.*)

(xi) Section 2(16).--- in section 105 of the Transfer of Property Act(4 of 1882) – a lease of immovable property is defined as a transfer of a right to enjoy such property , made for a certain time , express or implied , or in perpetuity, in consideration of a price paid or promised or of money, share of crops, service, or any other thing of value , to be rendered periodically or on specified occasions to the transferor by the transferee who accepts the transfer on such terms, The transferor is called the lessor, the transferee is called the lessee, the price is called the premium and money , share ,service ,or other thing to be so rendered is called the “ rent” . The definition is confined to immovable property, and a lease of movable property would fall under schedule 1-A , article 5(c).

The word “toll” in clause (c) must be taken in its ordinary sense to mean a tax paid for some liberty or privilege, such as for passage over a bridge or ferry, or along a highway, or for selling in a market or fair, and such like does not include “octroi”. (Financial Commissioner’s Circular no. 35, dated 13th August, 1833)

(xii) Section 2(17)—A mortgage is defined in section 58 of the Transfer of Property Act as the transfer of an interest in specific immovable property for the purpose of securing the payment of money advanced by way of a loan, an existing or future debt, or the performance of an engagement which may give rise to pecuniary liability. In the F.B. ruling, 53 P. R. 1916 (Allah Ditta V. Nazar Din) it was held that this definition should be adopted in the Punjab and given its full logical effect; and in consequences of this finding it was ruled that in the absence of a covenant to the contrary the mortgage is complete or, in other words the transfer of interest is effected, not when the consideration for it is paid or made good,

(xiii) Section 2(18). – Expressions referring to “writing” are to be construed as including references to printing, lithography, photography, and other modes of representing or producing words, in a visible form (General Clauses Act, 10 of 1897, section 3(58).)

(xiv) Section 2(21), -- For powers of attorney which are chargeable under the Court – fees Acts, section 19, clause (I) and schedule II, article 10, of that Act should be referred to.

3. Section 3 prescribed what instruments are chargeable under the Act with stamp duty. All instruments mentioned in schedules I and I-A and not exempted by those schedules, or by an order made under section 9, are so chargeable if executed in British India: it does not matter whether it relates to property situated or to any matter or thing done or to be done in or out of British India.

The exemptions given in schedules I-A and I as also remissions and reductions of duty made under section 9 and reproduced in chapter 1 of this part should be noted carefully.

Proviso (1) --, In regard to the general exemptions in favour of Government the word “Government” does not include the local bodies, Court of wards or the Administrator-General. Where, however, these bodies acted as a Government agency for the transactions of duties devolving upon Government as part of its ordinary administration such as making roads, erecting Government buildings, and the like, the general exemption would apply, (Financial Commissioner’s letter no. 6873, dated 13th September, 1884.) Government must be an express party, and if an instrument drawn in favour of a Government servant as a trustee for the

Government , it would be liable to duty, (All Cir, No. 7, dated 30th October, 1885.)

4. Section 4. - A lease is not covered by this section
5. Section 8. - This section affords facilities to local authorities for issuing debentures upon payment of composition duty . The penalty in clause(3) should be noted Act 11 of 1879 quoted has been repealed by Act 9 of 1914.
6. Section 9 (a) The reduction and remissions made by the Governor – General in council are reproduced in chapter 1 of this part.
7. Section 10. - The rules framed by the Governor – General in council are printed in chapter 2 of this part.
8. Section 11. - Chapter ii of the rules framed by the Government of India and reproduce in Chapter 2 of this part should be read with this section . The use of adhesive stamps is, as a general rule, permissive and not obligatory, and where an impressed stamp paper is available and is suitable for the purpose , it may be used instead of an adhesive label.

The Act excepts parts of bills of exchange payable otherwise than on demand and drawn in sets; but this exception is practically annulled by rule 13 of the Government of India rules in chapter 2 of this part.

9. Section 12. – Cancellation of the stamp is made obligatory by this section and the penalty is contained in section 63 of the Act. See also sub – Section (2) . The mode of cancellation is , however, left to the individual concerned but it must be effectual.

Public officers should be careful to see that the adhesive stamps on instruments coming before them have been properly cancelled, and have not been previously use.

10. Section 13. --- This section does not apply to adhesive stamps. The section requires the stamp to appear “ on the face of the instrument” and so it is necessary that part of the instrument should be written on the side of the paper which bears the stamp impression (Government of India letter no. 917, dated 28th February 1881, to Government of Bombay.) Attaching blank stamp – paper to the instruments written on plain or insufficiently stamped paper in therefore illegal.

11. Section 16. —A duplicate or counterpart of an instrument may be endorsed under this section 9 see article 25 of schedule I-A.) No other method of denoting payment of duty has been prescribed.

12. Sections 17 to 19-A. - Prescribe the proper time for stamping, instruments executed with in British India must be stamped at or before execution (Section 17). The first holder in British India of a foreign bill of exchange payable otherwise than on demand or promissory note must stamp it before negotiating or presenting it for acceptance or payment (Section 19); or other foreign instruments must be stamped within three months after arrival in British India (section 18). The amendment in section 19-A should be noted carefully.

Where an instrument executed out of British India is brought to the collector after the expiry of three months allowed by section 18, he may, if he is satisfied that the omission to stamp it has been occasioned by accident, mistake or urgent necessity, proceed under sections 41 and 42 to validate it (Madras Stamps Manual 1933)

13. Section 20. —This section prescribes the method of valuation of an instrument when the valuation in such an instrument is expressed in a currency other than that of British India. The following rates have been prescribed by the Government of India for the conversion of the Currencies hereinafter specified respectively into the currency of British India for the purpose of calculating ad valorem duty on instruments chargeable therewith: -

Currency	Sum	Equivalent In Currency of British India		
		Rs	A.	P.
British	£ 1 sterling	13	5	4
French	1 France	0	1	9
German	1 Renten Mark	0	10	9 (as amended)
United States of America Or Canadian	1 dollar	2	12	0
Chinese (Shanghai)	1 Tael	2	2	6
British Asiatic Possessions(Straits)	1 Dollar	1	8	0
Hongkong	1Dollar [a1]/[a2]	1	9	6
Mexican	1Dollar [a3]	1	9	6
Japanese	1 yen	1	2	6

Persian

1 kran

0

5

0

These rates are subject to alteration by a notification in Gazette of India.

Government of India, Finance Department (Central Revenue)Notification C. no. 125 – stamps /25, dated 18th September 1925, as amended by Notification no 8-Stamps, dated 7th November 1931

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[\[a1\]](#)

[\[a2\]](#)That is “ British Dollar” and the “ Mexican Dollar” which are in current use in the Straits Settlements and elsewhere

[\[a3\]](#)

14. Section 26. - This section relates to cases in which the amount or value of the instrument chargeable with ad valorem duty is indeterminate .

Where no limit is defined in a security bound , or the limit is exceeded , the instrument falls under schedule 1-A article 57(b) and a fixed duty is payable thereon.

15. Section 27. - Enacts that the consideration and all facts affecting the stamp duty shall be set forth in the instrument. It should be noted that section 64 makes any intentional evasion of the requirements of this section in order to avoid paying stamp – duty punishable with a fine which may extend to Rs. 5000.

16. Section 29 - determines, in the case of certain classes of instruments , the parties by whom, in the absence of an agreement to the contrary, the stamp-duty is payable, and only needs special notice in this place , with reference to its effect in connection with the first proviso to section 3, which exempts from stamp-duty “ any instrument executed by, or on behalf of ,or in favour of Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument.”

In determining whether an instrument to which Government is a party comes under this exemption , regard must be had to section 29. In the case of a sale or lease of waste land by the Government , the stamp duty would be payable by the grantee or lessee ,and the exemption would not apply; neither would it in the case of a mortgage deed executed in favour of Government *sanads of jagirs* and conveyances of land *without pecuniary* consideration are exempted by Government of India notification no. 6 stamps, dated 12th September, 1931 , reproduced in chapter 1 of this part. In the case of ferry tolls and such like, it is usual for the Deputy Commissioner to grant a lease or *patta* , and to take counterpart or *kabuliat* from the lessee specifying the conditions of the lease and agreeing to pay certain sums to the Government treasury periodically. Now ,as the stamp duty on a lease is payable under section 29 by lessee, and that on the counterpart by the lessor, the general exemption applies to the *kabuliat*, but not to the *patta*, the duty on which would have to be paid by the lessee.

17. Section 30. - It should be borne in mind that under section 65 any person who, on being required to give a receipt, refuses or neglects to give the same , or who, with intent to defraud Government is guilty of any devices to evade the payment of duty on receipts , renders himself liable to a fine which may extend to Rs. 100 . See also proviso(b) to section 35 of the Act. There seems to an impression among certain trade’s people that a “ cash-memo” for whatever amount

need not be stamped. That however, is not the law, A cash memo is a 'receipt under the Indian Stamp Act, and if the amount exceeds Rs. 20 will require a one anna stamp.

Receipts for salaries , wages, etc , are not exempt, so also vouchers for discount paid to stamp vendors on sale of stamps. For exemptions see reduction and remissions in chapter 1 of this part.

18. Section 31. - The Collector alone is authorised to decide as to the duty chargeable under this section , and his decision is final . But if in doubt he should refer under section 56 to the Chief Controlling Revenue Authority . no penalty for insufficient stamping, beyond the deficient duty and the adjudication fee is leviable when the document is unstamped or insufficiently stamped and is taken to the Collector under section 31. Care should be taken to ensure that advantage is not taken to cover intentional evasion of the law which should be prosecuted under chapter VII of the Act , or cases in which a civil suit is about to be founded and which should be subjected to penalty.(See chapter IV.)

19. Section 32. – The effect of this section is to make the order of adjudication by the Collector , as endorsed upon the instrument, final, the duty payable under this section is paid in cash. The proviso is important , and if an instrument is brought after the period allowed, it cannot be endorsed nor can any adjudication fee be charged.

20. Chapter IV.--- The provisions of this chapter are very important and the procedure detailed in it might for convenience of be briefly summarised here. By section 33 all public officers, with certain exceptions , are required to examine every instrument chargeable with duty which comes before them in the performance of their official functions, and to impound any instrument which appears not to be duly stamped. Under section 35 the instruments may be admitted in evidence in a court, if the party desiring to use it , shall pay the necessary stamp duty together with a penalty of Rs. 5, or when ten times the deficiency exceeds Rs. 5 then a penalty of ten times such amount. If the court is doubtful about the amount of stamp duty leviable . it may proceed under section 60. When such a document is admitted in evidence—an the decision of the court in this matter is final(section 36) – the court should certify (Section 42) by endorsement on the instrument that the duty and penalty have been paid, and the name and residence of the person paying them. An authenticated copy of the impounded instrument admitted in evidence similarly endorsed together with the money should be sent in original to the Collector after an authorised copy has been prepared(Section 38(2)), and retained by the court, for the officer impounding is not responsible for any damage in transit, The instrument should be returned to the court by the

Collector after he has done what is required of him by the Act(Section 40(3)). Section 42)(2) entitles the person concerned to reclaim the impounded instrument , but the court shall not, in any circumstances, deliver it before the expiration of one month from the date of impounding it, and if the collector has certified (section 43) that its further detention is necessary , it shall not deliver it so long as such certificate is not cancelled.

Officers who are not authorised to receive evidence should send the impounded instruments to the collector in original (Section 38(2)) in the manner indicated above.

On receipt of a copy of an instrument which has been impounded and admitted in Evidence ,the collector should satisfy himself that the proper stamp duty has been realized, and if it has not , he may proceed under section 61 to obtain a declaration to this effect from the court to which appeals ordinarily lie from the impounding court, and thereafter proceeds as described in that section. The collector should also decide whether the person concerned ought to be prosecuted in the interests of the stamp law (section 43,61,70), and conversely whether the penalty realized or any portion of it should be refunded (section 39). When the Collector receives an instrument impounded but not admitted in evidence, he should decide whether stamp duty is leviable or whether the instrument is duly stamped already . he should certify accordingly and his decision is final(section 40). If stamp duty be leviable , he should require it to be paid together with the penalty provided for in section 40(1) (b) . under section 41 the collector may certify an instrument brought to him in the circumstances stated in the section All duties, penalties and other charges may be recovered under section 48 . The collector should return the document when he has done with it to the officer from whom he received it (section 40(3)). It should be noted that all instruments with the exceptions of receipts chargeable with the duty of one anna and in the case of promissory notes chargeable with a duty of one anna , two annas and four annas, are excluded from the provisions of section 35,40and 41 the collector cannot certify the impounded document after levying a penalty or after prosecuting the offender .

Section 34 permits an audit officer to have an unstamped receipt stamped in the course of an audit of a public account, and section35(b) allows an unstamped receipt to be admitted in evidence on payment by the person tendering it of a penalty of rupee one.

Detailed instructions issued by the High court for the guidance of courts will be found in chapter 4-D of High Court Rules and Orders, Volume IV, which is here re- produced for facility of

reference :-

Attention is called to the provisions of section 33 to 35 of the Indian Stamp Act, II of 1899, in regard to instruments not duly stamped, The procedure laid down in these sections is mandatory and not discretionary; whatever discretion is permitted under the Act vests in the collector alone, after the instrument is before him, and with what the civil courts have no concern.

2. By section 33 of the Indian Stamp Act, 1899, all public officers, with certain exceptions, are required to examine every instrument chargeable with duty which comes before them in the performance of their official functions and to impound any instrument which appears not to be duly stamped, Every court impounding an instrument must forthwith note on it as ' impounded ,' such note being dated and signed with the ordinary full signature of the impounding officer.

3. Under section 35 of the same Act, every such instrument , not being an instrument chargeable with a duty of one anna or half an anna only, or a bill of exchange or promissory note, may be admitted in evidence in civil court if the party desiring to use it shall pay the amount necessary to make up the proper stamp duty, together with penalty of Rs. 5 , or when ten times the amount of the proper duty or deficient portion thereof exceeds Rs. 5 then with a penalty of ten times such duty or portion . under clause (b) of section 35, however , an unstamped receipt may be admitted in evidence against the person who has given it, on payment of a penalty of one rupee by the person tendering it.

4. Section 42 requires that civil courts certify by endorsement on every instrument admitted in evidence under section 35 that the proper duty and penalty have been levied in respect thereof and shall also state the name and residence of the person paying them.

5. Section 38 requires every civil courts to sent to the collector an authorised copy of ever impounded instrument admitted in evidence, with a certificate in writing stating the amount of the duty and penalty levied in respect thereof . The endorsement required by section 42 should be transcribed on such copy, when an impounded instrument has not been admitted in evidence whether from failure to pay the requisite duty and penalty, irrelevancy, want of registration , or other cause it must be sent in original to the collector, in such cases the provisions of section 46 sub-section (2) , are applicable , the copy to be made under this section must be retained in the custody of the court.

6. Section 42, subsection (2) , entitles any person tendering a document on which deficient

stamp duty and penalty has been levied under section 35, to reclaim the same, but the third paragraph of that section direct that the court shall not, under any circumstances , deliver such document before the expiration of one month from the date of impounding it , if the collector has certified that the further detention of such document is necessary, the court shall not deliver it until such certificate is cancelled , it is obvious that the transmission of the copy to the collector should be made with the least possible delay to enable him to make such inquiry as may be necessary within copy should be despatched not latter than 48 hours from the time when the original is impounded.

7. Any duty or penalty paid under section 35, 37, 40 or 41, and by agreement under section 29, may be included in costs or other wise recovered by the person paying such duty or penalty under section 44.

21. Section 33.—it should be noted that duty of scrutinising and if necessary, impounding documents produced is obligatory for all judicial officers, arbitrators, special commissioners, and the like, and all executive officers other than those specified in the section, under clause 2(b) of this section the High Court has delegated the duty of examining and impounding instruments to the Deputy registrar The most important object kept in view when this and the succeeding sections were framed was to stop, as far as practicable , every hole of escape from the liability which the law imposes upon the executants of instruments to stamp duty, and officers should keep that object in view when dealing with all instruments coming before him. It is not an uncommon practice for persons to produce documents improperly stamped, and on being told that they will have to pay a specified amount by way of penalty , to withdraw the documents and forego putting them in evidence, thus escaping punishment for an offence which is not the less an offence whether they wish to use the instrument or not This should be guarded against, The stamping of documents in the office of the Financial Commissioner, Punjab, is done strictly according to the wishes of the persons concerned, and if a document so stamped is found to be insufficiently stamped, the court or the officer before whom it is produced shall deal with the same under the provisions of this section.

Clause 3.—An Excise Inspector is not in charge of any office and cannot impound documents The office of Returning Officer for purposes of election is not a public office for the purpose of the Act. (Government of India notification no. 2962-F, dated 19th November 1920.)

22. Section 35.-- The procedure for validating unstamped instruments by chapter IV of the

Act has no application to an instrument the original of which is lost and is not forthcoming as under section 35 of the Act, it is only an original unstamped instrument which can be validate by payment of stamp duty and penalty.

The admission in evidence of any unstamped document is prohibited under this section , but it does not cover the case of a copy of a document.

23. Section 36. –This section applies to all instruments chargeable with duty , including instruments chargeable with the duty of one anna , half an anna, bill of exchange and promissory notes.

The admission of the instrument in evidence does not relieve the person concerned from liability under section 43.

24. Section 37. -- This section provides for the cases where by inadvertence a stamp of improper description has been used, The stamp of improper description must be one of the stamps described in the Indian Stamp Act (Punjab Government endorsement no. 1633, dated 25th June, 1900). The instructions for dealing with documents improperly stamped are contained in rule 18 in chapter 2 of this part and should be carefully read.

25. Section 38. – This section treats of the manner in which instruments impounded are to be dealt with . the objet in sending the copy of the document admitted in evidence, or the original document not so admitted, is to enable the Collector to decide whether he will prosecute the person concerned – Sec sections 39,40, of the Stamp Act.

26. Section 39. -- if the penalty recovered is less than Rs.5, no refund can be made, if the instrument has been written in contravention of section 13 or section 14, it shall be deemed to be unstamped (section 15) and must be impounded if produced (section 33) , and a penalty recovered if the document is put in evidence (section 35.) ; the whole of this penalty may be refunded by the Collector,

27. Section 40.—The Collector may accept any sum less than ten times the proper duty or deficient portion thereof, whether such sum exceeds or falls short of Rs. 5 compare section 35 where the minimum penalty is Rs. 5 The decision of the Collector as to the amount of duty chargeable is final and cannot be questioned by a court.() P.L.R.131 of 1906 F.B.)

When documents are impounded and sent to the Collector under section 38, all that he need do is

to look for payment of the penalty and insufficient stamp duty to the person from whose custody the documents came into the hands of the impounding officer. But stamp duty and penalty can be compulsorily levied under section 48 only from the person liable to pay the proper duty in the first instance.(Madras Stamp Manual, 1933.)

In certain document purporting to be a deed of division , the registering officer was of opinion that the value of the property divided was larger than that set forth in the document . The question was whether, after the successful prosecution of the parties, proceedings could be taken under section 40 and the insufficient stamp duty and a penalty recovered . The Board of Revenue, Madras, held that the proceedings under section 40 were still obligatory in spite of the previous prosecution.(Madras Stamp Manual, 1933.)

28. Section 41. --- This section may be taken as supplementary of chapter III of the Stamp Act regarding adjudication . Under it an instrument must be presented within a year of execution. The safeguard is, that the collector must “ satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake, or urgent necessity.”

29. Section 42. --- It should be noted that the fee chargeable on an application made by a person to the collector for the return of an impounded document referred to in sub-Section 2 of this section has been remitted , vide serial no. 13 of the list of reductions and remissions under the Court-fees Act (Chapter 1 of part II –c). Further it should be remembered that clause(b) to the proviso expressly declares that nothing in this section shall affect order 13, rule 9 of the code of Civil Procedure, which provides that “no document shall be returned which, by force of the decree, has become wholly void or useless.”

30. Section 43. --- The effect of section 40 an 43 is, that everyone must be allowed an opportunity of paying the penalty before the collector exercises his discretion under section 70. Instruments should be validated after proper stamp duty and penalty have been paid notwithstanding the fact of prosecutions having been instituted in respect of them.

31. Section 44.—Sub section (3) to this section has been added to provide that, where a party to a suit has obliged to pay stamp duty, through the default of the other party, the duty so paid may be recovered as costs and not made the subject of a separate suit, (vide Statement of Objects and reasons.)

32. Section 45.--- (1) The effect to of sub section (2) is to give an informal right of appeal

from the Collector to the commissioner of the division or the chief controlling Revenue authority , as the case may be, When ordering a refund of excess duty , order should also be passed or refund of a sum equal to the court fee paid on the application . (Government of India , finance department, no. 1297- S . R., dated 7th march, 1902)

- (2) Commissioner of divisions in the Punjab have been empowered to grant refunds—
- (i) under sub section (1) when the mount of the penalty refunded does not exceeds Rs. 500 and
 - (ii) under sub section (2) when the amount of the excess stamp duty does not exceed Rs. 50.

(Punjab Government notification no. 40573-F . Genl., dated the 24th December 1932.)

33. Section 46. – A copy made under this section is not liable to stamp duty,---vide exemption (a) to article 24, schedule I-A.

34. Section 47. –Subject to section 34 and section 35(b) , this section does not apply to receipts .

35. Chapter V.--. Provision is made in this chapter for refund or renewal of stamps (1) when an impressed stamp has been spoiled (Section 49),(2) when any person is possessed of a stamp which he does not require for use (section 54). Under section 49, refund or renewal can be granted only when the stamped paper alleged to be spoiled falls clearly within one of the several clauses of the section and application is made within the time prescribed in section 50.

Clause (a) provides for the case of a stamp inadvertently spoiled before any instrument has been executed on it .

Clause (b) for the stamp on any document which is written out wholly or in part, but which is not signed or executed by any party thereto.

Clause (c) for the cases of spoiled stamps used for certain bills of exchange or promissory notes.

Clause (d) for any other spoiled impressed stamp on which an instrument has been duly executed .

Section 53 lays down the mode of making allowances for spoiled or misused stamps.

Section 54 allows a cash refund within 6 months of purchase on certain conditions in the case of stamps not required for immediate use and which have not been spoiled or rendered unfit for use.

A deduction of one anna in the rupee is made, but while refunding the value of stamps returned by a licensed stamp vendor, the Collector should have regard to the orders contained in paragraph 41 infra.

Section 55 allows a refund upon the renewal of certain debentures of the stamp on the original or on the new debenture, whichever is less, but no other deduction is made. The original debenture must be produced and cancelled by the Collector, Section 51 authorises the Collector (see note to that section) to make refunds in the case of stamped printed forms no longer required by banks, etc. Here too, no deduction is made.

The procedure for the refund and renewal of stamps is contained in chapter 7 of Part III, while the authorities competent to sanction refunds and renewal and the condition under which refunds and renewal are admissible are given in Appendix A.

36. Section 49.--- “impressed” stamps only are referred to in this section which terms includes impressed labels . as well as sheets(Section 2913)) and an unstamped document certified under section 32. In connection with clause(c) no refund can be granted in the case of bill of exchange which have been used as cover and sent to firms in England or home partners or directors, although such bills may not have been negotiated, (Government of India Resolution no. 2696. Dated 7th June , 1889.) Refunds under sub-clause (6) of clause (d) of this section are allowable independently of the refund rules in and under the act itself in the case of stamps rendered useless solely in consequence of changes of law or rule . Sub clause (7) of clause (d) makes it clear that a person who throws aside an insufficiently stamped deed , and gets a new deed in the same terms drawn up and properly stamped, is entitled to get a refund made to him of the duty which he first of all paid upon the insufficiently stamped and superseded deed . Registration does not ipso facto affect the right to refund the value of a stamp of a document which has been registered, and when refund is made in such a case, the registration office should be informed.(See also section 50.)

37. Section 50.---Instances have occurred in which the limit has operated as a serious hardship. Local Governments have been authorized therefore to allow, or to delegate power to any subordinate Revenue-authority not below the rank of Collector or Deputy Commissioner, to allow refund or renewal of spoiled or useless stamps not required in cases where holders are unavoidable prevented from applying for refund or renewal within the prescribed time . Deputy commissioner have been given authority to deal with applications for refund or renewal of spoilt or useless non-judicial stamps, provided application is made within 2 years of the date of purchase

or the date on which the stamps were spoilt or rendered useless(Punjab Government letter no. 1622 (Final.), dated 8th September 1908). Such discretion should , however , be very sparingly exercised and such allegations as ignorance of law with regard to limitation should not be allowed to constitute a special case. This applies to sections 52 and 54 also.

38. Section 51. --- Refunds only are covered by this section. The section is of particular value when companies, etc., are wound up, and all their skeleton and other stamps forms becomes useless, No deduction is required under this section 9 Financial Commissioner's no. 4209, dated 21st July 1900). The power has been delegated to Collectors (Financial Commissioner's notification no. 179, dated 29th September 1914)

39. Section 52. ---- In every case the Collector must satisfy himself that the misuse was inadvertent. The section refers to stamps of all descriptions, but caution is necessary in refunding the value of adhesive stamps. (see note to section 50.)

40. Section 53.---Court fee stamps should not be granted in exchange for non-judicial stamps. The deduction required by clause(3) must be calculated on each stamp for which the allowance is claimed, not on the aggregate value of the stamps of the value of eight annas each (or total of two rupees) would be four annas (one anna on each) and not two annas only. Where, however, two or more impressed sheets or labels are used to denote the stamp duty on single instrument in accordance with the rules in chapter 2 of this part they should , for the purpose of calculating the deduction , be treated as single stamp, In like manner, where a bill of exchange or promissory note is drawn in a set, the stamps on all the parts of the set should , for the purpose of calculating the deduction , be treated as a single stamp, provided all the sets are surrendered for cancellation (Financial Commissioner's letter no. 1021, dated 9th February 1884). But where the allowance is made by means of refresh stamp, no such deduction should be made. Refunds on account of arms licensed , etc., refused are governed by special rule under the Acts concerned.

41. Section 54.--- Good stamps , purchased more than six months previously,. Are often spoilt purposely--- an favourite method being be spilling oil or the contents of an ink-pot over them in order to obtain a refund under section 50, which allows of refund being made within sex moths of the date of spoiling . The spoiling may, of course, be accidental and the Collector, if satisfied of this, may make the refund; but it is often willful. The section referees to stamps of all descriptions, but great caution is necessary in refunding the value of adhesive stamps.

It has been rules by the Punjab Government in their notification no. 32769-F./G., dated 8th November 1930 “ that when stamps are returned into the Collector’s store on—

- (1) resignation of vendor’s license;
- (2) revocation of license for any fault of the licensee;
- (3) death of the vendor;
- (4) application of the vendor for leave to restore any stamps;

the stamps should be taken back at their full value less a deduction of one anna in the rupee; but that when they are returned on –

- (5) expiration of license;
- (6) recall of tamps by Government;
- (7) revocation of license for any other cause than that mentioned in (2);

they should be taken back at their full value less only any discount allowed on their sale to the licensed vendor.

42. Section 55. – This section is intended to give facilities to companies in respect of renewals of debentures. It should be noted, with reference to the proviso to the section, that rule 21 of the rules in chapter 2 of this part requires the Collector when making a refund under this section to “ cancel the original debenture by writing on, across it, the word ‘ cancelled ‘ and his usual signature with the date thereof .” No deduction should be made.

43. Section 56. – All applications under clause(1) of this section for revision of orders of collectors in the Punjab should be made to the chief controlling revenue authority through the commissioner of the division (Punjab Government letter no. 314, dated the 6th January 1933.)

The intention of the orders is that although commissioners have no statutory authority , they should be associated as far as possible in the administration of the Stamp Act. When an application for revision of the ordered of a collector is forwarded to the Financial Commissioner under section 56(1) of the stamp Act, the commissioner of the division should , after hearing the parties, if necessary, express his opinion on the case. (Financial Commissioner’s letter no. 180/84, dated the 9th January 1935.)

44. Section 57(1)(c).—The Punjab now has a governor . only doubt full cases should be referred to the High Court and the authority making the reference should express its opinion.

It may be noted that if the Collector has taken action under section 40(1) (b) and having received the deficient duty and penalty imposed, has certified under sub-section (1)(a) that the instrument before him is duly stamped, the effect of sub-section (2) is that the jurisdiction of the Chief Controlling Revenue – authority to refer to the High Court, whether such instrument is in fact sufficiently stamped or not, is ousted.

A reference to the High Court under section 57 (1) (b) of the stamp Act can be made only when there is a case pending which is to be disposed of by the revenue authority on receipt of the judgment of the High Court, A reference to the High Court on mere abstract question when there is no case pending before the revenue authority for disposal is not competent

45. Section 59.—“case” means a case that has not already been finally disposed of by the collector .

46. Section 60. --- The reference under this section can only be made in the circumstances specified in it . The judge must feel doubt as to the amount of duty to be paid in respect of any instrument under proviso(a) to section 35. Section 60 does not deal with a case, where reference has been made to a collector and his adjudication obtained . Where a suit is dismissed with out being called to hearing no reference can be made as to a document produced in court by the plaintiff with his plaint. (Punjab law reporter 131 of 1906, F.B. Mt. Jai Devil Versus Gokul Chand.)

47. Section 61. – This section gives appellate courts reversionary powers in respect of decisions of Criminal as well as of Civil and Revenue Courts in the case referred to them (vide Statement of Objects and Reasons). It may be pointed out here that question of prosecution for an offence against the stamp law is to be decided by the Collector irrespective of any action of the revision court under section 61(1) of the stamp Act. (Deputy Commissioner, Partapgarh V. Ram Hark 93 I.C., page 909.)

No period of limitation has been prescribed for an application by a collector to an appellate court for revision of orders under this section, though a court will not entertain a stale application . Rustomji ‘s Law of Limitation , fourth edition at page 933. (Financial Commissioner’s letter no. 5291-E. & S., dated the 30th August 1934.)

48. Section 62. – Under this section, the question of intention does not arise. Compare sections 43,64,65(b) and 68.

49. Section 64.—As gifts and settlements are generally one – sided transactions, either no value of the property is given, or a nominal value much lower than the real amount is stated in the instrument. Instruments of the class in question are duly stamped within the meaning of section 2 (11) of the Stamp Act. If there was an intentional under-valuation or the document of its revenue, then a prosecution would protect the Government against this attempted fraud.

50. Section 68.---if parties chose to divide their contracts so as to lesson the amount of stamps they may legally do so. Local officers should watch carefully against the practice of post-dating hundies or bills of exchange in order to evade payment of stamp duty and institute prosecutions in all cases in which conviction can be obtained (B.G.R. 6006,dated 5th December 1872 , Desai).

51. Section 70.—see section 76-A. No delegation of power has been made by the local Government , See section 43 where the collector must come to a decision as to intentions. The collector may delegate his power to sanctions prosecutions. This is a separate matter merely for bringing the offender before the court.

The chief Controlling Revenue Authority has authorized all Collectors generally to stay any prosecution or compound any offence arising under sections 63,65,and 69(a) . (Financial Commissioner's notification no. 116, dated 19th may 1910.)

52. Section 71.--- The cases of offences under stamp Act are important and should ordinarily be tried by stipendiary magistrates familiar with the stamp rules, etc.

53. Section 73.--- Rule 3, chapter 9, part III , authorises Collectors to permit stamp auditors to inspect records of public offices as contemplated by this section.

54. Section 74.--- The rules framed by the local Government under this section will be found in chapter 5 of Part III and should be studied carefully.

55. Section 75.—The rules issued by the Government of India are contained in chapter 2 of this part and chapter 1 of part III and should be noted carefully.

56. Section 76(2).—It should be noted that the rules have the force of law. Hence the penal clauses are applicable . (See section 68 (c).)

57. Section 76-A .—Powers have been delegated to Commissioners of divisions in the Punjab to grant refunds to a certain extent under section 45 of the stamp Act --- se paragraph 32 supra. (Punjab Government Notification no. 40573 –F. Genl.,dated the 24th December 1932.)

B—Notes on Articles of Schedule I and I-A of the Stamp Act.

58. (Article 1) Acknowledgment. - One of the most common confusions arises from the failure to discern whether an entry in an account book is a bond or a mere acknowledgement. An entry in an account book purports to sum up the former dealings between a money lender and his client. The entry is always alluded to as “striking of balance.” The amount due is invariably stated, Then follows a statement that a debtor acknowledges that this sum is due. If the entry contained nothing further and was signed by the debtor or by an agent duly authorised in this behalf, it shall be an acknowledgment such as is contemplated by section 19 of the Limitation Act.

But besides a mere acknowledgement, the entry in the account books may recite that the debtor will pay the amount found due. If so, there will be clearly an additional element of a true bond. Reverting to the analysis of the requisites of a bond (notes to section 2(5), paragraph 2(iv) ante) it would appear that such an entry would be certainly in writing and signed by the obligor, containing at the same time a distinct agreement by which the obligor binds himself to pay something to the obligee. If, however, it is not attested by a witness, it is not a bond, It is merely an agreement. The difference between a bond and an agreement is substantial. The stamp required on bond is different from that required on a mere agreement, and the penalties are different.

The entry, however, may not contain a specific promise to pay, and yet there may be an implied promise. There may, however, be something added to the acknowledgement which, while not a specific promise in so many words to pay the amount, yet shows that the debtor contemplated paying the amount and in a way expressed his intention to do so. For instance, while the ordinary wording of an acknowledgement is “Rs. 100 baki dena,” i.e. Rs 100 remain due to be paid – words which have been held not to contain promise --- it will be found that Rs. 100 baki dena rakhta hun, a distinct promise that the money will be paid. here the bond is complete (provided, of course, that it is signed and attested), Again there are entries which record that interest is payable on the balance found due. The courts have held that the fact that the debtor expressed his willingness to pay interest amounts to a promise to pay the principal. The statement as to interest is very often the ratio decidendi when determining whether an entry in an account book is a mere acknowledgement or is in fact an agreement.

Every instrument has to be considered on its own merits, If any words importing an agreement be added, an acknowledgement loses its character as such and becomes an agreement, or if

witnessed it becomes a bond.

59. (Article 2). Administration Bond - An administration bond is simply a bond given by a person securing the due administration of property entrusted to him by an order of the court.

60. (Article 3) Adoption-deed. - A document executed by A in favour of B authorising the latter to adopt his son is not liable to duty under this article as it is merely the parents consent to the adoption and confers no authority to adopt.(Bengal Stamp Manual)

61. (Article 4) Affidavit – Declarations made by soldiers who enlist under assumed names added to the Regimental Records are liable to stamp duty of two rupees under this article (Financial Commissioner’s letter no. 4390, dated 1st August 1887)

The exemption does not apply to any officers of the Customs, Income Tax and Salt Departments, as they cannot be described as “ Revenue Courts” (Government of India no. 4 F . 6-I stamps / 125, dated 15th April 1925.)

An election agent’s declaration requires no stamp (Government of India Notification no. 88, dated 6th August 1921.)

62. (Article 5.) Agreement.—See section 23-A , notes to section 2(5) and article I in paragraphs 2(iv) and 58 supra, table of reductions and remissions of stamp duty in chapter 1 and note to proviso to rule 10 (ii) in chapter 2 of this part.

63. (Article 6) Agreement relating to deposit of title deeds, pawn or pledge. - This article is intended to relate only to cases in which property is actually given in pledge. All transactions by which movable property is simply appropriated by way of security for the discharge of a debt or engagement without parting with its possession (as, for example , bills of sale of stock in trade) are outside the scope of the article , and consequently are liable to the duty on mortgage deed as being instruments whereby one person transfers or creates to , or in favour of , another a right over, or in respect of specified property (Select Committee’s Report printed on page 231 of Part V of Gazette of India, 1898.).

64. (Article 7) Appointment in execution of a power - The legal meaning of the term ”appointment” is the exercise of a power conferred by a conveyance . Hence where a deed under article 58 provided for the appointment of five trustees and power was given to two of the five

trustees to remove and discharge any of the trustees, and in exercise of that power these two trustees executed document discharging and removing two other trustees that document would fall under article 7. (Financial Commissioner's no. 4386 dated 13th June 1914 , to deputy Commissioner , Lahore.)

65. (Article 12) Award.—This article refers to private awards only an award made by an order of a court in the course of a suit being excluded from the article . (See article 45 and table of reductions etc., chapter 1 of this part.)

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57. (Article 13) Bill of Exchange. --- The table of reductions, etc., in chapter 2 of this part should be consulted.

Unless darshni hundis are, in practice, merely presented for payment and not for acceptance, they must be regarded as on the same footing as bills as sight and bear an ad valorem stamp. It is believed that in the Punjab hundis are seldom made payable on demand, the so-called darshni hundis being ones requiring acceptance, and, therefore, being bills payable at sight. Collectors should give as much publicity as possible to the fact that samchari chittis serving the purposes of hundis or letters of credit not payable on demand are liable to stamp-duty, and at their execution on unstamped paper will render the writers liable to prosecution (Punjab Stamp Circular 7, dated 10th July 1893)

It is also believed that Indian bankers seldom or never draw hundis in sets of two or three, after the English fashion, the usual practice being, when the original has been lost, to issue a duplicate or triplicate. In such a case the original should be stamped as prescribed in article 13 for bills drawn singly and the duplicate or triplicate should be stamped to the same amount as the original, up to a maximum of one rupee and eight annas under article 25. District officers should take every opportunity of explaining the rules respecting stamps on hundis to the respectable bankers in their districts, and of informing them that the reduced rates in article 13 are only applicable when the English plan of drawing bill in sets is followed.

Indian bankers should be cautioned against the practice of drawing hundis bearing a date subsequent to that on which they were actually drawn with the object of evading stamp duty by making them appear to be bills payable on demand; and the public should be warned that post-dated bills are not payable otherwise than on demand, and that any person who, which fraudulent intern, post-dated bill or promissory note, or accepts, negotiates, or pays such, knowing it to be post-dated, renders himself liable to the penalty prescribed in section 68.

58. (Article 15) Bond. - The notes to section 2(5) and article 1, paragraphs 2(iv) & 58 supra and chapter 1 of this part should be consulted.

So far as simple money bonds with penalties attached are concerned, the principal secured should be deemed to be the amount on which stamp-duty is leviable (Punjab Circular memo . no. 7 dated 21st June 1889)

59. (Article 17) Cancellation of instrument – An instrument which cancels a will is exempt, See table of reductions , etc., in chapter 1 of this part.

60. (Article 18) Certificate of sale - Section 24 should be read with this article. An endorsement by the court on the copy of a mortgage deed certifying that the plaintiff was the auction purchaser of it, is a certificate of sale under this article.

61. (Article 23) . Conveyance.– sections 2(10) , 4,6-A and 28 and table of reductions , etc , in chapter 1 of this part should be consulted . The stamp duty on a conveyance is properly calculated on the consideration set forth therein and not on the intrinsic value of the property conveyed .

Entries in the Cantonment House Property register are evidence of nothing except that the Government assent to the transferee named in the entry occupying the place of the transferor ; they are no evidence of title. Further, the Cantonment Executive officer ought to refuse to register any transfer unless it is evidenced by a written conveyance or bill of sale stamped under article 23 of the Stamp Act. Undisputed transfers should be recorded in the mutation register irrespective of the existence or non-existence of a written deed, but where a deed is executed, it must be stamped, Many “ agreements “ may in fact be conveyances in order to avoid proper duty..

62. (Article 24) Copy of Extract - Section 46 and table reductions etc., in chapter 1 of this part should be consulted, The article refers also to attested copies of documents granted by Municipal and District Board Officers. Extracts from Patwari’s registers also require to be stamped if they bear the certificate of a public officer , but not otherwise. This applies to all officers in customs, Income Tax and Salt Departments and a copy or extract issued by them is liable to stamp duty provided court-fees are not payable . (Government Of India , no. 4-F . 6-I, Stamps /25 , dated 15th October 1925,)

63. (Article 25) Counterpart or duplicate --- Notes to article 52 in paragraph 90 infra and table of reductions, etc, in chapter 1 of this part might be read.

64. (Article 27) Debenture is a “ deed poll, charging certain property with the repayment of a loan advanced by a certain person therein named at a given interest “ (wharton). Debentures issued in pursuance of a mortgage-deed are exempted from further duty; the duty is payable once upon the mortgage deed, and not again upon separate debentures issued in conformity with it

This provision is intended for the benefit of limited companies, and does not apply to

private persons or proprietors of estates issuing debentures-issuers will be responsible , not only for the payment of the duty on the mortgage, but also for the payment of the additional duty which is required under the existing law for debentures issued under the mortgage.

See table of reductions , etc., in chapter 1 of this part.

74. (Article 30) Entry as an advocate or Attorney on the roll of any High Court - This article was made applicable to advocates on the roll of the Punjab Chief Court by section 10(1) of the Legal Practitioners Act, 1884, But the Chief Courts having been constituted a High Court from 1st April 1919, the article now applies ipso facto. See table of reductions, etc., in chapter 1 of this part, As regards other legal practitioners the stamp on their certificates is regulated by section 25 and schedule II of Act 18 of 189\79 These certificates or licenses should be stamped before completion.

75. (Article 31.) Exchange of property – Instrument of – When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money, only the transaction is called and “ exchange” A transfer of property in contemplation of an exchange can be made only in manner provided for the transfer of such property by sale. (Transfer of Property Act, 4 of 1882.)

See table of reductions, etc, in chapter 1 of this part

76. (Article 32) Further charge - Instrument of The following illustrates the distinction between a “ further charge” and a “ fresh mortgage” A having mortgaged his land to B, subsequently re-mortgaged the same land to C, the original mortgage to B still subsisting . The second transaction is a “ fresh mortgage” and no a “ further charge” The words “ further charge” include all cases in which the parties to the original deed desire to increase the liability to which the land is already subject . In a “further charge, “ the parties are the same as in the original mortgage deed, while in a “fresh mortgage” the parties are different.

77. (Article 33). Gift—Instrument - A gift is defined in section `122 of the transfer of Property Act(4 of 1882), as “ the transfer of a certain existing movable or immovable property made voluntarily and without consideration , by one person called the “ donor “ to another called the “donee” and accepted by or on behalf of the “ donee” such acceptance must be made during the life time of the “ donor” and while he is still capable of giving . If the “ donee” dies before acceptance the gift is void.

78. (Article 34) Indemnity Bond - “A contract by which one party promises to save the other from loss caused to him by the conduct of the promisor himself, or by the conduct of any other person, is called a contract of indemnity.” (Indian Contract Act, 1872, Section 142.)

79. (Article 35) Lease. – Section 2(16), article 25 and the table of reductions and remissions in chapter 1 of this part should be consulted. A letter of written by tenant to the landlord offering to take on rent the latter’s property is also a lease for the purpose of this article.

80. (Article 36.) Letter of allotment of shares. - This represents the acceptance by the company of an offer to take shares. It is not evidence of land proprietary interest in the shares, and this has got to be exchanged for the share certificate which is issued at subsequent stage.

81. (Article 37) – Letter of credit - A letter of credit is where merchant or correspondent writes to another requesting him to credit another with a sum of money on account of the writer (Tomlin). A letter of credit is not negotiable.

82. (Article 39) Memorandum of Association of a company - The memorandum of association of a charitable association is not liable to stamp duty” Company” does not include “ Society” registered under Act 21 of 1860 and the memorandum of association of any such society does not require to be stamped, (Government of India no. 3518, dated 22nd July 1890)

83. (Article 40) Mortgage-deed - The definitions of the different kinds of mortgages given in section 58 of the Transfer of Property Act may be referred to for guidance. It will be sufficient to explain here that the four classes under which mortgages in India usually fall are:- (1) simple mortgage, (2) mortgages by conditional sale, (3) usufructuary mortgages, and (4) English mortgages. These may be described as the primary varieties of Indian mortgages, But a combination of some of these forms with others gives rise to what may be called composite mortgages. Thus, for instance, a simple mortgage as well as a mortgage by conditional sale may be combined with a usufructuary mortgage, and such combinations are not of unfrequent occurrence.

Generally speaking, the main difference between a simple mortgage are that in a simple mortgage the mortgaged property remains in the possession of the mortgagor, the mortgagor incurs a personal liability and the mortgagee can sue for his debt and obtain a decree entitling him to bring the mortgaged property to sale in satisfaction of his decree. A simple mortgage is called a mortgage without possession(rahn bila qabza) and a usufructuary mortgage a mortgage with

possession (rahn ba qabza). The words “ agreed to be given” imply a positive and not a conditional agreement, and cannot operate, for example , to make a bai bil-wafa (Conditional) mortgage chargeable as a conveyance, when the only agreement to give possession in the deed is not a positive agreement to give the mortgage possession as mortgage, but only an eventual and conditional agreement to give him possession as proprietor(Financial Commissioner’s letter no. 1193, dated 14th February 1880). But where the instrument gives the mortgagee unconditional power of entry and possession at his option and of retaining it until redemption, this amounts to an agreement for possession made at the time of execution and brings the instrument within clause (a) (Financial Commissioner’s letter no. 741, dated 24th January 1883.)

If a mortgage deed is executed by a mortgage, mortgagor and surety, it need be stamped only in accordance with article 40(b) , and the mere fact that there are two contracts embodied in the instrument, the one by the mortgagor and the other by the surety, does not bring the instrument with in provision of section 5 of the Stamp Act, and there is no need for an additional stamp under article 57 (b) (15 P.R. 1910 , F.B. Reference Commissioner, North-west Frontier Province.)

84. (Article 42.) Notarial Act - The question of what constitutes a Notarial Act was much discussed in the Punjab in 1870; the definition given in this article leaves the matter very much as it was before, It has been held that the attestation of a power-of –attorney, by a Deputy Commissioner or other civil officer, as provided for in section 85 of the Evidence Act, is not a Notarial Act, and it cannot therefore be charged under this article, as civil officers in the Punjab are not Notaries Public, not persons lawfully acting as such, The Evidence Act does not prescribe the conditions under which a power-of – attorney is to be attested by a civil officer; it merely directs that courts of law shall “ presume that every document purporting to be a power – of – attorney , and to have been executed before and authenticated by a Notary Public, or any court, Judge Magistrate, British Consul or vice –consul , or representative of His Majesty, or of the Government of India, was so executed and authenticated.”

The law therefore does not require civil officers to make such attestation; but if they are desired, there can be no objection to their making them or to the levy, under executive orders, of a fee for the service performed. Any fee so levied should credited as stamp revenue(Letters nol1539,dated 10th march 1870 , and no. 4445, dated 29th October 1870, from the government of India, Finance Department, to the Secretary to Government, Punjab). All civil officers are to act

upon this ruling; the fee is one rupee (now Rs. 2) to be levied by means of a notarial stamp, to be affixed to the certificate of attestation (Punjab Government letter no. 224, dated 26th January 1886). It is common practice for lawyers and others to present such powers – of –attorney, etc., for attestation by magistrates See also note to article 48, paragraph 88 infra.

On a question which arose as to the attestation by civil officers of power-of –attorney, drawn in England, and sent out to India for execution, the Financial Commissioner ruled as follows:-

“The Financial Commissioner is unable to decide whether the attestation of a deed by a Justice of the Peace will be held in England to be sufficient. As a rule, English Courts no doubt consider the attestation of a Justice of the peace sufficient, and there can be no possible objection to a Deputy Commissioner or other Justice of The Peace attesting a deed. If, however, in the case of any particular instrument, the person who wishes to execute it doubts the validity of an attestation by a Justice of the Peace, it is for the person interested to find out from his lawyer at home what officer should be asked to attest the execution. It is impossible for the Financial Commissioner to decide what authority will be recognized by English courts; and such decision, if it were made, could not be binding on the courts.” (Financial Commissioner’s letter no. 7369, dated 29th October 1885.)

The acts of Notaries Public appointed under the Negotiable instrument Act must of course be charged under this article.

In their circular memo. No. 12/4639-G., of the 14th December 1898, the Judges of the Chief Court observed, that in some districts of the Province a notarial stamp of one rupee (now Rs. 2) is caused by presiding officers to be affixed to powers-of attorney produced by attorneys appearing in civil criminal cases in their courts for attestation, in addition to the court-fee stamp. As the practice is quite unauthorized, they direct that no extra fee be levied for attestation by the court in which the power-of – attorney is to be used.

84. (Article 45). Partition, --Instrument of. - Note to section 2(15), paragraph 2 (X) supra might be read. It is the smaller share that are separated from the smaller at whichever partner’s instance a partition takes place the Following example will also explain :-

For equal shareholders each having four anna share agree to partition. The duty is levied on 12 annas of the value of the whole property.

Of three share holders having respectively shares of one half, one third and one sixth, two apply to have their shares partitioned off. The duty is levied on half the value of the property.

One share holder having two-thirds of property obtains separation from the remainder, who hold jointly one – third and who desire to continue to hold their share jointly, The duty is levied on one – third of the value of the property.

The parties to an application for partition should be called upon to deposit in court the amount of stamp-duty . As to the proportion of duty leviable from them the provisions of duty leviable from them the provisions of section 29 (g) of the Act should be consulted . The value of the land must be stated in the papers (section 27) , and should be the market value, and the collector has power to determine the proper stamp (Financial Commissioner’s Book Circular no. V, dated 15th March 1880) The value of the stamp to be fixed to the final order should be deposited in cash, together with the costs of the partition itself , at the time when the proceeding regulating the partition is recorded by the investigating officer in the presence of the parties and when the partition is complete and the period of appeal has passed, the necessary stamp should be purchased and affixed to the partition order (Financial Commissioner’s Book Circular no. XVI, dated 6th August 1880). The stamp paper purchased with the money lodged by the person or person concerned in the partition should be simply filed with the proceedings after being cancelled in the usual way, and an entry made on it of the case to which it belongs, (Financial Commissioner’s Book circular no. XX, dated 1st October 1880)

85. (Article 46) Partnership -- “Partnership” is the relation which subsists between persons who have agreed to combine their property, labour, or skill in some business and to share the profits thereof between them . Persons who have entered into partnership with one another are called collectively a “ firm” (Indian Contract Act, 9 of 1872-). An instrument regulating the terms on which the management of a business is to be carried on is a deed of Co-partnership.

86. (Article 47) Power of Attorney. - See section 30 and table of reduction , etc., in chapter 1 of this part should be consulted . there is no objection to two or more persons jointly executing a general power—of –attorney to one and the same individually, provided there is community of purpose between the persons so executing the instrument, although inter se they may have separate interests and liabilities, Thus a power-of –attorney by all the members of a mutual insurance club, nominating as attorney to execute policies, requires a single stamp. The point to be regarded in such cases is , have the parties executing the instrument a common object or purpose? When this can be shown, a single stamp will be sufficient, but where the appointment is made for the purpose of protecting or carrying out entirely separate and distinct interests, a single

stamp would not be sufficient.

Clause (a). A power of attorney stamped with a stamp of rupee one is sufficient to cover all the operations under the Indian Registration Act.

89. (Article 49) Promissory Note - This article was amended as it now stands by Government of India Act 43 of 1923, It was sought to enhance the duty on all promissory notes, but a concession was made in favour of the “small man” in view of the fact that these promissory notes, if insufficiently stamped or not stamped in the first instance, cannot be validated afterwards. Act 11 of 1926 was also enacted to validate certain promissory notes which erroneously but in good faith were stamped with postage stamps of two annas and four annas.

90. (Article 52) Proxy.--- This article provides for the stamping of proxies for use at a meeting of a company, but makes no provision as regards proxies for use at meeting of creditors.

The letter would apparently require to be stamped under article 48 as a power-of-attorney to perform a single act. It necessitates execution of a creditor's proxy form on stamped paper or presentation of the form for affixing an impressed stamp. This distinction is not generally known with the result that many proxy forms signed by creditors are incorrectly stamped, and are therefore inadmissible at meetings at which they are offered, See article 48, section 62(I)(c) and table of reductions etc., in Chapter 1 of this part.

91. (Article 53) Receipt – See section 2 (23). A letter sent by post acknowledging the arrival of a remittance exceeding twenty rupees in amount would require an anna stamp, and if unstamped would not be a valid acquittance, unless the remittance was charitable subscription or other payment without consideration, or unless it fell under any of the exemption made in the article, or had been specially exempted under section 9. Receipt does not include an advertisement. Receipts drawn on account of cantonment or other local funds are not exempt from stamp-duty (Civil Account Code, Volume I, chapter I, paragraph 11.). The acknowledgment taken from a decree holder when he has been placed in possession of immovable property in execution of a decree (dakhil-nama) does not require a stamp. The general receipt given by the head of an office on the back of a note that when a receipt is granted in duplicate, the duplicate must also bear a stamp. See table of reductions, etc., in chapter 1 of this part, A receipt given by a stamp vendor on a voucher in form A. & T. 349 is also not exempt from stamp-duty.

- 92.** (Article 55) Release - Where a mortgage of land with possession executes a document transferring his rights over the property to the mortgagor that document would usually be liable to be stamped as a reconveyance if the original mortgage deed had been a mortgage by conditional sale. In all other cases it would be liable to be stamped as a release (Bom. Registration Manual). It is not uncommon that deeds of release are executed which are in fact deeds of partition .
- 93.** (Article 56) Respondentia Bond .- A Respondentia bond differs from a Bottomry bond in that in the former case the cargo is mortgaged while in the latter the vessel is mortgaged.
- 94.** (Article 57) Security bond – a decree-holder is allowed to recover the decretal amount on giving security pending an appeal to the Privy Council and in compliance with this order pledges a house, The deed is governed by article 57(Financial Commissioner’s no. 591-274-4, dated 10th February 1919). Security bonds presented to a court in pursuance of an order passed under the provisions of Code of Civil Procedure or Criminal Procedure , which should be stamped under this article, are also liable to court-fees under article 6, schedule II, Court- fees Act.
- 95.** (Article 58) Settlement – instrument of. – A deed disinheriting an elder is a will (Financial Commissioner’s letter no. 591-271-3, dated 18th may , 1917).
- 96.** (Article 62) Transfer. - This article applies whether the transfers are with or without consideration. If it were not so it might be considered that a transfer without consideration was a gift (article 33) and as such liable to a higher rate of duty, The article has no application to “ debentures payable to bearer” nor to transfers not mentioned in it, which would come under article 23 or 33.The table of reductions , &c., in chapter 1 of this part should be seen
- 97.** (Article 63) Transfer of lease – Under lease is a grant by a lessee to another of a part of his whole interest under the original lease, reserving to him self a reversion; it differs from a assignment, which conveys the lessee’s whole interest, and devolves upon the assignee the responsibility of the covenants in the original lease (Wharton).
- 98.** (Article 64) Trust. – A trust is an obligation annexed to the ownership of property , and arising out of a confidence reposed in and accepted by the owner, or declared and accepted by him for the benefit of another, or of another and the owner (Indian Trust Act 2 of 1882, section 3) . The distinction between a power and trust is marked. The former is never imperative , the later is always Imperative , For exemption see the table of reductions , etc., in chapter 1 of this part.

99. (Article 65) Warren for Goods – A delivery order (article 28) differs from a warrant for goods in that it is signed by or on behalf of the owner of the goods, as opposed to the person in whose custody they are.

100. The following table shows the kinds of stamps to be used on the instruments chargeable with duty under Stamp Act:-

Number of Article according to Schedule I or I-A	Description of instrument	Kind of stamp to be used	Reference to section of the Act or the Indian stamp Rules (See Chapter I of this part) 1925
1	Acknowledgement	1. Adhesive Revenue	Section 11 and Rule 16
		2. Coloured impression	Rule 8
2	Administration Bond	1. Impressed Sheet	Rule 6
		2. Impressed label	Rule 10
3	Adoption deed	1. Impressed sheet	Rule 6
		2. Impressed label, if engrossed on parchment and written in the English style, so that in the opinion of the officer empowered to affix labels, the document could not conveniently be written on an impressed sheet	Rule 10 (ii)
4	Affidavit	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10 (i)
5	Agreement or memo of an agreement		
	Clause (a)	1. Adhesive bearing the word 'Agreement'	Rule 17 (f)
		2. Coloured impression	Rule 8
		3. Impressed label	Rule 10 (ii)
	Clause (b)	1. Adhesive 'Revenue'	Section 11 and rule 16
		2. Adhesive bearing the word 'Agreement'	Rule 17 (f)
		3. Impressed sheet	Rule 6
	Clause (c)	1. Impressed sheet	Rule 10 (ii)
2. Impressed sheet		Rule 6	

6	Agreement relating to deposit of title deeds, pawn or pledge	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10(i)
7	Appointment in execution of a power	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10(ii)
8	Appraisalment or Valuation	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 19(ii)
9	Apprenticeship Deed	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10 (ii)
		3. Impressed label only if executed out of British India	Rule 12 (i)
10	Articles of Association of a Company	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10 (i) and 12 (i)
11	Articles of Clerkship	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10(i)
12	Award	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10 (ii)
13	Bill of Exchange- Clause (a)	Impressed sheet with or without the word 'Hundi' engraved or embossed thereon	Rule 5
	Clause (b)	Impressed label	Rule 10 (ii)
	Clause (c)	Adhesive, if drawn in sets and the stamp duty does not exceed one anna for each part of the set	Rule 13
	Clause (d)	Impressed sheet (hundi) for hundis payable at not more than one year after date of sight, and for amount not exceeding Rs. 30,000 in individual value	Rule 4 (a)
	Clause (e)	Government paper duly affixed with label for hundis for amount exceeding Rs. 30,000 and for hundis payable at more than one year after date or sight.	Rule 4 (b)

	If drawn out of British India	Adhesive (Foreign Bill)	Rule 17 (a)
14	Bill of Lading	1. Impressed sheet 2. Impressed label	Rule 6 Rule 10 (i)
15	Bond	1. Impressed sheet	Rule 6
16	Bottomry Bond	2. Impressed label	Rule 10 (ii) and 12 (i)
17	Cancellation-Instrument of	1. Impressed sheet	Rule 6
		2. Impressed label if written in European language	Rule 10 (ii)
18	Certificate of sale	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10(ii)
19	Certificate or other document	1. Adhesive	Rule 13
		2. Coloured impression	Rule 8
20	Charter Party	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10 (i)
21	Omitted		
22	Composition Deed	1. Impressed sheet	Rule 6
		2. Impressed label	Rule Rules 10 (ii) and 12 (i)
23	Conveyance	1. Impressed sheet	Rule 6
		2. Impressed sheet if written in European language	Rule 10 (ii) and 12 (i)
24	Copy or Extract	1. Adhesive court fee label obligatory in the case of copies certified to be true copies	Rule 17 (e)
		2. Impressed sheet for other purposes	Rule 6
25	Counterpart or Duplicate	1. Impressed sheet	Rule 6
		2. Impressed label for counterpart of such instruments as require impressed labels	Rule 10 (i) and (ii)
26	Customs Bond	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10 (ii) and 12 (i)
27	Debenture- Clause (a)	1. Impressed sheet	Rule 6
	Clause (b)	2. Impressed label if written in European language	Rule 10 (ii) and 12 (i)
28	Delivery order in respect of goods	1. Adhesive Revenue	Section 11 (a) and Rule 16
		2. Coloured impression	Rule 8

29	Divorce	1. Impressed sheet	Rule 6
		2. Impressed label if written in European language	Rule 10(ii)
		3.. Impressed label if any executed out of British India	Rule 12 (i)
30	Entry as an Advocate or Attorney on the Roll of any High Court	Impressed label bearing the word Advocate	Section 11 © and Rule (e)
31	Exchange of Property	1. Impressed label	Rule 6
		2. Impressed label if written in any European language	Rule 10 (ii)
32	Further Charge-Instrument of	1. Impressed sheet	Rule 6
		2. Impressed label if written in any European language	Rule 10 (ii)
33	Gift-Instrument of	1. Impressed label	Rule 6
		2. Impressed label if written in any European language	Rule 10 (ii)
34	Indemnity Bond	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10 (ii) and 12 (i)
35	Lease	1. Impressed sheet	Rule 6
		2. Impressed label if printed or lithographed in an oriental language when the written matter filed in does not exceed one fourth of the printed matter	Rule 10(i)
36	-Letter of allotment of shares	1. Adhesive	Rule 13
37	-Letter of Credit	2. Coloured impression	Rule 8
38	Letter of License	1. Impressed sheet	Rule 6
		2. Impressed label if written in European language	Rule 10 (ii)
39	Memorandum of Association of a Company	1. Impressed sheet	Rule 6
		2. Impressed label	Rule 10 (i)
40	Mortgage Deed	1. Impressed sheet	Rule 6
		2. Impressed label if written in European language	Rule 10 (ii)

41	Mortgage of a crop	1. Adhesive Revenue	Section 11 (a)
		2. Coloured impression	Rule 8
		3. Impression sheet	Rule 6
		4. Impressed label	Rule 10 (i)
42	Notarial Act	Adhesive foreign bill stamp bearing the word 'Notarial'	Section 11 (d) and Rule 17 (d)
43	Note or memorandum by a broker or agent-		
	Clause (a)	1. Coloured impress	Rule 8
		2. Adhesive label bearing the word 'Brokers' Note'	Rule 17 (f)
	Clause (b)	1. Adhesive 'Revenue'	Section 11 (a)
		2. Coloured impression	Rule 8
		3. Adhesive label bearing the word 'Brokers' Note.'	Rule 17 (f)
44	Note of Protest by a Master of a ship	1. Impression sheet	Rule 6
		2. Impressed label	Rule 10 (i)
45	Partition-Instrument of	1. Impression sheet	Rule 6
		2. Impressed label if written in any European language	Rule 10 (ii)
46	Partnership	1. Impression sheet	Rule 6
		2. Impressed label if written in any European language	Rule 10 (i)
		3. Impressed label only if executed out of British India	Rule 12 (i)
47	Policy of Insurance	1. Adhesive	Section 11, Rule 13 (e) and 17 (g)
		2. Coloured impression	Rule 8
48	Power of Attorney	1.. Impression sheet	Rule 6
		2. Impressed label if written in any European language	Rule 10 (ii)
		3. Impressed label only if executed out of British India	Rule 12 (i)
49	Promissory Note	3. Impression sheet	Rule 6
	Clause (a)	Adhesive 'Revenue' coloured impression	Rule 16
	Clause (b)	The same as for Bill of Exchange (Article 13)	Rule 8

50	Protest of Bill or Note by a Notary Public	Adhesive foreign bill stamp bearing the word 'Notarial'	Section 11 (d) and Rule 17 (d)
51	Protest by the Master of a ship	1. Impression sheet	Rule 6
		2. Impressed label	Rule 10 (i)
52	Proxy	1. Adhesive	Rule 13
		2. Coloured impression	Rule 8
53	Receipt	1. Adhesive Revenue	Section 11
		2. Coloured impression	Rule 8
54	Reconveyance of mortgaged property	1. Impression Sheet	Rule 6
		2. Impressed label if written in any European language	Rule 10 (ii)
55	Release	The same as for a bond (Article 15)	
56	Respondentia Bond	Ditto	
57	Security Bond	Ditto	
58	Settlement	1. Impression Sheet	Rule 6
		2. Impressed label if written in any European language	Rule 10 (ii)
59	Share warrant	1. Impression Sheet	Rule 6
		2. Impressed label	Rule 10 (i)
60	Shipping Order	1. Adhesive Revenue	Section 11 (a)
		2. Coloured impression	Rule 8
61	Surrender of lease	1. Impression Sheet	Rule 6
		2. Impressed label	Rule 10 (ii)
62	Transfer , Clauses (a) and (b)		
	(1) If transfer by endorsement of shares of public companies and associations	Adhesive stamp bearing the word 'share transfer'	Section (e) and Rule 17 (b)
	(2) Otherwise	Impressed sheet	Rule 6 and 14
63	Transfer of Lease	1. Impressed sheet	Rule 6
		2. Impressed label if written in any European language and the duty exceeds Rs. 10	Rule 10 (ii)
63	Transfer of Lease	The same as for Conveyance (Article 23)	..

64	-Trust	1. Impressed Sheet	Rule 6
65	-Warrant for goods	2. Impressed label	Rule 10 (i)

FINANCIAL COMMISSIONERS' OFFICE PUNJAB

CORRECTION SLIP NO. 194 DATED LAHORE THE 22ND NOVEMBER 1945

Punjab stamp Manual 1934

Part I-B, Chapter 3, Page 38.

Against Article 24 for item 1 in column 3 of the table in paragraph 100 substitute the following:

1. Adhesive court fee label obligatory in the case of –
 - (a) copies of maps or plans
 - (b) printed copies
 - (c) copies of or extracts from registers given on printed forms
 - (d) copies of records of the Courts and offices under the control of the High Court of Judicature at Lahore, other than the records of judicial proceedings certified to the true copies
 - (e) printed Central Excise Bond forms to be executed under the Central Excise Duty Rules 1944.

[Contents](#)

COURT FEES ACT, 1870.

Act No. VII of 1870

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3A	<u>PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATE OF ADMINISTRATION</u>
4	<u>PROCESS –FEES</u>
5	<u>THE MODE OF LEVYING FEES</u>
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CHAPTER 1

PRELIMINARY

1. **Short title.** - This Act may be called the Court fees Act, 1870.

Extent of Act. - It extent to the whole of British India;

Commencement of Act. - And it shall come into force on the first day of April , 1870.

2. **“Chief Controlling Revenue-authority” defined.** - [\[a1\]](#)In this Act, unless there be anything repugnant in the subject or context, “ Chief Controlling Revenue-authority “ means –

(a) in the Presidency of Fort St. George, [the Presidency of Fort William in Bengal][\[a2\]](#) and the territories respectively under the administration of the Lieutenant –Governors [\[a3\]](#) of [Bihar and Orissa [\[a4\]](#)] and the North- Western Provinces and the Chief Commissioner

of Oudh[\[a5\]](#)—The Board of Revenue;

(b) in the Presidency of Bombay , outside Sindh and the limits of the town of Bombay—a Revenue Commissioner;

(c) in Sindh--- The Commissioner;

(d) in the Punjab and Burma, including Upper Burma – the financial Commissioner , and

(e) elsewhere—The Local Government or such officer as the Local Government may, by notification in the official Gazette, appoint in this behalf.

CHAPTER 2

FEES IN THE HIGH COURTS AND IN THE COURTS OF SMALL CLAUSES AT THE PRESIDENCY-TOWNS.

3. **Levy of fees in High courts on their original sides** - The fees payable for the time being to the clerks and officers (other than the sheriffs and attorneys) of the High Courts established by Letters Patent, by virtue of the power conferred by [section 15 of the Indian High Courts Act, 1861, or section 107 of the Government of India Act, 1915.]

or chargeable in each of such Courts under no. 11 of the first, and Nos, 7,12, 14, { *The word 'sixteen' was repealed by the Repealing and Amending Act, 1891 9 12 of 1891* } 20 and 21 of the second schedule to this Act annexed;

Levy of fees in presidency small cause courts - and the fees for the time being chargeable in the Courts of Small causes at the Presidency towns and several offices shall be collected in manner hereinafter appearing .

4. **Fees on documents filed, etc., in High courts in their extraordinary jurisdiction.** - No document of any of the kinds specified in the first or second schedule to this Act , annexed as chargeable with fees, shall be lifted , exhibited or recorded in, or shall be received or furnished by, any of the said High Courts in any case coming before such Court in the exercise of its extraordinary original civil jurisdiction; or in the exercise of its extraordinary original criminal jurisdiction;

In their appellate jurisdiction. - Or in the exercise of its jurisdiction as regards appeals from

the [judgements ([\[a6\]](#) other than judgements passed in the exercise of the ordinary original civil jurisdiction of the Court) of one or more Judges of the said Court or of a division Court;

or in the exercise of its jurisdiction as regards appeals from the Courts Subject to its superintendence;

As courts of references and revision – or in the exercise of its jurisdiction as a Court of reference or revision;

unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

5. Procedure in case of difference as to necessity or amount of fee. - When any difference arises between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in any of the said High Courts, be referred to the taxing –officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of such High Court, or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the Clerk of the Court , whose decision, thereon shall be final, except when the question is, in his opinion , one of general importance, in which case he shall refer it to the final decision of the first Judge of such Court.

The Chief Justice shall declare who shall be taxing officer within the meaning of the first paragraph of this section

CHAPTER 3

FEES IN OTHER COURTS AND IN PUBLIC OFFICES,

6. Fees on documents filed etc., in Mofussil Courts or in Public Offices - Except in the Courts here in before mentioned no document of any of kinds specified as chargeable in the first or second schedule to this Act annexed shall be field, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer , unless in respect of such

document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document .

7. Computation of fees payable in certain suits. - The amount of fee payable under this Act in the suits next [\[a7\]](#) hereinafter mentioned shall be computed as follows:-

(i) *For money* - In suits for money (including suits for damages or compensation, or arrears of maintenance of annuities, or of other sums payable periodically) ---- according to the amount claimed :

(ii) *for maintenance and annuities* - In suits for maintenance and annuities or other sums payable periodically)—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year:

(iii) *for other moveable property having a market value* - In suits for moveable property other than money, where the subject- matter has a market – value – according to such value at the date of presenting the plaint:

(iv) In suits ----

(a) *for moveable property of no market-value* - for moveable property where the subject matter has no market value, as, for instance, in the case of documents relating to title,

(b) *to enforce a right to share in joint family property* - to enforce a the right to share in any property on the ground that it is joint family property,

(a) *for a declaratory decree and consequential relief* to obtain a declaratory decree or order, where consequential relief is prayed,

(b) *for an injunction;* -to obtain an injunction,

(c) *for easements;* - for a right to some benefit (not herein other wise provided for) to arise out of land, and

(d)*for accounts* - for accounts

according to the amount at which the relief sought is valued in the plaint or memorandum of appeal .

In all such suits the plaintiff shall state the amount at which he values the relief sought:

(v) *for possession of lands, houses and gardens* - In suits for the possession of land, houses and gardens--- according to the value of the subject matter; and such value shall be deemed to be---

Where the subject-matter is land, and -

(a) where the land forms an entire estate or a definite share of an estate, paying annual revenue to Government,

or forms part of such an estate and is recorded in the collector's register as separately assessed with such revenue

and such revenue is permanently settled – ten times the revenue so payable:

(b) where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government , or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently

[ten[a8](#)] times the revenue so payable:

(c) where the land pays no such revenue , or has been partially exempted form such payment, or is charged with any fixed payment in lieu of such revenue,

and nett profits have arisen from the land during the year next before the date of presenting the palint---

fifteen times such nett profits:

but where no such nett profits have been arisen there from the mount at which the Court shall estimate the land with reference to the value of similar land in the neighbour- hood:

(d) where the land forms part of an estate paying revenue to Government , but is not a definite share of such estate and is not separately assessed as above-mentioned the market value of the land:

Proviso as to Bombay Presidency - Provided that, in the territories subjects to the Governor of Bombay in council the value of the land shall be deemed to be---

(1) where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government – a sum equal to [seven and half][a9](#) times the survey-assessment:

(2) where the land is held on a permanent settlement, or on a settlement for any period exceeding thirty years, and pays the full assessment to government – a sum equal to [fifteen [a10](#)] times the survey – assessment ‘ and

(3) where the whole or any part of the annual survey-assessment is remitted – a sum computed under paragraph910 or paragraph (2) of this proviso, as the case may be, in addition to [fifteen[a11](#)] times the assessment, or the portion of assessment, so remitted:

Explanation .--- The word “ estate” as used in this paragraph, means any land subject to the payment of revenue, for which the proprietor or farmer or raiyat shall have executed a separate engagement to Government or which, in the absence of such engagement, shall have been separately assessed with revenue:

(e) **for houses and gardens** - where the subject-matter is a house or garden --- according to market value of the house or garden:

(vi) **to enforce a right of pre-emption** - in suits to enforce a right of pre-emption according to the value (computed in accordance with paragraph V of this section) of the land, house or garden in respect of which the right is claimed:

(vii) **for interest of assignee of land revenue** - in suits for the interest of an assignee of land revenue--- fifteen times his nett profits as such for the year next before the date of presenting the plaint:

(viii) **to set aside an attachment** - In suits to set aside an attachment of land or of an interest in land or revenue – according to the amount for which the land or interest was attached :

Provided that, where such amount exceeds the value of the land or interest, the amount of fee shall be computed as if the suit were for the possession of such land or interest:

(ix) **to redeem ; to foreclose;** - In suit against a mortgagee for the recovery of the property mortgaged; and in suits by a mortgagee to foreclose the mortgage, or, where the mortgage is made by conditional sale, to have the sale declared absolute according to the principal money expressed to be secured by the instrument of mortgage:

(x) **for specific performance;**- In suits for specific performance

(a) of a contract of sale---- according to the amount of the consideration:

(b) of a contract of mortgage according to the amount agreed to be secured:

(c) of a contract of lease according to the aggregate amount of the fine or premium (if any) and of the rent agreed to be paid during the first year of the term:

(d) of an award according to the amount or value of the property dispute:

(xi) *between landlord and tenant* - in the following suits between landlord and tenant:-

(a) for the delivery by a tenant of the counterpart of a lease,

(b) to enhance the rent of a tenant having right of occupancy,

(c) for the delivery by a landlord of a lease,

[(cc)] for the recovery of immovable property from a tenant including a tenant holding over after the determination of a tenancy,]

(d) to contest a notice of ejectment,

(e) to recover the occupancy of [immovable property [\[a12\]](#)] from which a tenant has been illegally ejected by the landlord, and

(f) for abatement of rent---

according to the amount of the rent of the [immovable property [\[a13\]](#)] to which the suit refers payable for the year next before the date of presenting the plaint

8. Fees on memorandum of appeal against order relating to compensation - The amount of fee payable under this Act on a memorandum of appeal against an order relating to compensation under any Act [\[a14\]](#) for the time being in force for the acquisition of land for public purposes shall be computed according to the difference between the amount awarded and the amount claimed by the appellant.

9. Powers to ascertain nett profits or market-value - If the court sees reason to think that the annual nett profits or the market- value of any such land, house or garden as is mentioned in section 7, paragraphs 5 and 6, have or has been wrongly estimated, the Court may, for the purpose of computing the fee payable in any suit their in mentioned, issue a commission to any proper person directing him to make such local or other investigation as may be necessary , and to report thereon to the court.

10. Procedure where nett profits or market- value wrongly estimated - (i) If in the result of any such investigation the Court finds that the nett profits or market-value have or has been wrongly estimated, the court, if the estimation has been excessive, may in its discretion refund the excess paid as such fee: but, if the estimation has been insufficient, the Court shall require the plaintiff to pay so much additional fee as would have been payable had the said market value or nett profits been rightly estimated

(ii) In such case the suit shall be stayed until the additional fee is paid, If the additional fee is not paid within such time as the Court Shall fix, the suit shall be dismissed.

{ Clause (iii) was repealed by the Repealing and Amending Act, 1891 9 12 of 1891)

11. Procedure in suits for mesne profits or account when amount decreed exceeds amount claimed - In suits for mesne profits or for immovable property and mesne profits, or for an account, if the profits or amount decreed are or is in excess of the profits claimed or the amount at which the plaintiff valued the relief sought, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits or amount so decreed shall have been paid to the proper officer.

Where the amount of mesne profits is left to be ascertained in the course of the execution of the decree, if the profits so ascertained exceed the profits claimed, the further execution of the decree shall be stayed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so ascertained is paid. If the additional fee is not paid within such time as the court shall fix, the suit shall be dismissed.

12. Decision of questions as to valuation – (i) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this chapter on a plaint or memorandum of appeal shall be decided by the Court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

(ii) But whenever any such suit comes before a Court of appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and the provisions of section 10, paragraph (ii), shall apply.

13. Refund of fee paid on memorandum of appeal - If an appeal or plaint, which has been rejected by the Lower Court on any of the grounds mentioned in the Code of Civil Procedure [\[a15\]](#), is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in section 351 [\[a16\]](#) of the same Code for a second decision by the Lower court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the collector the full amount of fee paid on the memorandum of appeal:

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts

of such subject-matter in respect whereof the suit has been remanded.

14. Refund of fee on application for review of judgement - Where an application for a review of judgement is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorising him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.[\[a17\]](#)

15. Refund where court reverses or modifies its former decision on ground of mistake - Where an application for a review of judgement is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Collector so much of the fee paid on the application[\[a18\]](#) as exceeds the fee payable on any other application to such Court under the second schedule to this Act, No. 1, Clause (b) or clause (d).

But nothing in the former part of this section shall entitle the applicant to such a certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

16. [Additional fee where respondent takes objection to unappealed part of decree.] Rep. Act V of 1908.

17. Multifarious suits - Where a suit embraces two or more distinct subject, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees to which the plaints or memoranda of appeal in suits embracing separately each of such subjects should be liable under this Act.

Nothing in the former part of this section shall be deemed to affect the power conferred by the Code of Civil **Procedure**, section 9[\[a19\]](#).

18. Written examinations of complaints - When the first or only examination of a person who complains of the offence of the wrongful confinement or of wrongful restraint, or of any offence other than an offence for which police-officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, [\[a20\]](#)the complainant shall pay a fee of

one rupee [\[a21\]](#) unless the Court thinks fit to remit such payment. { *v of 1898* }

19. Exemption of certain documents - Nothing contained in this Act shall render the following documents chargeable with any fee:-

- (i) Power –of – attorney to institute or defend a suit when executed by an officer, warrant – officer, non- commissioned officer or private of Her Majesty’s Army not in civil employment.
- (ii) *[Rep, by the Repeating and Amending Act, 1891 (XII of 1891-)]*
- (iii) Written statements called for by the court after the first hearing of a suit.
- (iv) *[Rep. By the Cantonments Act, 1889 (XIII of 1889).]*[\[a22\]](#)
- (v) Plaints in suits tried by Village Munsifs in the Presidency of Fort St. George.
- (vi) Plaints and process in suit before District Panchayats in the same Presidency.
- (vii) Plaints in suits before Collectors under Madras Regulation XII of 1816.
- (viii) Probate of will , letters of administration , and save as regards debts and securities , a certificate under Bombay Regulation VIII of 1827, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed one thousand rupees
- (ix) Application or petition to a Collector or other officer making settlement of land revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with assessment of land or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.
- (x) Application relating to a supply for irrigation of water belonging to Government.
- (xi) Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding under direct engagement with Government, land of which the revenue is settled, but not permanently.
- (xii) Application for service of notice of relinquishment of land or of enhancement of rent.
- (xiii) Written authority to an agent to distrain.
- (xiv) First application)other than a petition containing a criminal charge or information_ for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

- (xv) Bail –bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise .
- (xvi) Petition , application, charge or information respecting any offence when presented , made or laid to or before a police-officer, or to or before the Heads of Villages or the Village Police in the territories respectively subject to the Governors in Councils of Madras and Bombay.
- (xvii) Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.
- (xviii) Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.{*XLV of 1860*}
- (xix) Application for permission to cut timber in Government forests , or otherwise relating to such forests.
- (xx) Application for the payment of money due by Government to the applicant .
- (xxi) Petition of appeal against the chaukidari assessment under Act XX of 1856, or against any municipal tax.
- (xxii) Applications for compensation under any law for the time being in force relating to the acquisition [\[a23\]](#)of property for public purposes.
- (xxiii) Petitions presented to the Special Commissioner appointed under Bengal Act II of 1869 (*to ascertain, regulate and record certain tenures in Chota Nagpore*).
- (xxiv) [petitions under the Indian Christian Marriage Act, 1872 , sections 45 and 48.][\[a24\]](#)

CHAPTER 3-A

PROBATES, LETTERS OF ADMINISTRATION AND CERTIFICATE OF ADMINISTRATION.

19-A. Relief where too high a court-fee has been paid. - Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court-fee thereon, if, within six months after the true value of the property has been ascertained , such person produces the probate or letters to the Chief Controlling revenue authority [for the local area[\[a25\]](#)] in which the probate or letters have been granted, and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or

affirmation, and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required, the said Authority may---

- (a) cancel the stamp on the probate or letters if such stamp has not been already cancelled;
- (b) substitute another stamp for denoting the court-fee which should have been paid thereon; and
- (c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion .

19-B. Relief where debts due from a deceased person have been paid out of his estate -

Where it is proved to the satisfaction of such Authority that an executor or administrator has paid debtor due from the deceased to such an amount as, being deducted out of the amount as , being deducted out of the amount or value of the estate, reduces the same to a sum which, if it has been the whole gross amount or value of the estate, would have occasioned a less court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act, such authority may return the difference, provided the same be claimed within three years after the date of such probate or letters, But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

19-C. Relief in case of several grants. - Whenever *{the word "such repealed by the Repealing and Amending Act, 1891(12 of 1891).}* a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon , no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to same estate, identical with or including the property to which the former grant relates.

19-D. Probates declared valid as to trust-property though not covered by court-fee - The probate of the will or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for immovable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a court-fee was paid on such probate or letters of administration.

19-E[\[a26\]](#). Provision for case where too low a court-fee has been paid on probates, etc. - Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court-fee thereon, the Chief controlling Revenue authority [for the local area[\[a27\]](#)] in which the probate or letters has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee which ought to have been originally paid thereon. In respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or, if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters:

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the said authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonging to the deceased, and without any intention of fraud or to delay the payment of the proper court fee, the said Authority may remit the said penalty and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first thereon.

19-F. Administrator to give proper security before letters stamped under section 19-E - In case of letters of administration on which too low a court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

19-G[a28]. Executors, etc, not paying full court-fee on probates, etc, within six months after discovery of under-payment. -Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not within six months *{The words and figures “after the first day of April 1875, or “ sere repealed by the Repealing and Amending Act, 1891(12 of 1891)}* after the discovery of the mistake or of any affects not known at time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the court-fee which ought to have been paid at first such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up proper court-fee.

19-H. Notice of applications for probate or letters of administration to be given to Revenue authorities, and procedure thereon.[a29] – (1) Where an application for probate or letters of administration is made to any Court other than a High Court, the Court shall cause notice of the application to be given to the Collector.

(2) Where such an application as aforesaid is made to a High Court, the High Court shall cause notice of the application to be given to the Chief Controlling Revenue-authority [for the local area in which the High Court is situated].

(3) The Collector within the local limits of whose revenue-jurisdiction the property of the deceased, or any part thereof, is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property :

Provided that no such motion shall be made after the expiration of six months from the date of

the exhibition of the inventory required by section 277 of the Indian Succession Act, 1865, or, as the case may be, by section 98 of the Probate and Administration.

(5) The Court when so moved as aforesaid, shall hold, or cause to be held, an enquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) For the purposes of any such inquiry, the Court or person authorized by the Court to hold the enquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorized as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under sub-section (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue authority of any application under section 19-E.

(8) The Local Government may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

19-I. Payment of court-fees in respect of probates and letters of administration. - (1)

No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the court a valuation of the property in the form set forth in the third schedule, and the Court is satisfied that the fee mentioned in No. 11 of the first schedule has been paid on such valuation.

(2) The grant of Probate or letters of administration shall not be delayed by reason of any motion made by the Collector under section 19-H sub section 94).

19-J[a30]. Recovery of penalties, etc. - (1) Any excess fee found to be payable on an inquiry held under section 19-H., subsection 96), and any penalty or forfeiture under section 19-G, may, on the certificate of the Chief Controlling Revenue authority, be recovered from the executor or administrator as if it were an arrear of land revenue by any collector in any part of British India.

(2) **The Chief Controlling Revenue** – authority may remit the whole or nay part of any such penalty or forfeiture as aforesaid , or any part of any penalty under section 19-E or of any court-fee under section 19-E in excess of the full court fee which ought to have been paid.

19-K. [\[a31\]](#) **Sections 6 and 28 not to apply to probates or letters of administrations** - Nothing in section 6 or section 28 shall apply to probates or letters of administration .

CHAPTER 4

PROCESS –FEES

20. Rules as to cost of process - The High Court shall, as soon as may be , make rules as to the following matters:-

(i) The fees chargeable for serving and executing process issued by such Court in its appellate jurisdiction , and by the other Civil *{In the Punjab the words “ and revenue” are repealed, see the Punjab Land Revenue Act, 1887 (17 of 1187), section 2 and Schedule}* Courts established within the local limits of such jurisdiction;

(ii) The fees chargeable for serving and executing process issued by the criminal Courts established within such limits in the case of offences other than offences for which police-officers may arrest without a warrant ; and

(iii) The remuneration of the peons and all other persons employed by leave of a court in the service or execution of process.

The High Court may from time to time alter and add to the rules so made

Confirmation and publication of rules - All such rules, alterations and additions shall, after being confirmed by the Local Government *{The words “and sanctioned by the Governor – General of India in Council “ were repealed by the Devaluation Act (38 of 1920), section 2 and Schedule I }* be published in the local official Gazette , and shall thereupon have the force of law

Until such rules shall be so made and published , the fees now leviabale for serving and executing process shall continue to be levied, and shall be deemed to be fees leviabale under this Act.

21. Tables of process–fees. - A table in the English and Vernacular languages, showing the fees

chargeable for such service and execution, shall be exposed to view in a conspicuous part of each court .

22. Number of peons in District and subordinate Courts. And . Number of peons in Mofussil small cause Courts. - Subject to rules to be made by the High Court and approved by the Local Government *{The words” and sanctioned by the Governor -General of India in Council “ were repealed by the Devolution Act 9 3 of 1920), section 2 and schedule I}*

every district Judge and Magistrate of a District shall fix, any may from time to time alter, the number of peons necessary to be employed for the service and execution of process issued out of his Court and each of the Courts subordinate thereto , and for the purpose of this section every Court of small causes established under Act No. XI of 1865 [\[a32\]](#) (*to consolidate and amend the law relating to Courts of small cause beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Jurisdiction) shall be deemed to be subordinate to the Court of the District Judge.*

23. *Rep. by section 2 and Schedule of the Punjab Land Revenue Act, 1887(XVII of 187).*

24. *Rep. by the Repealing and Amending Act, 1891 (XII of 1891).*

CHAPTER 5

OF THE MODE OF LEVYING FEES.

25. Collection of fees by stamps. - All fees referred to in section 3 or chargeable under this Act shall be collected by stamps.

26. Stamps to be impressed or adhesive. - The stamps used to denote any fees chargeable under this Act shall be impressed or adhesive or partly impressed and partly adhesive as the [Local Government] [\[a33\]](#) may, by notification in the [local official Gazette[\[a34\]](#)], from time to time direct.

27. Rules for supply , number, renewal and keeping accounts of stamps. - The Local Government may, from time to time make rules for regulating –

- (a) the supply of stamps to be used under this Act,
- (b) the number of stamps to be used for denoting any fee chargeable under this act,

- (c) the renewal of damaged or spoiled stamps, and
- (d) the keeping accounts of all stamps used under this Act:

Provided that in the case of stamps used under section 3 in High Court, such rules shall be made with the concurrence of the Chief Justice of Such Court.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

28. Stamping documents in advertently received - No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped

But, if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and, on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

29. Amended documents. - Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

30. Cancellation of Stamp. - No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure – head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER 6

MISCELLANEOUS

31. Repealed by section 163 of Act XVIII of 1923.

32. [Rep. by the Repealing and Amending Act, 1891 (XII of 1891.)]

33. Admission in criminal cases of documents for which proper fee has not been paid. -

Whenever the filing or exhibition in a criminal court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section 4 or section 6 shall be deemed to prohibit such filing or exhibition.

34[a35]. Sale of stamps. (1) The Local Government may, from time to time, make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such person

(2) All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

(3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamps, shall be punished with imprisonment for term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

35. Power to reduce or remit fees. - The [Local Government] may, from time to time by notification in the [Local official Gazette] reduce or remit in the whole or in any part of [the territories under its administration], all or any of the fees mentioned in the first and second schedules to this Act. Annexed, and may in like manner cancel or vary such order.

36. Saving of fees to certain officers of High Courts Nothing in Chapter II and V of this Act applies to the commission payable to the Accountant-General of the High Court at Fort William, or to the fees which any officer of a High Court is allowed to receive in addition to a fixed salary.

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[a1]The present s. 2 was added by s. 2 of the Court-fees (Amendment) Act, 1901(10 of 1901). The original section relating to repeal of enactments was repealed by the Repealing Act, 1870 (14 of 1870).

[a2]These words were inserted by Act 24 of 1917, schedule I.

[a3]To be constructed now as “ Governor,” see s. 31 of the General Clauses Act, 1897).

[a4]These words were substituted for the word “ Bengal “ by Act 24 of 1917, Schedule I

[a5]These provinces are now known as United Provinces of Agra and Oudh and the Lieutenant –Governor and Chief Commissioner as the Governor of those provinces, see Proclamation No 996-P., dated the 22nd March 1902, Gazette of India, 1902, Pt. I., page 228, and the United provinces Designation Act, 1902 (7 of 1902), and s. 31 of the General

Clauses, 1897(10 of 1897).

[a6]Substitute for the words “ judgement of two” by section 2 of Act; 9 of 1922.

[a7]As to the validation of suits for the purpose of determining the jurisdiction of Courts, see the Suits Validation Act, 1887 (7 of 1887)

[a8]substituted for the word “five” by section 49 of the Punjab Courts Act, 1918 (6 of 1918).

[a9]Substituted for the word “five” by Bombay Act, 2 of 1932, section 12©.

[a10]Substituted by Bombay Act, 2 of 1932, section 12 ©

[a11]Substituted by Bombay Act, 2 of 1932, section 12 ©

[a12]This clause was inserted by the Court-fees(Amendment) Act, 1905(6 of 1905), section 2(1)

[a13]these words were substituted for the word ”land” by section 292) of the Courtfee(Amendment)Act, 1905(6 of 1905)

[a14]see now the Land Acquisition Act, 1894 (I of 1894)

[a15]see now Act 5 of 1908

[a16]see the first schedule, order 41,rule 23 of Act 5 of 1908.

[a17]See schedule I Nos, 4 and 5 infra.

[a18]The word “application “ was substituted for the original words “ plaintiff or memorandum of appeal” by the Court-fees(Amendment) Act, 1870(20 of 1870) Section 1.

[a19]See now the code of civil Procedure , 1908 (Act 5 of 1908),Schedule 1, order II rule 6.

[a20]This reference should now be read as referring to the Code of Criminal Procedure (Act 5 of 1898) See section 3 of that Act.

[a21]These words were substituted for the words “ eight annas” by section 4 of Punjab Act, 7 of 1922.

[a22]This reference should now be read as referring to the Cantonments Act, 1924(2 of 1924).

[a23]See now land Acquisition Act, 1894 (I of 1894).

[a24]This clause was substitute for the original clause by the Indian Christian Marriage Act, 1872 (15 of 1872), section 2.

[a25]Substitute for the words” of the province” by section 3(1) of the Court –fees (Amendment) Act, 1901 (10 of 1901).

[a26]As to power of Chief Controlling Revenue authority to remit the whole or part of any penalty of forfeiture payable under section 19-E , see the Probate and Administration Act, 1889 9 6 of 1889), section 20(2).

[a27]Substituted for the words “of the province” by section 3(1) of the Court-fees (Amendment) Act, 1901(10 of 1901).

[a28]As to recovery of penalties for forfeiture under section 19-G , see infra, s.19-J.

[a29]sections 19-H.19I,19J and 19K were inserted by the Court – fee (Amendment) Act, 1899 (11 of 1899) , section 2.

[a30]sections 19-H.19I,19J and 19K were inserted by the Court – fee (Amendment) Act, 1899 (11 of 1899) , section 2.

[a31]sections 19-H.19I,19J and 19K were inserted by the Court – fee (Amendment) Act, 1899 (11 of 1899) , section 2.

[a32]The reference to Act 11 of 1865 should now be read as the Provincial Small Cause Courts Act, 1887 (9 of 1887), section 292) and (3).

[a33]These words were substituted for the original words “ Governor – General of India in Council “ by the Devolution Act (38 of 1920), section 2 and Schedule I.

[a34]These words were substituted for the words “ Gazette of India “ by the Devolution Act (38 of 1920), Section 2 and Schedule I.

[\[a35\]](#) This section was substituted for the original section by the Repealing and Amending Act, (12 of 1891).

SCHEDULE -1
AD VALOREM FEES

Number		Proper fee
	When the amount or value of the subject – matter in dispute does not exceed rupees	Six annas
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees,	Six annas
1. [a1] Plaint [a2] –written statement pleading a set-off or counter – claim or memorandum of appeal not otherwise provided for in this Act or cross-objection presented to any civil or Revenue court except those mentioned in section 3.	When such amount or value exceeds one hundred rupees , but does not exceeds five hundred rupees , for every ten rupees or part thereof in excess of one hundred rupees or part thereof in excess upto five hundred rupees.	Twelve annas
	When such amount or value exceeds five hundred rupees , for every ten rupees or part there of , up to one thousand rupees	One rupee two annas
	When such amount or value exceeds one thousand rupees , for every one hundred rupees or part thereof in excess of one thousand rupees upto five thousand	Seven rupees eight annas

When such amount or value exceeds five thousand rupees , for every two hundred and fifty rupees or part thereof , in excess of five thousand rupees up to ten thousand	Fifteen rupees
When such amount or value exceeds ten thousand rupees , for every five hundred rupees or part thereof , in excess of ten thousand rupees up to twenty thousand.	Twenty two rupees eight annas
When such amount or value exceeds twenty thousand rupees , for every one thousand rupees or part thereof , in excess of twenty thousand rupees up to thirty thousand rupees.	Thirty rupees
When such amount or value exceeds thirty thousand rupees , for every two thousand rupees or part thereof , in excess of thirty thousand rupees up to fifty thousand rupees.	Thirty rupees

2. *Plaint { the words or memorandum of appeal” were repealed by the Court fees (Amendment) Act, 1870 (20 of 1870}* in a suit for possession under [the specific relief Act, 1877, section 9][\[a3\]](#)

A fee of one – half the amount in the foregoing scale

3. *[Repealed by Act VIII of 1871]*
4. Application for review of judgement , if presentation or after the ninetieth day from the date of the decree[\[a4\]](#). The fee leviable on the plaint or memorandum of appeal
5. Application for review of judgement , if presentation or after the ninetieth day from the date of the decree One half of the fee leviable on the plaint or memorandum of appeal
- When such judgement or order is passed by any Civil court other than a High Court , or by the presiding officer of any Revenue Court or Office, or by any other judicial Executive Authority – Four annas
6. copy or translation of judgement or order not being or having the force of a decree. (a) if any amount or value of the subject matter is fifty or less than fifty rupees (b) if such amount or value exceeds fifty rupees Eight annas
- when such judgement or order is passed by a High Court. One rupee
7. copy of a decree or order having the force of a decree. When such decree or order is made by any Civil Court other than a High Court or by any Revenue Court---

a. if the amount or value of Eight annas the subject matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.

b. If such amount or value exceeds Fifty rupees One rupee

When such decree or order is made by a High Court. Four rupees

8. copy of any document liable to stamp duty under the Indian Stamp Act, 1879 [a5]. when left by any party to a suit or proceeding in place of the original withdraw. { 1 of 1879}

9. when the stamp duty chargeable on the original does not exceed eight annas The amount of the duty chargeable on the original

10. in any other case Eight annas

9. copy of any revenue or judicial proceeding or order not otherwise provided for by this Act , or copy of any account, statement , report or the like, taken out of any Civil or criminal or revenue Court or office, or from the office of any chief officer charged with the executive administration of a Division . for every three hundred and sixty words or fraction of three hundred and sixty words Eight annas

10. 1[*Repealed by the Guardians and wards Act, 1890 (VIII of 1890)*]

<p>11[a6]. probate of a will or letters of administration with or without will annexed</p>	<p>When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceeds ten thousand rupees.</p>	<p>Two per centum on such amount or value</p>
<p>11.</p>	<p>When such amount or value exceeds ten thousand rupees , but does not exceeds fifty thousand rupees .</p>	<p>Two and one half per centum on such amount or value</p>
<p>11.</p>	<p>When such amount or value exceeds fifty thousand rupees</p>	<p>Three per centum on such amount or value</p>
<p>12.</p>		
<p>13.</p>	<p>Provided that when after the grant of a certificate under the Succession Certificate Act, 1889 , or any enactment repealed by that Act, or under the Regulation of the Bombay code no. VIII of 1827, in respect of any property included in an estate a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.</p>	

14. 12. [a7] certificate In any case
under succession certificate
Act [a8], 1889

Two per centum on the amount value of any debt or security specified in the certificate under section 8 of the Act, and three per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act.

Note –(1) the amount of a debt is its amount , including interest on the day on which the inclusion of the debt in the certificate is applied for so far as such amount can be ascertained

(1) (2) Whether or not any power with respect of a security specified in a certificate has been conferred under the Act and where such a power has been so conferred. Whether the power is for receiving of interest or dividends on , or for the negotiation or transfer of the security , or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the certificate is applied for , so far as such value can be ascertained .

12-A [a9] certificate under the Regulation of the Bombay Code No. VIII of 1827	(1) As regards debts and securities [a10]	the same fee as would be payable in respect of a certificate under the succession Certificate Act, 1889 or in respect of an extension of such a certificate as the case may be .
(2)	(2) as regards other property in respect of which the certificate is granted –	two per centum on such amount or value.
	when the amount or value of such property exceeds one thousand rupees, but does not exceed ten thousand rupees.	
15.	When such amount or value exceeds ten thousand rupees, but does not exceeds fifty thousand rupees	Two and one-half per centum on such amount or value
16.	When such amount or value exceeds fifty thousand rupees,	Three per centum on such amount or value
14. 13[a11] application to the High Court of Judicature of Lahore for the exercise of its jurisdiction under section 44 of the Punjab Courts Act, 1918,	When the amount or value of the subject matter in dispute does not exceeds Twenty five rupees	Two rupees
or to the court of the Financial Commissioner of the Punjab for the exercise of its revisional jurisdiction under section 84 of the Punjab Tenancy Act, 1887.	When such amount or value exceeds twenty five rupees	The fee leviable on a memorandum of appeal

14. Application to the High court of Judicature at Rangoon for the exercise of its revisional jurisdiction under section [a12] 622 of the code of civil Procedure or section 25 of the Provincial Small causes Courts act, 1887 { XIV of 1882 and IX of 1887 }	When the amount or value of the subject matter in dispute does not exceeds Twenty five rupees	Two rupees
	When the amount or value of the subject matter in dispute does not exceeds Twenty five rupees	The fee leviable on a memorandum of appeal
15. (Repealed by schedule I of Act XI of 1923)	When the such amount or value exceeds twenty five rupees	The fee leviable on a memorandum of appeal

SCHEDULE -I

TALE OF RATES OF AD VALOREM FEES LEVIABLE ON THE INSTITUTION OF SUITS

When the amount or value of the sub-matter exceeds			But does not exceed			When the amount or value of the sub-matter exceeds			But does not exceed			
Proper fee			Proper fee			Proper fee			Proper fee			
Rs	Rs.	Rs.	A.	P.	Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.
	5	0	6	0	90	95	7	2	0			
5	10	0	12	0	95	100	7	8	0			

SCHEDULE -I

10	15	1	2	0	100	110	8	4	0	
15	20	1	8	0	110	120	9	0	0	
20	25	1	14	0	120	130	9	12	0	
25	30	2	4	0	130	140	10	8	0	
30	35	2	10	0	140	150	11	4	0	
35	40	3	0	0	150	160	12	0	0	
40	45	3	6	0	160	170	13	8	0	
45	50	3	12	0	170	180	14	4	0	
50	55	4	2	0	180	190	15	0	0	
55	60	4	8	0	190	200	15	12	0	
60	65	4	14	0	200	210	16	8	0	
65	70		5	4	0	210	220	17	4	0
70	75	5	10	0	220	230	18	0	0	
75	80	6	0	0	230	240	18	12	0	
80	85	6	6	0	240	250	19	8	0	
85	90	6	12	0	250	260				

SCHEDULE -I

TABLE OF RATES OF *AD VALOREM FEES* LEVIABLE ON THE INSTITUTION OF SUITS

When the amount or value of the sub-matter exceeds Rs	But does not exceed Rs.	Proper fee			When the amount or value of the sub-matter exceeds Rs.	But does not exceed Rs.	Proper fee		
		Rs.	A.	P.			Rs.	A.	P.
260	270	20	4	0	470	480	36	0	0
270	280	21	0	0	480	490	36	12	0
280	290	21	12	0	490	500	37	8	0
290	300	22	8	0	500	510	57	6	0
300	310	23	4	0	510	520	58	8	0
310	320	24	0	0	520	530	59	10	0
320	330	24	12	0	530	540	60	12	0
330	340	25	8	0	540	550	61	14	0
340	350	26	4	0	550	560	63	0	0
350	360	27	0	0	560	570	64	2	0
360	370	27	12	0	570	580	65	4	0
370	380	28	8	0	580	590	66	6	0
380	390	29	4	0	590	600	67	8	0
390	400	30	0	0	600	610	68	10	0

SCHEDULE -1

400	410	30	12	0	610	620	69	12	0
410	420	31	8	0	620	630	70	14	0
420	430	32	4	0	630	640	72	0	0
430	440	33	0	0	640	650	73	2	0
440	450	33	12	0	650	660	74	4	0
450	460	34	8	0	660	670	75	6	0
460	470	35	4	0	670	680	76	8	0
680	690	77	10	0	890	900	101	4	0
690	700	78	12	0	900	910	102	6	0
700	710	79	14	0	910	920	103	8	0
710	720	81	0	0	920	930	104	10	0
720	730	82	2	0	930	940	105	12	0
730	740	83	4	0	940	950	106	14	0
740	750	84	6	0	950	960	108	0	0
750	760	85	8	0	960	970	109	2	0
760	770	86	10	0	970	980	110	4	0
770	780	87	12	0	980	990	111	6	0
780	790	88	14	0	990	1000	112	8	0

790	800	90	0	0	1000	1100	120	0	0
800	810	91	2	0	1100	1200	127	8	0
810	820	92	4	0	1200	1300	135	0	0
820	830	93	6	0	1300	1400	142	8	0
830	840	94	8	0	1400	1500	150	0	0
840	850	95	10	0	1500	1600	157	8	0
850	860	96	12	0	1600	1700	165	0	0
860	870	97	14	0	1700	1800	172	8	0
870	880	99	0	0	1800	1900	180	0	0
880	890	100	2	0	1900	2000	187	8	0
2000	2100	195	0	0	4100	4200	352	8	0
2100	2200	202	8	0	4200	4300	360	0	0
2200	2300	210	0	0	4300	4400	367	8	0
2300	2400	217	8	0	4400	4500	375	0	0
2400	2500	225	0	0	4500	4600	382	8	0
2500	2600	232	8	0	4600	4700	390	0	0
2600	2700	240	0	0	4700	4800	397	8	0
2700	2800	247	8	0	4800	4900	405	0	0

SCHEDULE -1

2800	2900	255	0	0	4900	5000	412	8	0
2900	3000	262	8	0	5000	5250	427	8	0
3000	3100	270	0	0	5250	5500	442	8	0
3100	3200	277	8	0	5500	5750	457	8	0
3200	3300	285	0	0	5750	6000	472	8	0
3300	3400	292	8	0	6000	6250	487	8	0
3400	3500	300	0	0	6250	6500	502	8	0
3500	3600	307	8	0	6500	6750	517	8	0
3600	3700	315	0	0	6750	7000	532	8	0
3700	3800	322	8	0	7000	7250	547	8	0
3800	3900	330	0	0	7250	7500	562	8	0
3900	4000	337	8	0	7500	7750	577	8	0
4000	4100	345	0	0	7750	8000	592	8	0
8000	8250	607	8	0	16000	16500	1005	0	0
8250	8500	622	8	0	16500	17000	1027	8	0
8500	8750	637	8	0	17000	17500	1050	0	0
8750	9000	652	8	0	17500	18000	1072	8	0
9000	9250	667	8	0	18000	18500	1095	0	0

9250	9500	682	8	0	18500	19000	1117	8	0
9500	9750	697	8	0	19000	19500	1140	0	0
9750	10000	712	8	0	19500	20000	1162	8	0
10000	10500	735	0	0	20000	21000	1192	8	0
10500	11000	757	8	0	21000	22000	1222	8	0
11000	11500	780	0	0	22000	23000	1252	8	0
11500	12000	802	8	0	23000	24000	1282	8	0
12000	12500	825	0	0	24000	25000	1312	8	0
12500	13000	847	8	0	25000	26000	1342	8	0
13000	13500	870	0	0	26000	27000	1372	8	0
13500	14000	892	8	0	27000	28000	1402	8	0
14000	14500	915	0	0	28000	29000	1432	8	0
14500	15000	937	8	0	29000	30000	1462	8	0
15000	15500	960	0	0	30000	32000	1492	8	0
15500	16000	982	8	0	32000	34000	1522	8	0
34000	36000	1552	8	0	115000	120000	2182	8	0
36000	38000	1582	8	0	120000	125000	2212	8	0
38000	40000	1612	8	0	125000	130000	2242	8	0

40000	42000	1642	8	0	130000	135000	2272	8	0
42000	44000	1672	8	0	135000	140000	2302	8	0
44000	46000	1702	8	0	140000	145000	2332	8	0
46000	48000	1732	8	0	145000	150000	2362	8	0
48000	50000	1762	8	0	150000	155000	2392	8	0
50000	55000	1792	8	0	155000	160000	2422	8	0
55000	60000	1822	8	0	160000	165000	2452	8	0
60000	65000	1852	8	0	165000	170000	2482	8	0
65000	70000	1882	8	0	170000	175000	2512	8	0
70000	75000	1912	8	0	175000	180000	2542	8	0
75000	80000	1942	8	0	180000	185000	2572	8	0
80000	85000	1972	8	0	185000	190000	2602	8	0
85000	90000	2002	8	0	190000	195000	2632	8	0
90000	95000	2032	8	0	195000	200000	2662	8	0
95000	100000	2062	8	0	200000	205000	2692	8	0
100000	105000	2092	8	0	205000	210000	2722	8	0
105000	110000	2122	8	0	210000	215000	2752	8	0
110000	115000	2152	8	0	215000	220000	2782	8	0
220000	225000	2812	8	0	320000	325000	3412	8	0
225000	230000	2842	8	0	325000	330000	3442	8	0

230000	235000	2872	8	0	330000	335000	3472	8	0
235000	240000	2902	8	0	335000	340000	3502	8	0
2400000	245000	2932	8	0	340000	345000	3532	8	0
245000	250000	2962	8	0	345000	350000	3562	8	0
250000	255000	2992	8	0	350000	355000	3592	8	0
255000	260000	3022	8	0	355000	360000	3622	8	0
260000	265000	3052	8	0	360000	365000	3652	8	0
265000	270000	3082	8	0	365000	370000	3682	8	0
270000	275000	3112	8	0	370000	375000	3712	8	0
275000	280000	3142	8	0	375000	380000	3742	8	0
280000	285000	3172	8	0	380000	385000	3772	8	0
285000	290000	3202	8	0	385000	390000	3802	8	0
290000	295000	3232	8	0	390000	395000	3832	8	0
295000	300000	3262	8	0	395000	400000	3862	8	0
300000	305000	3292	8	0					

305000	310000	3322	8	0	And when the amount or value of the subject matter exceeds Rs. 400000 (Rs. Four lacs) the proper fee leviable shall be Rs. 3862 annas 8 plus Rs. 30 for each five thousand Rs. Or part thereof in excess of Rs. 400000(four lacs)				
310000	315000	3352	8	0					
315000	320000	3382	8	0					

**SCHEDULE II
FIXED FEES**

Number

Proper Fee.

1. Application or petition .

(a) when presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government , and when the subject –matter of such application relates exclusively to those dealings;

or When presented to any officer of land – revenue by any person holding temporarily settled under direct [Two annas} [\[a19\]](#) engagement with Government and when the subject matter of the application or petition relates exclusively to such engagement;

or when presented to any Municipal – commissioner under any Act for the time being force the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;

or when presented to any civil court other than a principal Civil Courts of small causes constituted under Act[\[a16\]](#) No. XI of 1865 or under Act [\[a17\]](#) NO XVI of [\[Two annas\]](#)[\[a20\]](#) 1868 section 20, or to a collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject matter is less than fifty rupees ;
 New Clause
 Or when presented to any civil criminal or Revenue Court , or to any Board or executive officer for [\[one rupee\]](#)[\[a21\]](#) the purpose of obtaining a copy or translation of any judgement , decree or order passed by such court, Board or officer, or of any other document on record in such court or office.

(b) when containing a complaint or charge of any offence other than an offence for which police officers may, under the [\[one rupee\]](#)[\[a22\]](#) Criminal Procedure code , arrest without warrant , an presented to

any criminal Court.;

or when presented to civil ,
criminal court or to any
collector , or any Revenue
officer having jurisdiction
equal or subordinate to a
collector , or to any
magistrate in his executive
capacity, and not otherwise
provided for by this Act;

or to deposit in court
revenue or rent ;

[one rupee][a23]

or for determination
by Court of the
amount of
compensation to be
paid by landlord to his
tenant .

(c) when presented to a
chief commissioner or
other Chief controlling
revenue or Executive
Authority , or to a
commissioner of
Revenue or circuit , or to
any chief officer charged
with the executive
administration of a
Division and not
otherwise provided for by
this Act.

[(d)[a18] when presented to
High Court

(i) under the

Indian Companies
Act, 1913 for winding
up a company.

(ii) Under the
same Act for taking
some other judicial [one rupee]
action

(iii) in all other
cases

(a) – when presented to
District Court.

(b) When presented to a
commissioner or a High
Court.

One hundred rupees

Five rupees

Two rupees

2. Application for leave

Eight annas

to sue as a partner

3. Application for leave
to appeal as a pauper

One rupee

Two rupees

4. plaint or memorandum
of appeal in a suit to obtain
possession under Act, No.
XVI of 1838 , or the
Mamlatdar's Courts Act,
1876

[one rupee][a24]
{ Bom. III of 1876 }

5. Plaint or memorandum
of appeal in a suit to
establish or disprove a
right or disprove a right of
occupancy

6. [Bail-bond or other
instrument of obligation
given in pursuance of an
order made by a court or
Magistrate under any
section of the code of
Criminal Procedure ,
1898, or the code of Civil
Procedure, 1908, and not
otherwise provided for by
this Act][a13] { V of
1898 , V of 1908 }

Eight annas

When presented for the
conduct of any one case—

(a) to any civil or
Criminal Court other than
a High court, or to any
Revenue court, or to any
collector or Magistrate or
other executive officer ,
except such as are
mentioned in clause(b)
and (c) of this number.

7. under taking under
section 49 of the Indian
Divorce Act. { IV of 1859 }

8. [Rep. by the
Repealing and Amending
Act 1891 (XII of 1891)]

[one rupee][a25]

9. (Rep. by Act XII of
1891]

(b) To a commissioner of
Revenue , circuit or
custom officer charged
with the executive
administration of a
Division not being the
chief revenue or
executive authority.

10. Mukhtarnama or
wakaltnama.

(c) To a High court ,
Chief commissioner ,
Board of Revenue , or
other Chief Controlling
Revenue or Executive
Authority.

(a) to any civil Court
other than a high court ,
or to any revenue court or [one rupee][a26]
Executive officer other
than the High court or
chief controlling revenue
Executive Authority.

(b) To a High court or
Chief commissioner or
other chief controlling
Executive or Revenue
Authority .

One rupee

Two rupee

11. Memorandum of appeal when the appeal is not { *the words from an order rejecting a plaint or “ were omitted by s. 155(Sch. 4) of the code of Civil Procedure , 1908 (5 of 1908)*

One rupee[\[a27\]](#)

form a decree or an order having the force of a decree, and is presented--

Four rupees[\[a28\]](#)

12. Caveat.

13. Application under Act. No. X of 1859, section 26 , or Bengal Act No VI of 1862, section 9 or Act, No. VIII of 1869, section 37

14. petition in a suit under the Native Converts Marriage Dissolution Act, 1866{ XXI of 1866}

Five rupees

15. [Rep by Act V of 1908]

16. Rep. by Act VI of 1889, s.
18 (I)

Five rupees

17. Plaint or memorandum of
appeal in each of the
following suits:-

- (i) to alter or set
aside a summary
decision or order of any
of the Civil Courts not
established by Letters
Patent or of any
Revenue Court;
- (ii) to alter or
cancel any entry in a
register of names of
proprietors of revenue
paying estates;
- (iii) to obtain a
declaration decree
where no consequential
relief is prayed ;
- (iv) to set aside an
award ;
- (v) to set aside an
adoption ;
- (vi) every other suit
where it is not possible
to estimate at a money-
value the subject matter
in dispute, and which is
not otherwise provided
for by this Act

Ten rupees

18. Application under section 523 of the Code of Civil Procedure [\[a14\]](#)

[19 Agreement in writing stating a question for the opinion of the Court the code of Civil procedure , 1908] [\[a15\]](#)

20. Every petition under the Indian Divorce Act, except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.

21. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1865

Ten rupees { XIV of 1882}
{ V of 1908} {IV of 1869}

22. Plaint or memorandum of appeal in a suit by a reversioner under the Punjab Customary Law for a declaration in respect of an alienation of ancestral land

SCHEDULE III[\[a29\]](#)

(See section 19-I)

**FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS. IF ANY, AS
MAY BE NECESSARY)**

IN THE COURT OF

Re. probate of the Will of (or administration of)
the property and credits of), deceased

I {Solemnly firm /make oath}
 and say that I am the executor (or one of the executors or one of the next of kin)of ,
 deceased , and that I have truly set forth in Annexure A to this affidavit all the property and
 credits of which the above named deceased died possessed or was entitled to at the time of his
 death, and , which have come, or one likely to come , to my hands

1. I further say that I have also truly set forth in Annexure B , all the items I am by law
 allowed to deduct .
2. I further say that the said assets, exclusive only of such last-mentioned items, but inclusive
 of all rents, interests, dividends and increased values since the date of the death of the said
 deceased , are under the value of

ANNEXURE A.

Rs. A. P.

VALUATION OF THE MOVABLE AND IMMOVABLE
PROPERTY OF, DECEASED

Cash in the house and at the banks , household goods, wearing –
apparel, books, plate jewels, etc,

*(state estimated value according to best of Executor's or
administrator's relief.)*

Property in Government securities transferable at the Public Debt
office

*(state description and value at the price of the day; also the
interest separately , calculating it to the time of making the
application)*

immovable property consisting of

state description, giving ,in the case of houses, the assessed value,
if any , and the number of years assessment the market value is
estimated at and in the case of land , the area the market value and
all rents that have accrued-)

Leasehold Property

(if the deceased held only leases for years determinable , state the
number of years purchase the profit rents are estimated to be worth
and the value of such, inserting separately arrears due at the date of
death and all rents received or due since that due to the time of
making the application)

Property in Public Companies

(State the particulars and the value calculated at the price of the
day; also the interest separately , calculating it to the time of
making the application)

Policy of insurance upon life, money out on mortgage and other securities , such as bonds, mortgages, bills, notes and other securities for money

(state the amount of the whole; also the interest separately, calculating it to the time of making the application)

Rs. A. P.

Book debts_____

(other than bad)

Stock in trade

(State the estimated value, if any)

other property not comprised under the foregoing heads

(state the estimated value, if any)

TOTAL

Deduct amount shown in Annexure B, not subject to duty
NET TOTAL

ANNEXURE B.

SCHEDULE OF DUTIES, ETC

Rs. A. P.

Amount of debts due and owing from the deceased Payable
by law out of the estate

Amount of funeral expenses

Amount of mortgage incumbrances

Property held in trust not beneficially or with general power to
beneficial interest

other property not subject to duty

TOTAL

[Contents](#)

-
- [a1] Article I substituted by Punjab Act. , 6 of 1926
- [a2] To ascertain the proper fee leviable on the institution of a suit , see the table annexed to this schedule
- [a3] these words were substituted for the words and figures “ Act No. 14 of 1859” (*to provide for the limitation of suits*) by the Repealing and Amending Act, 1891 (12 of 1891)/
- [a4] as application for review of judgement , see the code of civil procedure, 1908 (Act 5 of 1908)
- [a5] see now Indian Stamp Act, 1899 (2 of 1899)
- [a6] the article 11, 12 and 12-A were substituted for the original articles 11 and 12 by the Succession certificate Act, 1889 (7 of 1889) section 13(1).
- [a7] the article 11, 12 and 12-A were substituted for the original articles 11 and 12 by the Succession certificate Act, 1889 (7 of 1889) section 13(1).
- [a8] See now Indian Succession act 1925(39 of 1925)
- [a9] the article 11, 12 and 12-A were substituted for the original articles 11 and 12 by the Succession certificate Act, 1889 (7 of 1889) section 13(1).
- [a10] the entries in the second and third columns were substituted for the original entries by the court-fees (Amendment) Act, 1910 (7 of 1910)
- [a11] this article which was repealed by the Punjab Courts (Amendment) Act, 1912, in so far as it affected the Punjab , was re-enacted by the court-fees(Punjab Amendment) Act, 1922 (Punjab Act, 12 of 1922) section 6.
- [a12] see now section 115 of Act 5 of 1908
- [a13] these words were substituted in article 6 for the Words “ Bail –bond or other instrument of obligation given in pursuance of an order made by a court or Magistrate under any section of the code of Criminal Procedure , 1882, or the code of Civil Procedure , “ by the first schedule of Act 17 of 1914.
- [a14] Now see second schedule , rule 17 , Act 5 of 1908
- [a15] substituted by s. 155(4th schedule) of the Code of Civil Procedure , 1908 (Act 5 of 1908), for the words and figures “Agreement under section 527 of the same code.
- [a16] see now provincial Small Cause Acts, 1887 (9 of 1887)
- [a17] see now section 25 of the Bengal , North Western Province and Assam Civil Courts act, 1887 (12 of 1887)
- [a18] this clause was substituted for the original by section 8 of the Punjab Act 7 of 1922
- [a19] the entry in the third column was substituted by Punjab Act, 7 of 1922, section 8.
- [a20] the entry in the third column was substituted by Punjab Act, 7 of 1922, section 8
- [a21] the entry in the third column was substituted by Punjab Act, 7 of 1922, section 8
- [a22] the entry in the third column was substituted by Punjab Act, 7 of 1922, section 8
- [a23] substituted for the words” eight anna” by section 9 of the Punjab Act, 7 of 1922

[a24]the entry in the third column was substituted by Punjab Act, 7 of 1922, section 8

[a25]substituted for the words” eight anna” by section 9 of the Punjab Act, 7 of 1922

[a26]substituted by section 10 of Punjab Act, , 7 of 1922

[a27]substituted by section 11 of Punjab Act, 7 of 1922

[a28]substituted for the words” eight anna” by section 9 of the Punjab Act, 7 of 1922

[a29] this schedule was inserted by the Court-fees (Amendment) Act, 1899 (II of 1899) sec. 3. The original Schedule III was repealed by Act. Act. 14 of 1870

THE SUITS VALUATION ACT.

ACT No VIII OF 1887[\[a1\]](#)

[11thFebruary , 1887]

Contents

SN	Subject
1	TITLE
2	SUITS RELATING TO LAND
3	OTHER SUITS
4	SUPPLEMENTAL PROVISIONS

THE SUITS VALUATION ACT.

ACT No VIII OF 1887

An Act to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto.

WHEREAS it is expedient to prescribe the mode of valuing certain suites for the purpose of determining the jurisdiction of Courts with respect thereto ; It is hereby enacted as follows :-

1. Title. - This Act may be called the Suits Valuation Act, 1887

Part I.

SUITS RELATING TO LAND.

2. Extent and commencement of Part I. - This part shall extend to such local areas, and come into force therein on such dates, as the Governor – General in Council , by notification in the

Gazette of India, directs.[\[a2\]](#)

3. Power for Local Government to make rules determining value of land for jurisdictional purposes. – (1) The local Government may, [subject to the control[\[a3\]](#)] of the Governor – General in Council , make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court-fees Act, 1870 , section 7, paragraph V and Vi, and paragraph x, clause (d)

(2) The rules may determine the value of any class of land, or of any interest in land, in the whole or any part of a local area and may prescribe different values for different within the same local area.

4. Valuation of relief in certain suits relating to land not to exceed the value of the land. - Where a suit mentioned in the Court-Fees Act, 1870 , section 7 , paragraph iv , or Schedule II , Article 17, relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

5. Making and enforcement of rules. (1) The Local Government shall, before making rules under section 3 , consult the High Court with respect thereto.

(2) A rule under that section shall not take effect till the expiration of one month after the rule has been published in the local official gazette.

6. Repeal of section 14 of the Madras Civil Courts Act, 1873. - On and from the date on which rules under section 3 take effect in any part of the territories under the administration of the Governor of Fort Saint George in Council to which the Madras[\[a4\]](#) Civil Courts Act, 1873 , extends , section 14 of that Act shall be repealed as regards that part of those territories { II of 1873 }

PART II.

OTHER SUITS

7. Extent and commencement or part II. - This Part extends to the whole of British India, and shall come into force on the first day of July , 1887.

8. Court-fee value and jurisdictional value to be the same in certain suits. - Where in suits other than those referred to in the Court-fee Act, 1870, section 7, paragraph v, vi an ix and paragraph x, clause(d), Court –fees are payable ad valorem under the court-fees Act , 1870, the value as determinable for the computation of court fees and the value for purposes of jurisdiction shall be the same .

9. Determination of value of certain suits by High Courts. - When the subject –matter of suits of any class, other than suits mentioned in the Court-fees Act, 1870,section 7, paragraph v and vi, and paragraph x, clause (d) , is such that in the opinion of the High court it dies not admit of being satisfactorily valued, the High Court may , with the previous sanction of the Local Government , direct that suits of that class shall, for the purposes of the Court-fees Act, 1870, and of this Act and any other enactment for the time being in force , be treated as if their subject-matter were of such value as the High-Court thinks fit to specify in this behalf.[\[a5\]](#){ VII of 1870}

10. [Repeal of s. 32, Punjab Courts Act, 1884 9 XVIII of 1884.] Rep. by the Repealing and Amending Act, 1891 (XII of 1891).

PART III

SUPPLEMENTAL PROVISIONS

11. Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdiction purposes. - (1) Notwithstanding anything in section 578 of the Code of Civil Procedure[\[a6\]](#), an objection that by reason of the over valuation of a suit or appeal a Court of first instance or lower appellate Court which had not jurisdiction with respect to the suit or appeal exercise jurisdiction with respect there to shall not be entertained by an appellate Court unless---

(a). the objection was taken in the court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate Court in the memorandum of appeal to the t Court, or

(b). the appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or

appeal was over-valued or under valued and that the over-valuation or under valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits

(2). If the objection was taken in the manner mentioned in clause(a) of sub-section (1), but the appellate Court is not satisfied as to both the matters mentioned in clause (b) of that sub-Section and has before it the materials necessary for the determination of the other grounds of appeal to it self, it shall dispose of the appeal as if there had been no defect of jurisdiction in the court of the first instance or lower appellate Court .

(3). If the objection was taken in that manner and the appellate Court is satisfied as to both those materials before it, it shall proceed to deal with the appeal under the rules applicable to the Court with respect to the hearing of appeal ; but if it remands the suit or appeal , or frames and refers issues for trial , or requires additional evidence to be taken , it shall direct its order to a court competent to entertain the suit or appeal.

(4). The provisions of this section with respect to an appellate Court shall, so far as they can be made applicable apply to a court exercising revisional jurisdiction under section 622 [\[a7\]](#)of the code of Civil Procedure or other enactment for the time being in force. { XIV of 1882 }

(5). This section extends to the whole of British India , and shall come into force on the first day of July, 1887.

12. Proceedings pending at commencement of part I or Part II. – Nothing in Part I or Part II shall be construed to affect the jurisdiction of any Court -

(a). With respect to any suit instituted before rules under part I applicable to the valuation of the suit take effect, or part II has come into force, as the case may be , or

(b). With respect to any appeal arising out of any such suit.

PART II-C

RULES AND ORDERS UNDER THE COURT-FEES ACT, VII OF 1870, AND SUITS VALUATION ACT, VII OF 1887.

CHAPTER 1

TABLE OF REDUCTIONS AND REMISSIONS OR COURT FEES MADE BY THE GOVERNOR IN COUNCIL FOR THE PROVINCE OF THE PUNJAB, IN NOTIFICATION NO. 10495-JUDICIAL, DATED THE 27TH MARCH 1922

Under Section 35 of the Court fees Act, 1870 as modified by the Devolution Act, 1920, and in supersession of all previous notification under that Section, it is hereby notified that in exercise of the power to reduce or remit in the territories administered by the Governor of the Punjab, all or any of the fees mentioned in the first and second schedules to the said Act, the Governor of the Punjab has been pleased to make the reductions and remissions hereinafter set forth, namely:

1. To remit the fees chargeable on applications presented to a Collector for refund of the amount paid to the Government for stamped paper which has become spoiled or unfit for use or is no longer required for use and on applications for renewal of stamped paper which has become spoiled or unfit for use.
2. To remit the fees chargeable on applications in writing relating exclusively to the purchase of salt which is the property of the Government.
3. To direct that, when a plaint disclosing a reasonable case on the merits is presented to any Civil or Revenue Court in such a form that the presiding Judge or Officer without summoning the defendant rejects it, not for any substantial defect but on account of an entirely technical error in form only, and so as to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant or defendants, the value of the stamp on the plaint shall be refunded on presentation of an application to the Collector of the district in which the Court is situated together with a certificate from the Judge or office who rejected the plaint that it was rejected under the circumstances above described, and that the value of the stamp should, in his opinion, be refunded.
4. To remit the fees chargeable on-
 - (a) copies of village settlement records furnished to land holders and cultivators during the currency or at the termination of settlement operations;
 - (b) lists of fields extracted from village settlement records for the purpose of being filed with petitions of plaint in Settlement Courts;

Provided that nothing in this clause shall apply to copies of judicial proceedings, or to copies of

village settlement records (other than lists of fields) extracted as aforesaid, which may be filed in any court or office.

*5. To direct that the fee chargeable on appeals from orders under sections 47 and 144 of the Code of Civil Procedure, 1908, and on cross objections in such appeals under the same Code, shall be limited to the amounts chargeable under article 11 of the second schedule.

*Punjab Government notification No. 16406-Judicial, dated the 9th June, 1933

6. To remit the fees chargeable on security bonds for the keeping of the peace by, or good behaviour of persons other than the executants.

7. To remit the fee payable under article 1, clause (e) of the second schedule on an application or petition presented to a Chief Revenue or Executive authority, or to any Chief Officer charged with the executive administration of a Division, when the application or petition is accompanied by a petition to the Government of India and contains merely a request that petition may be forwarded to the Government of India.

8. To remit the fee chargeable under articles 6, 7 and 9 of the First Schedule on copies furnished by Civil or Criminal Courts or Revenue Courts, or offices for the private use of persons applying for them.

Provided that nothing in this clause shall apply to copies when filed, exhibited or recorded in any Court of Justice or received by any public officer.

9. To remit the fee chargeable under paragraph 4 of clause (a) and paragraph 2 of clause (b) of article 1 of the second schedule, on applications for orders for the payment of deposits in cases in which the deposit does not exceed Rs. 25 in amount;

Provided that the application is made within three months of the date on which the deposit first became payable to the party making the application.

Financial Commissioners' Office, Punjab

Correction Slip No. 119, dated Lahore, The 18th November , 1937

Punjab Stamp Manual, 1934

Part-II C Chapter 1, Page 3

In the first sub paragraph of entry No. , the word 'original' should be inserted before the

word 'deposit'.

(Punjab Government Notification No. 1548-St., dated 18th October, 1937)

10. To remit with reference to clause (xi) of section 19 of the Act, the fees chargeable on application for leave to occupy under direct engagement with the Government land of which the revenue is settled, but not permanently, when made by persons who do not at the time of application hold the land.
11. To remit the fee chargeable on applications for loans under the Land Improvement Loans Act, 1883 (XIX of 1883) or the Agriculturists' Loans Act, 1884 (XII of 1884).
12. To remit the fee chargeable on applications presented to officers of Land Revenue for the suspension or remission of loans under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists' Loans Act, 1884 (XII of 1884).
13. To remit the fee chargeable on an application made by a person to the Collector under sub section 2 of section 42 of the Indian Stamp Act, 1899 (II of 1899), for the return to that person, or to the Registration Officer who impounded it, of a document impounded and sent to the Collector by a registration Officer.
14. To remit the fees chargeable on the following documents, namely:
 - (a) Copy of a charge framed under section 210 of the Code of Criminal Procedure, 1898, or of a translation thereof, when the copy is given to an accused person.
 - (b) Copy of the evidence of supplementary witnesses after commitment when the copy is given under section 219 of the said Code to an accused person.
 - (c) Copy or translation of a judgement in a case other than a summons case, and a copy of the heads of the Judge's charge to the Jury, when the copy or translation is given under section 371 of the said Code to an accused person.
 - (d) Copy or translation of the judgement in a summons case when the accused person to whom the copy or translation is given under section 371 of the said Code is in jail.
 - (e) Copy of an order of maintenance, when the copy is given under section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid.
 - (f) Copy furnished to any person affected by a judgement or order passed by a Criminal Court of the Judge's charge to the Jury or of any order, deposition or other part of the record,

when the copy is not a copy which may be granted under any of the preceding sub clauses without the payment of a fee, but is a copy which on its being applied for under section 548 of the said Code the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment.

(g) Copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate, or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court.

(h) Copies of all documents which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation for the use of any such trial or investigation for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings.

(i) Copies of judgements or depositions required by officers of the Police Department in the course of their duties.

*15. Cancelled.

*Cancelled by Punjab Government Notification No. 34430-F.G., dated the 17th November 1931.

16. To remit the fee chargeable on an application presented by any person for the return of a document filed by him in any Court or public office.

17. To direct that, when a part of an estate paying annual revenue to the Government under a settlement which is not permanent is recorded in the Collector's register as separately assessed with such revenue, the value of the subject matter of a suit for the possession of, or to enforce a right of pre-emption in respect of, a fractional share of that part shall, for the purposes of the computation of the amount of the fee chargeable in the suit, be deemed not to exceed *ten times such portion of the revenue separately assessed on that part as may be rateably payable in respect of the share.

*Punjab Government Notification No. 20509-Judicial, dated the 5th June 1931.

18. To direct that, if the amount of the fee chargeable in any case involves a fraction of an anna, the fraction shall be remitted, except where otherwise expressly provided by this notification.

19. To remit the fee chargeable on an application for the grant of license for the vend of stamps.
20. To direct that no Court fee shall be charged on an application for the repayment of a fine or of any portion of a fine, the refund of which has been ordered by competent authority.
21. To remit the fee chargeable on application for copies of documents detailed n clauses 4 and 14 supra.
22. To remit the duty chargeable in respect of Indian Probates, Letters of Administration or Succession Certificates on the share or other interest of a deceased member of a company formed under the Indian Companies Act, 1913 (VII of 1913) provided that the said share or interest was registered in the branch register in the United Kingdom under the Indian Companies (Branch Registers) Act, 1900 (IV of 1900) and that such member was at the date of his decease domiciled elsewhere than in India.
23. To remit the fees chargeable on applications presented to officers of land revenue for the suspension or remission of revenue on the ground that a crop has not been sown or has failed.
24. To remit the fee chargeable on applications and petitions presented to a Collector or any Revenue Officer having jurisdiction equal or subordinate to a Collector for advice or assistance from the Agricultural Department of the Province.
- *25. Cancelled.
- **26. Cancelled.
- ***27. Cancelled.

*Cancelled by Punjab Government Notification No. 32100-Judicial, dated 26th October 1931.

** Cancelled by Punjab Government Notification No. 22158 Military, dated 26th June 1931.

*** Cancelled by Punjab Government Notification No. 7054-F.G., dated 29th February 1931.

*28. To remit as follows the fees on the property of (1) any person subject to the Naval Discipline Act (29 and 30 Vict. C. 109) the Army Act (44 and 45 Vict. C. 58), the Air Force Act (7 and 8 Geo. 5 c. 51) or the Indian Army Act 1911 (VII of 1911) who is killed while on active service or on service which is of a warlike nature or involves the same risk as active service, or dies from wounds inflicted, accidents occurring or disease contracted while on such service and (ii) any person, being a Government servant, Civil or Military who dies from wounds or injuries intentionally inflicted (but not self inflicted) while in actual performance of his official duties or in consequence of those duties:

- (a) Where the amount of value of property, in respect of which the grant of probates or letters of administration is made or which is specified in the certificate under Part X of the Indian Succession Act, 1925, or in that certificate under Bombay Regulation No. 8 of 1827, does not exceed Rs. 50,000 the whole of the fees leviable in respect of that property.
- (b) Where the said amount or value exceeds Rs. 50,000 the whole of the said fees in respect of the first Rs. 50,000.
- (c) Where any property passes more than once in consequence of such deaths, to remit, in the case of second and subsequent successions, the whole of the said fees, irrespective of the value or amount of such property.

* Punjab Government Notification No. 1300-Judicial, dated 15th April 1931.

- (d) The whole of the fees chargeable on applications for mutations of names in respect of the property of persons mentioned in clauses (i) and (ii) above.

Note-This supersedes Punjab Government Notification No. 37565-Judicial, dated 19th December 1928.

Financial Commissioners' Office, Punjab
Correction Slip No. 147, dated Lahore, The 29th July 1940
Punjab Stamp Manual, 1934
Part-II C Court Fees Act, VII of 1870
Chapter 1, Page 6 and 7

For existing entry No. 28 substitute the following:

In the case of fees leviable under articles 11, 12 and 12-A of the first schedule to the said Act, on the property of (i) any person subject to the (British) Naval Discipline Act, The Indian Navy (Discipline) Act, 1934 (XXXIV of 1934), The (British) Army Act, the (British) Air Force Act, the Indian Army Act 1932 (XIV of 1932), who is killed or dies of wounds inflicted, accidents occurring or disease contracted within three years before death while on active service against an enemy, or on service which is of a war like nature or which in the opinion of the Provincial Government, otherwise involves the same risks as active service, and (ii) any person, being a Government servant, Civil or Military who dies from wounds or injuries intentionally inflicted (but not self inflicted) while in actual performance of his official duties or in consequence of

those duties:

REMISSIONS

- (a) Where the amount of value of property, in respect of which the grant of probates or letters of administration is made or which is specified in the certificate under Part X of the Indian Succession Act, 1925, or in the certificate under Bombay Regulation No. 8 of 1827, does not exceed Rs. 50,000 the whole of the fees leviable in respect of that property.
- (b) Where the said amount or value exceeds Rs. 50,000 the whole of the said fees in respect of the first Rs. 50,000.
- (c) Where any property passes more than once in consequence of such deaths, to remit, in the case of second and subsequent successions, the whole of the said fees, irrespective of the value or amount of such property.
- (d) The whole of the fees chargeable on applications for mutations of names in respect of the property of persons mentioned in clauses (i) and (ii) above.

This supersedes Punjab Government notification No. 13000/Judl., dated the 15th April 1931.

(Punjab Government Notification No. 1007-St, dated 6th July 1940).

Financial Commissioners' Office, Punjab
Correction Slip No. 149, dated Lahore, The 29th July 1940
Punjab Stamp Manual, 1934
Part-II C Court Fees Act, VII of 1870
Chapter 1, Page 6 and 7

For entry No. 28 as revised by correction slip No. 147, dated the 29th July, 1940 substitute the following:

- (1) In case of fees leviable under articles 11, 12 and 12-A of the first schedule to the said Act, on the property of (i) any person subject to the (British) Naval Discipline Act, The Indian Navy (Discipline) Act, 1934 (XXXIV of 1934), The (British) Army Act, the (British) Air Force Act, the Indian Army Act 1932 (XIV of 1932), who is killed or dies of wounds inflicted, accidents occurring or disease contracted within three years immediately preceding his death on active service against an enemy, or on service which is of a war like nature or which in the opinion of the Provincial Government, otherwise involves the same risks as active service, and (ii) any

person, being a Government servant, Civil or Military who dies from wounds or injuries (intentionally inflicted by a person other than himself) in actual performance of his official duties or in consequence of those duties:

- (a) Where the amount of value of property, in respect of which the grant of probates or letters of administration is made or which is specified in the certificate under Part X of the Indian Succession Act, 1925, or in the certificate under Bombay Regulation No. 8 of 1827, does not exceed Rs.50,000 the whole of the fees leviable in respect of that property.
- (b) Where the said amount or value exceeds Rs. 50,000 the whole of the said fees in respect of the first Rs. 50,000.
- (c) Where any property passes more than once in consequence of such deaths, to remit, in the case of second and subsequent successions, the whole of the said fees, irrespective of the value or amount of such property.
- (2) In case of applications for mutation of names in respect of the property of persons mentioned in paragraph (1) above, the entire court fees chargeable under sub article (b) of article 1 of the Second Schedule to the said Act.

(Punjab Government Notification No. 1486-St, dated 23rd September, 1940).

29. See clause (d) of entry No. 28 above.

30. To remit the fees chargeable on copies of decrees of Civil or Revenue Courts situate in the territories of His Highness the Gaekwar of Baroda forwarded to any Court in British India for execution in pursuance of the provisions of section 44 of the Civil Procedure Code, 1908 (V of 1908).

31. To remit the fees chargeable on copies of orders or proceedings under section 37 of the Punjab Land Revenue Act, 1887 (XVII of 1887), made or recorded by Collectors or other Revenue Officers engaged in revising record-of-rights under a notification published in accordance with section 32 of the said Act;

Provided that the copy is furnished for the purpose of being filed with an application or petition to a Collector or other Revenue Officer engaged as aforesaid in revising a record-of-rights or to the Commissioner of the Division or to Financial Commissioner, Punjab relating to matters connected with the assessment of land or the ascertainment of rights thereto, or interests

therein, if presented previous to the final confirmation of such revision.

32. To remit the fees chargeable on applications under section 97 of the Punjab Land Revenue Act, 1887 (XVII of 1887), made by village officers in accordance with the provisions of rule 64 of the rules under that Act published with the Financial Commissioner's notification No. 142, dated the 9th November 1909.

33. To remit the fees chargeable on copies of all records* maintained under the provisions of Chapter IV of the Punjab Land Revenue Act, 1887 (XVII of 1887) when such copies are exhibited or recorded in any Court of Justice or are received or furnished by any public officer.

*Note to item No. 33- The register of mutation is one of the records maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and no court fee is therefore chargeable on a copy thereof. This item also operates to remit the fee otherwise due on a copy of the mutation proceeding when presented with an appeal against the mutation order. (Financial Commissioners' letter No. 4693-E&S., dated the 31st August, 1932.)

34. To remit the fees chargeable on applications for the grant of fishing licenses prescribed by the Government of the Punjab under Section 3 of the Punjab Fisheries Act, 1914 (Punjab Act II of 1914).

*35. To remit the stamp duty chargeable on the following petitions under Article 1(b) of the second Schedule:

“A petition or an application presented to a revenue officer asking him to record a statement or sanction a mutation under section 34 (4) of the Land Revenue Act, XVII of 1887, in consequence of consolidation of holdings carried out by the Co-operative Department in the Punjab.”

*(Punjab Government, Finance Department (General) Notification No. 21444, dated 11th July 1930)

*36. To remit the fee chargeable under Article 1 (a) of the second schedule on the applications or petitions noted below:

(a) Applications or petitions presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place if the application or petition relates solely to such conservancy or improvement.

(b) Applications or petitions presented for the purpose of obtaining a copy or translation of any order passed by a Municipal, Notified Area or Small Town Committee or

District or Cantonment Board or of any other document on record in the office of such a body.

*(Punjab Government, Finance Department (General) Notification No. 264444, dated 11th September 1930).

*37. To remit the court fees chargeable under clause (e) of Article 1 or Article 11 of the second schedule, on petitions and appeals against orders of punishment presented under the following Act or rules, by officials under the administrative control of the Government of the Punjab;

- (1) The Punjab Subordinate Services, Punishment and Appeal Rules, 1930;
- (2) Section 13 of the Punjab Land Revenue Act, 1887;
- (3) Rule 16.31 of Chapter XVI (Punishments) of the Punjab Police Rules.

*(Punjab Government Notification No. 38071-Fin.Genl., dated 3rd December 1932)

*38. To remit the fee payable under article 1(a) of the second schedule upon all applications made to a magistrate in his capacity as a registering authority under the Punjab Motor Vehicles Rules, 1931.

*(Punjab Government Notification No. 142-H/Genl. dated 3rd January 1934)

Financial Commissioners' Office, Punjab

Correction Slip No. 29, dated Lahore, The 6th January 1962

Punjab Stamp Manual, 1934

Part-II C Chapter 1, Page 9

After entry No. 45 as inserted by correction slip No. 27.S.M. , dated the 30th September 1959 add the following:

“46-To reduce to a maximum of fifteen rupees, the fees chargeable on plaints in suits for possession of any immovable property forming part of a public Wakf or any interest therein coming within the purview of the Public Wakfs (Extension of Limitation) Act, 1959.”

(Punjab Government Notification No. 8215-Stamps-II-61/8786. dated 3rd October 1961)

Financial Commissioners' Office, Punjab

Correction Slip No. 27.S.M. dated Lahore, The 30th September 1959

Punjab Stamp Manual, 1934

Part-II C Chapter 1, Page 9

After entry No. 44 as inserted by correction slip No. 181, dated the 16th June 1944 add the following:

“45-To remit in whole of the State of Punjab the court fee payable by Government Departments in respect of applications made under the provisions of sections 3 and 4 of the Punjab Instruments (Control of Noises) Act, 1956.”

(Punjab Government Notification No. 4162-Stamps-II-59/1714, dated 28th July 1959)

Financial Commissioners’ Office, Punjab

Correction Slip No. 181 dated Lahore, The 16th June 1944

Punjab Stamp Manual, 1934

Part-II C Chapter 1, Page 9

After entry No. 43 as revised by correction slip No. 163, dated the 8th January 1942 add the following:

“44-To remit the court fee leviable under clause (a) of Article 1 of the second Schedule on applications for grant of copies of records made under rule 16 (4) of the Punjab Urban Immovable Property Tax Rules, 1941, and rule 41 (5) of the Punjab General Sales Tax Rules, 1943.”

(Punjab Government Notification No. 872-St, dated 24th April, 1944)

Financial Commissioners’ Office, Punjab

Correction Slip No. 18, dated Lahore, The 14th May 1985

Punjab Stamp Manual, 1934

Part-III Chapter 4

In the first line of rule 2 for the word and figure ‘Rule 33’, the words and figure ‘Rule 4’ should be substituted.

Financial Commissioners’ Office, Punjab

Correction Slip No. 163 dated Lahore, The 8th January 1942

Punjab Stamp Manual, 1934

Part-II C Chapter 1, Page 9

After entry No. 41 as revised by correction slip No. 153, dated the 16th April 1941 add the following:

“42-To remit the fee leviable under clause (a) of Article 1 of Schedule II on applications made to a Collector in form D.D.1 published with Financial Commissioners’ notification No. 6401-E&S, dated the 30th November 1932, by a medical officer in managing or supervising charge of a hospital or dispensary.

“43(i)-To direct that in appeal against an order under order 21, Rule 50 (2) of the Code of Civil Procedure, adjudging a person as a partner of a firm against whom a decree is being executed, the fee shall be the same as in a declaratory suit, namely Rs. 10 if the fee otherwise payable exceeds that amount.

(ii)- To direct that in appeal against a personal decree under Order 34, Rule 6 of the Code of Civil Procedure, when only the personal liability of the defendant and not the amount decreed is in dispute, the fee shall be the same as in a declaratory suit, namely Rs. 10 if the fee otherwise payable exceeds that amount.”

Correction slip No. 155, dated the 26th June 1941 is cancelled.

(Punjab Government Notification No. 789-St, dated 26th May 1941)

(Punjab Government Notification No. 1799-St., dated 8th December 1941)

Financial Commissioners’ Office, Punjab

Correction Slip No. 153 dated Lahore, The 16th April 1941

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After entry No. 40 insert the following:

“41-To remit the fee leviable under article 1 (b) of Schedule II on applications made to the Collector under Section 79 of the Punjab Village Panchayat Act, 1939.”

(Punjab Government Notification No. 312-St, dated 6th April, 1941)

Financial Commissioners’ Office, Punjab

Correction Slip No. 7 dated Lahore, The 16th January 1935

Punjab Stamp Manual, 1934

Part-II C Chapter 1, Page 9

After entry No. 38 the following should be inserted:

“39-To remit the fee leviable under Article 1 (a) of the second Schedule upon all applications made to a magistrate in his capacity as a licensing officer under the Wild Birds and Wild Animals Protection Rules, published with Punjab Government notification No. 25157 dated the 4th September, 1934.”

(Punjab Government Notification No. 32230 (H-Genl.), dated 20th November 1934)

Financial Commissioners’ Office, Punjab
Correction Slip No. 57 dated Lahore, The 21st September 1936
Punjab Stamp Manual, 1934
Part-II C Chapter 1, Page 9

After entry No. 39 the following should be inserted:

“40-To remit the fee leviable under Article 1 (b) or (c) of Schedule II on an application or petition presented by a revenue agent to the Financial Commissioners, Commissioner of the division, or Collector of the district, for renewal of his certificate.”

(Punjab Government Notification No. 1428-St, dated 22nd August 1936)

[a1]For statement of objects and Reasons , see “Gazette of India,” 1886, Pt. V, p 791 for report of the Select Committee, see ibid , 1887 Pt, IV , p. 18 and for Proceedings in Council see ibid, 1866, Supplement, pp. 1131 and 155 and ibid, 1887, Pt. VI, pp. 16 and 21

This Act has been declared in force in Upper Burma (except the Shan States) by the Burma Laws Act ,1898 (13 of 1898) , see 4 and the First Schedule , Bur Code.
It had previously been extended there by notification under s. 5 of the Scheduled Districts Act, , 1874(14 of 1874) , see “ Burma Gazette,” 1888 , Pt, I, P. 362 and :” Gazette of India,” 1888, Pt. I, p. 371.

It has been declared in force in British Baluchistan by the British Baluchistan Laws Regulation , 1913 92 of 1913) Bal. Code.

[a2]Part I of the Act has , under s. 2 , been declared to extend to the Punjab, and to come into force therein on the 1st day of March, 1889, see Gazette of India, 1889, Pt. I, P. 107.

[a3]These words were substituted for the words” with the previous sanction “ by sec .2 and Sch. I of the Devolution Act, 1920 (38 of 19200

[a4]mad, code

[a5]for rules as to valuation of certain classes of suits under this section , see Part II-C Chapter 3.

[a6]See now s. 99 of the code of Civil Procedure, 1908(Act 5 of 1908)

[a7]see now s. 115 of Code of Civil Procedures, 1908(Act 5 of 1908)

**RULES ETC., UNDER THE COURT FEES ACT VII OF 1870.
OTHER THAN THOSE RELATING TO THE SUPPLY, CUSTODY AND SALE OF
STAMPS**

- ✓ **RULES AND ORDERS UNDER THE COURT-FEES ACT, VII OF 1870, AND SUITS VALUATION ACT, VII OF 1887.**
- ✓ **NOTES AND ADMINISTRATIVE INSTRUCTIONS ON SECTIONS AND ARTICLES OF SCHEDULE I AND II OF THE COURT- FEES ACT**
- ✓ **MANNER OF DETERMINING THE VALUATION OF SUITS FOR PURPOSE OF JURISDICTION ---SECTION 9, SUITS VALUATION ACT, 1887**
- ✓ **SUITS BY PAUPERS**
- ✓ **THE PUNJAB COURT-FEE STAMP RULES, 1934**
- ✓ **CANCELLATION OF COURT-FEE STAMPS**
- ✓ **PROCESS – FEES AND PROCESS SERVING ESTABLISHMENT**
- ✓ **RULES AND ORDERS REGARDING THE CUSTODY , SUPPLY AND SALE OF STAMPS OF ALL DESCRIPTIONS - DISTRIBUTION, CUSTODY AND SALE**
- ✓ **DISPOSAL OF UNSERVICEABLE AND OBSOLETE STAMPS**
- ✓ **RULES FOR THE PREPARATION AND SUBMISSION OF INDENTS FOR NON-POSTAL STAMPS**
- ✓ **LIST OF NON-POSTAL STAMPS STOCKED IN THE GOVERNMENT OF INDIA, CENTRAL STAMP STORE, NASIK ROAD**
- ✓ **RULES FOR THE DESPATCH AND RECEIPT OF STAMPS OF ALL KINDS IN TREASURIES AND SUB TREASURIES AND SUB TREASURIES IN THE PUNJAB**

✓ **RULES FOR THE VERIFICATION OF STAMP BALANCES IN DOUBLE AND SINGLE LOCKS OF TREASURIES AND SUB-TREASURIES**

CHAPTER 2

NOTES AND ADMINISTRATIVE INSTRUCTIONS ON SECTIONS AND ARTICLES OF SCHEDULE I AND II OF THE COURT- FEES ACT.

1. In the paragraphs that follow sections of the Court-fee Acts and articles in schedules I and II thereof are discussed, the discussion being supplemented , where necessary by quoting the orders issued by competent authority

A.—Notes on sections of the Courts-fees Act.

2. The court-fees Act contains the law for the levy of court-fees, that is to say, judicial fees paid by persons having business in courts of justice and public offices, which under section 25 are levied by means of stamps. The Act has no concern with non – judicial stamps

As regards the valuation of suits for jurisdictional purposes see the Suits Valuation Act 7 of 1887 – see part II –B . Certain rules framed under that act relating to the valuation of certain classes of suits for court-fees will be found in chapter of this part.

3. **Section 4.**—Section 149 of the code of Civil Procedure, 1908, allows a court to receive at any stage Court-fees payable in respect of any document liable to such payment. The High court of Judicature at Lahore has ruled that the Registrar may return for amendment within a time to be fixed by him any memorandum of appeal for the reasons specified in Order 41, rule 3 , of the code of civil Procedures, that is to say , when insufficient court-fee is paid owing to a mistake, In default of compliance the appeal shall be rejected , It has also ruled that the Registrar shall not permit any petition, memorandum of appeal or other document which ought to bear a stamp under the Act to be received in the Court until it is properly stamped.

Attention has also has been drawn by the Court to the stringent provisions of section 4 and 28 of the Act and it has been given to be understood in connection with section 5 of the Indian Limitation Act that an improperly stamped document even though received, filed or used in the Court remains invalid unless it is proved to the satisfaction of Judge of the Court that it was received, filed or used through mistake or inadvertence.

4. **Section 5.--** The object of section 5 is to secure payment prior to litigation and to afford as little scope as possible for litigation over the payment.

The jurisdiction of the Taxing Officer does not arise upon a difference of opinion between the taxing clerk and a litigant and upon some sort of formal reference to decide that dispute, The only thing necessary is that the question should bring his mind to bear on the question , and that he should decide it .

The power of the Court to decide disputed questions of Court-fees is vested in the Taxing Officer subject to his power to refer the matter to the Taxing Judge when a question of general importance arises. This authority extends to all such questions arising in the High Court Whether the deficiency alleged is on the memorandum of appeal in that Court or on a plaint or memorandum of appeal filed in the court below .(A Bahal Kaur v. Narain Singh , 84 I.C 822).

The court cannot order a refund of what in its opinion is an excess amount charged. Such a refund can only be granted by the Collector of the district (Latta Paresad V. Sheoraj Singh, 571, C. 26).

Probate fee is treated in the same manner as any other Court-fee , and a suitor who satisfies the taxing Officer satisfies the Revenue- at least for the time being.

The chief Justice of Court of Judicature at Lahore has declared that the Registrar shall be the Taxing officer within the meaning of this section.

5. Section 6. - enacts that no document of the kinds specified in schedule I (which provides for fees leviable ad valorem),or in schedule II (Which provides for fees of fixed amounts, irrespective of value), shall be filed , exhibited, or recorded in any court , of justice , or shall be received or furnished by any public officer , unless it be stamped to the amount indicated in the schedule as the proper fee. This provision must of course be read subject to section 19 , which expressly exempts certain documents from the payment of fees under the Act; also subject to section 35, which empowers the Governor in council from time to time reduce or remit all or any of the fees mentioned in the schedule . on the other hand, it is to be noted that, save as may be provided in rules made under chapter IV of the Act for process fees or in any express enactment, no document not mentioned in either of the schedules requires a court-fee stamp. Moreover, the omitting or neglecting to duly stamp a document mentioned in the schedules is not (save as is provided in chapter III-A of the Act for probates and letters of administration) in itself an offence at such omission or neglect would be under the Indian Stamp Act of 1899; the only consequence would be that the document would not be received in any court or office. Thus ,

although copies of documents on plain paper may be furnished by judicial officers or to persons applying for such copies for their private use, such unstamped copies would not be admissible in any civil proceeding before a court of justice.

It may be added here that there is no exemption in favour of Government similar to that contained in proviso(I) to section 3 of the Indian Stamp Act, II of 1899 and accordingly all petitions and applications of any kind presented by or on behalf of Government in the course of civil judicial proceedings carry a liability to be stamped in the same manner as if presented by a private person.

Plaints which are obviously insufficiently stamped, should be returned immediately to the persons presenting them for making good the deficiency in court-fees.

6. Section 7. - This section deals with the valuation of suits for the purpose of computing the fees payable under schedule I . Before a court can decide what is the actual value for purpose of court-fee of a plaint or memorandum of appeal , it must obviously have regard to the nature of the suit or appeal before it, and decide under what category or class that suit falls, that is to say, it must decide what sort of suit or appeal it is and upon what lines the court should proceed to value the suit or appeal, and when it has decided these points, it should then proceed to decide what is the actual value of the plaint or memorandum before it.

Suits falling various clauses of section 7 are some times brought in a declaratory form and stamped under article 17 of schedule II , whereas they should be stamped as ad valorem according to the value of the subject matter in suit

The proper court-fee payable on an appeal relating to future interest is an ad valorem fee on the amount of interest claimed up till the date of the presentation of the appeal (Gobardhan Das v. Narendra Bachadur, 5 I.C. 978).

Clause (ii). – Suits for maintenance should be distinguished form suits for arrears of maintenance; the former are valued at the amount claimed as payable for ten years under clause (ii),and the latter at the amount claimed as arrears under clause (I) . When ; the object of the suit is not merely to recover arrears of maintenance already determined, but to obtain a decree fixing the rate of maintenance , it should be valued according to clause(ii) and not according to clause(I).

Where there are general words following particular and specific words, the general words must be confined to things of the same kind as those specified . Consequently in construing must

be limited by the specific words that precede it.

Clause (iv). – In suits falling under this clause plaintiffs have the option of fixing their own value for purposes of court-fees, but under section 8 of the Suits Valuation Act, such value should also be the value of the suit for purposes of jurisdiction. It should be noted that the plaintiffs, who often put a higher value for the latter purpose, do not obtain the services of higher tribunals by paying a nominal amount of court-fees.

Clause (iv)(b).– Where the only relief sought is partitioned , the plaint would be stamped under article 17 of the Second schedule .

Clause 9iv)(c).—It should be noted that this clause applies only where consequential relief is prayed for; and where no consequential relief is prayed for , the provisions of Clause (iii) of article 17 of the second schedule would apply. if this fact is remembered there should be no difficulty in deciding whether the correct fee has been paid or not. The mere prayer for general relief is not necessarily a prayer for consequential relief so as to take the suit out of the class of suits for declaration only.

Order 7, rule 1, of the code of civil procedure, requires that a plaint shall contain a statement of the value of the subject-matter of the suit for the purpose of jurisdiction and of Court-fees . It is not contemplated that the subject matter shall be given two values, one purely arbitrary and fanciful for the purpose of jurisdiction, and one in strict conformity to the real value of the purpose of court-fees in either case valuation should conform to reality .

Clause (iv) (d). – In suits for injunctions in which the value for the purpose of jurisdiction has been fixed by the High Court under section 9 of the Suits Valuation Act, the value for purpose of the Court-fees Act should be the same, namely, between Rs 100 and Rs 500 (Kathu v, Pholo and others. – Criminal Miscellaneous No Nil in civil Appeal No. 603 of 1931 in the High Court, Lahore).

Clause (iv)(f).--- Under Order 7 rule 2 of the code of civil procedure , 1908 the plaintiff is required to state in a suit for accounts the approximate amount due to him and it is such sum on which he is bound to pay court-fee.

A suit for administration is on the same footing as a suit for accounts for the purpose of court-fees and should be valued according to the value at which the relief sought is valued in the plaint.

Clause (v) (a) .—The words” entire estate or definite share of an estate paying annual revenue to Government, or part of a such an estate recorded in the Collector’s register as separately assessed with such revenue,” in this clause include land , the proprietor or possessor of which pays the revenue assessed to an assignee of Government, such as a jagirdar or muafidar. “ Part of an estate recorded in the Collector’s register as separately assessed” means any portion of village charged with a specific allotment of the assessment. This does not ordinarily include shamilat or common land. Suits for portions of shamilat land which has not been separately assessed , must not be valued under clause (b). But if the suit be for an entire holding which includes a share in the shamilat, the valuation will be regulated by the assessment on the entire holding. (Financial Commissioner’s letter No 6441, dated 5th September 18810

Suits brought under sections 60 and 77 93) (h) of the Punjab Tenancy Act, in which the alienee is in possession and the landlord, after securing the cancellation of the alienation sues the alienee for possession should be stamped under this section (Financial Commissioner’s standing order 2.)

Sub–Clause(b).--- Plaints in all suits for partition should be carefully examined . Where it is patent that the defendants are in possessions of any part of the property at least and a fee ad valorem on the share claimed in that part must be levied.

Sub –Clause(c)—This clause refers to suits for possession of land in which the possessor is exempt or partially exempt from payment of land revenue either to Government or to an assignee of Government, or where he is charged with a fixed payment 9 nazrana) in lieu of such revenue.

The court-fee on a plaint for possession of land subject to fluctuating assessment of revenue is governed by sub-clause (c) sub-clause (a) and (b) provide for the court-fee payable on an entire estate or on definite fractions or parts of an estates assessed permanently or temporarily , Sub-clause (d) provides merely for the land excepted from the operation of sub clause (a) and (b) . Moreover, it may be noted that sub-clause (d) has no reference to the case of an entire estate or a definite fraction or part of an estate. It can , therefore, have no application to land assessed to fluctuating revenue . The words ”where such.” The words “such revenue” must be construed either as “ annual revenue payable to Government,” or , more fully, as “ annual revenue payable to Government on an entire estate or a definite share or part of an estate fixed permanently or not permanently. “ Land subject to fluctuating assessment cannot be considered

as paying annual revenue to Government in as much as the assessment is on each harvest according to the corps. (see *Mahna Singh , etc., v. Bahadur Singh ,etc ., P.R. 100 of 1919*)

In a suit for possession of land the plaint must be stamped according to the value of the subject matter, and where the subject matter is land which pays no revenue and has produced no profits during the year next before the date of presenting the plaint, the value must be deemed to be the amount at which the court shall estimate the land with reference to the value of similar land in the neighborhood, and the same principal where the land in suit is “ religious”

Where the sale deed describes the thing sold as a garden together with a house and our-houses and trees of all kinds, the property sold is a garden within the meaning of section 7(v) (e) and even though the same be assessed to land revenue a suit in respect of it must be assessed at its market value and not ten times the amount of revenue (*Behari Lal v. Nandlalk, 68 I.C. 345*)

In suits falling under this sub-clause this sub-clause where net profits should determine the value of a suit for the purpose of court-fees, annual rent should not be allowed to be made the basis for their computation .

Sub Clause(d). – Where a court finds that a suit valued under sub-clause(a) falls under this sub-clause, it should call upon the plaintiff to pay court-fees on the proper market value.

Sub clause (e).—Where plaintiff sought to recover possession of a date garden on the allegation that he had been given possession under two deeds of mortgage but had subsequently been ousted by the defendants, it was held that the suit fell under this clause(*Chela mal v. Fazal Beg, P.R. 33 of 1880*)

In a suit for the possession of a house the value for purpose of jurisdiction should be the same as the value for purposes of court-fee which under this sub-clause is the market value of the house, (*Parsick v. Parsick, P.R. 72 of 1899*)

The term “garden” includes fruit garden, even though the land under it may have been assessed to land revenue, and the value of a suit for possession of a fruit garden for the purpose of the Court-fees Act must, therefore , be assessed at the market value of the garden

Clause(vi). –The court-fee on the plaint in a preemption suit in respect of sale of land paying revenue, should be calculated according to section 7(v). (*Sunder Singh v. Dhian Singh and another, P.R. of 1919.*)

Appeals in pre-emption suits are governed by article 1 of the first schedule and not by clause(vi) of section 7, and must, therefore, bear an ad valorem court-fee on the amount or value of the subject matter in dispute. (*Waryam Singh v. Mahatab Singh, etc., etc. 76 of 1913, F.B.*)

Clause (ix).—The criterion laid down in this clause for determining the court-fee payable in respect of a suit for redemption or foreclosure of a mortgage-deed does not apply to the appeal in such a suit. In the case of appeals or cross-objections in suits for redemption or foreclosure, in all cases in which the amount declared by the court to be due to the date of the decree can be ascertained by reference to the judgement and the decree can be ascertained by reference to the judgement and the decree, it is that amount at which the appeal or cross-objection should be valued, and future interest should not be taken into account.

Clause (xi).—In suits falling under this clause court fee should be calculated on annual rent, and not on annual land revenue, although under section 69 of the Punjab Tenancy Act, where annual rent is unascertainable, it is deemed to be equivalent to two times the annual land revenue.

Under this clause in a suit between landlord and tenant for recovery of immovable property from a tenant including a tenant holding over after the determination of a tenancy the fee is to be paid according to the amount of the rent of the immovable property to which the suit refers payable for the year next before the date of presenting the plaint.

The court-fees payable on a suit for ejectment from a house against a tenant is chargeable on one year's rent under sub-clause (cc) and not on the market value of the house. In such suits the valuation for purposes of court-fees and jurisdiction is the same. (*Sri Ram v. Jagat Narayan, 93 I. C. 291*).

7. Section 8.-- This section relates only to appeals of persons claiming compensation and not to appeals by the Secretary of State against the award of the District Judge, (*See notes to article 17 (iv), schedule II paragraph 46 infra*)

An appeal from an award under the Land Acquisition Act is Governed for purposes of Court-fees Act, as the former, being a special provision relating to the awards of compensation under the Land Acquisition Act overrides the general provisions of the later.

8. Section 9.-- ---With regard to suits falling under section 7(iii), 7 (v), specially 7 (v) (c) and (d), and in suits for mesne profits action under section 9 of the Court fees Act should not

only be taken on the initiation of the defendant, but in all cases of doubt courts are bound to move themselves.

9. Section 10.----Where upon the proper valuation of a suit an appellate court finds that there is a deficit in the amount of court fees paid by the plaintiff on his plaint and memo. Of appeal, the correct procedure for the court to adopt is to call upon the plaintiff to make good the deficiency and on his suit, In such a case the rejection of the plaint is in-appropriate because section 10 of the Act enjoins a dismissal without option, As a general rule it is desirable that where the appellate court has to deal with the question of recovering a deficit fee payable by the appellant in the lower court or courts the matter should be dealt with at the earliest possible moment after the deficit has been discovered so that the parties may not be kept in suspense upon the question. This rule is, however, subject to the discretion of the court to postpone the determination of the point in exceptional cases.

As regards refund of court-fees, see notes to section 1- paragraph 12 infra.

10. Section 11.—In applying this section to a suit for partition and mesne profits, the term “decree” should be taken to refer to the final, and not the preliminary decree.

11. Section 12.—Where it is found in an appellate court that the court-fee on a plaint or memorandum of appeal, as the case may be, in the court below was insufficient, it is the duty of the appellate court to call upon the party whose fee was in defect, to make good the deficiency under section 12(ii) of the Court –fee Act, although no dispute as to the amount had arisen or been specially decided in the lower court. Also if the deficiency is not paid within such time as the appellate court shall fix, the suit or appeal of the defaulting plaintiff or appellant, as the case may be, should be dismissed under the provisions of section 10(ii) of the Act in section 10 (ii) “suit” includes “appeal” (*Dayal Singh, etc., Ram Rakha, etc., P.R. 109 of 1912, F.B.*)

A court of appeal, when admitting an appeal is entitled to demand under the provisions of clause (2) of this section proper court fees payable in the appellate court as well as in the trial court,

It is open to an appellate court to direct a defendant who has obtained a set –off in the trial court without paying court-fee on his written statement, to pay the court-fee before allowance of the set-off.

Where there is a dispute as to the amount of court-fee payable in a suit, the court ought to

frame an issue on the point and decide it in the beginning of the trial of the suit.

12. Sections 13,14, and 15.--- Provision is made in sections 10,13,14. and 15 for the refund of court-fees in certain cases. Thus, in section 10, if the court finds that the net profit or market-value of any land, house garden has been over-estimated, it may, in its discretion , refund the excess paid as fee, And under section 13, when an appeal is accepted, or when the suit is remanded in appeal, the appellate court is required to give the appellant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal; provided that where the remand does not cover the whole subject-matter of the suit, the appellant shall be authorized to receive back only so much of the fee as is chargeable on the part remanded Under articles 5 and 4, respectively, of schedule I, the stamp required on an application for review is one-half the fee leviable on the plaint if the application is presented before the ninetieth day from decree, and the full stamp, if presented on or after the ninetieth day; but in the latter case the court is empowered, under section 14, unless the delay was caused by the applicant's laches, to grant him a certificate authorising him to receive back from the collector so much of the fee paid as exceeds that payable under article 5, Further, when the court reverses or modifies its order on review, the appellant is entitled, under section 15, to a certificate authorizing him to receive back so much of the fee paid on the application as exceeds the fee prescribed for an application as exceeds the fee prescribed for an application under article 1 of Schedule II .

In order to attract the operations of section 15 of the Court-fees Act, the conditions requisite are that there should be an application for review of judgement, that it should have been admitted, that on the re-hearing the court should have reversed or modified its former decision on the ground of mistake in law or fact, and that such reversal or modification should not have been due to fresh evidence which could have been produced at the original hearing

The mere fact that an application for review which fell properly within the purview of order 47, rule 1 of the code of civil procedure, was treated as one under section 151 of the code, would not preclude the petitioner for review from claiming a refund of the court-fees under section 15 of the court fees Act.

A court has no power, under the Act, to grant a certificate authorizing a plaintiff or appellant to receive back from the collector any excess of stamp duty paid under the orders of the court, its power being limited to the cases specified in sections 10,13,14 and 15 ; at the same time, if the Government think that plaintiff or appellant has been improperly ordered to pay a sum of money

which was not due, there can be no difficulty in their refunding that amount to him, notwithstanding the absence of any special provision of the law authorising them to do so. (*in re Moulvie Syad Zoynoodden Hossen Khan, II Ben. L Rep., 370.*) The Government of India has authorised local Governments to make refunds of the value of court fee adhesive labels affixed to petitions unnecessarily or in excess of legal requirements, if they so wish (*Government of India , Finance , No. 1174-F dated 31st August 1914*). The Punjab Government has ruled that refund of court-fee stamps affixed to petitions unnecessarily or in excess of legal requirements should not be allowed(*Finance Department U.O., dated 23rd July 1932—F .C. 's file 591-11-00-15*) Where *real hardship* has been caused owing to the exercise of erroneous jurisdiction by a civil court, the facts may be represented to Government with the object of obtaining sanctions to a refund of the fees paid on the memo of appeal . The claim to obtain such a refund appears to be particularly strong in cases where a court has suo-motu, ordered the illegal transfer of a suit (*Government of India, Finance , 709-S.R., dated 30th January 1904*). Application for refund under these rulings should be sent to the Financial Commissioners through the commissioner of the division .The power to grant refunds of excess fees paid by order of the court has been delegated to the Financial Commissioners (*Punjab notification NO. 4986-E. & S. , dated 14th August 1934*)

Refunds of fees paid into court should be made by deputy Commissioners on presentation by the applicants of certificates authorizing such refunds by the courts under the Court fees Act, or under the order above noted and save in cases mentioned in the preceding paragraph and in cases falling under chapter III –A ., no reference need be made to the Financial Commissioners in regard to such refunds. This paragraph does not apply to refund of the value of court-fee stamps spoiled before use, or not required for immediate use, which are governed by separate rules, --vide Chapter 7, part III and appendix A.

13. Section 17.---This section requires that separate court-fees should be levied in respect of distinct and separate reliefs claimed in a suit, When , however, alternative reliefs based on one cause of action are claimed, court –fee is payable on the higher of the two reliefs.

14. Section 19. Clause iii—A written statement by either party in appeal is essentially a petition, whether it is so in form or not, and essentially different from the written statement under Order 8, rule 1, code of civil procedure.

Clause viii.—Where the value exceeds Rs 1000 the duty is chargeable on the whole amount and

not over Rs. 1000, see article 11 of schedule I. Where the court below decided that no court-fee was payable, on an erroneous view of law, the High Court could interfere in revision under section 15 of the Indian High Courts Act. (*The Collector of Maldah V. Nirode Kamani Dass, 17 C. W. N. 21.*)

Clause (ix)—This exemption, in favour of certain applications and petitions made to Revenue Officers, does not extend to judicial suits in the Revenue Courts; such suits must be on full stamp, except where otherwise authorised by the Governor in Council (See no. 29 of remissions, etc in chapter 1 of this part).

Clause (xi)—See no. (10) in table of remissions, etc., in chapter 1 of this part..

Clause (xii).—This clause does not extend to applications for service of notice of ejectment made under section 43 of the Punjab Tenancy Act, 1887.

Clause (xvii).—a petition for appeal or revision signed and filed by an advocate or pleader on behalf of a prisoner under an authority signed by the prisoner is exempt from the payment of court-fees under section 19(xvii) (In re Court-fees Act, I.C. 76, 869).

A person convicted of a criminal offence and sentenced to pay a fine of Rs. 500, or, in default of payment of the fine, to undergo six months rigorous imprisonment, was allowed 15 days in which to pay the fine. He was released from custody the day on which the judgment was pronounced after having furnished security. The fine was ultimately paid, but before it was paid the petitioner filed in the High Court a memorandum of appeal against his conviction and sentence. This did not bear the customary court-fee of Rs.2. It was held that the sub-section was framed to meet cases of prisoners and other persons similarly confined by a Court, Whether they happened to be in jail or in the custody of the court's officer, A petition by a person who is not actually confined and can get to his home in order to raise funds is not exempt from court-fees. (*Chuni Lal versus Crown, Criminal Miscellaneous Appeal No. 989 of 1930, in the High Court, Lahore.*)

An application for bail signed only by the advocate of a prisoner is an application made by the prisoner himself and does not require to be stamped.

Clause (xx)—an application by a pensioner for a life certificate to enable him to draw his life pension at some other place or through an agent is not strictly an application for the payment of money, and does not fall under this exemption; it must be held to fall within article 1(a),

Schedule II , as an application to a magistrate by a person having dealings with the Government for which a stamp of two annas is required . If the Officer applied to a collector , a stamp of one rupee would be required under clause(b) of the same article .

Applications for refund of income-tax under section 48 of the income –Tax Act, 1922 are applications for payment of money due by Government to the applicants . They are , therefore , exempt under clause(xx) of section 19 of the Court fees Act, 18970, from the payment of court-fees. Similarly , applications with court-fees , (*Government of India, Board or Revenue, circular, dated 15th April 1925.*)

For further exemption under section 35 of the Court fees Act, the table of reductions etc., in chapter 1 of this part should be referred to

15. Chapter III-A. deals with cases of erroneous valuation of the estates of deceased persons and minors for the purpose of regulating the fees chargeable under articles 10 to 12 of Schedule I . Sections 19-A to 19-D deal with cases where the value of the estate of a deceased person has been over-estimated and sections 19-E to 19-G deal with cases where the value has been under – estimated, there is nothing ambiguous in the sections but they require careful study .

16. Section 19-B.—The full duty must always to be paid in the first instance; and if the Deputy Commissioner thinks any refund should be allowed on account of debts paid, he may submit an application to the Financial Commissioner (Chief Controlling Revenue –authority) for sanction . (Financial Commissioner’s Book Circular No. 13. Dated 15th May 1873.)

It may be added here that it has been held in Indian Law Reporter , Cal., Volume XXIV , page 567 , In re goods of Ram Chandra Ghose, that the uncertainty of recovering a debt due to the estate of a deceased person is not a sufficient ground for a proportionate reduction of the fee in respect of probate of a will

17. Section 19-C.—The section merely provides that the fees shall not be paid twice in respect of the same property under the same Act. For example . –Probate is granted to a petitioner. The order is set aside on appeal and the case is returned to the lower court for further decision after farming new issues. The lower court again decides in favour of the petitioner . Fresh duty would not be payable. Two courses would be open, either to super-impose the paper containing the final grant on the second grant saying that the duty has been realised on a separate

stamp.

The estate referred to in this section means the property of a deceased person and it is impossible to dissociate the identity of the person from the property in the meaning of the word.

The section only provides for cases where a fresh grant of probate of a will or letters of administration of the estate of the same person becomes necessary and the fees have already been paid in respect to the whole or part of the property comprised in the estate of the deceased person.

18. Section 19-D.—*In Notification No. 2004, dated 14th July 1871, the Governor-General in Council remitted the fees chargeable under schedule I, article 11, in respect of probate of wills or letters of administration “ in so far as such wills or letters of administration relate to property which a deceased person was possessed of or entitled to, not beneficially, but as trustee for any other person or persons, provided that this remission shall not extend to cases in which a trustee has the power of appointing or otherwise conferring a beneficial interest in the trust property.”* Retrospective effect was given to this order from 1st April 1870 by *Notification no. 2135, dated 22nd march 1872*, These orders, having been made under the authority of section 35, and not having been rescinded, have still the force of law, so far as they are not inconsistent with section 19-D.

19. Section 19-E.— The authority dealing with a question of understatement of value, whether by fraud, negligence or mistake, should have regard only to the market value of the estate at the time of application for probate, and the fact of an estate being subsequently found to possess a higher value than that declared is not material except in so far as proof of higher value at a later date may be evidence of under statement of value on the earlier date. Important questions arising out of fiscal legislation applicable to the whole of India Should be submitted to the Government of India by Local Government (Government of India, Finance Department, 5906-Exc. Dated 17th October 1908, to Burma Government).

The case for refunds Under section 19-A stands on the same footing and the chief Controlling Revenue Authority should act accordingly (Government of India, Finance Department, 1613-Exc. Dated 27th march 1909, to Burma Government).

20. Sections 19-E to 19-J.---The procedure contained in these sections requires careful attention.

Under section 19-I no order can be made on the application unless the valuation of the

property in the form given in schedule III has been filed and the fee in article 11 of the first schedule has been paid on such valuation. The court will not delay the grant of the probate or letters of administration by reason of any action which the collector might take on receipt of the notice, It rests with the collector, under the control of the Chief Controlling Revenue-authority , to see that the estate has not been undervalued and that there is no loss of Government revenue (when the notice is received by the chief Controlling revenue-authority, it is communicated to the Collectors concerned). The Collector may, therefore(section 19-H).,make any enquiry he thinks fit and if he has received that officer. But if he finds the estate has been undervalued, he should require the petitioner to amend the valuation and at the same time inform the court, and if necessary the Chief Controlling Revenue-authority , that he has does not comply, If the petitioner amends the valuation he will, of course, pay the additional court-fees involved , If the petitioner does not amends the valuation, the collector may move the court concerned to hold an enquiry into the true value of the property , but this must be done within six months from the date of the exhibition of the inventory required by section 317 of the Indian Succession Act, 39 of 1925. This inventory must not be confused with the valuation filed with the application . The Court shall hold the enquiry accordingly (the Collector being a party to it) and record a finding as to the true value of the property, and this finding is final but does not bar the disposal of any application made under section 19-E to the Chief Controlling Revenue-authority.

The excess court-fee , if any , found to be due, may then be recovered summarily under section 19-J.

But a person who has been granted probate or letters of administration may find subsequently that the value of the estate is grater than that on which court-fee has been paid. In this case he is bound to apply within six months of the discovery of any mistake, or of any effects not known at the time to have belonged to the deceased to the Chief Controlling Revenue-authority and pay up the deficiency . If he does not do this he is liable to forfeit Rs. 1000 and a sum equal to 10 per cent . on the deficiency (Section 19-G). This is recoverable summarily under section 19-J. When the deficiency has been tendered the same authority will after verification of the value by affidavit or affirmation (there is no other means of verification at this stage) cause the probate or letters to be stamped on payment of (a) if produced within one year of grant , five times the full court-fees and (b) if produced after one year of grant , twenty times the full court fee without any deduction of the court-fee originally paid , But this penalty may be remitted and

the probate, etc., stamped on payment of the deficiency only if the application is made within six months and if it is clear that there was a genuine mistake and no fraud was intended (Section 19-E). The Chief Controlling Revenue –authority may under section 19-J .Remit any excess fee or penalty under section 19-E . The Payment of the forfeit in section 19-G does not entitle the person having paying it to have the probate , etc, properly stamped. That will only be done after the full court fee and penalty provided in section 19-E . have been paid in addition . Before stamping the letters of administration in such circumstances, however, the necessary security in the case of the full value of the estate must be given to the court which granted them 9 section 19-F) Section 19-K . exempts probates and letters of administration from the provisions of sections 6 and 28 of the Act.

It will be noted that the only course in disputed cases is to move the court to hold an enquiry. There is no concurrent authority, vesting in the chief controlling Revenue-authority or in any other revenue officer, to determine the valuation of an estate.

The person paying the additional court-fee should be required to tender the same to the Collector of the district, who will in the event of such duty being tendered in the shape of impressed and adhesive stamps affix the latter to the former and make , or cause to be made , another on the impressed sheet referring to the circumstances in which the additional court-fee was levied, cancel the stamps by punching out each figure head and then send the stamps so cancelled to the court concerned for attachment to the probate or letters of administration

In the event of the additional duty tendered being wholly in adhesive labels , the Collector shall affix, or cause to be affixed, the labels so tendered to a sheet of blank paper and shall thereafter proceed as laid down above in the case impressed sheets

21. Section 19-H(4)—the limitation for the proceedings of a collector does not begin to run until an inventory under section 317 of Act 39 of 1925 has been exhibited and filed in the proper court, and according to that section the inventory required is declared to be a “ full an true estimate of the property” in possession of the person applying for letters of administration

A court has no power to award costs in a proceeding under section 19-H., for ascertaining the valuation of parties in respect of which letters of administration have been granted, There is no provision for the realization of any costs which may be incurred in connection with such an inquiry. (Hridoy Mohini Das v. Secretary of State, 72 I.C. 472.)

22. Section 19-H (8) No rules have yet been framed.

23. Section 19-I—The date to be taken for the valuation of the estate for the purpose of assessment to probate duty is the date on which the application for grant of probate or letters of administration is made (*In the goods of R.N Clark, I.L.R. , 1`4, Lahore , 526*).

Under section 3(2), Provident Funds Act, 1925, money in the Railway or Government Provident Funds vests in the dependent as defined in section 2 of that Act and is also exempt from probate duty. (*In the matter of Hamilton King, 6 R., 558; A.I.R. 1928, Rang. 312*)

24. Section 20.—For rules see chapter 7 of this part. The fees for process issued by Revenue Courts is governed by rules 63 and 77 framed under the Land Revenue Act, 17 of 1887, section 155(1) (c).

25. Section 26.—The rules framed by the Punjab Government under this section will be found in chapter 5 of this part.

26. Section 27—the rules issued by the Punjab Government under the various clauses of this section are contained in –

(i). Rules under clause (a) and (d)—Chapter 5 of Part III

(ii). Rules under clause (b) –chapter 5 of Part I I c

(iii). Rules under clause(c) –Chapter 7 of Part III

There is no provision in the Act for the refund for court fee stamps which have been spoiled before use, or for which the possessor has no immediate use . This is done under executive instructions . See Part II , Chapter 7 and Appendix A.

27. Section 28.—Once a case has been decided, deficient court-fees cannot be recovered under any circumstances, It is, therefore, essential that documents presented to courts and officers should be carefully scrutinised with a view to ascertain that they are properly stamped at the time of presentation

28. Section 29.—Where a plaintiff sued in a Revenue Court for (1) value of produce and (2) value of trees, and the Revenue court decided the suit as regards the produce, but referred the plaintiff to the civil Court as regard the value of the trees, it was held that in filing his suit in the civil court the plaintiff was not exempt from the payment of the usual court-fee(*Ganda Ram v. Sain. P.R. 132 of 1892*).

29. Section 30.—See rules in chapter 6 of this part, The directions there given apply only to adhesive labels used under the Act, and no to impressed stamps, which need not be cancelled or punched otherwise than as required by section 30. (*Resolution of Government of India no. 3047, dated 5th December 1883*)

It should be clearly understood that adhesive stamps affixed to documents should be properly punched and cancelled immediately on their presentation, so as to obviate all chances of their being fraudulently removed and re-used.

30. Section 34.—The rules framed by the Punjab Government under this section are contained in part III chapter 5.

31. Section 35.—The reductions and remissions made by the Punjab Government are reproduced in chapter 1 of this part.

32. Section 36.—No fees are allowed to any officer of the High Court of Judicature at Lahore under this section .

B – Notes no Articles of Schedule I and II

33. Schedule 1.—The remissions, etc., given in section 19 of the Act and chapter I of this part should be read with the article in the schedule .

34. Article 1.—It has been ruled that—

- (1). Copies or translations of accounts filed under order 7, rule 17 , civil Procedure Code, and
- (2). Statements attached to a plaint giving particulars of land sued for , should not be stamped (*chief Court No. 3146-G of the 18th August 1898*)

Where a defendant in a written statement claims a set off the amount of which exceeds the amount of the claim made against him he must pay ad valorem fee on the entire sum claimed by him, and not merely on the difference between the two amounts(*Chakkhan Lal v. Kanhaiya Lal, 69 I.C. 921.*)

An appeal from a final decree passed under order 34, rule 5 code of civil procedure , requires an ad valorem court-fee on the decretal amount and cannot be stamped as an appeal from an order (*Jandibai Ramdyal v. Chimna Sadashiv, 57 I.C. 579.*)

An appeal arising out of an application made to file an award requires an ad valorem stamp calculated on the amount or value of the subject matter in dispute under article 1, schedule 1, but an application of the above description to the first court is only liable as an application and not as an ad valorem stamp as a plaint (*Lala Dharm Das v. Ajudhia Pershad*, P.R. 70 of 1881). An appeal from a decree based on an award filed through the intervention of a court must bear ad valorem court-fee. (*Gauri Shankar v. Anant Ram*, 94 I.C. 646)

Where a plaintiff obtains a decree for possession of a certain land on payment of a sum of money, and the defendant appeals on the ground that the plaintiff is not entitled to the land at all, the land itself is the subject matter of the appeal and for purpose of valuation, the rules laid down in the various sub-clauses of clause(v) of section 7 of the court-fees Act as applying to various kinds of immovable properties should be applied and the defendant should value his appeal for the purpose of court-fees, quite irrespective of the condition imposed by the decree on the plaintiff to recover the land.

If the plaintiff appeals in such a case and contends that the amount payable by him is too large, and that it should be reduced by any particular amount, the subject matter of dispute in the appeal would be the difference between what he admits is due what the lower court has declared to be due.

35. Article 4 and 5.—On 29th October 1878, defendant's appeal was rejected. On 28th January 1879 application for review was filed on half stamp under article 4. Schedule I, the defendant's pleader claiming the benefit of section 5 of the Limitation Act, 1877, the last day allowed under the Court-fees Act having fallen on a holiday, and the petition having been presented on the reopening of the court, Held, that the provisions of the Limitation Act could not be applied to extend the period fixed in the Court-fees Act and the application having been presented after the 89 days allowed under article 4 was liable to the full stamp fee under article 5, schedule I. (*Ruldhu Mal v. Sobha*, P.R. 39 of 1879) see note to section 15.

36. Articles 6 and 7. ---See note to article 9 in paragraph 37 infra. The documents mentioned in article 6 are liable to court-fees when supplied by officers in the Income-Tax, Salt and Customs Departments who have to issue orders of which a copy is required. Article 7 does not apply to the officers in these departments as no orders issued by them can have the force of a decree.

37. Article 9. –The court-fee prescribed in this article should not be confused with the copying fees charges under separate rules . Copies of orders in *lambardari, zaildari, and patwari* cases , and in executive proceedings of a similar nature , granted for purpose of appeal, should be stamped in accordance with article 9 (*Financial Commissioner’s Circular no. 61, dated 1st December 1885*).

The requirements of the following Punjab Government Circular should be borne in mind in connection with articles 6,7, and 9:-

“It has been brought to the notice of the Lieutenant –Governor that copies of document falling under article 6 , 7 and 9 of schedule I of Act VII of 1870 (The Court-fees Act) and article 24 of schedule I of Act II of 1899(The Indian Stamp Act) are often submitted with petition without being stamped ;in the former case the copies being no doubt obtained for private use. The exemption from duty of copies of documents taken for private use does not , however, cover the receipt of such copies by a public officer, and the Lieutenant Governor is therefore pleased to issue the following order for the information and guidance of all officers:-

A copy of a document referred to in article 6,7,and 9 of Schedule I, Act VII of 1870, or in article 24 of schedule I, Act II of 1899, and accompanying a petition to a public officer, must bear the stamp of the value indicated in the above articles.

Section 6 of Act VII of 1870 absolutely prohibits the receipt of documents not duly stamped. Every such document should be returned to the sender or presenter, A petition enclosing a copy not duly stamped should ordinarily , if the consideration of the unstamped document is essential , be returned to the sender or petitioner with a direction that orders cannot be passe unless it is resubmitted with the copy duly stamped.”(*Punjab Government circular no. 6 dated 18th April 1894 , to the address of all Heads of Departments and Commissioners and Deputy Commissioner)*

Article 9 applies to the proceedings or orders issued by Income-Tax , Salt or Customs officers.

See no, 8 of remission in chapter 1 of this part.

38. Article 11. – See notes to chapter II-A of this part.

Probate duty is payable only of property within the jurisdiction of the court at the time the probate is applied for . Accordingly where a testator left securities which were not saleable or

transferable unless they had been transferred to the executor or trustee in the register of the Bank of England it was held that such securities were not assets in India, and the duty was not payable thereon . (*In the goods of Maj. –Genl. Millet, P.R. 51 of 1902.*)

39. Article 12.—Whenever a fresh succession certificate is taken, even though it is to collect debts for which a succession certificate has already been taken out and the duty prescribed by the Court-fees Act must be paid, (*in re Sarojebahshini Devi, 20 C. W. N. 1125*) Money standing to the credit of a deceased person in a Railway Provident Fund passes to his nominee and does not form what can properly be called an asset of the estate of the deceased . It is , therefore , exempt from the court-fees payable for a succession certificate under article 12, schedule I, of the Court-fees Act, (*Digamdar, in re, 92 I.C.525*)

40. Schedule II. The remissions, etc., given in section 19 of the Act and chapter 1 of this part should be read with this schedule .

The word application when read with section 6 must be construed to mean a documentary and not an oral application.

37. Article 1. Clause (a). –Application or petitions relating to money due by Government to the applicants are exempt under section 19(xx). Applications presented to an officer of the Excise Department by vendors for the sale to them of supplies of excise opium should bear a stamp of two annas (*Circular No. 6 of 12th December 1898*) Similarly applications for licenses under the Indian Arms Act, require to be stamped with two annas. (*Punjab Government Notification No. 22158-Mily ., dated 26th June 1931*).

As regards applications , etc., to Revenue Officers during settlement, see clauses (ix) and (xi) of section 19 and no. 10 in table of remissions in chapter 1 of this part.

The last clause of article (a) does not apply to applications for inspection of records which may be on plain paper (*Financial Commissioner’s letter no. 2681, dated 14th April 1882*).

The term “Executive Officer “ covers officers of the Income tax and Salt Departments

Clause (b)—The court has no power to remit the fee if a stamped petitioned has been presented , but if no petition has been presented, and the complainant’s statement is reduced to writing by the court , the fee may either be taken or remitted under section 18 ,. In either case the defendant, if Convicted , Shall be ordered , under section 31, to re-pay the fee to the complainant .

A petition under the Minors Act, no. 9 of 1861, falls under this sub-article, and requires a stamp , (*In re Anonymous, P.R. No. 6 of 1873.*) So does an application by a *lambardar* for a warrant against a revenue defaulter (*Financial Commissioner’s circular No. 46, dated 1st December 1884*). It has also been held that the proper court –fee upon an application to file an award under schedule II of the Civil Procedure code is the fee prescribed for applications, and not the fee for la plaint (*Bijadhar Bhugut v. Manohar Bhugut, I. L.R. 10 calc. 11*). An application to file an agreement to refer to arbitration under schedule II of the same Code, however, requires a stamp under article 18.

The only portion of this item that could apply to any officer in the departments concerned is comprised in the words “ Application or petition(b).....When presented.....to a Collector or any Revenue Officer having jurisdiction equal or subordinate to a collectorand not otherwise provided for by this Act.”

The expression “Collector “ here used has the meaning defined In section 3(10) of the General Clauses Act, 1897. It can , therefore , only apply to officers administering the Income Tax and Salt Act , in so far as that work is performed by District Collectors by Revenue Officers having jurisdiction equal to or subordinate to a collector . It is true that section 18 of the General Clauses Act would operate if the officials of the said departments could be said to be the successors of District Collectors; but the board holds that, simultaneously with the passing of the Act that created the separate Income Tax and Salt Departments, the whole Character of the administration was so changed that it cannot be said that the new official were the successors in function of District Collectors . Thus , in these departments article 1(b) does not apply to any officers of income tax and salt departments; although it will apply to District Collectors and Revenue officers having jurisdiction equal or subordinate to them so long as they exercise the powers of Income –Tax or salt revenue officials by special appointment . The Board further holds that if and when such extraordinary appointments are terminated and the work of the department is done through the agency of the ordinary officials, It would not be correct to treat such officials as the successors in function of district Collector . (*Government of India, Central Board of revenue, 4-F. 6/1 –Stamps 25 dated 15th April 1925.*)

Clause (C) ---It has been ruled by the Punjab Government in their letter No. 1626, dated the 5th September 1894 and Finance Department order, dated 31st January 1930, that sub-article (c) does not apply to petitions presented to the Governor or Honourable Ministers and Members of his council.

It has been ruled by the Government of India” that the law does not require and was not intended to require, that applications of every description to Chief Commissioner or other Chief Revenue or Executive Authority should be stamped under clause (c) of article 1 of schedule II of the Court fees Act, VII of 1870 . That clause applies only to petitions and applications in connection with a proceeding which is being taken before a chief commissioner or other authority specified therein , with a view to the exercise or non-exercise of some power or authority conferred upon him by some law or rule having the force of law .” (Vide Government of India, Finance and Commerce Department, letter no. 3790-S .R., dated 27th July 1894 , to address of the Chief Commissioner , Burma , Circulated with Punjab Government letter No. 1626, dated 5th September 1894.)

Under the sea customs Act of 1878 and the Income Tax Act of 1922 , the central board of Revenue is a “ Chief Controlling Executive Authority” and under the Salt Act of 1882 the

Commissioner of Northern India Salt Revenue is a “ Chief Controlling Authority.” Under the former Acts no Chief Commissioner, Chief Controlling Revenue Authority or Commissioner of Revenue or Circuit or Chief Officer charged with the executive administration of a division intervenes; nor does such intervention occur under the Salt Act save by extraordinary arrangement . The remarks made by the Board on the question whether officials of these departments are successors in function to Collectors apply *mutatis mutandis* to the case of Revenue Commissioners, etc(See *Government of India letter quoted under clause (b)*).

Clause (d).---A letter patent appeal from the judgment of a single judge is stamped as an application to the High Court. (See I.L. R. 3 Lahore, page 420)

See also No. 7 in table of remissions, etc., chapter 1 of this part.

38. Article 6.. See clause (xv) of section 19 , security-bonds to keep the peace (*Financial Commissioner’s letter No. 4032 dated 11th June 1873 .*), as well as security bonds for good behaviour taken under chapter 8 of the Code of Criminal Procedure, fall under this article , and are chargeable with a fee of eight annas. But by serial no. 6 of the list of reductions and remissions in chapter 1 of this part, the fees have been remitted on security – bonds for keeping the peace ,by, or for the good behaviour of , person other than the executants . Bonds and other instruments executed by salaried officers of Government to secure the due performance of their duties , were exempted by Notification No. 47 ,dated 6th January 1871.

A security bond filed in the course of execution proceedings in pursuance of an order of a court should be stamped under articles 40 and 57 of schedules I-A of the Indian Stamp Act, 1899, in addition to a court-fee of annas eight under this article. A personal security bond falling under residuary article 15 of schedule I-A of the Stamp Act requires a court-fee of annas eight only under this article (XII .—Lahore Law Times, 52)

39. Article 10. – In regard to the applicability of a power of attorney executed for conducting a suit in the court of first instance to the proceedings of the appellate courts, it has been ruled by the Financial Commissioner that if the power executed in the first court is so worded as to authorize the attorney to conduct the suit through the appellate court, it will be sufficient for the person so empowered to file a copy of the original in the appellate court, The appellate court should not, however, accept the fact of the power-of –attorney having been filed in the original court as sufficient proof of the authorization to conduct the appeal , without

presentation of such copy, or of the original power – of attorney (*Financial Commissioner's letter No. 315 , dated 18th January 1875*) see also exemption (1) to section 19.

A power of appointment in writing filed by an advocate (if required by rules) whether he is a barrister or not, authorizing him to make or do any appearance, application or act on behalf of his client, requires the court-fee payable upon a vakalatnama as prescribed in article 10 of the second schedule.

40. Articles 10(a) and 11(a)—The term “ Executive Officer” mentioned in these articles would cover all Customs, Income-Tax and Salt Officials.

41. Articles 10(c) and 11(b)..---- These apply to the Central Board of Revenue or Commissioner of Northern India Salt Revenue , as the case may be, cf. Remarks on article 1 (c). (*Government of India, Board of Revenue, Circular, dated 15th April 1925*).

Articles 11, Clause(a) applies to Income –Tax , Salt and Custom Officials.

Clause (b) applies to the commissioner of Salt Revenue See table of reductions in chapter 1 of this part.

42. Article 17. ---This article does not apply to officers of Income Tax, Salt or Custom departments.

A suit of a will would not affect the plaintiff's reversionary interests lies under article 17 (iii) , Schedule II(*Hakim v. Mussammat Mahtab Kaur, P.R. 109 of 1893*)

Clause(iv) Court fees of Rs 10 is sufficient under this article on an appeal by the Secretary of State against the award of a District Judge; section 8 of the Act being applicable only to appeals by persons claiming compensation . (*secretary of state v . Basawa Singh , etc., P.R. 57 of 1913*).

Clause (v) – If in a partition suit, in the forefront of his prayer, the plaintiff asks for a declaration of title and possession , he is claiming in the guise of a partition suit a declaration of his title and must pay an ad valorem court-fee

The mere fact that a petitioner is too poor to pay the court fees or there are other circumstances justifying leniency, furnishes no ground to the court for neglecting an express decision of the High Court and the provisions of the court fees Act, or for depriving of its dues to the Government revenue in the interest of which the court-fees Act was passed (*Kanhaya Lal v.*

Baldeo Lall, 85 I.C. 538)

43. Article 20.—The excepted section 44 of the Indian Divorce Act refers to applications for the custody, maintenance and education of minor children, the marriage of whose parents was the subject of a decree for dissolution of marriage, or of a decree of nullity of marriage, or for placing such children under the protection of the court; and petitions on such matters would require to be stamped under article 1.

CHAPTER 3.

MANNER OF DETERMINING THE VALUATION OF SUITS FOR PURPOSE OF JURISDICTION ---SECTION 9, SUITS VALUATION ACT, 1887.

Rules made by the High Court, with the previous sanction of the Local Government, under the powers conferred by section 9 of the Suits Valuation Act, VII of 1887 and all other powers in that behalf for determining the value of the subject-matter of certain classes of suits, for the purposes of jurisdiction, which do not admit of being satisfactorily valued, and for the treatment of such classes of suits, as if their subject-matter were of the value as hereinafter stated. [\[a1\]](#)

RULES

1. Suits for restitution of conjugal rights. - (i) Suits in which the plaintiff in the plaint asks for a decree against the other party to the alleged marriage, either alone or with other defendants, for restitution of conjugal rights;

(i). *Marriage.* - Similar suits for a decree establishing, or annulling, or dissolving a marriage.

Note to rule 1(ii)—A suit for mere declaration that the plaintiff is not the wife or husband of the defendant as given out by either (that is, for jactitation of marriage) falls within the category of rule 1(ii), and court-fees must be paid as fixed in this rule (*Mst. Begi versus Nawab* – Civil Miscellaneous Appeal No. 285 of 1932 in the High Court of Judicature at Lahore)

(ii). *Guardianship, etc., of minors.* - Suits in which the plaintiff in the plaint asks for a decree establishing a right to the custody or guardianship of a minor, including guardianship for the purpose of marriage

(iii). *Adoption.* - Suits in which the plaintiff in the plaint asks for a decree establishing or

annulling an adoption , including under the expression ‘ adoption’ the customary appointment of and heir:-

- (a) For the purpose of the Court-fees Act, 1870—Suits of classes (I) with the exception noted below (ii) , (iii) and (iv) Rs. 200.
- (b) For the purpose of the suits Valuation Act, 1887, and the Punjab Courts Act, 1918, suits of classes (I) and (ii) , Rs 1,000 suits of classes (iii) and 9iv) , such sum exceeding Rs. 500 and not exceeding 1,000 as the plaintiff shall state in the plaint.

Explanation . Classes(I) and (ii) do not include petitions under any special Act relating to the dissolution of marriage.

2. Suits for rendering an alienation void. - Suits by a plaintiff , during the lifetime of a person alleged to have a restricted power of alienation In respect of immovable property made by such person declared to be void except for the life of such person or for some other determinate period .

Value –

- (a) For the purpose of the court-fees Act, 1870 as determined by that Act.
- (b) For the purpose of the suits Valuation Act, 1887 and the Punjab Court Act, 1918—

(i). When the alienation is by written instrument which declares the value of the interest purporting to be created , or the amount of the consideration for which the alienation is made, such value or amount.

(ii). In other cases the market value, at the date of instruction of the suit, of the property alienated;

Subject in either case to the provisions of Part I of the suits Valuation Act, 1887 and of the rules in force under the said Part, so far as those provisions are applicable.

3. Suits for accounts. - Suits in which the plaintiff in the plaint asks for accounts, only not being suits to recover the amount which may be found due to the plaintiff on taking unsettled accounts between him and the defendant, or suits of either of the kinds described in Order XX , rule 13, of the code of civil Procedure :

Value – (a) For the purpose of the Court-Fees Act, 1870 , --as determined by that Act.

(b) For the purpose of the Suits Valuation Act, 1887 , and the Punjab Courts Act, 1918,

such amount exceeding Rs. 100, and not exceeding Rs. 500 , as the plaintiff may state in the plaint.

4. Suits to establish or negative a right. - Suits in which the plaintiff in the plaint seeks to establish or to negative any right hereinafter mention, with or without an injunction , and with or right to open, or maintain, or close door, or a window , or a drain , or a water-spout(*parnala*) ; a right to or in a water-course or to the use of water; a right to build, or raise, or alter, or demolish a wall, or to use an alleged party-wall or joint staircase:

Value—(a) For the purpose of the court fees Act, 1870, as determined by that Act.

(b) For the purpose of the Suits valuation Act 1887, and the Punjab Courts Act. 1918 (As amended)

(i) If damages are not claimed, such amount exceeding Rs. 100, and not exceeding Rs. 500 as the plaintiff may state in the plaint

(ii) If damages are claimed the amount of such damage increased by Rs. 100.

5. Suits to set aside or file an award - Suits in which the plaintiff in the plaint seeks to set aside an award, and applications registered as suits under the provisions of schedule II, Paragraph 17 and 18 of the code of civil procedure(to be file an agreement to refer to arbitration) or of schedule II, paragraph 19 of the said code (to file and award); when or so far as the award or the agreement relates to property:

Value. - (a) For the purpose of the Court-fees Act, 1870, --as determined by that Act.

(b) For the purpose of the Suits Valuation Act, 1887, and the Punjab Act, 1918(As amended), the market value of the property in dispute , subject to the provisions of Part I of the Suits Valuation Act, 1887; and of the rules in force under the said part, so far as those provisions are applicable .

6. Rules subject to explanation - The foregoing rules are subject to the following explanations:-

(i). the term “plaint “ includes an amended as well as an original plaint;

(ii). a suit falling within any of the above description is not excluded therefrom merely by reason of the plaint seeking other relief in addition to the described in any of the forgoing rules.

CHAPTER 4.

SUITS BY PAUPERS

1. These instructions shall be called “The Punjab Pauper Suits Instructions , 1933.”
2. The orders of the High Court in the matter of suits by paupers are contained in Rules and Orders of the High Court, volume I, Chapter 1-N (e) which is here reproduced :-
 - (i). Attention is called to Order 33 of the code of civil Procedure on the subject of suits by paupers and the steps which should be taken to protect the interests of Government in such cases.
 - (ii). Before a pauper suit is admitted , the petitioner or his agent when the applicant is allowed to appear by agent, should be examined regarding the merits of the claim and the property of the applicant, If it appears to the court that the suit is not framed and presented in the manner prescribed by rule 2 and 3 of order 33, or that the applicant is not a pauper, or that he has fraudulently made away with any property within the two months preceding the presentation of the plaint, or that hi allegations do not show a cause action or that he has entered in to any agreement with reference to the subject – matter of the proposed suit under which any other person has obtained an interest in such subject matter, the application must be rejected . If the court sees no reason to refuse the application, it must fix a day(of which at least ten day’s previous notice must be given to the opposite party and to the Government Pleader[\[a2\]](#) on behalf of Government) for receiving such evidence as the applicant may adduce in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof , and can only pass final orders on the application after hearing the evidence and arguments brought forward on the day so fixed .
 - (iii). Under the provisions of order 33 , rule 9 of the code of civil Procedure, the court may under certain circumstances, order a plaintiff to be dispaupered.
 - (iv). Order 33 ,rule 14 , directs that where an order is made under rule 19 , 11, or `12 , the court shall forthwith forward a copy of the decree to the collector
3. The civil courts acting under order 33, rule 6 of the code of civil procedure), are required to send notices to the Deputy commissioner in regard to certain proceedings on applications to sue in forma pauperis. Pauper suits are instituted without payment of court-fees, and order 33, rules 10 and 11 of the code of civil procedure , provide for the recovery of the

amount of the stamp which should have been paid if the plaintiff had not been allowed to sue as a pauper. Under rule (4) of the High Court Rules reproduced above civil courts are required, whenever a decision is passed in a pauper suit, to inform the collector of the amount payable to the Government as stamp dues, with such other particulars, as will enable him to recover the same. Applications for review under order 33, rule 12, may be made by the deputy commissioner as representative of Government (chief Court letter No. 3272-G., dated 21st July 1890, circulated with circular letter No. 5 of 1891 from the superintendent of stamps)

4. The charge of pauper suits in each district should be entrusted to an Assistant or Extra Assistant Commissioner, who should be held responsible for the proper realization of Government stamp dues in such suits.
5. On receipt of the notice under rule 2(2) the district Nazir shall at once enter the case in the register of pauper suits to be kept in English in form P.S. 1 attached. The collector shall then cause an enquiry to be made through a responsible officer into the alleged pauperism of the plaintiff. If the collector decides to oppose the application, the Government Pleader may, if necessary, be instructed accordingly.
6. The register should be laid before the officer-in-charge once a month, who should direct the district Nazir as to step to be taken in each case.
7. In order to ensure that the court has complied with the directions contained in rule 2(4), the Record-keeper should on receipt of a file of a pauper suit in the general record room of the deputy commissioner's office, ascertain from the District Nazir's register of pauper suits that, if an order has been made under order 33, rule 10 or 11, it has been duly communicated to the collector and entered therein. He should also see if in the circumstances an order might have been passed under these rules. Any omission detected by him should be brought to the notice of the District Nazir for the orders of the Deputy Commissioner who can, under Order 33, rule 12, apply for an order to be made.
8. On receipt of a copy of the order under order 33, rule 10, 11 or 12, the collector is responsible for all further action required for the recovery of such sums as may be due to government.

It should be noted that recoveries of Government dues in pauper suit can best be effected in the course of execution proceedings in the civil court. Expenditure, which the civil court can

call upon the collector as decree- holder to provide, of course , be added to the costs recoverable from the judgment – debtor, but pending such recovery, the collector should provide whatever outlay is necessary from his contingencies, if the collector is employed by the civil court merely as agent of the court, under section 9 , schedule III of the Civil Procedure code, the expenses incurred by him would be expenses of the civil court.

The charges should be drawn on a separate bill in form A and T No. 308, requiring no counter-signature. These charges are debitable under “ Law officers(Appendix 7- page 64 of Audit Code, volume II)

9. Before execution is taken out, the collector may cause a second enquiry to be made through a responsible officer into the means of the pauper: but this will not generally be necessary if he has succeeded in his suit or has been dispaupered . If it is now found that he has means to pay the whole or a part of the dues of the Government, efforts should be made to recover such amount from him out of court. Resort to the court should only be had in cases where the pauper has means to pay but resists the process of Revenue Authorities . In the later case the Collector should empower the District Nazir by a special power of attorney in form P.S. 2 attached to take out execution proceedings in the court concerned.

10. The money recovered in pauper suits should be credited to Government in cash under the head “ XVII – Administration of Justice – Court-fees realized in cash” and not converted into court-fee stamps to be affixed to the record.

11. In order that the accounts may not be cumbered with items in which there is no real hope of recovery , steps should be taken in all hopeless cases to obtain the sanction of the Commissioner to write off the irrecoverable balance under serial No. 23-B of paragraph 20.11 of the Book of Financial Powers. In dealing with this point a distinction may usefully be drawn between cases in which the pauper has been successful, and cases in which he has failed . when the pauper has failed , it is useless to postpone the erasure of the item from the register for long and application should be made in this behalf within three years from the date of the order passed under order 33, rule 11 of the code of Civil Procedure, In successful cases no general rule can be laid down because everything depends upon the means of the judgement –debtor.

12. When remission is applied for and recommended by the collector, the record of the case should be granted by the commissioner of the division until the latter has satisfied himself that all possible means have failed to effect recovery. No case, in which the pauper has been successful,

should be so reported to the Commissioner before the expiry of three years from the date of decision of the case by civil court.

13. The stamp Auditor will pay special attention to recoveries in pauper suits when he pays special attention to recoveries in pauper suits when he visits a districts and he should bring promptly to the notice of the collector any neglect in carrying out the Rules of High Court or these instructions

14. The commissioner of the division will, in the ordinary course of his inspection, examine the register of pauper suits and the files of case, and see that every effort has been or is being made to recover sums due to Government. When it is found that certain amounts are outstanding without prospect of recovery, the collector should be instructed to apply for sanction to their remission.

Form P.S. 1

Register of PUPER suits _____ District

1	2	3	4	5	6	7
Serial no.	No. of applications and names of parties	Court issuing notice of pauper application	Date of receipt of notice	Date of hearing	Order passed on application	Date and nature of decree passed

8	9	10	11	12	13
Amount due to Government on account of court fees in the suit, names and places of residence of parties by whom the amount due is payable	Date on which the court deciding the suit intimated the foregoing particulars to the collectors	Date of reference to the Tehsildar for taking stamps to recover Government dues .	Amount received through Tehsildar	Date on which the collector moved the court to take orders under the code of civil procedure for the recovery, by execution of sums due	Action taken by the court ; the success or non success attendant thereon

14	15	16	17	18	19
Amount recovered , with number and date treasury challan crediting the amount	Balance due at the end of the month	Order of officer in charge with date	Balance at the end of the year with explanation	Order of the collector with date	Amount remitted, with no. and date of commissioner's letter sanctioned remission

FORM P.S. 2.**FORM OF SPECIAL POWER OF ATTORNEY (STEREO, F.C. NO. 387).**

In the court of _____

In the matter of _____ Plaintiff / Appellant / Petitioner

versus

_____ Defendant/Respondent

Know all to whom these presents shall come that I, the under signed appoint _____ District Nazir(here in after called the Nazir) in the above mentioned cause to do all the following acts, deeds and things or any of them that is to say:-

- (1) To act, appear and plead in the above mentioned cause in this court or any other court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision .
- (2) To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawl, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said cause in all its stages.
- (3) To receive monies and grant receipts there fore and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause .

And I hereby agree to ratify whatever the said Nazir shall do in the premises

In witness whereof I hereunto set my hand to these presents, this the _____ day of _____ 193.

Witness _____

(Signature of collector)

Accepted

CHAPTER 5

THE PUNJAB COURT-FEE STAMP RULES, 1934.

(Punjab Government notification no. 4860. –E & S. , dated the 7th April.)

In exercise of the powers conferred by section 26 and 27.(b) of the court fees act, 1870 , the Governor in council is pleased to make the following rules for regulating the kind and number of stamps to be used for denoting fees chargeable under the said Act.

These rules may be called “ The Punjab Court Fee Stamp Rules, 1943” and shall take effect on and from the 20th August , 1934, in supersession of the rules published with Punjab Government notifications nos. 21224 and 21227 (Fin. –Genl.), dated the 17th July, 1928:-

1. Number and kind of stamps to be used when fees amount to less than Rs. 25. -

When in any case the fee chargeable under the Act is less than Rs 25 and the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value bearing the words “ court-fee,” But, if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, a stamp of the next lower value available shall be used , and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.

2. When fees amount to or exceeds Rs. 25. - When in any case the fee chargeable under the Act amounts to or exceeds Rs. 25 and the amount can be denoted by a single impressed stamp, it shall be denoted by a single impressed stamp of the required value bearing the words” court fee” But , if the amount cannot be denoted by a single impressed stamp , or if a single impressed stamp of the required value is not available , an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower values available which may be required o make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 25.

- 3. Fraction of an anna to be omitted in calculating fee.-** If in any case the amount of the fee chargeable involves a fraction of an anna , such fraction shall be remitted.
- 4. Certificate given by a stamp vendor when a single stamp is not available -**Where a stamp of the required value is not available , the purchaser shall obtain a certificate from the vendor to that effect in the form below . This certificate shall be affixed to the document and filed with it:-

(Form of Certificate)

“Certified that a single stamp of the value of Rs. _____ required for this document is not available , but in lieu there of , I have furnished a stamp of the next lower value available and made up the deficiency by the use of one or more adhesive/impressed stamps of the next lower values available required to make up the exact amount of the fee.

Date_____ Signature of stamp vendor”

- 5. Mode of stamping and engrossing instruments for which a single stamp is not available. -**An adhesive stamp which may be use under rule 2 shall be affixed to the impressed stamp of the highest value employed in denoting the fee, or to the first sheet of the document , to be inscribed in such manner as not to conceal the value of the stamp thereon.
- 6. Directions for the use of plain paper with impressed stamps.-** When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document.

CHAPTER 6.

CANCELLATION OF COURT-FEE STAMPS

- 1.** The rules made by the High Court for regulating the cancellation of court-fee stamps are contained in Rules and Orders of the High court, volume IV , Chapter 4-C, which is here reproduced :-

RULES

- (1) The cancellation of court-fee stamps shall be effected -
- (a) when a document bearing a court-fee stamp is received by a court competent to receive the same;
 - (b) when a court-fee stamp is paid in on account of process fee;
 - (c) when a court fee stamp is affixed to a document issued by any court or office ;
 - (d) when the court of a case in which court fee stamps have been filed is finally made over to the record-keeper for sale custody.
- (2). Court fee stamps falling under clause (a) and (b) of the foregoing rule shall be cancelled immediately of receipt of the document or stamp , by such officer as the court may from time to time , appoint in writing , manner prescribed by section 30 of the Court-fees Act. As an additional precaution , the cancelling officer should affix his signature and the date, across each label , at the time of cancellation , in durable ink

Note:- In order to ensure compliance with rules 2,3, and 6 uniformity of practice in the province, it has been decided that round punches shall be used by courts and offices and triangular punches by the record room staff. Both kinds of punches are obtainable from the controller of stationery, calcutta, Care should be taken to see that all round punches in courts and officers in districts are of uniform size in order to prevent fraud arising from the stamps already punched being punched again with a larger punch (High court letter No. 2587 AXXX-24 dated 8th April 1933, and Financial Commissioner's letter No. 2203-E & S. dated 20th April 1933)

(3). In regard to stamps on documents falling under clause (c) of rule !, the Government of India have directed , in Finance Department Resolution No. 3373, dated the 24th September 1875. That the court or office issuing copies , certificates, or other similar documents liable to stamp duty under the court fees Act, shall before issue, cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part of the label on which its value is expressed ,and that as an additional precaution , the signature of the officer attesting the document, with the date , shall be written across the label , and upon the paper on either side of it .

(4). The following executive Instructions to be observed when a document is written upon

two or more impressed stamps which are used to make up the fee chargeable under the court fees Act, VII of 1870 have been issued by the Financial Commissioner:-

When two or more impressed stamps are used to make up the amount of the fee chargeable under the court fees Act, a portion of the subject matter shall be ordinarily be written on each stamp sheet, where this is impracticable or seriously inconvenient, the document shall be written on one or more sheets bearing impressed stamps of the highest value , and the reaming stamps shall be punched and cancelled by the court and filed with the record , a certificate being recorded by the court on the face of the first sheet of the document to effect that the full court-fee has been paid in stamps . The writing on each stamped sheet shall be attested by the signature of the person or persons executing the documents.

(5). Whenever the custody of a record containing court-fee stamps is transferred from one official to another before final disposal , the receiving officer shall examine the court fee stamps in the record and either certify on the index of papers that they are complete , or immediately bring to notice any deficiency, as the case may require.

(6). The rules for cancellation of court-fees stamps by the record-keeper are contained in a resolution of the Government of India in the Finance Department , No. 1763, dated the 24th July 1873, in which it is ordered that the record keeper of every court shall, when a case is decided and the record consigned to his custody, punch { *See note under rule2*} a second hold, or , in the case of stamps falling under clause (c) , rule 1 , an third hole , in each label, distinct from the first , and *note the date of doing so at the same time*. Special attention is requested to the words in italics, as the direction therein contained is always not compiled with . The record keeper's punching should not remove so much of the label as to render it impossible or difficult to ascertain its value or nature, from the resolution [\[a3\]](#) of the Government of India , No. 3047, dated 5th September 1883, it will be seen that these directions apply only to adhesive label used under the Act , and not to impressed stamps which need not be punched a second time.

**Resolution* – It was directed in Finance Department Resolution No. 1763, dated 24th July, 1873, that the record-keeper of every court shall, when a case is decided and the record consigned to his custody, punch a second hold in each label distinct from the first which is prescribed by section 30 of the Court-fees Act, and note the date of doing so at the same time.

These directions apply only to adhesive labels used under the Court-fees Act. Impressed

stamps used for denoting Court-fees not be cancelled or punched otherwise than as required by section 30 of the Court-fees Act.

(7). Record-keepers will be held personally responsible that the stamps appertaining to the record under charge are complete, and that they have been duly cancelled in accordance with these instructions. Should a record be sent into the record-room in which the stamps are incomplete, or not duly cancelled, the record keeper shall report the circumstances at once to the head of the office, and shall defer entering the case in its appropriate register until orders have been passed in the matter.

(8). When a record containing court fee stamps is taken out of the record room for any purpose, each official through whose hands it passes must note on the index of papers, or on the list of records where such a list is with the record, that he has examined the court-fee stamps in the record, and that they are complete or, if they are not complete, at once report the fact for orders.

Note.- 1. To facilitate the examination required by the above rules a column has been inserted in the index of papers attached to each record which shows at a glance what papers in the record bear court-fee stamps, and the number and value of the stamps attached to each of such papers.

2. Further precautions against the fraudulent use of court-fee labels a second time were, under the orders of Government, prescribed by the Superintendent of Stamps in his circular No. 1, dated 24th April 1877, of which the effective portions are extracted below. It is to be noted that at that time adhesive labels alone were used to denote fees of court :-

The most important point to be guarded against is the re-use of stamps which have once been used; such stamps may have been punched, or they may have been left unpunched, and passed into the record-office and there removed. In the case of a removed stamp that has been punched once, it is clear that its use a second time can only be effected by the dishonesty of the subordinate official who, in the first instance, receives the document presented by suitors. In the case of a removed stamp that has not been punched it is possible that it may have been so little injured in the removal as to be used a second time without detection, unless the stamp be closely examined; and it may pass undetected, either from dishonesty or from want of vigilance on the part of that official. In order effectually to prevent frauds of this nature, it is absolutely necessary that the subordinate official whose duty it is to see that the full fee has been affixed in each case

and to punch the stamps and to record orders, should be made to stand or sit within full view of the officer, and in that position to perform his task, certifying on each petition that the full fee has been affixed and all stamps have been punched. It is of the utmost importance that this subordinate should be allowed not time or opportunity for tampering with the stamps.

When files of decided cases are sent to the record-room, the record-keeper should be required, without any loss of time, to examine the stamps and punch a second hole in each stamp, affixing the date on which he does so.

2. In order to ensure careful compliance with the above rules may by court and record room officials, a questionnaire has been prescribed for the guidance of officers inspecting judicial record rooms and added as appendix B to the Financial Commissioners standing order no. 62 officers inspecting such record room should pay particular attention to questions no. 8,9(c), 10, 23 24(a) of the questionnaire.

CHAPTER 7.

PROCESS – FEES AND PROCESS SERVING ESTABLISHMENT.

The rules regarding process –fees and process serving establishment framed by the High Court under section 20 and 22 of the Court fees Act, 1870, are contained in chapter 5 and 6 of the High court Rules and Orders, volume IV . Important rules from these chapter are reproduced below:-

Chapter 5-A

* * * * *

2. Attention is invited to section 21 of the court fees Act which requires that a table of fees chargeable on process in each court should be hung up in some conspicuous place, and to the fact that under rule 4 an additional fee is leviable on multiple process.

3. The Court-fees Act, section 20 clause (ii), restricts the levy of a fee on criminal processes to non-cognizable cases. The levy of a fee in such cases is authorised by rule 5 whether the process is served through the police or the process-serving establishment, and the fee for such process has been fixed at a uniform rate of four annas.

* * * * *

5. Notwithstanding the separation of the Revenue from the Civil Courts , the control over income offices , and the expenditure on establishment , etc. from this source, is still , at the desire of the Financial Commissioners, retained by the High Court , to which all references on the subject should be made as hereto fore, It will be necessary for commissioners, and District Courts to maintain the registers and accounts prescribed by these Rules and Orders and to submit the annual returns , in the prescribed form

For the purpose of the rules under part B, Revenue courts have been divided into three grades as follows :-

Court	Grade.
Financial Commissioners	First Grade
Commissioners	Second Grade.
Collectors and Assistant Collectors	Third Grade.

6. No process shall be prepared or issued until the proper fee for the service there of has been paid . When such fee is paid the court fee label denoting the fee shall be affixed to the diary of process-fees and immediately punched, the process shall then be prepared , it being left to the party who applied for the process to issue it or not as he thinks fit . This will obviate the necessity for making any refund of the value of court-fees filed on account of process which not eventually issued.

Chapter 5-B

1. The Civil Courts of the Punjab shall, for the purpose of levying process-fees, be divided into three grades as shown in the annexed table :-

Grade	Civil Courts
First	The High Court .
Second	District Court.
Third	Courts Subordinate to the District Court.

Notes –For the purpose of this rule a Tribunal established under section 12 of Punjab Act, VIII of 1925(The Sikh Gurdwaras Act of 1925), shall be deemed to be Civil Court of the Second grade.

(2) The court of a Sub-Judge, invested with appellate powers is deemed to be a District Court for the purpose of all appeals preferred and is therefore a court of the second grade.

2. Fees for the service of processes shall be levied in each grade of court according to the following scale, namely:-

Nature of Process	Courts of 1 st grade	Courts of 2 nd Grade	Courts of 3 rd grade
	Rs. A. P.	Rs. A. P.	Rs. A. P.
Summons , notice or other process, not being a warrant of arrest or attachment	2 0 0	1 0 0	0 8 0
Warrant of attachment	4 0 0	2 0 0	1 0 0
Warrant of arrest	4 0 0	2 0 0	2 0 0

Note (1) (*In the Lahore and Ambala Districts only*). – Parties serving processes on their own witnesses shall pay fees at half the rates the rates prescribed in the table above.

(2) The Punjab Government Have ruled that as applications by local bodies for the recovery of taxes are dealt with by Magistrates under section 386 of the criminal Procedure code, no process fee is leviable from them for the process issued (Punjab Government Letter No. 7959-Judicial , dated the 9th March 1934).

(3) Process fees should be charged by the Insolvency Courts in respect of all notices, etc, served on parties concerned whether by post or through the ordinary process-Serving agency9 High Court letter No. 9315-A/XV –12 dated the 18th November 1931)

3. A separate process shall be issued for each person summoned or arrested, or upon whom a notice is served ; and, subject to the rule next following a separate fee shall be charged for each process .

4. When any process, other than a warrant of arrest or of attachment, is to be served upon four or more persons being parties, one fee only shall, according to the scale in rule 2, be charged in respect of the first four processes, and an additional fee, according to the subjoined scale, shall be charged for each process to be served in excess of four, provided that the aggregate amount of fee leviable under this rule shall not exceed the maximum prescribed for each grade of court:-

	Courts of 1 st grade			Courts of 2 nd grade			Courts of 3 rd , grade		
	Rs.	A	P	Rs.	A.	P	Rs.	A.	P
Rate of additional fee.	0	8	0	0	4	0	0	2	0
Maximum	15	0	0	10	0	0	5	0	0

Note:- This rule is not applicable to process issued for service on witness

5. No fee shall be chargeable for any process of a criminal court, issued through the police in cognizable cases, In non – cognizable case a fee of four annas shall be levied for every such process, *Whether such process be served through the process-serving establishment or the police.*

6. A process issued by any court in British territory, whether of civil or criminal jurisdiction, shall be served free of charge by any court in the Punjab if it be certified on the process that the proper fee has been levied under the rules in force in the territory in which the court issuing the process is situated, When any Court in the Punjab, whether of Civil or Criminal Jurisdiction, transmits a process for service or execution to any court beyond its jurisdiction, a certificate shall be endorsed on the process that the fee chargeable under rule 2 or rule 4, as the case may be, has been levied.

[a1]chapter 3-C of Volume I, Rules and order of the High Court.

[a2]The Deputy Commissioner of each district in the Punjab has been declared to be the “Government Pleader” for his district for purpose of Order 33, rule 6 Civil Procedure Code (Punjab Government notification no. I.C., dated 1st January 1909), and may move a court under rule 12 of that order, if he is of opinion that a person allowed to sue in forma pauperis is in fact no a pauper

[a3]it was directed in the finance department resolution no. 1763, dated 24th July 1873 that the record keeper of every court shall , when a case is decided and the record consigned to his custody , punch a second hole in each label distinct from the first which is prescribed by section 30 of the court-fees Act, and note the date of doing so at the same time. These directions apply only to adhesive labels used under the court-fees Act. Impressed saps used for denoting Court-fees need not be cancelled or punched otherwise than as required by section 30 of the Court-fees Act.

RULES AND ORDERS REGARDING THE CUSTODY , SUPPLY AND SALE OF STAMPS OF ALL DESCRIPTIONS.

CHAPTER 1.

RULES FRAMED BY GOVERNMENT OF INDIA FOR THE SUPPLY AND DISTRIBUTION OF STAMPS^[a1]

Extent of application . These rules apply, to the extent set forth therein, to all classes of stamps and to all parts of British India: Provided that the application of rules 14 to 37 is limited in the Governor’s Provinces to postage and other stamps that are the property of the central Government unless the Government of any such Province elects to extend them in whole or in part to stamps, judicial or non-judicial, that are the property of the local Government .

Note:- Provisions of rules 14---37 have been extended by the Punjab Government to non – judicial and court-fee stamps that are the property of the Local Government.
^[a2]

Explanation (1) For the purpose of these rules , Governor’s Provinces will include coorg.

(2) The term “ postage Stamps” except where expressly other wise provided, will include “ postal stationery.”

PART I- PRINTING AND SUPPLY

Security Printing Press.

1. Postage stamps and postal stationery and all revenue stamp, both judicial an non-judicial, which form sources of central revenue, shall be printed only at the security Printing Press at Nasik Road.
2. The press shall also print and supply such revenue stamps as my be required by local government of Governor’s Provinces and Indian States on such terms as the Government of India may determine from time to time.
3. The officer in charge of the Press shall be designated Master, security printing ,India and shall work under the immediate control and direction of the Central Board of Revenue . He will also be ex-officio controller of Stamps for the purpose set out in these rules.
4. These rules do not regulate the administration of the Press by the Master. Such administration shall be regulated by the rules and orders, both general and special, issued by the Government of India from time to time.
5. **Central Stamp Store**
6. Attached to the Press shall be a store, which shall be called the central stamp store. That a store shall be in the immediate charge of the Deputy Controller of Stamps, who will work under the master, security printing , in the latter’s capacity as controller of Stamps.
7. The Central Store shall ordinarily maintain a stock of stationery and stamps as shown below:-

Postage stamps(other than one anna stamp booklets) 6. Month’s probable

Consumption .

Postage stamps(one anna stamp booklets) 2 Months probable consumption

Postal stationery 3. Month's probable consumption

Revenue stamps—

(a) Those which form source of Central revenues---

Adhesive 6 month's probable consumption

Impressed 3 month's probable consumption

(b) Stamps which are source of Provincial Revenue in Governor's Provinces---

As may be settled between the local Government concerned and the Controller.

Note to clause (b) above.—*It has been settled with the controller of stamps central stamp store, Nasik, that the reserve stock on non-postal adhesive and impressed stamps to be maintained at the central stamp store for this province shall be equal to three month's probable requirements of the treasuries of the Punjab.*

7. The controller of Stamps shall also keep stock of Unemployment Insurance Stamps to be received from time to time from United Kingdom for sale at certain Sea ports.

C. Forecasts, etc,

8. The Controller of Stamps shall be responsible for regulating the supply of all kinds of stamps to all centrally administrated areas , political agencies, etc. As regards Governor's Provinces his responsibility will be confined to supplying the stamps that are required by the local Governments. With a view to enable him to discharge his duties, the officer in charge or Treasuries or other local Depots in Central areas shall sent the Controller of Stamps forecasts and indents as stated below.

9. (i) not later than the 15th August each year a consolidated forecast should be sent to the controller of stamps as laid down below:-

(a) As regards revenue stamps in centrally administered areas by Officer-in-charge of each local Depot direct; the branch depot requirements should be included in the forecast of the local depot.

(b) As regards all revenue stamps in Governor's Provinces by the officer appointed by the local Government concerned, who will obtain the necessary information from the various Treasuries or other local Depots.

(c) As regards postage stamps , both public and service, by the Heads of postal circles, who will obtain the necessary information from the various local depots or treasuries in the form prescribed under rule 9(ii).

(ii) All forecasts shall show in separate columns for each denomination of stamps(whether a supply is required or not), the actual issues during each of the preceding 3 years, the average annual consumption based on the issues of the preceding three years, the balance in hand at the date of forecast , the estimated issues for the remainder of the current financial year, and the forecast of stamps which the Central Stamp Store will be required to supply during the ensuing year.

Note—*(I) the financial commissioner , Revenue , has been appointed [\[a3\]](#)by the Punjab Government as the officer in the Punjab Under rule 9(I) (b) .All*

correspondence on the subject should be addressed to the Assistant Secretary to the Financial Commissioner.

(ii) The Postmaster-General , Punjab , is the head of Postal Circle in this province.

10. (i) Indents for replenishment of stock shall be prepared as below by Officers in charge of Local Depots.

(a) In respect of non-judicial and impressed court-fee stamps of the denominations of Rs 25 and above all fiscal adhesive stamps (other than half anna one anna , two annas and four annas revenue stamps), adhesive court fees stamps of the denomination of Rs. 5 and above , and postage stamps of the denomination of Rs. 5 and of above – annually on dates to be arranged between local Governments and the Controller of Stamps to meet the estimated consumption during the twelve months, for which , under such arrangement , this indent has been prepared .

(b) In respect of all other stamps and postal stationery, during the first month of every quarter , to meet the estimated consumption during the next quarter.

(c) The indent shall show in separate columns for all denominations of stamps, whether a supply is required of not, (1) the balance in the local depot, (2) the quantity due against previous indents pending compliance with the Controller of Stamps(3) the quantity sold during the preceding year or quarter – annual sales for stamps specified in (a) of this rule and quarterly sales for all other stamps and postal stationery – including issues to branch depots, (4) the quantity required for the next year or quarter, and (5) the quantities passed by the scrutinising officer .

(ii) Indents for postage stamps should be sent to the Controller of Stamps direct for scrutiny and supply, those for non-postal stamps being submitted to him through the officer appointed under Rule 9 (I) (b)

***Note1:-** For the definition of Local Depots , so far as relates to stamps that are the property of the Central Government , see rule 14, So far as concerns stamps that are the property of the Governments of Governor’s Provinces, the Local Depots shall be such as may be appointed by those Governments.*

***Note2 –** The Presidency Postmasters of calcutta , Madras and Bombay may indent direct on the Central Stamp Store.*

***Note 3.—**For rules prescribed by the Financial Commissioner for the Preparation and submission of indents for non-postal stamps see chapter 2 of this part.*

11. The controller shall have discretion to comply with an indent partially. As regards indents for revenue stamps for Governor’s Provinces, however , he will comply with indents as received without question if he has the necessary stocks in hand.

12. The controller of stamps shall supply the head of postal circles and the officers appointed by the local Government under Rule 9(i)(b) with copies of all invoices relating to the issues during the month from the store to each local depot within seven days of the close of the month to which the issue relates .

***Note.—**Invoices pertaining to non-postal stamps are sent to Financial Commissioners by the Collector, while those relating to postal stamps are forward by him to the Postmaster-General , Punjab, Direct.*

13. Arrangements for the purchase and supply of plain paper are regulated by special rules, and not by these rules .

PART II.—DISTRIBUTION, CUSTODY AND SALE

A. Local Depots and Branch Depots and Stocks to be kept.

14. Every Treasury including those attached to political and Salt agencies shall be a local depot for the custody and sale of stamps of all descriptions. Local depot

for the custody and sale of stamps of all descriptions . Local Governments may establish local depots at places where there is no treasury,

Note.—In the Punjab no local depot has been established at a place where there is no treasury

15. Each local depot shall, unless the local Government otherwise directs, maintain a reserve stock of stamps not less than the probable consumption of five months in addition to the stock required for the quarterly or annual consumption as the case may be, Local Government may direct that the supply to be maintained either generally or in respect of any particular kind of stamp or in certain local depots, shall be equal to the probable consumption of such other period as they deem expedient .

Note—Each local depot in the Punjab is required to maintain a reserve stock of postage stamps, postal stationery and non-postal stamps of all denominations, not less than the probable consumption of three months, in addition to the stock required for the quarterly or annual consumption for which indents are submitted quarterly and yearly , respectively (Financial Commissioner’s letter No. 4384 E. & S , dated 14th August 1933).

16. If the supply of stamps in any local depot should run short before the receipt of the supply from the central stamp store, the officer in charge of the local depot should indent for a supply from a neighbouring depot, sending a copy of the indent to the Controller of stamps, Nasik Road, or to the officer appointed by the local depots may be in a central area or in a Governor’s Province.

Note.—Also see rules nos. 22—30 of the indent rules, , chapter 2 of this part.

17. Emergent indents on neighbouring depots as authorised in rule 16 may ordinarily be made on a depot in the same province or administration , the general or special orders both of the local Government controlling the supplying depot and of the local Government controlling the indenting depot will be necessary.

Note.-- Also see rules nos. 22-30 of the indent rules chapter 2 of this part.

18. Ever subordinate , branch , or tahsil treasury shall be a branch depot for the sale of stamps of all descriptions. But in any case where the sale of stamps from such a branch depot is insignificant, and equal facilities exist for the supply of stamps from a depot in the same station as the branch depot, the local government may direct the closing of the branch depot; provided that, with out the previous sanction of the Government of India , the local Government may not order that the maintenance of a stock of postage stamps in a sub-treasury may be dispensed with even if the post office authorities do not require it .

19. The supply to be kept in a branch depot should be not less than the probable demand for three months ; but the Chief Controlling Revenue authority as defined in section 2(8) of the Indian Stamp Act, 1899 may direct that the supply shall be equal to the demand of any other period instead of three months which it may consider expedient. The stock should be kept up to this amount by indenting and obtaining supplies from the local depot from time to time as may be necessary.

Note.—See rule 34 of chapter 2 of this part. The Financial commissioner has directed that the stock of stamps at each branch depot should never be less than sufficient for one month’s nor more than sufficient for two months average consumption.

20. As soon as the number of stamps in the branch depot not receiving its supplies direct from the central stamp stores, falls below the number issued from the depot in the preceding four months, the officer-in-charge of the depot shall prepare an indent for a supply equal to the probable consumption of two months, The indent shall show, in separate columns for each denomination of stamps of which a supply is required , the balance in the branch depot, the quantity sold in the preceding four months and the quantity indented for, which should be approximately one half of the quantity sold in the preceding four months . The periods of “ four months” and “two months” in this rules may be altered by the Chief controlling Revenue authority as defined in section 2(8) of the Indian Stamp Act, 1899, to such other periods as it may deem expedient.

Note.—It has decided that branch depots in the Punjab shall be so supplied with stamps that ordinarily the balance of stamps in each branch depot should never be less than sufficient for one month's nor more than sufficient for two months' average consumption (Rule 34 of Chapter 2 of this Part.)

21. Branch depots authorised to receive supplies direct from the Central Stamp Store should keep as reserve stock quantities approximating to the consumption of three months stock in addition to the quarterly or annual demand.

Note.—No branch depot in the Punjab is authorised to receive supplies of stamp direct from the Central Stamp Stores.

B - Accounts , Returns, Storage, etc.

22. As soon as possible after the arrival of supply of stamps from the central Store or from another local Depot, the officer –in – charge of the local Depot shall personally examine the outward appearance of the boxes or packets and satisfy himself that they bear no marks of tampering, He shall then have the boxes or packets opened in his presence, and the contents of each box or packet counted either by himself or in his presence , immediately on being opened .Where the treasury is the local depot, the boxes or packets should in variably and there opened , one at a time, in the presence of the treasury officer , who must be present all the time the boxes or packets are being opened and their contents examined and verified and placed in the proper receptacles as required by rule 25. The number and value of stamps received shall compared by the officer-in-charge with the invoice submitted and a receipt shall be sent not later than seven days after the arrival of the stamps to the officer who sent the stamps.

Note-- Also see rules for the despatch and receipt of stamps, chapter 3 of this part.

23. Local Governments may issue such orders as may be thought necessary regarding the detailed counting of stamps received in a local depot, and as to the descriptions of stamps which the officer-in-charge himself must count, Such orders may include instructions that a certain percentage only of sealed packets marked as containing a certain number of stamps need be opened and counted at the time of receipt and the remainder, if the percentage opened are all found correct, left with seals unbroken to be counted, as they are required, on being given out from double lock, The officer in charge is responsible for observing any such instructions and for satisfying himself as to the number of stamps received before signing the receipt . The inside wrappers of packets of stamps which bear the initials of the officers through whose hands the packets passed before issue from central stamp store should invariably be preserved till the whole contents of the packets have been examined and found correct.

Note.-- Also see rules for the despatch and receipt of stamps, chapter 3 of this part.

24. If any of the stamps received are found unfit for issue due to faulty manufacture , they should be returned at once to the controller of stamps, Nasik Road. The Press will not liable to replace free of charge stamps found unfit for use from cause other than faulty manufacture. Stamps that are through any cause rendered unfit for issue at any time after receipt shall be disposed of in accordance with rules 46,47 and 52(b) and the rules framed by a Provincial Government under rule 47.

Note—Also see rules issued by the local Government under rule 47 , Chapter 7 of this part.

25. Immediately after the stamps received have been counted, they shall be placed in proper receptacles in the store under double lock in the presence of the officer in charge, arranged in parcels and packets containing known quantities , the amount and value of each denomination being entered at the same time in a register maintained to show the receipts , and issues to and from the store under double lock . these entries shall be checked by the officer-in-charge at the time when the stamps are deposited , and the correctness of the arithmetical calculations of additions to balance as well as of the values compared with quantities, shall be verified and initialled by him at the time, The register shall then be place with the stamps in the double lock receptacles and shall not be removed therefrom , nor shall any

entries be allowed to be made therein except in the presence of the officer in charge.

Note (1) *in all cases where stamp registers have to be checked, the actual check of quantities against values is a very important one; the correctness of the calculations of value must be tested in detail either by actual multiplication or by use of correctly prepared tables, and this check should never be omitted, This mark applies also to such of the following rules as prescribe a check of this kind, It is not necessary that the complete checking should be done by the officer himself. It will be sufficient if the officer personally checks 10 percent of , of the entries in each class of stamps, leaving the remaining entries in each class to be checked by a subordinate under his supervision .*

Note (2) *Also see rules for the despatch and receipt of stamps, chapter 3 of this part.*

Sales

26 The treasurer , or such other as the district officer may direct, shall be the ex-officio vendor of all descriptions of stamps in each local depot. Except as provided in the note below or in rule 32, sales to public or to licensed vendors shall not be made direct from the stores under double lock, such sales being made by the ex-officio vendor from the supply entrusted to him for this purpose , to be kept by him under single lock , as prescribed in the following rules.

Note.- *The officer in charge of such local depots in the Bombay Presidency as have no hazur treasurers, may issue postage stamps from the double lock store for sale to the public or post offices.*

Direct issue s of postage stamps from the double lock stores are also allowed in the case of local depots in the Lushai and Naga hill, Manipur and Tura , and the branch depots are at Lungleh[\[a4\]](#), Mokokchung, Sadiya , Jowai and Haflong in Assam.

“Ex-Officio vendor” in the Punjab means the contracting treasurer for the time being of the treasury of the headquarters of a district or his agen”.t

27. The stock to be made over to the ex-officio vendor to be kept by him under singly lock should ordinarily be sufficient for the probable demand of one month, The ex-officio vendor will maintain a register of receipts into and issues form single lock in the same form as the double lock register, and on a fixed date near the beginning of each month will prepare an indent for the quantity required for the month in a form showing the balances in his hands, an average month’s consumption and the quantity required . When this indent is presented to the officer in charge , he will examine the single lock register and check the correctness of the arithmetical calculations made therein . if he approves the indent, he shall then give out the quantity required from the store under double lock , check the correctness of the entries made in the double lock register , see that they correspond with those made in the single lock register in to the double lock register , initial both registers and return the double lock register in to the double lock store, The same procedure should ordinarily be followed when stamps are issued from double lock at any intermediate date, but when it is necessary to make issues more than once in one day, the prescribed checks need be applied at each time of issue only to the particular descriptions of stamps given out from double lock . There shall be a bi-monthly verification of the balance of stamps in the hands of the ex-officio vendor unless the local Government desires that such verification should be more frequent in local depot of the province or area concerned , e.g. on every day on which stamps are issued to the stamp vendor form double locks

Notes.- *(1) Local Governments may reduce the period of one month mentioned in this rule to one wee, or nay other period less than a month, if they consider this desirable with reference to the amount of the treasurers ‘ security or for any other reason ,*

(2) *In the Punjab treasurers of all Sadr treasuries whether managed by the Imperial Bank of India or not are permitted [a5] to hold in their separate custody in singly lock either--*

- (i) *stamps up to the probable demand of one wee, with cash and opium combined to a value no exceeding RS. 5000 ; or*
- (ii) *a total value of Rs 15000 for stamps , cash and opium whichever is less;*
- (iii) *in the special case of the Lahore treasury the treasurer or his agent is allowed to hold in his separate custody in singly lock--*
 - (a) *Court-fee and non – judicial stamps with opium up to a value of Rs. 15000*
 - (b) *Service stamps up to a value of Rs. 35000*

3 *Also see rules prescribed by local Government for verification of stamp balances in double and single lock of treasuries , The Punjab Government have prescribed a surprise monthly verification of stamps in the single lock in charge of the ex-officio vendor , rule3 chapter4 of this part.*

28. From the stock so made over to his charge kept by him under single lock the ex-officio vendor shall sell stamps to the public and to licensed vendors for cash. He shall maintain the single lock register in the form mentioned in the preceding paragraph in such language as the local Government may direct, entering therein both in quantities and values the receipt from double lock, the daily sales and the balance in his hands of each denomination at the end of each day , He shall pay daily into the treasury the cash received by him for stamps sold , the amount realised on account of each of the three descriptions of stamps namely, general , court-fees and postage—being paid in separately. The account of the daily sales should be inspected and the correctness of the calculations shown therein checked every day by the officer in charge of the depot.

Note .—*The ex-officio vendor shall maintain the single lock register in form (Financial commissioner’s stereo Nos. 91—105(b) either entirely in English or in Urdu; English figures being invariably used to express numerals.*

29. A district officer may direct that the sales to the public of judicial and non-judicial stamps by ex-officio vendors shall be limited to stamps of a value higher than a named amount, the sale to the public of stamps of lower value being left to licensed vendors.

Note-- *Ex officio vendors are required to sell to the public non-judicial and court fee stamps exceeding in value Rs. 100 each.*

30. The sub – treasurer , or such other officer as the district officer may direct, shall be the ex-officio vendor of stamps at a branch depot.

Note.-- *The sub-treasurer is the ex-officio vendor at branch depots except at Kot Khai in Simla district where the officer in charge of the sub-treasury ha been appointed ex-officio vendor.*

31. The officer-in-charge of the branch depot shall obtain his supplies from the local depot to which the branch depot is subordinate, in the same manner as the ex-officio vendor at the local depot obtains his supplies , except that the indent and the stamps must be sent by post or messenger to and from the local depot, and that the examination of the balance in hand and the comparison of the amounts shown with those shown in the indent shall be done by the officer in charge of the branch depot . In case where there is likely to be distinct saving of cost or greater security of the stamps in transmit , the local Government may empower the Board or Revenue or other superior revenue authority to sanction , subject to timely notice of such sanction being given to the Controller of stamps, the despatch of stamps direct from the Central Stamp Store to a branch depot, such supplies being passed through the accounts of local depot and treated by the controller of stamps, as supplies to the local depot to which the branch depot is subordinate .

The receipt and examination of stamps on arrival from the central stamp Store or a local depot should be conducted in the manner laid down in Rule 22.

Except where the officer-in-charge of the branch depot has been appointed ex-officio vendor , the ex-officio vendor shall obtain his supplies from the officer-in – charge of the branch depot in the same manner as the ex-officio vendor at the local depot obtains his supplies from the officer-in-charge.

Notes.(i) Separate rules have been issued by the local Government for the despatch and receipt of stamps in sub-treasuries. See chapter 3 of this part.

(ii) it has been decided that no branch depot in this province should receive its supplies from the central Stamp Store, Nasik, direct.

32. (i) Where the officer –in-Charge of the branch depot has been appointed ex-officio vendor, sales to the public or to licensed vendors may be made direct from the double lock, and the register of receipts into and issues from singly lock proscribed in rule 27 of these rules need no be maintained .

(ii) In all other cases, local Government shall fix the period , a supply for which shall be kept under single lock by the ex-officio vendor, and the remainder of the stamps in the branch depot shall be kept under double lock of the officer-in-charge of the branch depot and of the ex-officio vendor, and given out to single as required.

Notes (i)[a6] The officer in charge of the sub-treasury Kot Kahi in Simla District has bee appointed ex-officio vendor and authorized to sell stamps direct from the double lock.

(ii) The local Government has fixed either two days as the period for which supply of stamps and stamped paper should be kept under single lock by ex-officio vendors in branch depots with cash and opium valuing Rs. 500 or stamps, cash and opium to the total value of Rs. 1500 , whichever is less.

33. Except as provided in the foregoing rule, sales from branch debtors will be made subject to the same rules as those from local depots.

34. On the last open day of September and March each year the officer-in-charge of each local depot will count , or have counted in his presence ,the stamps in his depot , both those under double lock , and those under single lock , and will require the officer-in –charge of the branch depots subordinates to him similarly to count the stamps in the branch depts. He will attach to the plus and minus memoranda for September and March rendered to the Audit officers concerned a certificate in the following form:-

I do hereby certify that I have personally examined and counted , or had counted in my presence, the stamps of all description in store in this local depot on the September/March .

19. General Court fee postage - and found by actual calculation of numbers and values , not less than 10 per cent. Of the entries having been checked by me personally, that the value of each description is as stated in the margin* Also that I have received similar certificates from the officers-in-charge of the subordinate branch depots that they have similarly counted the stamps in their branch depots on the last day of the month of September/March 19___, of which the accounts are incorporated in the Head Treasury accounts and that they have made a similar calculation of number and values, and that these certificates show the value of each description of stamps in all the branch depots to be as stated in the margin.!

The values of stamps in this depot and the branch depots as found by the above certified examination, are therefore—

Rs.

General

Court Fee

Postage

Which amounts agree with the balances shown in the plus and minus memoranda for September/March to which this certificate is attached (if there is any difference , add” with the exception of the following differences the explanation of which is as follows:’)

Note—Also see rules prescribed by local Government for verification of stamp balances in double and single locks of treasuries and sub-treasuries, Chapter 4 of this part.

35. Officer in charge of local depots shall forward to the local Accountant-General such returns of the receipts and sales of stamps as the Auditor – General may direct , in the form of plus and minus memoranda or otherwise, A copy of the returns shall be sent simultaneously to the heads of Postal Circles.

Notes *It is laid down in Article 288 , civil Account code , volume II that plus an minus memorandum must be submitted with the monthly account showing the transactions on account of each kind of stamps (General , adhesive , Bill Court-fee postage stamps) The deductions from balance should tally with the corresponding entries of receipt in the accounts(excepts as regard postage stamps (see article 519 civil Account code) and stamps sent to other treasuries or sub-depots) and the closing balances should be certified as agreeing with the various stock registers and accounts maintained in the treasury, The form of this may show in vertical columns(1) name of stock,(2) Balance from balance (3) Additions to balance this month(4) total(5) Deduction from balance, (6) Balance at end of month, no difference should ever exist between the closing balance of one month and the opening balance of the next; any additions to , or deduction from , the balance should be made by a special entry to be explained by footnote.*

36. The controller , central stamp store, Nasik Road , shall sent to the Accountant –General concerned such accounts of the transaction s of the central and local depots as the auditor-General may prescribe.

37. The auditor General shall prescribe such rules as he considers necessary for the disposal of the accounts mentioned in the foregoing rules, and for the check of the receipts , issues and sales

38. The rules regulating the grant of discount and the grant of license to licensed vendors for the sale of judicial and non-judicial stamps vary in different provinces, and are prescribed by local Governments.

Note- Separate rules have been issued by the local Government for sale of judicial and non – judicial stamps, by licensed stamp vendor and the grant of discount to such persons, chapter 5 of this part.

C. Postage Stamps

39. In additions to foregoing rules, the following rules will apply to postage stamps. These rules will apply both in the Governor’s provinces and centrally administered areas.

Note-- See also appendix B.

40. Service stamps shall be sold by local depots to Governments officials and semi-official bodies and institutions mentioned in clause 354 of the Post and Telegraph Guide who will be required to certify in writing that the stamp will be used on prepaying postage on communications bonafide on the service of His Majesty

or for the purpose stipulated in the said clause of the Post and telegraph Guide.

Note 1. Service postage stamps may also be sold to the public, provided that the value of the stamps sold to any person at one time shall not be less than ten shillings or RS. 6-8-0 and that an extra charge of half per cent . in the rupee calculated on the face value shall be made to cover incidental expenses

Note 2.-For rules regulating sales to Government official see Articles 98 and 429 of the civil Account code.

Note 3. Government officials authorized to obtain Service postage stamps from local depots , may exchange such stamps for service stamps of different denominations, or with the previous approval of the Director-General of Posts and Telegraph for ordinary postage stamps, provided that the stamps returned to the local depots are in a serviceable condition .

41. Ordinary postage stamps shall be sold for each from local depots to officer-in-charge of post offices , at which letters are received for despatched, to persons licensed to sell general stamp under the rules framed under the Indian Stamp Act, 1899 (ii of 1899) and to the public , provided that the value sold to any person at one time shall not less than Rs. 5 and shall not include any fraction of a rupee and that embossed envelopes and post cards shall be sold in complete packets only . No discount is allowed in any of the above cases.

Note 1. As a partial exception to this rule payment for postage stamps may be made by cheques by officers in charge of post offices who have been authorised to issue cheques on the Reserve Bank of India or the Imperial Bank of India.

Note 2. Except on the special authority of the Government of India or the Director General , Posts and Telegraph , no free supplies of ordinary postage stamps and stationery shall be made by the Controller of Stamps, Nasik , Under a special arrangement sanctioned by the Government of India , the Accountant general of India , the Accountant general of , Jammu and Kashmir states, holds an imprest of ordinary postage stamps of the face value of Rs 150000 for supply on payment of to the Imperial Post Offices located in the Kashmir state territory . This imprest is recouped by him by indents on the Silakot and Rawalpindi Government treasuries, the supplies being adjusted by book transfer through the treasury accounts. The treasuries should separately show in their plus and minus memoranda the issues to the Accountant-General , Jammu and Kashmir state, Debits for the face value of stamps should be raised in the treasury accounts against the State as soon as stamps are issued from the treasuries on receipts of indent in the proper form and the fact should be noted on the indent by the Treasury officer concerned. A duplicate copy of the indent showing the supplies actually made should be furnished by the Treasury officer concerned to the Accountant General , Posts and Telegraph , to enable him to verify the credits afforded by the Accountant –General , Punjab.

42. Heads of Departmental Telegraph offices shall obtain supplies of ordinary postage stamps from the local depots, subject to the same conditions in regard to the quantity sold to the public ordinary postage stamps of all descriptions and to any value. No discount is allowed to Heads of Departmental Telegraph offices for the sales of stamps; but they are allowed permanent advance of ordinary postage stamps without payment, the amount of the permanent advance being fixed by the Heads of Postal Circles and Superintendents of Telegraph offices, the letters up to a limit of Rs 500 . When the permanent advance of ordinary postage stamps has once been taken, subsequent issues to Heads of Departmental Telegraph offices are made only on cash payment. But when the local depot is about to be closed for holidays of more than one day's duration , officers – in – charge of local depots are authorized to issue ordinary postage stamps to Heads of Departmental Telegraph offices without payment in excess of the value being adjusted when the treasury re-opens by the return of the stamps, or the payment of their value if sold.

Note (1) Sanctioned permanent advances of postage stamps may be made to Heads of Departmental Telegraph offices without payment their value will not be credited in the treasury account but deduction in the plus and minus memorandum of postage stamps, the deduction being supported by the receipts granted by the Head of Departmental Telegraph offices and the sanctions

To prevent inconvenience to the public when treasuries are closed for holidays of more than one day's duration, Treasury officers are authorized to advance to Heads of Local Departmental Telegraph offices, with out payment, such postage stamps as the Postmaster-General (Telegraph Traffic Branch) of the circle may consider necessary ; the requisition of the postmaster –General will be attached to the receipt for the stamp \s and will support the reduction appearing in the plus and minus memorandum .

These temporary advances are to be adjusted immediately on the re-opening of the treasury by the return of the unused stamps and the money value of those sold, and care should be taken that no delay occurs in effecting the adjustment. The cash received will be credited in the cash book as proceeds of postage , stamps sold in usual course , with a corresponding entry in the plus and minus memorandum , and in the latter in a separate entry the full amount of stamps advanced will be shown as returned.

(2) if the stamps are issued and returned in the same month, neither the deduction on issue nor the addition on return need be shown in the plus minus memorandum (Article 519-521, civil Account code, Volume II)

43. The officer-in-charge of each post office, at which letter are received for despatch, and of each telegraph office, is required to keep a supply of ordinary postage stamps for sale to the public sufficient for the probable demands of one week

44. Superintendents and Inspectors of post offices within their respective jurisdictions and any officers of the post office authorised on that behalf by the Heads of Postal Circles, are empowered to examine the stock of postage stamps kept by any of the persons required to keep postage stamps for sale to the public under rule 43.

D. British Unemployment Insurance Stamps

45. Unemployment Insurance stamps are sold to Masters of Vessels from the Local depots at Madras, Malabar, Tanjore, South Arcot, East Godavari, Vizagapatam, Calcutta , Rangoon, Karachi, Aden , the branch depot at Tuticorin and the Shipping Master's Office, Bombay, No Discount is allowed.

PART II

A. Disposal of unserviceable and obsolete stamps

46. Damaged and obsolete postage stamps that can be counted and identified shall be sent once a quarter to the Controller of Stamps, Nasik Road, for destruction , The necessary entries on account of stamps sent shall be made in the plus and minus memoranda . Damaged adhesive stamps in loose labels shall be pasted on a sheet or sheets of paper to facilitate verification before transmission to the controller . The controller shall , after examining and verifying the stamps and satisfying himself that they are genuine, destroy them and grant a destruction certificate . The destruction certificate shall show the quantity and the face value of stamps destroyed . At the beginning of each month the Controller of stamps, shall furnish the Civil Accountant General concerned with copies of destruction certificates granted by him during the previous month to enable him to verify the entries in the plus minus memoranda, Postage stamps that are damaged beyond identifications and cannot therefore be checked by actual counting , shall be disposed of according to the procedure laid down in rule 52(b)

***Note.** A stamp which does not clearly indicate its value or a remnant of a stamp from which it cannot indubitably be verified that it is all that remains of a complete stamp shall be treated as stamp ' that cannot or identified' for purpose of these rules.*

47. The[mkg8][mkg7] provincial governments, in consultation with the Auditor – General , Shall prescribe rules for the disposal of non-postal stamps that are

obsolete, unserviceable, worn or spoiled or have been cancelled on payment of a refund.

In general areas, non-postal stamps that are spoiled or unserviceable or that are obsolete and cannot be rendered serviceable by overprinting, etc., or that have been cancelled on payment of a refund shall be sent to the Controller of Stamps. The procedure laid down in rule 46, rule 52(b) and note 1 thereunder in respect of postage stamps shall be observed in the case of these stamps also with the exception that no intimation to postal authorities will be necessary.

Note.—Separate rules have been issued by the Punjab Government in consultation with Auditor general for the disposal of non-postal stamps referred to above chapter 7 of this part.

B.- Losses of stamps during transit and from stocks in the Central Stamps store and Local and Branch Depots.

48. The terms of supply from the central stamps store are for Nasik Road and Telegraph Department or of the Government concerned once they are despatched from the central stamp store to local or branch depots or to other consignees according as the stamps despatched are postal or non-postal when shortage occur in such consignments, whether occasioned by theft, accident, or other causes, the resultant loss represented by the intrinsic value of the missing stamps, etc., as well as the potential loss shall fall on the Posts and Telegraph Department if they are postal or on the Government of India or the local Government if they are non-postal according as the loss relates to supplies to a depot in a central or a provincial area unless serious negligence is established against the despatching or receiving agency.

Note.—Also see rules issued by the local Government for the despatch and receipt of stamps in treasuries and sub-treasuries, chapter 3 of this part

49. The officer in charge of the local or branch depots shall carefully observe the instructions in rule 22. In case of any discrepancy between the quantity of stamps received and that entered in the invoice he shall enter the shortage in red ink on the invoice and accept the invoice for the face value of the stamps actually received, He shall also attach to the invoice certificate noting therein the number and date of central stamp store invoice, the quantity and face value of the discrepancy and explain the circumstances in which the invoice as originally made out was not accepted if full, Debits will be raised by the Central Stamp Depot against the parties concerned for the intrinsic value of the stamps actually received as shown in the receipted invoices.

Note (1) To the officer's explanation shall be added answer to the following questions (1) what was the number stencilled on the cases in which the shortage was found? (2)(a) was the case weighed before taking delivery and its weight checked with the weight noted either in the invoice or in the list attached thereto? (b) if so, was there any deficiency in weight? (3) (a) Did the case show signs of tampering? (b) did the officer personally examine the outward conditions of the case and the seals and satisfy himself that it bore no marks of tampering? (4) if the case was tin-lined, was the tin-lining intact? (5) was the case placed in the strong room immediately on arrival? (6) was the officer present all the time the case was being opened and the contents were being examined and counted? (7) on What date was the case (a) received (b) opened?

(2) Also see rules issued by the local Government for the despatch and receipt of stamps in treasuries and sub-treasuries, Chapter 3 of this part.

50. The officer in charge of the local or branch depot shall report any shortage of Stamps in a consignment, immediately to the Controller of Stamps, Nasik Road, to the Commissioner of the Division or other higher authority, to the Railway authorities and to the Railway Police for investigation and send a copy of his report to the Head of the Postal Circle concerned, if the stamps are postal and to the Government of India or the Local Government if they are non-postal according as the loss relates to supplies of non-postal stamps to a central provincial treasury, A copy of such report shall be endorsed to the civil Accountant – General concerned The officer- in charge of the local or branch depot shall [\[mkg9\]](#) keep a close track of all cases of losses in transit and communicate the result of the investigation to the Controller of stamps, Nasik Road, to the commissioner of the Division or higher authority, and to the civil Accountant – General concerned; also

to the Head of the Postal Circle if the loss relates to postage stamps and to the Government of India or the Local Government as the case may be if the loss relates to non-postal stamps.

Notes(1) The procedure laid down by this rule shall also be observed in cases where stamps returned to the security Printing Press under rule 24, 46, or 147 are lost in transit

(2) Also see rules issued by the local Government for the despatch and receipt of stamps in treasuries and sub – treasures, Chapter 3 of this Part.

51. The controller of stamps shall submit half yearly to the Director General of Posts and Telegraph a debit note for acceptance to cover the intrinsic value of the postage stamps lost in transit . This debit note should be supported by a statement of the losses and the explanatory certificate of the officer-in –charge of the local or branch depot. The debit note accepted by the Director-General of posts and Telegraphs will form the supporting voucher to a debit for the intrinsic value of the lost stamps against the posts and telegraphs will form the supporting voucher to a debit for the intrinsic value of the lost stamps against the posts and Telegraphs Department. In the case of losses of non-postal stamps the value will be recovered by the Controller from the Central or the Local Government, as the case may be, in direct correspondence with the Government concerned.

52. (a) Losses of stamps while in stock in the Security Printing press or the Central Stamp Store will be borne by these concerns. All such losses shall be reported by the Master, Security Printing, India, to the Central Board of Revenue, and a copy of the report shall be sent to the Accountant General, Bombay, and also to the Director-General of posts and Telegraphs if the loss relates to postage stamps or postal stationery.

(b) Except as provided for by note 2 below all losses whether by theft, fraud ,l accident or any other cause, of postage stamps while in stock in a local or branch depot shall be reported by the officer-in-charge of the depot to his administrative head, and a copy of the report shall be sent to the Controller of Stamps, the Civil Accountant-General and the Head of the Postal Circle concerned. The report shall explain in detail (1) the quantity, the face value and the manufacturing cost of the stamps lost ; (2) the cause and the responsibility for the loss ; (3) whether in the opinion of the officer-in-charge of the depot the loss was contributed to by the negligence of any individual or individuals ; (4) the amount proposed to be recovered, if any, from person or persons at fault ; and (5) steps taken or proposed to be taken to prevent the recurrence of such loss. The administrative head shall on receipt of the report institute such further enquiries and pass such orders as he may consider necessary with reference to note 3 below, and shall forward copies of his orders to the Controller of Stamps, the Civil Accountant-General and the Head of the Postal Circle concerned. The officer-in-charge of the depot shall, on receipt of the orders, forward the damaged stamps if they can be counted and identified to the Controller of Stamps for destruction as required by rule 46.

NOTES 1.- If the postage stamps to which the loss relates have been damaged to an extent that they cannot be counted or identified, the officer-in-charge of the depot shall forward them with his report to the administrative head who shall pass them on for destruction to the Controller of Stamps with a copy of his orders. In such cases the Controller shall not grant certificates as to the quantity and value of stamps destroyed.

2. In cases where the loss relates to postage stamps of which the manufacturing cost does not exceed Rs.10, no report shall be made to the administrative head if in the opinion of the officer-in-charge of the depot the damage could not have been avoided with proper care. The stamps in such cases shall be sent to the Controller of Stamps for destruction with a letter furnishing information on the following points_ (1) the quantity, the face value and the manufacturing cost of the damaged stamps ; (2) the date on which the treasury stock was last examined ;(3) the date on which the damage was first noticed ; (4) steps taken or proposed to be taken to prevent such damage in future. A copy of this letter should be endorsed to the Civil Accountant-General and the Head of the Postal Circle concerned. It shall be open to the Controller of Stamps in any case to draw the attention of the administrative head to the damage with a view to instituting enquiries as to the cause of the

damage etc., fixing the responsibility therefor and taking necessary action.

3. *These losses will in general be borne by the Posts and Telegraphs Department, but in cases in which individuals having been found guilty of contributory negligence are ordered to make good the whole or a part of the total loss (equivalent either to the intrinsic value or the face value of the stamps, the former only in cases where the stamps are spoilt but not lost, or if lost, cannot be used) the recoveries shall be credited to that department.*

53. On receipt of a report referred to in Rules 50 and 52 (b), the Civil Accountant-General shall send a copy of it to the Accountant-General, Posts and Telegraphs, in whose office all such reports will be consolidated for all the Provinces for inclusion, if necessary, in the Appropriation Accounts and for the information of the Director-General of Posts and Telegraphs.

PART IV

Verification of stocks in the Central Stamp Store

54. (i) The Accountant-General , Bombay, should (in the capacity of an agent to the Government of India, Finance Department) depute a gazetted officer to conduct the stock verification of stamps.

(ii) In the absence of special orders to the contrary, the balances to be verified should be the closing balances of the last working day of March each year. If that of any other day be verified under the orders of the Government of India, the report should be worked up to the last day of the month by the accounts for the intervening days.

(iii) The receipts by the issues from the Central Stamp Store of stamps should be suspended from the day on which the physical verification commences until it is completed.

(iv) On the morning of the day on which the stock is to be counted, the verifying officer should be furnished by the Controller of Stamps with detailed lists of the various kinds of stamps which are in the Central Stamp Store, showing therein in separate columns (1) serial number, (2) denomination and description of stamps, (3) quantity of unopened stock, (4) quantity of opened stock, and (5) total quantity of opened and unopened stock ; also lists showing the symbolical letters and figures stencilled on the unopened cases to indicate the description and denomination of the contents and the quantities contained therein.

(v) The cases in the unopened stock should be examined to see that they are marked with the symbols for the description of stamps under examination and their number counted. Three per cent. Of these cases taken at random should be opened and a packet from each case examined to see that the cases contain stamps of the kind indicated on the outside of the case.

(vi) In the opened stock, all broken packets should be counted in detail; but in the case of stamps in original bundles or packets, it will be sufficient to count the bundles and to see that they have not been opened and bear the original labels denoting the description and quantity of the contents. Ten per cent. Of these bundles taken at random should be counted in detail and verified with the value noted on the labels.

(vii) The verifying officer shall then compare the stock ledger balances with the balances shown in the stock lists and record his initials in the stock ledger. He shall also check the balances as shown in the priced stock ledger and prepare the stock verification report as shown below:-

Serial No.	Description & Denomination	Qty.	Manufacturing value	REMARKS

Certified that the balance of stamps in the Central Stamp Store, Nasik Road, on the.....19....., has been verified by me in the manner laid down in part III of the “Rules for the Supply and Distribution of Stamps,” and I have satisfied myself of the correctness of the result set forth above.

Date.

Designation.

(viii) The Accountant-General, Bombay, should submit the report prepared in the above manner to the Government of India, Finance Department (Central Revenues), with any remarks he may have to offer.

CHAPTER 2.

RULES FOR THE PREPARATION AND SUBMISSION OF INDENTS FOR NON-POSTAL STAMPS.

1. These rules shall be called ”The Punjab Stamp Indent Rules, 1934.”
2. In these rules, unless otherwise stated, the word “stamp” means non-postal stamp, and the word “indent” means indent for non-postal stamps.

LOCAL DEPOTS.

Part I. Ordinary Indents.

3. Every district treasury in the Punjab has been constituted a local depot for the custody and sale of stamps of all descriptions. It is the duty of the Treasury Officer, under the control of the Deputy Commissioner and with the assistance of the Treasurer, to be custodian of the main stocks of stamps under double lock in the treasury strong-room, and to replenish that stock. He should avoid overstocking and watch the balances and arrange for supplies of stamps in sufficient quantities to branch depots.
4. Rule 10 (i) (a) and (b) of the Government of India Rules[\[a10\]](#) for the supply and distribution of stamps classifies stamps as follows :-
 - (a) Those supplied on indents by Treasury Officers annually, viz.
 - (1) Non-judicial and impressed court-fee stamps of the value of Rs.25 and above; and

(2) Fiscal adhesive stamps of all values, other than half anna, one anna, two annas and four annas revenue stamps, and adhesive court-fee stamps of the value of Rs.5, and above;

(b) Those supplied quarterly all other stamps. For the purpose of indents, the former are termed “high value stamps,” and the latter “low value stamps”.

5. (1) Indents should be prepared by Treasury Officers personally, with the help of the Treasurer or Head Treasury Clerk, on the respective standardized indent forms (A and T. Nos. 89 (a) and (b)), which are obtainable from the Superintendent, Government Printing, Punjab, on indent.

(2) The indents should include the requirements of branch depots.

Note- *Two sets of indent forms have been standardized for the following kinds of stamps.*

(1) *Non-judicial, adhesive Revenue, adhesive court-fee Hundi (low value); and*

(2) *Non-judicial, adhesive court-fee, impressed court-fee, Notarial, Foreign Bill, Insurance and share Transfer (high value).*

(No alterations are permissible in these standard forms.)

4. In the first week of the first month of every quarter indents, which should include the requirements of branch depots, should be submitted by Treasury Officers, in duplicate, to the Assistant Secretary to the Financial Commissioners, with a forwarding memorandum for the requirements of low value stamps for the succeeding quarter, i.e.-

<i>Quarter for which stamps are required.</i>	<i>Dates by which indents Should reach Financial Commissioners' Office</i>
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1. April to June	January 8 th
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2. July to September	April 8 th
----------------------	-----------------------

3. October to December	July 8 th
------------------------	----------------------

4. January to March	October 8 th .
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7. Indents for high value stamps should be submitted annually, in duplicate, to the Assistant Secretary to the Financial Commissioners, with the third quarterly indents due on the 8th July each year. These indents should be entirely separate from the indents for low value stamps, and should be for the probable consumption of twelve months (October to September of the following year). The two indents should be tagged together.

8. The space for number, date and the name of district and quarter or year in the forwarding memorandum should be carefully filled in.

9. The stock of stamps in hand in the treasury should be entered in column 2 of the indent. The “balance in hand” in this column means the stock in double as well as single locks.

10. The quantity due, if any, on the previous indents from the Central Stamp Store, at the time of preparation of indents, should be entered in column 3, but should be considered as received in the treasury for the purpose of framing indents.

11. It is also essential that the quantities sold, including issues to branch depots, should be shown in column 4 of the indent :-

- (a) in the case of high value stamps, for the preceding twelve months; and
- (b) in the case of low value stamps, for the preceding quarter.

12. (a) Each local depot is required to maintain a reserve stock of stamps of all denominations not less than the probable consumption of three months , in addition to the stock required for the quarterly or annual consumption for which indents are submitted quarterly and yearly, respectively.

(b) In order to maintain the above reserves in the treasuries, under the present system of submitting indents three months in advance of actual date of requirement, the figures for column 5-quantity indented for-should be obtained as follows:-

- (i) in the case of quarterly indents, 3 times column 4 minus total of columns 2 and 3; and
- (ii) in the case of annual indents, 3/2 times column 4 minus total of columns 2 and 3.

Indents should be prepared in accordance with this scale of supply ; reasons for variations from the scale should invariably be stated justifying relaxation of the rule. The method of arriving at the figures, for column 5, will hold good if the indents are prepared as per rules only in the first month of the quarter preceding the quarter or year for which the stamps are intended for consumption. If, however, the indents happen to be prepared in the second or third month of the previous quarter, then the formula for arriving at the figures for column 5 will vary.

13. In submitting an indent for stamps of which there have been no sales in the preceding year or quarter, as the case may be, the reason for the demand should be given.

14. Demand for adhesive stamps should be based on the set (i.e., the number of perforated stamps per sheet), and no stamp should be indented for in quantities less than the minima quoted in the printed list of stamps of all descriptions stocked in the Central Stamp Store, a copy of which is enclosed.

The following further principles shall also be carefully observed when indenting for stamps of smaller denominations:-

(a) Adhesive Court-fee Stamps and Fiscal Stamps (viz., Special Adhesive, Foreign Bill, etc.)- Quantities to be indented for supply should be in multiples of five if they are less than a hundred and in multiples of ten if they are above hundred ; the figures being rounded to 100 or 200 sheets wherever possible;

When the demands are small, quantities less than five sheets may be indented for. In the case of high value of fiscal stamps where a few labels are required, fractions of sheets other than one-third and two-third of a sheet should not be indented for.

(b) *Impressed Stamps (viz., Non-Judicial, Impressed Court-Fee, Hundies, etc.)*

Non-judicial stamps of the rupee values up to the denomination of Rs.25, should be indented for in multiples of 100.

Demands for stamps of the value of Rs.25 and above should also be rounded to the nearest hundred wherever possible, but if the supplies required are very small, as in the case of the higher values, quantities in multiples of 5 should be indented for.

15. Indents should specify the mode of despatch, and the detailed address to which consignments are to be sent.

16. Stamps for which there is no demand in the treasury should be reported to the Assistant Secretary to the Financial Commissioners as surplus stock in order that they may be transferred elsewhere. A fresh list of such stock should accompany every quarterly indent until the surplus stock reported has been disposed of.

17. Stamps of all descriptions are now supplied to the Punjab from the Central Stamp Store, Nasik. All indents will be transmitted to the Controller of Stamps, Central Stamp Store, Nasik, by the Assistant Secretary to the Financial Commissioners for direct compliance after they have been scrutinized. Indents should not be sent by Treasury Officers direct to the Controller of Stamps under any circumstances, and Sub/Treasury Officers are not required to submit indents to the Assistant Secretary to the Financial Commissioners.
18. As soon as all the quarterly or annual indents for the province have been transmitted to the Controller, a report will be sent to him by the Assistant-Secretary to the Financial Commissioners for his information.
19. Even if a supply of stamps is not required in the succeeding quarter or year, as the case may be, indents should be prepared and submitted to the Assistant Secretary to the Financial Commissioners on the prescribed date. The information contained therein will enable the Financial Commissioners' office to gauge whether or not a sufficient stock is being maintained.
20. If indents are prepared in accordance with the foregoing rules, demands will be neither curtailed in the Financial Commissioners' office, nor indents returned for correction. In those cases in which indents are returned for amendment, they should be resubmitted, after carrying out necessary corrections, punctually within 3 days of their receipt. Any delay in the resubmission of indents will cause delay in the despatch of supplies from Nasik, and the Treasury Officer will be held responsible for the consequences of such delays.
21. Indents for the supply of postage stamps and postal stationery should be submitted by Treasury Officers to the Controller of Stamps, Central Stamp Store, Nasik Road, direct, for scrutiny and supply.

Part II. Emergent Indents

22. Emergent indents for non-postal stamps are permissible, as their name implies, in emergencies, i.e., extraordinary circumstances. Not foreseen, which have depleted the reserve stock of non-postal stamps and serious inconvenience in meeting the public demands anticipated. It follows therefore that, if treasuries maintain the prescribed reserves,- vide rule 12 (a),- the necessity for the submission of emergent indents should arise rarely, if ever.
23. Such indents should be prepared on the same forms as ordinary indents, but the word "Emergent" should be written at the top of the forwarding memorandum in red ink.
24. In the forwarding memo. To the Assistant Secretary to the Financial Commissioners, the necessity for such indents should be fully explained. Unless this is done, indents will not be transmitted to the Controller of Stamps, Central Stamp Store. Emergent indents should not be sent to the Controller of Stamps direct on any account.
25. Such rules relating to ordinary indents as may be applicable to emergent indents should be duly observed.
26. Emergent indents should be prepared for those denominations of stamps only, the reserve stock of which is in danger of depletion, and only such quantities should be indented for as will be sufficient to replenish the reserve stock or meet extraordinary demands
 - (a) in the case of low value stamps, for the probable consumption of the remaining period of the current quarter, and sufficient to cover the period until receipt of the next quarterly supplies from Nasik Road, and
 - (b) in the case of high value stamps, for the probable consumption of the remaining period of the year up to September.

27. When the reserve stock of any denomination of stamps has been nearly exhausted and an immediate supply is required, the Treasury Officer should indent by telegram to the Assistant Secretary to the Financial Commissioners, followed by an explanation as to why he could not submit an emergent indent in the prescribed form earlier. The Assistant Secretary to the Financial Commissioners, after scrutinizing whether the supply is essential or not, will telegraph to the Controller of Stamps, Central Stamp Store, Nasik Road (abbreviated telegraphic address-SECPRIN NASIK), the quantities to be despatched, specifying the mode of despatch, i.e., whether by passenger train or post.
28. It should be remembered that at least ten days are required to obtain a supply from Nasik by telegram.
29. In cases in which a supply of stamps is needed immediately, the Treasury Officer concerned may be able to obtain it from an adjoining district, and this is permissible under advice to the Assistant Secretary to the Financial Commissioners. Transfers of non-postal stamps from one district to another should similarly be reported to the Assistant Secretary to the Financial Commissioners.
30. Emergent indents for the supply of postage stamps and postal stationery should be submitted to the Controller of Stamps, Central Stamp Store, Nasik Road, direct. The reasons justifying those indents should always be clearly explained.

Part III.- Branch Depots (Sub-treasuries).

31. Every subordinate branch or tahsil treasury in the Punjab has been constituted a branch depot for the sale of stamps of all descriptions under charge of the Tahsildar , or other officer in charge of the sub-treasury. It is the duty of the Sub-Treasury Officer, under the control of the Treasury Officer and with the assistance of the Treasurer’s agent, to be custodian of the main stock of stamps under double lock, and to replenish that stock when necessary.
32. Replenishment of stock at branch depots is made on indents in bilingual form no. 215 submitted by the Tahsildar or Sub-Treasury Officer in charge of the branch depot to the Treasury Officer of the district. Sub-treasuries should arrange to keep a sufficient stock of form no.215.
33. These indents should be checked, passed and signed personally by the Treasury Officer after which they become the Treasurers’ warrant for the supply indented for.
34. These supplies should be so regulated that ordinarily the balance of stamps at each branch depot should never be less than sufficient for one month’s, nor more than sufficient for two months’ average consumption.

LIST OF NON-POSTAL STAMPS STOCKED IN THE GOVERNMENT OF INDIA, CENTRAL STAMP STORE, NASIK ROAD.

NON-POSTAL

(i)ADHESIVE STAMPS.

Adhesive Court – fee (48 Set)

Rs.	A.	P.		Rs.	A.	P.		Rs.	A.	P.
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0	1	0	0	12	0	4	0	0
0	2	0	1	0	0	5	0	0
0	3	0	1	2	0	6	0	0
0	4	0	1	8	0	10	0	0
0	6	0	2	0	0	15	0	0
0	8	0	3	0	0	20	0	0

(B) Revenue (320 Set)

Rs.	A.	P.	Rs.	A.	P.
0	½	0	0	2	0
0	1	0	0	4	0

(c) Fiscal

(All anna values are either 168 or 192 set. Values Re. 1 to Rs. 10 are either 120 or 144 set. Above Rs. 10,80 or 96 set)

(a) Special Adhesive

As.	Rs	Rs	Rs
2	1	7	40
3	2	8	50
4	3	9	100
6	4	10	200
8	5	20	500
12	6	30	1000
(b) Insurance			

<u>As</u>	
2	As. 12
3	Re. 1
4	Re. 3
6	Re. 6
8	Re. 10

(c) Foreign Bill

<u>As</u>	
2	As. 12
3	Re. 1
4	Re. 2
6	Re. 3
8	Re. 6

(d) Share Transfer

<u>As</u>	
2	As. 12
3	Re. 1
4	Re. 5
8	Re. 10

(e) Notarial.

Rs. 1	Rs. 2
(f) Broker's Note	
<u>As.</u>	
2	As 8
3	12
4	Re. 1
6	.

(g) Agreement	
<u>As.</u>	
2	As. 8
4	Re. 1

(h) Miscellaneous	
High court Notarial	
High Court	Rs.2
Advocate –80 set	Rs. 500

(ii) IMPRESSED STAMPS

(A) *Impressed court-Fee – Revised Range*

Twenty two denominations:- (In Rs.)
25,30,35,40,45,50,60,70,75,80,100,125,150,200,
250,300,400,500,1000,3000, 5000, 25000

(B) *Non Judicial –Revised Range*

Six denominations :- Annas series , 2,3,4,6,8,12
Thirty denominations :- Rupees series, Re 1, Re.1-8-0,
(Rs.) 2-0-0, 2-8-0, 3, 3-8-0, 4-0-0, 4-8-0, 5, 6, 7, 7-8-0, 8, 9, 10, 12-8-0, 15, 20, 25, 30, 35, 40, 45, 50, 60, 75, 100, 150, 200, 500

(c) *Hundies or Bills of Exchange*

Rs. A. P			Rs. A. P			Rs. A. P			Rs. A. P		
0000000	2345689	0000000	0001112	10121500020804	0000000	3346679	00060800120800	0000000	11121315182227	4080080	0000000

Quantities less than the following are not supplied by the Central Stamp Store, Nasik Road

<u>Description</u>	<u>Qty. sheet</u>
Adhesive court –Fee	1
Revenue Stamps	1
Fiscal (viz., Special adhesive, Foreign Bill , Insurance, Share-Transfer, Notarial, Broker’s Note, Agreement, etc)	
Sheets of Stamps of 168, 120 and 80 set ...	1/4
Sheet of Stamps of 192 , 144 and 96 set ...	1/3
Impressed stamps—	
Impressed Court-Fee	
Non judicial	1
Hundies	

N.B. – In cases where minimum quantities issuable are fractions of a sheet it should be noted that these fractional quantities or multiple thereof only will be supplied

CHAPTER 3

RULES FOR THE DESPATCH AND RECEIPT OF STAMPS OF ALL KINDS IN TREASURIES AND SUB TREASURIES AND SUB TREASURIES IN THE PUNJAB

I. RULES FOR THE DESPATCH OF STAMPS

1. These rules may be called “ The Punjab Stamp Despatch and Receipt Rules, 1934.”
2. Despatch of stamps from-
 - (a) *Despatch from Nasik* - Central Stamp Store, Nasik, to treasuries,-All consignments of postal stamps and stationery will be despatched from Nasik to treasuries on credit notes debitible to the Posts and Telegraphs Department. Consignments of non-postal stamps will be despatched carriage forward. The manner of despatch is determined by the controller of Stamps, Nasik;
 - (b) *In other cases despatch must be made direct from double locks of treasuries.* - a treasury to the Central Stamp Store, Nasik, or from one treasury or sub-

treasury to another.- All replenishments of stock at branch depots (sub-treasuries),and all despatches of stamps beyond the limits of a district, whether to the Central Stamp Store at Nasik, or another district, must be made direct from the double lock of the local depot (treasury) concerned.

3. Replenishment of stock at branch depots(sub-treasuries) to be made by indents on headquarters treasuries. - Remittances of stamps for the replenishment of stock at branched depots from headquarters treasuries are made on indents in forms (Bilingual form No.215) by the Tahsildar , or other officer in charge of the branch depot, which, having been checked, passed, and signed by the officer-in-charge of the local depot, becomes the warrant for the issue of the supply of stamps indented for.

4. Withdrawal of stamps from double lock and packing and sealing of parcels.- The entire quantity required for despatch should be first collected ; the necessary entries being made carefully in the double lock register. Stamps of each denomination taken out should be recounted carefully and re-arranged in entire reams and packets, each ream being covered with cartridge paper and the contents noted on it, if the original label is either illegible or torn. A similar precaution should be taken with reams, the wrapper of which though at the time of packing it appears entire (or to a small extent torn, e.g., at the sides), is likely to give way in transit. The box or packing case in which stamps are packed should be so packed that the packages cannot shift to any appreciable extent during transit. To do this effect really gap and corners in each case should be filled with waste paper.

*NOTE.-*Before remitting to branch depots Hundi stamps of the new pattern, on which values are denoted in English only, the Treasurer should write the value in the vernacular character on each sheet in the left hand upper corner, just above the stamp.

5. Parcels of stamps should be securely packed in the presence of the officer-in-charge of the treasury or sub-treasury as the case may be ; he should also have the cover or box sealed with his official seal in his presence. Parcels should be packed in (I) wax cloth and cloth, if sent by registered post, or (ii) in tin when sent through a messenger, so as not to open in transit.

6. Invoice and certificate of sealing and correctness of contents. - One copy of the invoice (Stereo A. and T. Stamps-89) should be packed in the parcel, and the duplicate sent by post with a forwarding letter. Both copies should bear the signature of the treasury or sub-treasury officer as the case may be (and not of any other official), with the certificate below the form (that the parcel has been packed and sealed in his presence, and that he has personally ascertained that its contents correspond with the invoices) duly signed. The addressee will sign the receipt, and return the invoice within seven days of its receipt, except when it is kept pending as prescribed in rule 20.

7. Responsibility of the treasury and sub-treasury officer for most convenient, safest and cheapest form of despatch of stamps. - It should be understood that the responsibility for the most convenient, safest and cheapest form of despatch of stamps in the circumstances of each case is left to the discretion of the treasury or sub-treasury officer as the case may be, who in all cases of doubt should obtain orders from the Deputy Commissioner. The order of importance in the matter of despatch is (I) postal stamps and stationery, (ii) court-fee stamps and (iii) non-judicial stamps.

8. Despatch of stamps by post, rail or special messenger and precautions to be observed. - Stamps may be despatched in three ways as noted below. The first precaution to be observed is that no consignment should be despatched by a special messenger so as to reach its destination on a holiday, and previous notice of the date of arrival should as far as possible be given to the receiving officer.

(i). **By post** – (a) Parcels weighing up to 5-1/2 seers should be sent by registered post. Stamps of and over the denomination of Rs. 50 should invariably be sent by post as far as possible. Parcels containing court-fee or non-judicial stamps of values of Rs.1,000 and over should generally be insured for Rs.20 for every thousand.

(b) It has been decided that only postage stamps and postal stationery should be sent from one treasury or sub-treasury to another or to the Controller [\[a11\]](#) of Stamps, Central Stamp Store, Nasik Road, in parcels registered on postal service. Instructions have been issued to all Postmasters in the Punjab to accept such parcels at post offices in accordance with the post office rules. The limits of weight imposed by clause 80 of the Post and Telegraph Guide must be observed. Postmasters have also been instructed to observe in the disposal of these parcels such precautions as are taken in the disposal of insured articles (D.G.P. and T's. letter No. 231-Misc./St./30, dated 6th August 1930 and Financial Commissioner's endorsement No. 4704-E.& S., dated 20th August 1930).

(c) THE REGISTRATION RECEIPT SHOULD BE PASTED IN THE COLUMN Of the despatch register in which the number and date of the invoice is entered. This should be done by the treasurer or sub-treasurer.

(ii). **By rail.-** Heavy and bulky parcels exceeding 5-1/2 seers in weight, which under no circumstances (as by division of the consignment into two or more separate parcels) can be despatched by post, should be sent by rail either-

(a). in the personal charge of a potedar, for whose conduct the treasurer is responsible, with police protection ; or

(b). insured up to Rs.1,000. For the purpose of insurance the intrinsic value of the stamps and not their face value should be taken into consideration. It must be remembered that insurance over (i) Rs.1,000 in the case of "Local booking" (which means over the North-Western Railway); and (ii) Rs.500 in the case of "foreign booking" (which means all other railways, and includes local booking at stations of the Bombay- Baroda and Central India Railway lying in the Punjab) cannot be accepted by station masters without the sanction of the Divisional Superintendent in the case of the North-Western Railway or the District Traffic Officer in the case of the Bombay-Baroda and Central India Railway. When therefore the despatch of a consignment of larger value is contemplated, the best course is to break it up into two parcels and insure each, or insure parcels of any value exceeding Rs.1,000 up to Rs.100 only or such other nominal insurance as may seem advisable. The treasurer or his agent should effect the insurance under authority from the treasury officer.

(iii). **By special messengers.-** (a) Parcels may also be sent by special messengers with police protection in the case of out-lying branch depots, if the total face value of stamps is unusually high, or the consignment consists of many bulky boxes, which, with due regard to economy, can best be despatched in this manner.

(b) When a potedar or special messenger accompanies stamp remittances, he should be furnished by the remitting treasury or sub-treasury officer with a certificate in form A and T No. 345 with columns 1 to 7 filled in. The treasury or sub-treasury officer receiving the remittance should complete the certificate, and return it to the potedar or messenger. The certificate should be attached to the bill for travelling and other allowances, special or otherwise, admissible to them when accompanying stamps. The keys of the boxes should be entrusted to the escort officer in a sealed cover which he should not open in transit.

(c). The potedar or special messenger accompanying a remittance is responsible during the whole course of the journey for the contents of the boxes and the police guard acts as an escort. The potedar or messenger will not interfere in any way in the performance by the escort of its legitimate duties, but he must be permitted to satisfy himself that all necessary precautions are being taken. In the event of damage occurring to a box it is the duty of the potedar or messenger to take over any stamps that fall out, and to verify the contents and to re-pack the box if re-packing becomes necessary. The escort officer must not permit the potedar to be interfered with in the execution of his duties.

(d). The potedar or special messenger accompanying a remittance should be instructed that in case of loss or theft of stamps in transit he should report the matter immediately to the police and railway authorities, and bring it also to the notice of the officer at the destination. The report should also be signed by the police escort officer.

(e). The escort officers should be allowed to return at once if the potedar or messenger agrees that their responsibility is discharged on arrival and safe delivery. The potedar or special messenger should not be allowed to return until the whole consignment has been opened and its contents checked with invoices. He should be a witness to any shortage.

9. It has been decided, in consultation with the Accountant-General, Posts and Telegraphs, that all expenditure incurred in connection with the cost of packing and freight of postage stamps and stationery, if sent by rail or through messengers should be debited to the Postal Department. All such charges should be drawn on separate bills marked “debitable to the Accountant-General, Posts and Telegraphs” (Financial Commissioner’s No.2743-S. R., dated the 10th May, 1928.)

II.- RULES FOR THE RECEIPT OF STAMPS.

10. **Intimation of despatch of stamps from Nasik and Treasury Officer’s responsibility.** - When cases of stamps are despatched by rail or parcels are sent by post from Nasik, intimation (in case of consignments by rail accompanied by the railway receipt) is always sent by the Central Stamp Store, Nasik, in order that treasury officers may know that cases or parcels have been despatched to their address, and that they may be in a position to make enquiries from the Railway or postal authorities if the parcels are not received within a reasonable time. It is of the utmost importance that Treasury Officers should realize their responsibility in the matter and understand that it is their duty to make immediate enquiries as to delay in the arrival of parcels from the Railway or Postal authorities, as the case may be, and in case of non-arrival within reasonable period, to report the matter at once to the Central Stamp Store, Nasik.

11. **Procedure on receipt of stamps from the Central Stamp Store or from local or branch depots.** - If stamps are transmitted through post, and their value be less than Rs. 1,000, the parcel will be delivered by the post man to the treasury or sub-treasury officer as the case may be, who should examine carefully, before taking delivery of the parcel, its outward condition, and see that the seals are intact. The officer incharge of the treasury or sub-treasury should then open the parcel and examine its contents. If the value of the stamps be Rs.1,000, or upwards, the parcel will be super scribed “to be kept at the post office till called for,” and will be retained at the post office of delivery which will give notice of arrival to the addressee. In this case the treasury or sub-treasury officer must either proceed personally to take delivery, open the parcel and examine its contents and sign the receipt for it, or depute the treasurer for this purpose, duly authorising him in writing in that behalf. If stamps be sent by rail the treasury or sub-treasury officer or some other responsible official deputed by them should, before taking delivery of the consignments, carefully examine their outward condition, see that the seals are intact, weigh the cases individually, and compare their weight with those shown in the invoice or railway receipt.

12. In case the outward appearance of the cover gives rise to suspicion of tampering, the parcel or case should be opened in the presence of the Postal or Railway and Police authorities, and the contents verified with the invoice enclosed in the case, before delivery is taken. If in the course of verification, any shortage is found, it should be reported immediately both to the police authorities and to the Postal or Railway authority concerned in the manner prescribed in rule 13.

13. The reports should give full details such as –

- (1) number of cases.
- (2) Weight on despatch.
- (3) Weight on receipt,
- (4) Names of witnesses (police and railway officers) who saw the deals broken or witnessed the weighing and short weight before delivery was effected,

- (5) General condition of the particular case or parcel,
- (6) Details of shortage-
 - (a) kind of stamps,
 - (b) denomination,
 - (c) quantity short,
 - (d) value of stamps short,
 - (e) other details necessary with reference to these rules.

Every parcel, bundle or case, packed in the Central Stamp Store, Nasik, contains an invoice of the stamps packed therein. For consignments received from that store the officer-in-charge of local depot should not wait for detailed invoices, but should report at once when any stamps despatched from Nasik are found short or in excess, and send also (i) the wrapper of the bundle from which the deficiency was found, (ii) the invoice showing the contents of the case from which the deficiency was found after keeping a copy for reference. The report should also state whether delivery was taken in the presence of the Police and Railway authorities, whether the cases were carefully examined one by one on their arrival, whether the loss in transit was due to faulty packing and whether any report has been made to the railway police or railway authorities (which should always be done), and if not, why. Copies of the report should also be communicated to the despatching officer and the Deputy Commissioner concerned for action as in rule 20.

14. Examination of the outward appearance of consignments of stamps on receipt at the treasury or sub-treasury. - The treasury or sub-treasury officer as the case may be, should, on arrival at the treasury or sub-treasury of consignments of stamps from the railway station personally examine the outward appearance of the boxes, if the consignment was received at the station by some official deputed by him for the purpose under rule 11, and satisfy himself that they bear no marks of tampering. The boxes or packets should then be placed immediately in the strong room of the treasury or sub-treasury and there opened, one at a time, in the presence of the officer-in-charge, 1 who must be present all the time they are being opened and their contents examined and counted. In no case should a second box or packet be opened until the contents of the first have been completely examined and verified and placed in the proper receptacles, as required by rule 22.

15. Depositing of boxes and parcels of stamps at night in the strong room under double lock. - If the boxes or parcels arrive at such a time that they cannot be opened until the day after arrival or the next working day, they must be deposited for the time being in the strong room under double lock and opened in the presence of the officer-in-charge on the following morning without fail if it is a working day.

16. Preservation of memoranda of contents posted on covers of stamp parcels. - The memoranda (invoices) of contents which are posted on the covers of parcels or enclosed in cases should be preserved carefully until the officer-in-charge of the treasury or sub-treasury, gets the usual detailed invoices with advising letters. The invoice is enclosed in the parcel if stamps are sent by the Central Stamp Store, Nasik, in only one parcel; when the supplies are sent by the at store in more than one parcel, the in voice is posted separately.

17. Counting of stamps received. - The officer-in-charge should count, with his own hands, all stamps of the denomination of rupees ten and upwards. But in cases where the count of stamps received is likely to take longer than two hours, he may, in counting them, avail himself of the assistance of the treasurer or the treasury clerical staff, and should adopt the method laid down in the rules for the verification of stamp balances in treasuries. That is, the treasury or sub-treasury

officer should keep in his custody a bundle of some sheets out of the stamps of each denomination before making the balance over to the treasurer or the staff for counting. If the number of stamps counted by the treasurer or the staff, added to the number of stamps (counted personally by the officer-in-charge) in the bundle or sheets kept in his custody, agrees with the invoice, the number of stamps received may be considered to be correct. But it should be clearly understood that the officer-in-charge, and he alone, is responsible for the proper checking of the supply received, even if he invokes the assistance of the treasurer or his staff

18. With reference to rule 22(Chapter 1 of this part.) of the Government of India rules on the matter, it has been ordered by Government that, if the supply of stamps received from the Central Stamp Store is large, the officer-in-charge may, instead of opening and counting a certain number of stamps, open and count only ten per cent. Of such sealed packages. The remaining packets with seals unbroken may be stored, as received, under double lock. If, however, there is any shortage in the ten per cent. Counted, the entire consignment should be opened and counted at once.

19. Comparison of number, description and value of stamps with invoices received. - The number, description and value of the stamps received shall be compared by the officer-in-charge, with the invoice submitted. If the stamps received be found to correspond with those shown in such invoice, the invoice duly and properly acknowledged in words and figures, numbered and dated, should be returned not later than seven days after the arrival of the stamps to the officer who sent the stamps. If the invoices are unavoidably delayed for a longer period than seven days, an explanation should always be furnished.

20. Defalcations or losses of stamps to be investigated at once. - In cases of discrepancy, defalcation or loss of stamps, the Deputy Commissioner, on receipt of the report prescribed in rule 12, will immediately depute an Extra Assistant Commissioner or Assistant Commissioner unconnected with treasury work to hold an enquiry at once. The result of this enquiry should be communicated to the Superintendent of Police, Commissioner of the Division, Accountant-General, and Assistant Secretary to the Financial Commissioners. Any prosecutions necessary should be started at once. On the conclusion of the criminal proceedings, including appeals, if any, a detailed report should be made by the Deputy Commissioner with reference to the orders of Government circulated with Mr. Penny's Memorandum No. 30161-F., dated 30th September 1929, fixing the responsibility with reference to these rules, and suggesting disciplinary action against those responsible after taking their explanations. This detailed report should be submitted to the Accountant-General through the Commissioner of the Division accompanied with three spare copies for use in Commissioner's, Accountant-General's and Financial Commissioners' offices. In this connection Article 29 of Civil Account Code, Vol. I, should be referred to.

In the case of any deficiency in stamps received from the Central Stamp Store, the treasury officer should send immediately to the Controller of Stamps, Nasik, a detailed report as prescribed in rule 12, and keep the invoice pending instructions from him. When the deficiency is confirmed a detailed report should be made to the Deputy Commissioner, who will order an enquiry and take the necessary action to inform the Police and the Railway authorities.

21. Disposal of stamps received in excess or damaged. Stamps found in excess of the quantities stated to have been sent should be immediately returned to the officer concerned with the wrapper of the bundle in which they were found. Instructions regarding stamps found in opening packets or boxes to be in a damaged state, so as to be unfit for issue, will be found in separate rules. {See Chapter 7 of this part.}

22. All receipts to be first taken to main stock under double lock. Immediately after stamps received have been counted and brought on to the double lock register, they shall be placed in proper receptacles in the store under double lock in the presence of the officer-in-charge, arranged in parcels and packets containing known quantities, the amount and the value of each denomination being entered at the same time in a register maintained to show the receipts, and issues to and from the store under double lock before being re-issued for sale or despatch. These entries shall be checked by the officer-in-charge at the time when the stamps are deposited, and the correctness of the arithmetical calculations of additions to balance, as well as of the values compared with quantities, shall be verified and initialled by him at the time. The register shall then be placed with the stamps in the double lock receptacles, and shall not be removed therefrom, nor shall any entries be

allowed to be made therein, except in the presence of the officer-in-charge.

NOTE- In all cases where stamp registers have to be checked the actual check of quantities against values is a very important one; the correctness of the calculation of value must be tested in detail either by actual multiplication or by use of correctly prepared tables and this check should on no account be omitted. This injunction applies also to such of the rules as prescribe a check of this kind. It is not necessary that the complete checking should be done by the officer himself. It will be sufficient if the officer personally checks ten per cent, of the entries in each class to be checked by a subordinate under his supervision.

CHAPTER 4.

RULES FOR THE VERIFICATION OF STAMP BALANCES IN DOUBLE AND SINGLE LOCKS OF TREASURIES AND SUB-TREASURIES.

1. These rules may be called “The Punjab Stamp Balances Verification Rules, 1934.”
2. Rule 33 of the Government of India Rules *{See chapter 1 of this part}* for the supply and distribution of stamps lays down the following instructions for six-monthly verifications:-

“On the last open day of September and March each year the officer-in-charge of each local depot will count, or have counted in his presence, the stamps in his depot, both those under double lock, and those under single lock, and will require the officers-in-charge of the branch depots subordinate to him similarly to count the stamps in the branch depot. He will attach to the plus and minus memoranda for September and March rendered to the Audit officers concerned, a certificate in the following form:-

I do hereby certify that I have personally examined and counted, or had counted in my presence, the stamps of all descriptions in store in this local depot on the September/March 19....., and found by actual calculation of numbers and values, not less than 10 percent, of the entries having been checked by me personally, that the value of each description is as stated in the margin.

Also that I have received similar certificates from the officers-in-charge of the subordinate branch depots that they have similarly counted the stamps in their branch depots on the last day of the month of September/March 19....., of which the accounts are incorporated in the Head Treasury accounts, and that they have made a similar calculation of numbers and values, and that these certificates show the value of each description of stamps in all the branch depots to be as stated in the margin.

The total values of stamps in this depot and the branch depots as found by the above certified examination are therefore-

General	Rs.
Court-fee	..
Postage	..

Which amounts agree with the balances shown in the plus and minus memoranda for September/March to which this certificate is attached. (If there is any difference, add “with the exception of the following differences, the explanation of which is as follow”).”

These half-yearly verification of single and double locks in treasuries and sub-treasuries are among the most important duties of Treasury and Sub-Treasury Officers.

3. Rule 26 of the Government of India Rules *(See Chapter 1 of this part)* referred to above lays down the following instructions for a bi-monthly verification of

single locks-

“The stock to be made over to the ex-officio vendor to be kept by him under single lock should ordinarily be sufficient for the probable demand of one month.”

“There shall be a bi-monthly verification of the balance of stamps in the hands of the ex-officio vendor unless the Local Government desires that such verification should be more frequent in local depots of the province or area concerned, e.g., on every day on which stamps are issued to the stamp vendor from double locks.”

(NOTE- Local Governments may reduce the period of one month mentioned in this rule to one week, or any other period less than a month, if they consider this desirable with reference to the amount of the treasurer’s security or for any other reason.)”

4. In view of this note the Punjab Government have prescribed that single locks in Punjab headquarter treasuries should contain (1) stamps up to the probable demand of one week with cash and opium combined to a value not exceeding Rs.5,000, or (2) a total value of Rs. 15,000 for stamps, cash and opium, whichever is less, and also that, instead of the bi-monthly verification of single locks there shall be a monthly surprise verification by the Treasury or Sub-Treasury Officer of balances in single locks. The dates of these verifications are left to the discretion of Treasury or Sub-Treasury Officers, the only conditions being that the verifications should be made at least once a month. After verification the Treasury or Sub-Treasury Officer should record the following certificate in the single lock balance register:-

“Certified that I have, this day, made a surprise monthly verification of the balance of stamps and certify it to be correct,”

and sign and date the certificate. This monthly surprise verification is most important, as frauds are usually committed in respect of balances in single locks.

5. There shall be a verification of balances of single and double locks on the occasion of transfer of charge of transfer of charge of Deputy Commissioner and Treasury Officers at headquarters and of Sub-Treasury officers at sub – treasuries, This verification made before the assumption of personal responsibility must be carried out most thoroughly.

6. No verification of balances is required either on the occasion of replenishment of stock with the Treasurer or his agent or at the close of the day. On these occasions the Treasury or Sub-Treasury officers will check and scrutinize indents and registers as prescribed in Government of India rule 26{see chapter 1 of this part} ; they will also satisfy themselves that the daily credits to Government agree with the value of stamps realized by sales, as provided in the Government of India rule 27{see chapter 1 of this part}

7. In all verification of balances in single and double locks the aid of clerical staff(but not of the Treasurer’s staff) is permissible , if , however , this permission is made use of , the Treasury or sub-Treasury officers should keep in their own custody some stamps of each denomination before making the remainder over to some member of their staff or counting , If the number of stamps so counted added to the number of stamps counted personally by the verifying officers agrees with the balance shown in the register , the verification will be held to have been satisfactory, Sealed and unopened packets of stamps received from the Central Stamp at Nasik and stored with seals unbroken need not be opened and checked at the time of verification . The contents of such packets may be accepted as correct; only the seal should be examined to make sure that it is intact. But in all cases the verifying officer, and he alone , is responsible for his verification. The treasurer or sub-treasurer should be a witness to all verification .

8. Treasury an sub-treasury officers should understand that their responsibility for verification of stamps either in single or double locks is real, and must on no account be neglected,. The Punjab Government have, in their letter No. 39497-F.-G. , dated the 5th December 1929, circularized as follows:-

“ Several recent cases of defalcation at treasuries and sub-treasuries which have come to the notice of Government , have been found to be directly due to the negligence of officers in charge of treasuries and sub-treasuries , who have failed to observe the rules laid down in the Punjab Treasury Manual, the Sub-Treasury Manual and the resource Manual , It is evident that such punishments as have been inflicted in the past on defaulting officers in charge of treasuries and sub treasuries have not had the effect of stopping in willful disregard of the rules contained in the various manuals . The Governor in council considers that officers should be made to realise that their responsibility is real and will be enforce. In future , therefore, more sever action will be taken against defaulting officers, even in cases in which Government suffers no loss, I am accordingly to request you to administer this as a final warning to all officers in charge of treasuries and sub-treasuries and to such other officers as are likely to hold such charge, that future negligence or failure to observe rules, will be dealt with severely and that such punishments as warnings, censures and entries in character rolls will not ordinarily be considered adequate.”

[a1]Circulated with Government of India letter R. Dis. No. 79 Stamps/34,dated the 4th February 1935.

[a2]Punjab Government letter No. 24877-F., dated 22nd August 1930.

[a3]Punjab Government letter No. 36625 –F-G., dated the 14th November 1929

[a4]added by Government of India letter c. No. 14 Stamps/35 dated 16th February 1935

[a5]see rule 14 of Chapter 5 of this part.

[a6]See rule 13 and 14 chapter 5 of this part

[mkg7]FINANCIAL COMMISSIONERS’ OFICE , PUNJAB

CORRECTION SLIP NO. 98, DATED LAHORE, THE 13TH
SEPTEMBER,1937

Punjab Stamp Manual , 1934.

Part III, Chapter I.

Page 16, rule 47(as amended by C.S. No. 62, dated the 30th November, 1936)

In the second sentence of the second paragraph of this rule after the words “Central Government” the words “or that of the Government of Burma” shall be inserted.

[*Government of India, Finance Department (central Revenues letter c.No. 21-Stamps/37, dated the 6th August, 1937*]

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[a10]see part III, Chapter 1.

[a11]Financial Commissioners’ No. 5923-E.& S., dated the 20th November 1933.

THE PUNJAB STAMP RULES, 1934.

SN	Subject
1	<u>PUNJAB GOVERNMENT NOTIFICATION NO. 998-E. & S., DATED THE 14TH FEBRUARY, 1934</u>
2	<u>THE PUNJAB STAMP RULES, 1934 D</u>
3	<u>SUPPLY OF STAMPS AND KEEPING OF ACCOUNTS</u>
4	<u>SALE OF STAMPS, THE PERSONS BY WHOM SUCH SALE IS TO BE MADE AND THE DUTIES AND REMUNERATION OF SUCH PERSONS</u>
5	<u>INSTRUCTIONS FOR THE STAMPING OF DOCUMENTS IN THE FINANCIAL COMMISSIONER'S OFFICE</u>
6	<u>THE PUNJAB STAMP REFUND, RENEWAL AND DISPOSAL RULES, 1934</u>
7	<u>THE PUNJAB STAMP LOSSES AND DEFALCATIONS RULES 1935</u>
8	<u>RESPONSIBILITY OF PRESIDING OFFICERS OF COURTS AND SECURITY TO BE FURNISHED BY MINISTERIAL OFFICIALS</u>
9	<u>AUDIT AND CONTROL OF STAMP REVENUE IN THE PUNJAB</u>
10	<u>STAMPS RETURNS AND REPORTS</u>
11	<u>DESTRUCTION OF RECORDS</u>

Punjab Government notification No. 998-E. & S., dated the 14th February, 1934.

In exercise of the powers conferred by section 74 of the Indian Stamp Act, 1899, and clauses (a) and (d) of section 27 and sub-section (1) of section 34 of the Court Fees Act, 1870, and under the authority derived from the rules {See Chapter 1 of this part} made by the Governor-General in Council and circulated with the Government of India, Finance Department, letter R. Dis.No.94 (1) Stamps-25, dated the 28th June, 1929, hereinafter referred to as the Government of India Rules, the Governor in Council is pleased to make for the province of the Punjab the following rules regulating-

- (i) the supply of non-judicial and court-fee stamps and stamped paper;
- (ii) the keeping of accounts of all such stamps used;
- (iii) the sale of such stamps;
- (iv) the persons by whom alone such sale is to be conducted; and
- (v) the duties and remuneration of such persons.

2. These rules may be called “The Punjab Stamp Rules, 1934,” and shall take effect on and from the 1st day of April, 1934, in supersession of rules published in Punjab Government notifications Nos. 1727 and 1726, dated the 22nd November, 1909, as subsequently amended.

THE PUNJAB STAMP RULES, 1934 D

Interpretation.

1. In these rules, unless a different intention appears from the subject or context-

i. the word “stamp” means as the case may be-

- (i) a stamp intended to be used under the Indian Stamp Act, 1899, and applies both to adhesive stamps and impressed stamps,
- (ii) a stamp intended to be used under the Court-fees Act, 1870, and applies both to adhesive stamps and impressed stamps.

ii. the expression “Impressed stamp” includes (1) labels affixed and impressed by the Financial Commissioners’ office and (2) stamps embossed or engraved on stamped paper;

iii. the expression “Adhesive stamp” means as the case may be –

- (i) an adhesive stamp bearing the words “Court-fee” and intended to be

used under the Court-fees Act;

- (ii) a stamp bearing the word or words “Revenue”, or “Foreign Bill” or “Share Transfer” or “Advocate” or “Notarial” or “Agreement” or “Brokers’ Note” or “Insurance” and intended to be used under the Indian Stamp Act, 1899.
- iv. the expression “Local Depot” includes the treasury at the headquarters of a district in the Punjab and any place for the custody and sale of stamps where there is no treasury which the Governor in Council may declare to be a “Local Depot”;
- v. the expression “Branch Depot” includes every subordinate treasury in the Punjab at the headquarters of a tahsil or other subdivision of a district at which stamps are stored for sale;
- vi. the expression “ex-officio vendor” means the treasurer for the time being of the treasury at the headquarters of a district, or his agent and the subordinate treasurer of every subordinate treasury at the headquarters of a sub-division or tahsil of a district, and it also includes every person appointed to discharge the functions of a treasurer at any local depot established at the place where there is no treasury and postmasters including sub and branch post masters and persons appointed by post offices to sell “Revenue” stamps.
- vii. The expression “Licensed vendor” means and includes every person who, for the time being, holds a license granted under these rules, to sell stamps, but does not include a specially licensed vendor or an ex-officio vendor, as such, though an ex-officio vendor may, if duly licensed, be also a licensed vendor. The expression “license” means a licensed vendor’s license.
- viii. the term “vendor” includes an ex-officio vendor, a licensed vendor and a specially licensed vendor;
- ix. the term “special license” means a license granted under these rules to a Government servant to sell non-judicial stamps only on special terms as to remuneration ; and specially licensed vendor is a person holding such license.

I.- Supply of stamps and keeping of accounts.

2. Supply of stamps from Central Stamp Store, Nasik, to treasuries - According to rule/[See chapter 1 of this part.] of the Government of India Rules, the Controller of Stamps, Central Stamp Store, Nasik, is responsible for supplying the stamps that are required by Local

Governments. The Controller of Stamps supplies stamps on the indents of Treasury Officers (or officers in charge of local depots) submitted through the Financial Commissioners' Office.

3. Supply of stamps from treasuries to sub-treasuries. - Every district treasury in the Punjab has been constituted a local depot and every sub-treasury has been constituted a branch depot for the custody and sale of stamps of all descriptions. It shall be the duty of the Treasury Officer, under the control of the descriptions. It shall be the duty of the Treasury Officer, under the control of the Deputy Commissioner and with the assistance of the treasurer, to be custodian of the main stocks of stamps under double lock in the treasury strong room, and to replenish that stock. He shall avoid over-stocking and watch the balances and arrange for supplies of stamps in sufficient quantities to branch depots which are in charge of sub-treasury officers who are similarly responsible. Branch depots shall obtain their supplies of stamps from local depots to which they are subordinate.

4. Preparation and submission of indents for stamps. - Separate rules have been framed for the preparation and submission of ordinary and emergent indents for non-postal stamps by officers in charge (treasury and sub-treasury officers) of local and branch depots (treasuries and sub-treasuries.).

Note – See Chapter 2 of this part.

5. Reserve stocks to be maintained at treasuries and sub-treasuries. - *{Chapter 1 of this part.}* Rules 14 and 18 of the Government of India rules require that reserve stocks shall be maintained in local and branch depots. Accordingly the following reserve has been prescribed in the indent rules :-

(a). **Local depots** – shall maintain a reserve stock of stamps not less than the probable consumption of three months, in charge (treasury and sub-treasury officers) of local and branch depots (treasuries and sub-treasuries).

(b). **Branch depots**- shall be so supplied with stamps that ordinarily the balance of stamps in each branch depot should never be less than sufficient for one month's nor more than sufficient for two months' average consumption.

6. Receipt and examination of stamps at treasuries and sub-treasuries - The receipt and examination of stamps on arrival at treasuries and sub-treasuries shall be conducted in the manner laid down in rules *{See Chapter 3 of this Part.}* 11 or 9 of the rules for the despatch and receipt

of stamps in treasuries and sub-treasuries. When stamps are returned by a sub-treasury, they should be received back into the double lock.

7. All stocks of stamps received to be deposited under double lock in the strong room of treasury or sub-treasury. - (Chapter 1 of this part) Rule 24 of the Government of India rules lays down that stamps shall be dealt with as follows after receipt and counting :-

“ They shall be placed in proper receptacles in the store under double lock in the presence of the officer incharge, arranged in parcels and packets containing known quantities, the amount and value of each denomination being entered at the same time in a register maintained to show the receipts and issues to and from the store under double lock. These entries shall be checked by the officer incharge at the time when the stamps are deposited, and the correctness of the arithmetical calculations of additions to balance, as well as of the values compared with quantities, shall be verified and initialled by him at the time. The register shall then be placed with the stamps in the double lock receptacles and shall not be removed therefrom, nor shall any entries be allowed to be made therein except in the presence of the officer in charge.”

Store-book of stamps under double lock. - The double lock registers referred to in the foregoing rule shall be in stereo A & T. stamps Nos. 91-102 and 105(b). They shall be maintained in English in bound books. There are columns showing date and nature of transaction, values of stamps, total number of stamps, total value and finally a column for the signature of the treasury or sub-treasury officer. The entries in the books shall be made (from the invoices or treasurer's, as the passed indents, as the case may be) either by the officer-in-charge himself at the time of storing or taking out stamps, or by a treasury clerk called to the double lock chamber for the purpose but in the latter event the entry must be personally checked by the officer-in-charge as the stamps are put in or taken out. Every entry of receipt should correspond with the invoice and show whence the stamps were received; and every entry of issue shall be vouched by a treasurer's passed indent. A balance shall be struck after each entry at the time of receipt or issue, and attested by the initials of the officer-in-charge.

8. Treasurer's counterpart of store-book of stamps under double lock. - A counterpart of the double lock registers in forms stereo. Nos. 91-102 and 105 (b) shall be maintained by Urdu with English numerals and kept in the double lock, but these registers and the double lock registers in English must be written up independently, and one shall not be a mere translation of the other. The entries in this counterpart record shall be signed by the treasurer; they shall also be verified by the initials of the officer-in-charge who shall see that the entries of receipt correspond

with the invoices, and the entries of issue with the passed indents, and that the balance struck corresponds with that shown in the English double lock registers.

9. Store book in double lock at branch depots. - When there is a *siaha navis* at the tahsil, the store-book shall be maintained by him in Urdu, English numerals being used. The store book shall be written on loose-sheets, but in bound volumes supplied from the district headquarters, the pages shall be numbered consecutively, the total number of pages in each volume being certified on the title page. They shall be in the same form as the counterpart registers maintained for local depots and must be kept neatly and carefully all corrections being verified by the initials of the officer-in-charge; and a balance shall be struck at the close of each day in which there has been a transaction of either receipt or issue. All entries must be signed by the officer-in-charge, and (except where the book is written up in the sub-treasurer's own hand) also by the sub-treasurer. Before signing an entry of issue by sale the officer-in-charge should satisfy himself that the stamps have been paid for and that money has been credited in the cash account of the branch treasury.

10. Precautions to protect stamps from injury by damp or vermin. - Due precautions shall be taken by the treasurer and the officer-in-charge of the treasury of sub-treasury to protect stamps from injury by damp or vermin. They shall be kept in strong chests or presses lined or covered with tin and so closed as to exclude damp, air, mice or insects. In places where white-ants are troublesome, the stamp chests or presses shall not be allowed contact with the walls of the strong room, and shall be raised from the floor, and shall rest on stone or earthen troughs containing common oil. Each chest or press shall have two locks the key of one invariably remaining in the hands of the officer-in-charge and the key of the other in the hands of the treasurer. Adhesive stamps shall be further secured by being kept in air-tight tin boxes placed inside the stamp chest or press; the sheets shall be kept face to face and sheets of rough paper placed between each pair of gummed surfaces so as to obviate two sheets being stuck together on their gum side.

11. The stamped paper shall be kept in the parcels of quantities noted in the margin to save trouble in enumeration, each parcel being securely packed and sealed in cloth or paper cover bearing a note of the quantity and value of the stamps within, signed by the officer-in-charge.

Custody of stamped paper -

All below Re. 1 in packets of	500
From Re. 1 to Rs.4	200

Stamps of higher values as received from Nasik

12. Issues from main stock to be made only on regular indents and in the order of receipt from Nasik. - Stamps shall be supplied from the main stock under double lock only in the following circumstances;-

- (a). to the treasurer or sub-treasurer on regular written indents; issues shall never be made on oral applications.
- (b). Large indents for stamps from post or telegraph offices or for service stamps from Government departments or offices may be complied with direct from double lock.
- (c). Replenishments of stocks at branch depots and all despatches of stamps beyond the limits of a district shall be made direct from the double lock.

In order to prevent frauds, errors or damage by any cause remaining undetected for long periods, the stock of stamps shall be issued in the order of its receipt , and any denomination lying unsold for any reason for a long time shall be transferred to some other depot where there is a demand for it, under the orders of the Financial Commissioners.

13. Tahsil or expense stock in the sole custody of treasurer. - At each local or branch depot, whether a branch of the Imperial Bank of India exists or does not exist, there shall be a supply of stamps in the tahsil or expense stock in the sole custody of the treasurer or sub-treasurer for the purpose of supply to the public and licensed vendors. Issues shall never be made to the public or licensed vendors from the stock under double lock except in the case of Kot Khai sub-treasury where the sub-treasury officer has been declared to be an ex-officio vendor and sells, stamps direct from the double lock.

14. Limit of tahsil or expense stock in local and branch depots. - The tahvil or expense stock in the sole custody of the treasurer or sub-treasurer shall in no case exceed the following limit (Government of India rules{*See Chapter 1 of this part*} 26 and 31 (ii):-

- (a). Local depots (i) - Stamps up to the probable demand of one week with cash and opium combined to a value not exceeding Rs. 5,000 or
 - (ii) a total value of Rs.15,000 for stamps, cash and opium, whichever is less,

- (iii) in the special case of the Lahore treasury, the treasurer or his agent may hold in his separate custody in single lock-
- (a) Court-fee and non-judicial stamps with opium upto a value of Rs. 15,000,
- (b) Service stamps up to a value of Rs. 35,000.

Similar concession may be extended to other treasuries under the orders of the Financial Commissioners.

- (b). Branch depots- (i) Stamps up to the probable demand of two days, with cash and opium combined to a value not exceeding Rs.500 or
- (ii) stamps, cash and opium to the total value of Rs.1,500, whichever is less.

15. Safe custody of expense stock. - For the safe custody of the expense stock it is sufficient that an ordinary tin-lined box shall be kept beside the tahvildar by day and locked in the double lock store room at night.

16. Indents and issue of stamps thereon from the double lock. - Every week/second day or when necessary the treasurer/sub-treasurer shall prepare in English or Urdu and submit to the officer-in-charge, an indent in form A.& T. No.90 for a supply of stamps for sale. This indent shall show the estimated consumption for the week/two days' the balance in hand, and the quantity indented for. Printed forms bound in volumes, are obtainable on application to the Superintendent, Government Printing, Punjab. Any denominations of stamps not specified in the indent forms should, if necessary, be entered in manuscript in the blank space provided for the purpose. All intermediate or supplementary indents shall be prepared in the forms of indents which are intended to be used both for the purpose of ordinary and emergent indents made at shorter intervals. Before complying with indents the officer-in-charge shall examine the treasurer or sub-treasurer's store book (prescribed in rule 8) and check the arithmetical calculations made therein. The indent, after being altered if necessary and approved by the officer-in-charge shall be signed by him. In case of there being any difference between the number indented for and issued, a brief note of the cause of the difference shall be made. The indent so signed becomes the warrant for the issue of stamps. The Treasury or Sub-Treasury Officer shall then cause the store under double lock to be opened and the required quantity counted and delivered in his presence to the treasurer or sub treasurer, as the case may be, check the correctness of the entries made in the double lock register so that they correspond with those made in the single lock register, initial

both registers, and return the double lock register in to the double lock store.

When it is necessary to issue stamps from the store under double lock more than once the same day, the above checks need only be applied at each time of issue to the particular descriptions of stamps issued.

If the treasurer or sub treasurer requires stamps at any intermediate time during the period prescribed, the same procedure shall be observed, but the certificate required to be made in column 10 of the indent need not be recorded.

17. Licenced vendors to be supplied with stamps promptly. – Care should be taken to see that no obstacles are thrown in the way of licensed vendors obtaining their supplied of stamps from treasuries (sadr and tahsil). They should be allowed to obtain supplied on any day and at any hour when the treasury is open and should not be kept waiting.

18. Single lock registers to be maintained by ex-officio vendors. - After the treasurer or sub treasurer has obtained his supply of stamps on indents, he shall enter them in a store register in the same form as the counterpart of the double lock registers. This store book will show quantities and values of stamps received from double lock, the daily sales, and the balance of each denomination in hand at the end of each day or the following morning. The balance shall be attested by the initials of the officer-in-charge of the depot, who should inspect daily the accounts of the daily sales, and compare the record of chalans kept by the Head Treasury Clerk with the treasurer's cash book. Before signing this book he shall see that all issues from the store under double lock have been brought to credit, that the values of stamps written off as sold have been credited in the treasury cash accounts, that entries of remittances to branch depots are in accordance with passed indents, and that those showing despatches out of the district are in accordance with the orders received on the subject.

19. Monthly abstracts of receipts and issues to be submitted by branch depots. - At the close of the last working day of each month, an abstract showing briefly the transactions of the month and containing-

- (1) Opening balance,
- (2) Receipts during the month,
- (3) Issues during the month,

(4) Closing balance,

shall be entered in the store-books of each branch depot after the last entry. The officer-in-charge shall verify the closing balance and transmit to the local depot at the headquarters of the district, without unnecessary delay, a plus and minus memorandum of stamps in form A.& T. Stamps-44.

20. Scrutiny of monthly accounts of branch depots by the officer-in-charge of the local depot. - The officer-in-charge of the local depot shall scrutinize the monthly statements of receipts and issues (i.e., plus and minus memoranda and statement of stamp transactions in the double and single locks of sub-treasuries) rendered by officers-in-charge of branch depots. He shall see that the opening balances have been correctly brought forward from the previous month, that all remittances from the local depots are supported by the sub treasury officer's receipt and have been brought to credit, that the proceeds of stamps written off as sold have been credited in the cash account, and that the closing balances have been correctly struck.

21. Periodical verification of stamp balances in single and double locks. - Separate rules have been framed for the periodical verification of stamp balances in the single and double locks.

II- Sale of stamps, the persons by whom such sale is to be made and the duties and remuneration of such persons.

22. Vendors. - There shall be two classes of vendor, namely-

- (a) ex-officio vendor as defined in rule 1 (f);
- (b) licensed or specially licensed vendor as defined in rule 1 (g), (h) and (i).

23. No person other than a vendor or his agent as defined in these rules shall sell stamps other than half anna, one anna, two annas and four annas revenue stamps unless specially authorised by the Collector of the district.

24. Prohibition of purchase except from licensed vendors. - Except in the case of half anna, one anna, two annas and four annas revenue stamps, no person shall purchase any stamp from, or exchange any stamp with, any person not authorized under these rules to sell stamps.

25. Licensed vendors. - The maximum number of licensed vendors for the sale of stamps at the headquarters of each district and tahsil, respectively, shall be fixed by the Collector of each district concerned in consultation with the Commissioner of the division, and the Collector shall

not, without the concurrence of the Commissioner, issue licenses at such headquarters to persons in excess of the number so fixed. In the case of towns and villages which are not such headquarters the number of licenses to be granted shall be fixed by the Collector alone. The Collector may grant a temporary license for a limited period to any petition writer or other person who accompanies on tour an officer whose duties necessitate the use of court fee stamps by parties appearing before him.

NOTE.- (i) *The vend arrangements or each district, more particularly as regards the distribution of licenses in rural tracts, are in the hands of the Collector, who is responsible, on the one hand, that there is a sufficient number of vendors for the reasonable convenience of the public, and, on the other, that a large number or petty vendors are not licensed in excess of local requirements.*

As regards the number of licenses required for sale of stamps in rural tracts, the Collector is the best judge but the number of licenses granted at sadder stations and at the headquarters of tahsils has in some districts often called for remarks, and reduction has often seemed desirable. The Commissioner of the division is authorized to take action in the way of reduction, from time to time, when necessary, and the Collector in consultation with the Commissioner of the division, should fix a maximum number for the sadr station and each tahsil headquarters, which once fixed, must not be exceeded without the sanction of the Commissioner.

(ii) *The number of licenses for vend of stamps will, of course, vary according to the circumstances of each district, but care should be taken that an adequate number of licensed vendors is appointed, otherwise the public will be inconvenienced and the stamp revenue will suffer. On the other hand regard should be paid to the average earnings of stamp-vendors at district and tahsil headquarters. When these become too low the temptation to various malpractice's arises and the demand for higher rates of commission is strengthened.*

(iii) *As regards non-judicial stamps it should be the aim of the Collector to provide the sale of these within the easy reach of all. For this purpose licenses should be issued freely to rural sub or branch postmasters (ex-officio and not by name) and village school-masters. The concession allowed to this class of licensees termed "special licensees" in rule 26 (iv) is that an advance may be made of non judicial stamps at the start without payment of ready money up to a value not exceeding Rs.50 for all stamps supplied to such licensees. In excess of this advance a special licensee is required to pay ready money less the discount admissible. The stamps supplied to him as well as his money remittances for their value to the nearest treasury or sub treasury are to be sent through the post in insured parcels, the charges for postage and insurance being borne by the*

Stamp department. The licensee may remit the amounts by ordinary money order, the Stamp department bearing the charge for commission. The licensee receiving such advance shall give a receipt for the money value thereof, which receipt shall be renewed from year to year in the manner prescribed for permanent advances on account of contingent expenditure. When the Government servant ceases to be specially licensed or desires to discontinue the advance, he shall refund the value entered in the receipt, either in money or in stamps of the class which he is licensed to sell, and shall be granted a receipt for the same by the officer to whom the refund is made, the original receipt given by the specially licensed vendor being retained on behalf of Government. When any Government servant specially licensed made over charge to another Government servant also specially licensed, he shall obtain from him a receipt for the advance made over to him in stamps.

(iv) It is manifest that a much smaller number of vendors will suffice for the retail of judicial stamps than for the retail of non judicial stamps. The former are rarely required except for use in a Court of law, and if they are readily procurable in the vicinity of the Court in which they are to be used, the public convenience, as well as the interests of the revenue, will be sufficiently provided for. What is essential is that at all places where there is a Court whether at a sadar or tahsil station, or in detached localities court-fee stamps shall be readily procurable both from treasurers and their agents and such "other vendors" as may be licensed. The right to sell court-fee stamps is no longer to be refused to "other vendors" selling non-judicial stamps.

(v) While it is desirable that the contracting treasurer of the district or division, through his agents, should not have a monopoly of the sale of stamps (Government of India resolution No. 5583-S.R., dated the 8th December 1899), the Collector should see that the number of licensed stamp vendors provides a little healthy competition with the agents or the contracting treasurer at district and tahsil head quarters and is not so great as to reduce the profits of the contracting treasurer to an undesirable extent.

26. Grant of license to any person. - (i) Subject to the provisions of these rules the Collector, or other officer empowered by the Local Government in this behalf, may grant a license for the sale of stamps to any person at any place or within any area within the limits of his district, of any value or description provided-

- (a). that no person may be licensed to sell any single stamp exceeding Rs, 1000[\[a1\]](#) in value;-
- (b). that no person employed in any department of the public service shall be granted a license to sell stamps without the previous consent of the head of such department;

(c). “that no person shall be licenced until the licensing officer has satisfied himself that the person to be licenced bears good moral character and possesses a minimum qualification of Matric or its equivalent from recognised institute”[\[a2\]](#)

(d). that no person whose duty it is to cancel stamps, in accordance with the provisions of section 30 of the Court-fees Act,1870, shall be licensed to sell court-fee stamps under these rules. The license of any licensed vendor who accepts any appointment involving the duty of cancelling stamps shall be deemed to have been revoked from the time of acceptance, and shall be forthwith surrendered to the Collector.

(ii) *Ex-officio vendors.* - The Collector may, in his discretion, grant a license to sell stamps to any ex-officio vendor, who then shall be also a licensed vendor within the meaning of these rules, and shall be subject to all the provisions thereof as regards the sale of stamps and his duties and remuneration as licensed vendor.

(iii) In granting a license to an ex-officio vendor who is the treasurer of a treasury at the headquarters of a district or his agent, the Collector may, in his discretion, by provision made in his license, authorize him to grant a sub-license, for a short period and upon his own responsibility, to any person for the purpose of accompanying any civil officer on tour and selling court fee stamps only, while on such tour, to persons requiring them. Such sub-licenses may be in excess of the number of licensed vendors fixed under sub-rule (I) of this rule. Should the license of any such ex-officio vendor expire or be at any time revoked, every sub-license granted by him shall forthwith cease and determine.

(iv) *Specially licensed vendors.* - The Collector may, in his discretion and subject to proviso (b) of sub-rule (I) of this rule and subject to the following conditions, grant to any sub postmaster a special license to sell, at a place other than the headquarters of a district or tahsil, non-judicial impressed sheets and similarly to any other Government servant to sell non-judicial impressed sheets and revenue stamps:-

Condition I.- Any Government servant specially licensed under this sub-rule may receive, without payment of ready money, an advance of stamps of the class that he is licensed to sell, of an aggregate value of fifty rupees. This advance shall be operated on in a manner analogous to that prescribed for a permanent advance on account of contingent expenditure: that is to say, the

licensee on paying into the treasury any portion, may receive stamps to an equivalent amount. The licensee receiving such advance shall give a receipt for the money value thereof, which receipt shall be renewed from year to year in the manner prescribed for permanent advances on account of contingent expenditure. When the Government servant ceases to be specially licensed or desires to discontinue the advance, he shall refund the value entered in the receipt, either in money or in stamps of the class which he is licensed to sell, and shall be granted a receipt for the same by the officer to whom the refund is made, the original receipt given by the specially licensed vendor being retained on behalf of Government. When any Government servant specially licensed makes over charge to another Government servant, also specially licensed, he shall obtain from him a receipt for the advance made over to him in stamps.

Condition II- All postage charges for the remittance of stamps supplied to specially licensed vendors or for the remittance by such vendors of the value of stamps supplied to them, or for the return by them of balances of stamps remaining unsold on their ceasing to be specially licensed or for official correspondence relating to matters arising out of their transactions as specially licensed vendors, shall be borne by Government and charged to stamp contingencies.

27. Conditions of licenses. - . (i) Every license granted under these rules shall specify-

- (1) the person licensed,
- (2) the kind and the value of the stamps he is licensed to sell, and
- (3) the place at which he is licensed to sell.

(ii) Every special license granted under these rules shall contain same particulars and be in the same form as are stated in sub-rule(I) of this rule. But the Collector may, if he sees fit, grant a special license in favour of the holder for the time being of a particular office at a particular place, instead of in the name of a particular person.

28. Every license granted under these rules shall be subject to the following conditions-

- (i). The vendor shall obtain all supplies of stamps which he is authorised to sell only from the treasury or sub-treasury of the district for which his license is granted.
- (ii). The vendor shall keep such stock of the stamps, which he is authorised to sell, as may be prescribed by the Collector of the district, with due regard to the convenience of the treasury officer, the stamp vendor and the litigant public.

- (iii). Subject to the provisions of chapter V of the Indian Stamp Act, 1899, and rules made under section 27 (c) of the Court-fees Act, 1870 (as to renewal) and the orders of the Governor-General in Council published in resolution no. 132 of the 11th January 1888 (as to refunds), the vendor shall not obtain (by purchase, exchange, or otherwise) any stamp from any person other than an ex-officio vendor.
- (iv). The vendor shall sell stamps which he is authorised to sell only at the place mentioned in his license and in accordance with these rules.
- (v). (a) The vendor shall not allow any other person except his agent appointed as in paragraph (b) of this condition, to transact on his behalf any business which he is required by these rules to do himself.
- (b) During short periods of absence not exceeding one week at a time, the vendor may appoint an agent for the sale of stamps, making a note to this effect in the vend register before and after the entries of the sale by the agent. If the agent is required for more than a week but less than a month, he must obtain the permission of the Tahsildar or if resident in a sub-tahsil, of the Naib-Tahsildar. The vendor shall be responsible for all acts of his agent. If the vendor is absent for more than a month the matter must be reported to the Collector who may either (a) authorise the retention of an agent for a longer period or (b) temporarily or permanently transfer the license to some other person.
- (vi). The vendor shall not sell stamps of any kind the use of which has been discontinued or prohibited by competent authority.
- (vii). The vendor shall be bound to sell to any person upon immediate payment any stamps of a kind or value permitted by his license, but not of any other kind or value. The vendor shall not demand or accept for any stamp any consideration exceeding the value of such stamp.
- (viii). The vendor shall accept payment for any stamp sold by him in any currency which would be accepted on behalf of Government at a district treasury.
- (ix). The vendor shall not sell any stamp exceeding Rs.100 in value. When application is made to the vendor for stamps exceeding Rs. 1000 [a3] in value he shall refer the applicant to the ex-officio vendor.
- (x). If application is made to the vendor for a non-judicial stamp of a value not exceeding Rs.

100 required in the form of an impressed sheet to denote the duty on any document, the licensed or specially licensed vendor shall, if it is available in his stock, supply the applicant with a stamp of the value required, and if a stamp of such value is not available in his stock he may supply in lieu of it the smallest number of impressed sheets available in his stock by which the duty required can be made up. The licensee shall not attempt to make up stamp duty exceeding Rs. 100 by the issue of two or more stamps of lower denominations.

(xi). (a) When in the case of court-fees amounting to less than Rs. 25 the amount can be denoted by a single adhesive stamp the vendor shall issue a single adhesive stamp of the required value. But if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available in the stock of the vendor, he shall supply an adhesive court-fee stamp of the next lower value available and make up the deficiency by the issue of one or more additional adhesive stamps of the next lower values, which may be required to make up the exact amount of the fee.

(b) When in the case of court-fees amounting to or exceeding Rs.25 the amount can be denoted by a single impressed stamp the vendor shall issue a single impressed stamp of the required value. But, if the amount cannot be denoted by a single impressed stamp or if a single impressed stamp of the required value is not available in his stock the vendor shall supply an impressed stamp of the next lower value available, and the deficiency shall be made up by the issue of one or more additional impressed stamps of the next lower values available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs.25.

(c) When the vendor is unable to furnish a single stamp of the value required by a purchaser, he shall give a certificate to that effect in the form below. The certificate referred to must be affixed to the document :-

(Form of certificate)

“ Certified that a single stamp of the value of Rs.-----required for this document is not available, but, in lieu thereof I have furnished a stamp of the next lower value available, and made up the deficiency by the use of one or more adhesive/impressed stamps of the next lower values available required to make up the exact amount of the fee.”

(d) The licensee shall not attempt to make up court-fees exceeding Rs.100 by the issue of two or more stamps of lower denominations.

(xii). The vendor shall, at the time of sale to the public, insert, with his own hand, in indelible ink in English or Urdu on the blank space left for this purpose on each adhesive court-fee stamp, the name and residence of the purchaser, and also if the purchaser is an Indian, his or her father's name, the date of the sale and the signature of the vendor, and if the stamp is purchased by a pleader or any one other than the principal in person, the names and residence of both the agent and principal.

(xiii). The vendor shall, with his own hand, write in indelible ink in English or Urdu at the time of sale, on the back of every non-judicial or court-fee impressed stamp which he sells-

- (a) serial number,
- (b) the date of the sale,
- (c) the name and residence of the purchaser, and also if the purchaser is an Indian, his or her father's name and caste,
- (d) if the purchaser is purchasing on behalf of another person, then also the name and residence of the person for whom the purchase is being made; and if the person for whom the purchase is being made, is an Indian, his or her father's name and caste,
- (e) the value of the stamp in full words, and shall affix his signature to the endorsement.

He shall at the same time make corresponding entries in his vend register, and shall also invite the purchaser to attest them by his signature or thumb impression, or both, and in the event of the purchaser refusing so to attest the entry of sale, the vendor shall refuse to sell the stamp required and shall cancel any entries made regarding it in his register.

NOTE- Particular care should be exercised in the taking of finger impressions. The proper kind of ink to use is printer's ink and this should be used exclusively. This shall be obtained by the vendor himself. It should be used with a thin slab and not with a pad. Country ink should never be used.

(xiv). The vend register referred to in condition (xiii) shall contain columns for the following particulars, and in it the vendor shall regularly and correctly enter these particulars, viz.-

- (a) the date of sale of any impressed sheet sold ;
- (b) the serial number of the entry of every such sale, a new series of numbers being commenced on the first day of April in each year and the total number of stamps sold to make up any value

required being entered under a single serial number;

(c) the value (in words) of each stamp sold, and the total value of stamps sold in each transaction;

(d) the full name (and if an Indian, father's name and caste), surname (if any), and residence of the purchaser;

(e) if the stamp is purchased on behalf of a person other than the actual purchaser, the name and description of such person;

(f) the purpose for which the purchaser states that the stamp is purchased ; and

(g) signature or thumb-impression of purchaser, if the purchaser consents to sign the entry, or make the impression, and if he does not consent, the reasons for his not consenting, in case the purchaser states his reasons.

(ii) When any register becomes filled up, the vendor shall deliver the same to the Collector or other officer deputed to receive the same.

(xv). The vendor shall not knowingly endorse on any impressed sheet sold the name of any person other than the actual purchaser, or the person on whose behalf the stamp is being purchased, deliver any stamp sold to any person other than the person whose name is endorsed thereon as that of the purchaser. The vendor shall not also retain in his possession for more than seven days any endorsed stamp entered as sold in his register of which the vendee fails to take delivery. In case of such failure he shall, on the expiry of seven days, forward the stamp to the Collector for cancellation and refund of its value or issue of another stamp in exchange therefor.

(xvi). The vendor shall, upon the demand of the Collector, whenever required so to do, deliver up all stamps in his custody or possession of such vendor; and if such stamps have been paid for by such vendor, the value thereof, less any discount which may have been allowed at the time of the purchase thereof to such vendor shall be refunded to him.

(xvii). The vendor shall at all times have posted in a conspicuous place outside the place of vend, a sign-board bearing in English and Urdu characters-

(a) the name of the vendor with the words "Licensed vendor of non-judicial/Court-fee Stamps." He shall also have in the place of vend his license and the Acts of the Legislature and their schedules referring to the stamps sold by him, together with these rules in English and Urdu, placed so that they can be readily seen and read by purchasers.

(b) The licensee is not allowed to charge more than face value of stamps.

(xviii). The vendor shall not at anytime offer any objection or resistance to the inspection of his registers or the examination of his stock of stamps by any officer duly authorised by the Collector or by Government to make such inspection examination.

(xix). The vendor shall submit to the Excise Inspector of the district, after the close of each quarter a return in the standard vernacular form No. 217. He shall also submit such other returns as may be prescribed from time to time.

(xx). The remuneration to the vendor shall be in the form of discount allowed from time to time under the orders of the local Government.

(xxi). Additional conditions applying to ex-officio vendors who are also licensed to sell stamps not exceeding Rs. 1000[\[a4\]](#) and to receive commission on the sale of such stamps :-

This license should be in the name of a servant or an agent who will have no authority to perform any of the treasurer's or sub-treasurer's official duties in connection with stamps. This servant or agent should-

- (a) sit separately away from the treasurer or sub-treasurer and not with his principal in the treasurer's room;
- (b) have no access to the store of stamps in the single or double locks;
- (c) not perform any duty connected with the issue of stamps;
- (d) not prepare the treasurer's or sub-treasurer's indents, nor keep the store books nor compile the monthly stamp accounts.

NOTE- There is, however, no objection to the stamp boxes belonging to the agents of the divisional or district contracting treasurers being kept for the night in the single lock rooms of treasuries and sub-treasuries on the understanding that Government accepts no liability in case of theft or loss.

29. The infringement of any of these rules or conditions shall render the holder liable to cancellation of his license in addition to the penalties prescribed in section 69 of the Indian Stamp Act, 1899/section 34 of the Court-fees Act, 1870 namely, imprisonment for a term which may extend to six months or fine not exceeding five hundred rupees, or both.

30. Register of licenses to be maintained for the district. - (i) The Collector shall cause a register of licenses and special licenses granted under these rules to be maintained for the district. The register shall contain the following particulars as to each license granted:-

- (a) Date of granting the license.
- (b) Serial number for the year of the license.
- (c) Name, father's name, caste and residence of the person licensed ; or in the case of a special license granted to a public servant, the official designation of the office in virtue of which the special license may be used.
- (d) Place or area for which the license is granted.
- (e) Kinds and values of stamps covered by the license.
- (f) Period for which the license is to continue in operation.
- (g) Amount of security (if any) taken.
- (h) Acknowledgment of the licensee.
- (i) Remarks relating to revocation, renewal, surrender, expiry, etc., of the license.
- (j) Date of destruction of the license.

NOTE- The register shall be separate for (1) non-judicial and (2) Court-fee stamps. The entries in the register should be revised annually when the time comes round for renewing the licenses. Every lapsed license should be called in and destroyed; at the same time the sale registers which vendors are required to maintain under license conditions Nos. (xiii) and (xiv) should be inspected to see that they have been regularly and correctly maintained; this duty might be performed in outlying places by tahsildars or nab- tahsildars, and at the sadr by the Treasury Officer, or some other officer appointed for the purpose by the Collector, for example, the Excise Inspector or Sub- Inspector. If it should appear that any licensee has ceased to sell, or that his sales are small with reference to the locality, his license should not be renewed, but another person should, if necessary, be licensed in his stead.

The number of vendors shown in the Collector's annual statements should correspond with the number shown in the above register.

(ii) Register of sub-licenses to be maintained by vendors. - Every ex-officio and licensed

vendor whose license empowers him to grant sub-licenses shall maintain a similar register of sub-licenses granted by him.

31. Revocation of licenses. - (i) Any license or special license or sub-license granted under these rules may at any time be revoked for sufficient reason by the Collector of the district in which it was granted, or by any Revenue authority to whom such Collector is administratively subordinate.

(ii) When any license or special license or sub-license is revoked, or expires, it shall be the duty of the person to whom it was granted or his agent or representative forthwith to surrender it to the Collector. If any such license is to be renewed and has been granted in form capable of renewal and containing sufficient space for the necessary entries, it shall be renewed and returned to the licensee. If any such license is not to be renewed, or if it is to be renewed by the issue of a fresh license, the surrendered license shall be retained by the Collector, and shall be cancelled by enforcement under his signature.

(iii) *Collector to furnish list of licensees to ex-officio vendor* - The Collector shall furnish the ex-officio vendor with a list of all persons licensed under these rules, and keep him informed of changes in it.

32. Supply of blank vend registers by Collector and disposal of same after use. - Blank vend registers in the prescribed form shall be supplied free of charge to the vendor on application to the Collector. Before issuing any blank vend register to the vendor the Collector shall enter or cause to be entered at the beginning thereof the following particulars:-

- (b). full name and residence of the vendor ; and
- (c). the date on which the register is issued.

(ii) Each page of such register shall bear a printed number, and all the pages of each register shall be numbered in a continuous series. The officer in charge of stamps shall certify under his signature at the beginning of each register the number of pages contained in it, and that they are numbered in a continuous series.

(iii) To avoid the accumulation of filled or partially filled vend registers at tahsil offices, they should be transferred at the close of the official year in which they have been deposited, to the district record room, where they should be retained for a period of twelve years and then destroyed.

33. Duties of ex-officio vendors. - No ex-officio vendor shall, as such, sell stamps otherwise than in accordance with the following direction:-

- (a) He shall sell to a licensed or specially licensed vendor or a person holding a sub-license, stamps of denominations not exceeding Rs.1000
- (b) He shall sell to any person other than a licensed or specially licensed vendor or a person holding a sub-license (except when required by such vendor for private use) impressed stamps exceeding Rs.1000 in value.
- (c) He shall not sell any stamps except upon immediate payment for the same.
- (d) He shall also observe carefully the principle of issuing, whenever practicable, a single stamp of the value required by a purchaser, or when, for any reason, this is not possible, of furnishing a stamp of the next lower value available and of making up the deficiency by the use of one or more additional stamps of the next lower values available, which may be required to make up the exact amount of the fee. In the latter case when the sale is of impressed stamps exceeding Rs.1000 (in value) and a single stamp of the value required by the purchaser is not available, the ex-officio vendor shall give a certificate to that effect in the form prescribed in clause (c) of condition (xi) of rule 28.

Remuneration of vendors.

- 34.** (i) No ex-officio vendor shall, as such, be entitled to any discount or commission on the value of any stamps supplied to him for custody and sale upon the sale thereof..
- (ii) *Commission allowed on court-fee stamps* - Every licensed vendor of court-fee stamps shall be entitled to discount at the rate of annas eight per cent on the value of every court-fee stamp purchased by him from an ex-officio vendor : provided that he shall not be entitled to any such discount when the total value of stamps purchased at any one time is less than Rs. 5 nor on any sum in excess of a multiple of Rs.5.
- (iii) *Commission allowed on non-judicial stamps* - Every licensed and specially licensed vendor or non-judicial stamps shall be entitled to discount at the rates specified in the following schedule on the value of every non-judicial stamp purchased by him from an ex-officio vendor : provided that discount shall not be allowed on the value of any stamp of a kind not specified in the said schedule, nor when the total value of the stamps purchased at one time is less than Rs.5.

The Governor in Council may at his discretion direct that the rates of 3 and 5 pies prescribed in the scale for Lahore and Amritsar towns, shall be extended to any other town the population of which is 50,000 inhabitants or upwards and the annual sales of stamps also amount to or exceed Rs.50,000.

Note- In all calculation of discount pies shall be eliminated.

(b) Government servants holding special licenses to sell stamps- On all stamps which they are licensed to sell under these rules Re. 1-9-0 per cent.

The discount shall be allowed by deduction from the purchase money. Special challan forms have been prescribed for this purpose (Stereo. A & T No. 349.)

35. Inspection and control. - Every officer not below the rank of a Tehsildar, every excise officer not below the rank of excise officer, 1st grade, and every other Government servant (including a stamp auditor) who is specially authorised in that behalf by the Financial Commissioners, Commissioner or Collector, may at anytime inspect the stock of stamps, the registers, and the accounts of any licensed or specially licensed vendor. The registers and accounts maintained by, and the stock of stamps in store with any specially licensed vendor shall also be subject to inspection at any time by every officer whose duty it is to inspect departmentally the office of the Government servant holding the special license.

NOTE- (i) Tahsildars and naib-tahsildars shall exercise a general supervision over the stamp-vendors within their tahsils. Excise inspectors and sub-inspectors are required to inspect registers and accounts of stamp-vendors (other than those of sub postmasters and branch postmasters specially licensed to sell non-judicial stamps) as often as possible; at least once in a quarter and generally to collect such information regarding vend arrangements as will be useful to Collectors in their administration of the stamp Department. Inspection notes should invariably be submitted to the officer in charge of stamps. The number of inspection performed by these officials should be noted in the District Annual Stamp Report and a brief account should be given of any frauds or irregularities of an unusual character brought to light by their inspections.

(ii) With a view to improving the check which excise inspectors are required to exercise over the registers of stamps received and sold by licensed stamp vendors, stamp vendors should be required to submit a duplicate indent for the stamps which they wish to buy, and a copy of the indent showing the number, denomination and value of the stamps supplied should be signed by

the treasurer and sent by him to the excise inspector who is responsible for the supervision and check of stamp vendors' registers. These duplicate indents should be destroyed at the end of the financial year.

(iii) Excise inspectors and sub-inspectors should make themselves thoroughly acquainted with-

(a) the questionnaire prescribed for their guidance, and

(b) the instructions in regard to the taking of finger impressions contained in the pamphlet prepared by the "Finger Print Bureau" at Phillaur. Copies of the pamphlet should be supplied to the excise staff in each district.

(iv) The quarterly returns submitted by licensed vendors of non-judicial stamps in accordance with condition (xix) of rule 28 after being carefully scrutinized should be kept by the excise inspector, who should bring to light any remarkable features presented by them. He should also use the returns in his inspections of the vendors' accounts, and see that the figures given in them correspond with those in the sale registers. The returns may also be usefully referred to by Collectors when the question of renewing a vendor's license arises. The returns need not be furnished by postal officials licensed to sell non-judicial impressed stamps. They should, however, be furnished by treasurer's agents who are licensed to sell non-judicial stamps for their dealings in these stamps.

FORM P.S.R.1

No.-----

DISTRICT.

Licensed or specially licensed vendor.

License for the vend of Non-judicial/Court-fee stamps.

This license is granted to *{NOTE- If a special license is being granted, it shall be within the discretion of the Collector to enter only the official designation of the Government servant to whom the license is being granted instead of his personal name and description.}*

_____ son of _____ caste _____ for the vend of non-judicial/court-fee stamps at _____ in _____ district for the period commencing from _____ and ending with _____ and is subject to the rules and conditions contained in the Punjab Stamp Rules, 1934, as amended

from time to time.

2. The infringement of any of the said rules or conditions shall render the holder liable to cancellation of his license and the penalties prescribed in section 69 of the Indian Stamp Act, 1899/section 34 of the Court-fees Act, 1870, namely, imprisonment for a term which may extend to six months or fine not exceeding five hundred rupees, or both.
3. This license may be revoked at any time by the Collector of the district in which it is granted or by any Revenue Officer to whom such Collector is administratively subordinate. On this license being revoked or when the term for which it is granted expires, the person hereby licensed shall surrender the license at once to the Collector.

Place_____

Signature of the Collector,

Date of issue_____

_____District.

QUESTIONNAIRE FOR THE GUIDANCE OF OFFICERS INSPECTING REGISTERS AND ACCOUNTS OF LICENSED STAMP-VENDORS.

1. Has the stamp vendor a license from the Collector of the district?
2. When was the last inspection of his registers and stock of stamps made?
3. Has the vendor exhibited conspicuously at his place of vend a sign-board bearing his name and the words “Licensed vendor of non-judicial or court-fee stamps”?
4. Is the vendor sufficiently educated so as to be able to maintain his vend registers and fulfil the requirements of the conditions of his license?
5. Does the vendor correctly and truly enter in his register the supply of stamps received from the local treasury or sub-treasury and strike the monthly balance of stock in hand in the register. (The entries of supply should be verified from copies of indents supplied to excise staff-Financial Commissioner’s circular No. 5, dated 13th February 1911). Is the stock in hand correct and does it tally with the entries in the register?
6. Does the vendor maintain a vend register in the prescribed form and keep accounts regularly in respect of all impressed court-fee or non-judicial stamps or both sold by him? Examine it in detail and note defects.
7. Are the particulars truly and correctly entered therein by the vendor with his own hand in English or urdu and in indelible ink at the time of sale?

8. Have the entries in the vend register been attested by the purchasers with their own hands or thumb marks?
9. (i) Does the vendor use printer's ink in the taking of finger impressions (Note to rule 28 (xiii) of the Punjab Stamp Rules, 1934)?

(ii) Does the vendor understand the method of affixing proper thumb impressions and whether the thumb impressions taken in the register are clear and decipherable ?

10. Does the vendor make on every court-fee or non-judicial impressed stamp or a court-fee adhesive stamp sold by him a proper endorsement in indelible ink (Rule 28 (xii) and (xiii) of the Punjab Stamp Rules, 1934)?

(The actual process of sale should be sometimes watched and endorsements as entered on stamps and registers compared).

11. When a stamp is purchased by any one other than the principal in person, is it endorsed by the vendor as sold to the agent (A.B.) for the principal (C.D.) (Rule 28 (xii) and (xiii) of the Punjab Stamp Rules, 1934)?.

This is an important provision, any departure from which coming to notice should be reported to the Collector of the district.

12. Has the licensed vendor in any one case sold for the same transaction, stamps of the value above the prescribed limit and split up the sale on two consecutive days to conceal the fraud ? (The licensed vendors instead of referring a purchaser of stamps, whether court-fee or non-judicial, exceeding Rs. 100 in value as required by rules, and in order to earn illegal commission sometime sell such stamps themselves and make entries in respect of stamps so sold in their registers under two different dates. *Sometimes one vendor joins another stamp-vendor to sell stamps within his own limit although the value of stamps to be used in the transaction may exceed Rs.100 . This kind of fraud should be detected and reported*).

13. Has the licensed vendor in respect of all transactions sold the smallest number of stamps as required by Rule 28 (xi) of the Punjab Stamp Rules, 1934 ?

14. Is there any evidence or report that the vendor demands or accepts for any stamps more than actual value denoted thereon ? (Question about ten members of the general public on this point).

15. Is the vendor fully acquainted with the conditions of his license? Some questions should be put to him to ascertain this.
16. Has any information been ever received to indicate that any sort of illegal trade in stamps or watermarked petition paper is being carried on by stamp vendors?
17. Does the vendor experience any inconvenience or difficulty in obtaining his supplies of stamps from the local treasury or sub-treasury?
18. Whether adequate facilities for meeting the demand of the public for stamps of all descriptions exist?
19. Is there any ground for suspecting that the licensed vendor sells stamps only to those persons who undertake to have their documents written by a particular deed-writer recommended by the vendor?
20. Does the vendor submit after the close of each quarter a return in the standard vernacular form INo.217?.

CHAPTER 6.

INSTRUCTIONS FOR THE STAMPING OF DOCUMENTS IN THE FINANCIAL COMMISSIONER'S OFFICE.

THE following instructions for the stamping of documents in the Financial Commissioners' office, Lahore, under the Indian Stamp Act, 1899, as amended, have been drawn up for general information and guidance:-

(1). Stamps to indicate the payment of duty with which instruments or various kinds are chargeable are of two kinds, namely :-

- (a) adhesive ; and
- (b) impressed.

(2). The use of adhesive stamps is confined to certain classes of documents mentioned in rule 13 of the Indian Stamp Rules, *{See part I-B, Chapter 1.}* 1925, and they are all inscribed with the appropriate inscription, as "Foreign Bill," "Share Transfer," "Advocate," "Attorney," "Notarial," "Agreement," "Broker's Note," or "Insurance," except stamps on copies of maps or plans, etc., which may be stamped with court-fee stamps.

(3). Impressed stamps are of the following kinds:-

- (a) Sheets of paper on which a stamp of the proper value is engraved. These are obtainable by the public from treasuries and licensed vendors of stamps;
- (b) Labels affixed and impressed by the Financial Commissioners' office. In cases in which the duty payable is one anna or two annas only, it may be denoted by that office by a colored impression marked on a skeleton form of an instrument.

(4). Whenever an impressed stamp is required by law, engraved stamp paper may be used, and it is only optional to have the document stamped and impressed with a label or labels of the requisite value in the Financial Commissioners' office.

(5). The documents which may thus be stamped in the Financial Commissioners' office are detailed in appendices II and III of the Indian Stamp Rules, 1925.

Only instruments of agreement and memoranda of agreement such as are specified in Appendix III, when written in the Urdu character, are allowed to be stamped and impressed with special adhesive stamps. All other instruments must, therefore, be written in English and when written in any European language other than English should be accompanied by a translation in English.

(6). If it is necessary to send a document to the Financial Commissioners' office for stamping, the following information and instructions will be found useful :-

- (a) The Financial Commissioners' office is situated in the compound of the office of the Local Government (usually known as the Civil Secretariat) on the Lower Mall.
- (b) The officer in charge of stamping is the Assistant Secretary to the Financial Commissioners. All complaints and difficulties should be referred to him.
- (c) Stamping is effected there both for the Punjab and North-West Frontier Province.
- (d) Applications from outstations to have instruments stamped with impressed labels should be made to the Collector (Deputy Commissioner) of the district : the instrument and stamp duty should be delivered to him at places where there is no branch of the Imperial Bank. At places where there is a branch of that Bank the Treasury Officer will supply a form (challan), on which the duty payable will be

credited into the Imperial Bank L the receipt of the Bank and the document to be stamped should then be delivered to the Collector. He will send the instruments to this office for affixment and impressment of the necessary label or labels, accompanied by a certificate (in duplicate) that duty has been paid. The instrument will be returned after being stamped, through the same channel for return to the applicant.

(f). The Financial Commissioners' office will only affix a label or labels of such value as the applicant requires and pays for, and will not determine the amount of stamp duty payable.

Any doubt as to duty chargeable in any case should be referred, under section 31 of the Indian Stamp Act, to the Collector of the district from which the application is made.

(g). Documents, which residents of Lahore and Lahore Cantonment wish to have stamped, will be stamped in the Financial Commissioners' office on personal application : attention is directed to the following points :-

(i). Except in the most exceptional circumstances, and in the case of impressment of foreign powers of attorney, cash will not be accepted. The required duty should be paid into the Imperial Bank of India, Lahore, and the receipt of the Bank should be attached to the document to be stamped. Cheques will not be accepted.

(ii). Instruments fully and finally executed by all parties thereto are not stamped in the Financial Commissioners' office. Such documents should be referred to the Collector of the district under Section 41 of the Stamp Act.

(iii). Section 18 of the Act lays down that instruments executed out of British India and not being a bill of exchange or promissory note may be stamped within three months from the date of their first receipt in British India.

(iv). In ordinary cases in which there is no urgency all instruments for stamping, etc., must be placed in the iron box in the verandah of the stamping room, and not delivered in person to any member of the office. But in cases of urgency, which should be brought to the personal notice of the Assistant Secretary, stamps will be affixed at once.

(v). Messengers who have left documents for stamping should call on the following working day at 2 P.M. to receive their documents. Every effort will be made to obviate a messenger having to call a second time to receive his stamped document.

[a1]substituted in place of 100 to 750 and later to 1000 by notification no. S.O. 2/C.A.2 / 1899/S.74/90 . Dt. 2nd January , 1990,of the DEPARTMENT OF REVENUE AND REHABILITATION signed by SADA NAND, Financial commissioner, Revenue and Secy to Govt. of Punjab,

(a). [a2]this clause was substituted vide notification no. G.S.R. 50/C.A.2/1899/S. 74/Amd. (3)/98,Dt. . 2nd July, 1998 in place of old clause { that no person shall be licensed until the licensing officer has satisfied himself that the person to be licensed bears good moral character and is qualified for the purpose educationally ;}

[a3]substituted in place of 100 to 750 and later to 1000 by notification no. S.O. 2/C.A.2 / 1899/S.74/90 . Dt. 2nd January , 1990,of the DEPARTMENT OF REVENUE AND REHABILITATION signed by SADA NAND, Financial commissioner, Revenue and Secy to Govt. of Punjab,

[a4]substituted in place of 100 to 750 and later to 1000 by notification no. S.O. 2/C.A.2 / 1899/S.74/90 . Dt. 2nd January , 1990,of the DEPARTMENT OF REVENUE AND REHABILITATION signed by SADA NAND, Financial commissioner, Revenue and Secy to Govt. of Punjab

CHAPTER 7

THE PUNJAB STAMP REFUND, RENEWAL AND DISPOSAL RULES, 1934.

Contents

SN	SUBJECT
1	<u>DISPOSAL OF OBSOLETE, UNSERVICEABLE AND SPOILT STAMPS THAT FORM PART OF THE STOCK OF STAMPS IN A LOCAL OR BRANCH DEPOT</u>
2	<u>DISPOSAL OF STAMPS THAT HAVE BEEN CANCELLED ON PAYMENT OF REFUND OR ON RENEWAL</u>
3	<u>FORM NO. SR. 1</u>
4	<u>FORM NO SR.2</u>
5	<u>FORM NO SR.3</u>
6	<u>FORM NO. SR.4</u>
7	<u>RENEWAL STATEMENT</u>
8	<u>FORM NO. SR. 5</u>

{Punjab Government notification No.6981-E. & S., dated the 20th November 1934.}

In exercise of the powers conferred by section 49 of the Indian Stamp Act, 1988, clause (c) of section 27 of the Court-fees Act, 1870, and under the authority derived from rule 38 of the rules *{Reproduced in Chapter 1 of this part.}* made by the Governor-General in Council and circulated with the Government of India, Finance Department, letter R.-Dis No. 94 (I) Stamps-25, dated the 28th June, 1929, as subsequently amended, the Governor in Council, after consultation with the Auditor – General, is pleased to make, for the province of the Punjab, the

following rules for the grant of refund of the value or for the renewal of non-judicial and court fee stamps that have been submitted for cancellation or renewal under section 49,51,52,54 and 55 of the Indian Stamp Act or the Punjab Government Notification No. 4986-E & S. {see Appendix A} dated the 14th August 1934, and for the disposal of such stamps as are obsolete, unserviceable , or spoiled or have been cancelled on payment of a refund or on renewal .

1. These rules may be called “ **The Punjab Stamp Refund, Renewal and Disposal Rules, 1934**,” and shall take effect on and from the 1st day of December, 1934, in supersession of all previous rules made in exercise of the said powers .

2. In these rules, unless a different intention appears from the subject or context,--

(a) “ Collector” includes an officer other than the Financial commissioner or the Commissioner who can, under the delegations contained in paragraph 20-11 of the Book of Financial Posers sanction the grant of refund or renewal,

(b) “stamp” means as the case may be---

(i). a stamp intended to be used under the Indian Stamp Act, 1899 and includes both adhesive stamps and immersed stamps, as the case may be;

(ii). a stamp intended to be used under the Court fees Act, 1870 , and includes both adhesive stamps and impressed stamps.

(c) “damaged or spoiled stamps” means and includes the following----

(i). a stamp or (in the case of an impressed stamps) the paper on which it is impressed which has been so damaged, spoiled or obliterated as to render it permanently unfit for use, whether the said paper has been written upon or not; provided that such stamp or paper has not in fact been used for the purpose for which it was intended , and has not been cancelled under the provisions of section 30 of the court-fees Act, 1870;

(ii). subject to the same proviso, a stamped paper which has become unserviceable owing to some material error or irregularity in the writing or form of the document inscribed on the paper;

(iii). a stamp which before being used is found not to be required owing to the purpose for which it was procured having been effected by some other document ;

- (iv). a stamp of any particular kind of which the use has been prohibited or ordered to be discontinued by competent authority;
- (d) “renewal” means the exchange, in the manner provided in these rules, of a damaged or spoiled stamp or a stamp not required for immediate use, for a fresh stamp of equal value and a similar kind; and
- (e) “refund” means repayment of the value of a stamp in money with or without a deduction and includes “allowance”

A—Disposal of obsolete, unserviceable and spoilt stamps that form part of the stock of stamps in a local or branch depot.

- 3.** All non-postal stamps that are obsolete, unserviceable or spoilt shall be sent by the Deputy Commissioner of the District to the Financial Commissioner through the Commissioner of the division. The deputy Commissioner shall explain how the damage occurred, who was responsible for it, and what steps have been taken to guard against similar damage in future.
- 4.** The Financial Commissioner shall, if he is satisfied that the explanation is adequate, pass orders for the writing off of the value of such stamps up to a limit of Rs. 250 in each individual case, and the Assistant Secretary to the Financial Commissioner shall personally destroy the stamps.
- 5.** If the value of the obsolete, unserviceable or spoilt stamps exceeds Rs. 250, the sanction of the local Government shall be obtained to the writing off the value of such stamps and to their destruction. On receipt of sanction the Assistant Secretary to the Financial Commissioner shall personally destroy the stamps.
- 6.** When stamps are totally destroyed by fire or other wise or are stolen or lost in transit, the facts shall be reported, without delay, by the Deputy Commissioner to the financial Commissioner through the Commissioner of the division. The report shall be complete in all details, especially as to the person or persons responsible for the loss. On receipt of the report, the financial Commissioner shall either take action as in rule 4 or refer to Government for orders.
- 7.** If any stamps received are found unfit for issue because of faulty manufacture, they shall be returned at once by the Deputy Commissioner Direct to the Controller of Stamps, Nasik Road, for

exchange . If, however, the stamps are unfit because of damage due to defective packing at Nasik, the matter shall be referred to the Assistant Secretary to the Financial Commissioners, who will, if satisfied that the facts alleged are correct, have the stamps in question returned to the controller for exchange.

NOTE—the collector is not liable for damage in transit.

8. All stamps forwarded to the Financial Commissioners or returned to the controller of stamps, Nasik Road, shall be packed and sealed in the presence of the Treasury Officer in treasuries and of the sub-treasury officer in sub-treasuries and be sent by registrar post if this can be done conveniently.

9. The necessary entries on account of stamps sent to the controller of stamps, Nasik Road, or to the Financial Commissioner shall be made in the plus and minus memos by the treasury officers.

10. Orders conveying sanction to the writing off of losses under these rules shall be communicated to the Accountant –General , Punjab, as follows:--

(a) if the order is issued by the Financial Commissioner , By the Assistant Secretary to Financial Commissioners;

(b) if the order is issued by the local Government under the endorsement of the Assistant Secretary to Government , Punjab, in the Revenue Department or the Deputy Secretary to Government , Punjab in the Finance Department according as the order is issued by the local Government in the Administrative or the Finance Department.

B - Disposal of stamps that have been cancelled on payment of refund or on renewal.

11. Sections 49,5,152,53,54 and 55 of the Stamp Act give to the collector certain powers to grant

(a) allowance for spoiled impressed stamps (section 49)

(b) allowance for printed forms (section 51)

- (c) allowance for misused stamps(section 52)
- (d) allowance for stamps not required for use (section 54)
- (e) allowance on renewal of certain debentures (Section 55)

which with certain delegations are repeated in paragraph 20.11 { see appendix A} of the Book of Financial Powers.

Similarly the Punjab Government notification no. 4986 E & S .{ Reproduced in Chapter I , Part II-C} dated the 14th August 1934, gives to the collectors certain powers to grant refund of the values of court fee stamps which have been spoiled before use or for which the possessor has no immediate use, These are repeated in paragraph 20.11 of the Book of Financial Powers.

12. Applications for refund of the value or renewal of stamps presented to a Collector do not require to be stamped (vide entry no . 1 of the table of reductions and remissions published with Punjab Government notification no. 14395 Jul .dated the 27th March, 1922).

13. Applications for grant of refund or renewal of a court-fee or non – judicial stamp shall be made personally or by registered Post or through an agent appointed by a duly attested power of attorney to the Collector of the district where it was purchased and shall furnish the following information

- (1) Full name , surname (if any) , caste and residence of applicant:

Provided that-

- (ii) if the applicant is an Indian man or unmarried woman, he/she shall, in addition to his or her own name write the name of his or her father;
- (iii) (ii) if the applicant is an Indian Married woman or widow, she shall , in addition to her own name , write the name of her husband .

- (2) Description an the number of stamps(i.e. , non Judicial or court-fee, impressed or adhesive)

- (3) Total value

- (4) Date of purchase of each stamp
- (5) The place where and the person from whom each stamp was purchased.
- (6) Date of each stamp spoiled or rendered unfit for use
- (7) manner in which each stamp was spoiled or rendered unfit for use
- (8) whether the application is for refund or renewal
- (9) date of application.

14. Applications for refund or renewal shall be received and promptly dealt with in the English Office of the Deputy Commissioner, under the supervision of the Office Superintendent.

It should be borne in mind that such applications are usually presented personally , and applications from out stations are put to considerable inconvenience if the refund or renewal is not promptly granted .

15. The application shall be entered in the register in Form No. SR-I the clerk concerned shall examine the applications , and if he finds that it is incomplete or the stamps for which a refund is claimed or which are required to be renewed, are not enclosed with it , it shall be returned to the applicant after obtaining the orders of the Collector through other office Superintendent with the objection recorded on it .

If the papers are complete, he shall examine them with reference to the following requirements :-

Spoiled impressed stamps	Section 49 of the Stamps Act
Printed Forms	Section 51 of the Stamp Act
Misused Stamps	section 52 of the Stamp Act
Stamps not required	Section 54 of the Stamps act.
Stamps debentures	Section 55 of the stamp Act
Court fees Stamps	Punjab Government Notification No.
4986-E & S., dated	The 14 August 1934

and to further requirements specified in paragraph 20.11 of the Book of Financial Powers

The following instructions embody the provisions of sections 54 of the stamp Act, and are the rules of the Local Government under section 49 of the stamp Act .They are to be read with the particular requirements of the authorities above quoted . The clerk concerned shall see that:-

- (ii) the application is within time and in the proper form;
- (iii) the stamps are genuine;
- (iv) the stamps bear the endorsement of the stamp vendor in the name of the applicant or the person on whose behalf the authorised agent claims refund or renewal. But when the applicant claims to be the heir or successor of the deceased in whose name the stamp was originally endorsed, the applicant shall produce a certificate of possession or proof of succession;
- (v) no marks of cancellation have been erased ;
- (vi) in the case of every stamp tendered as not required for use under section 54 of the stamp Act, and in other cases, if the value of the stamps tendered for refund or renewal is Rs. 100 or above, the actual purchase of the stamps is verified from the register of –
 - (b). the stamp vendor concerned through the excise inspector or sub-inspector in charge of the district or
 - (c). ex-officio stamp vendor as the case may be;

if under the rules , the competent authority to sanction the refund or renewal is the Collector , the clerk concerned shall, after carefully examining the ground of the application record a note whether he considers the claim to be admissible , and if so he shall submit the case along with the register in form SR-1 after completing columns 1-11 . He shall also prepare and submit with the case refund/renewal statement in form SR2/SR4 and enter (both in words and figures) the amount of the refund after deducting one anna in the rupee where this is necessary or of the fresh stamps admissible . The deductions must be calculated on each stamp for which the allowance is claimed, not on the aggregate value of the stamps presented for refund at any one time . Thus , the deduction to be made in regard to four stamps of the value of eight annas each (or total of two rupees) would be four annas only. Where , denote the stamp duty on a single instrument, they should , for the purpose of calculating the deduction , be treated as a single

stamp.

If the competent authority to sanction the refund or renewal is the Commissioner or the chief controlling Revenue authority , the procedure laid down in rule 22 shall be followed

16. The office Superintendent shall carefully check the application and the relevant papers submitted to him and satisfy himself that the various checks prescribed for examining the application and instructions for filling up the register and the refund/renewal statement in rule 15 above, have been duly observed, He shall also see that the rules and orders in this behalf contained in other relevant manuals,. Codes or Acts and other orders issued from time to time are strictly complied with

He shall then record his opinion as to the admissibility of the claim , and if he finds the claim to be in order, he will sign the refund/renewal statement and fill up columns 12-15 of the register and then submit the case with relevant papers to the Collector.

17. The collector shall satisfy himself that the claim is admissible. He may require the applicant to make an oral deposition on oath or affirmation or to file an affidavit setting forth the circumstances under which the claim has arisen and may also, if he deems fit, call for evidence in support of such deposition or affidavit .

if he is satisfy that the claim is in order in all respect, he shall check the register and the refund/renewal statement with the relevant stamps and see that amount of refund/fresh stamps to be granted/issued is correctly entered both in the register and refund/renewal statement in such a way that no gap is left to enable the amount to be altered.

He shall then tear off the right hand to p corner of each stamp, punch the head of the figure and record on it the following with a large rubber stamp :-

“ Cancelled

refund/renewal sanctioned on _____

Signature of the collector,

_____ District.”

(It is essential that each stamp where there are more than one shall be torn , punched , and stamped individually in the above manner)

He will then sign the refund/renewal statement and fill up columns 16 and 17 of the register, and then return the case to the Superintendent.

NOTE-Pending their destruction under rule 26, the cancelled stamps shall be kept securely locked in the custody of the Refund clerk.

18. The superintendent shall then arrange to hand over in his presence the refund or renewal statement to the applicant or his or her agent taking his or her acknowledgement in column 18 of the register . He shall then set his initials in column `19. In token of his having done so.

When the amount of the refund does not exceed Rs. 100 the money may be remitted to the applicant by postal money order at his or her expense in accordance with the rules contained in the note of Article 198 (c) of the civil Account. Code Volume I.

19. if the collector decides that the refund/renewal is not admissible , he shall record his reasons for refusal, stamp all the stamps as refund/renewal refused, “ and then return the papers to the Office Superintendent. The latter shall return the application, with stamps, to the application in the manner laid down in rule 18 above.

If the collector calls for further evidence in support of the application , a memo. Shall be issued to the applicant giving full particular of the documents required to be furnished.

20. After an order has been passed by the Collector sanctioning the claim , or calling for further evidence in support of the application, if the refund/renewal statement is not taken or further evidence required is not furnished by the applicant with one year (or 3 years in case the claim exceeds Rs. 5 in value0 of the date of such order, the application with stamps and refund/renewal statement shall be destroyed under the orders and n the presence of the collector , and the fact noted in column 21 of the register, in form SR. 1.

NOTE 1 - The application with stamps and refund/renewal statement required to be preserved under this rule -, shall be kept securely locked and shall be shown as outstanding in the quarterly report on the register in form SR. 1 which shall be submitted to the collector.

NOTE 2 - Sanction to a refund which has not been acted upon for a period of one year or three years in case the amount exceeds Rs. 5) shall be deemed to have lapsed and shall not be renewed except in the case of refunds under section 54 of the Indian Stamp Act, 1899 . The renewal of refunds under section 54 of the Stamp Act must be applied for within a period of three months from the date of expiry of the original order, and if sanctioned, it shall be operative for a period of one year from the date of renewal.

21. The procedure as regards applications and grant of refund and renewal in respect of stamps issued for retail sale to an authorised vendor which have not been sold by him and are taken back from him or his heirs, shall be the same as for stamps received back from the public except that , if the stamps received are in good condition and fit for re-issue, they shall not be cancelled or destroyed , but sent to the Treasury officer with a memo. In duplicate in form SR. 5.

(ii) The number and value of the stamps received shall be compared by the treasury officer with the memo , submitted , and if they are correct and the stamps are serviceable and fit for re-issue , they shall be deposited immediately in the main store under double lock registers. The Treasury Officer shall then sign the certificate on the memo . and return one copy thereof to the collector , the second copy being retained for record in the treasury . Necessary adjustments shall also be made by the treasury officer in the plus and minus memorandum submitted monthly to the Accountant – General and the assistant Secretary to the financial commissioners.

(iii) on receipt of the aforesaid certificate from the treasury officer, the clerk concerned shall prepare the refund / renewal voucher in form SR.3/SR.4 and submit it to the collector for his signature .

(iv) Before signing the refund/renewal voucher, the collector shall personally satisfy himself that the stamps have actually been sent to the treasury officer and that the latter's acknowledgement therefor has been duly obtained in the prescribed form No. SR. 5 . He shall also particularly see that in the case of refunds the deduction of one anna in the rupee or nay discount allowed to the stamp vendor has been made as required by paragraph 20.11 of the Book of Financial Power. The collector shall then sign the vouchers and return it to the office superintendent for further action in accordance with rule 18.

22. when a claim for a refund or renewal requires the sanction of the commissioner, the chief controlling Revenue Authority (viz. the financial commissioner) or Government, the collector

shall forward to the commissioner of the division with his opinion , the application together with the stamps (if any) tendered by the applicant.

The commissioner shall if he is satisfied that the claim is admissible under paragraph 20.11 of the Book of Financial Powers, pass orders for the grant of refund/renewal and shall personally destroy the stamps and communicate the orders to the deputy commissioner concerned and also endorse a copy thereof to the Accountant General . If the commissioner decides against the refund / renewal he will inform the applicant through the deputy commissioner of the district and stamps all the stamps as “refund/renewal “ and return them to the Deputy commissioner for delivery to the applicant in accordance with rule 18.

23. If The claim for refund/ renewal requires the sanction of he chief controlling Revenue Authority or Government , the commissioner shall address the Assistant Secretary to the Financial Commissioner , and also forward to that officer the stamps if any tendered by the applicant.

The Financial commissioner shall , if he is satisfied that the claim is admissible under paragraph 20.11 of the Book of Financial Power, pass orders for the grant of refund or renewal, and the Assistant, Secretary to the Financial Commissioners shall personally destroy the stamps and communicate the orders to the financial commissioner and the Deputy commissioner concerned and also endorse a copy thereof to the accountant General .

Similarly when the claim for refund or renewal requires the sanction of Government , the financial commissioner shall refer the mater to the local Government , and the orders of Government shall be communicated to the commissioner of the division of and the Accountant general over the signature f the Secretary or Assistant Secretary to Government, Punjab in the Revenue Department , In this case also the stamps shall be destroyed by the assistant Secretary to the Financial Commissioners

In case the financial Commissioner or the local Government decides that the refund or renewal is not admissible , the original stamps shall be destroyed by the Assistant Secretary to the Financial Commissioners and the orders of rejection communicated to the commissioner and the deputy commissioner concerned.

On receipt of orders from government or the Financial Commissioners, as the case may be, the collector shall inform the applicant of the decision , and in case the refund or renewal has been sanctioned , he shall also prepare the necessary voucher in form SR. 2 or SR. 4j, as the case may be, and deliver the same to the applicant or his duly authorised agent who shall acknowledge it receipt in column 18 of the register

24. Applications for the grant of a refund or for renewal shall be preserved by the Collector for a period of one complete financial year following the one in which they are sanctioned.

25. The stamp auditor shall audit the records and registers required to be kept under these rules at regular intervals not exceeding one year and shall report the result of his inspection to the collector of the district,

When examining the records and registers of the refund clerk, the stamp auditor shall , in order to ensure that serviceable stamps received from a licensed stamp vendor have been duly deposited in the double lock of the treasury , check the entries in refund/renewal statement in form SR 3/SR 4 with the certificate of the treasury officer in form SR. 5 and also check the entries of receipt f stamps made by the treasury officer in the copies of plus and minus memos, kept in treasuries.

26. Immediately after audit , the cancelled stamps referred to in rule 17, shall be destroyed by the auditor in the presence of the Collector and the destruction shall be certified by the collector in the manner prescribed in rule 27

27. The destruction of stamps under these rules shall be effected by burning in the presence of the collector , who shall record the following certificates on the file :-

“ stamps of the value or RS. _____(both in words and in figures) burned in my presence.

Collector

Dated _____ District

The fact of the destruction of stamps shall also be recorded in columns 21 – 23 of the register in form No. SR 1.

FORM No. SR. 1**REGISTER OF REFUNDS AND RENEWAL OF NON-POSTAL
STAMPS _____ DISTRICTS**

Serial No.	Date of application of refund or renewal	Name and address of the applicant	Number	Description	Date of purchase of stamps	Date of spoiling of stamps	Authority for refund or renewal	Face value of stamps tendered for refund or renewal
1	2	3	4	5	6	7	8	9
								Rs

Amount deducted at one anna in the rupee in case of refunds	Amount of refund or renewal admissible	Initials of office superintendent	Amount of refund allowed	Value of stamps allowed to be renewed	Value of stamps returned in respect of which refund or renewal is refused	Value of stamps canceled	Initials of collector	Signature of recipient of refund or renewal statement of which refund or renewal is refused
10	11	12	13	14	15	16	17	18
Rs	Rs		Rs	Rs	Rs	Rs		

Attestation by office superintendent	Number and date of letter with which application has been sent to Financial commissioner or returned	Value of stamps destroyed	Date of destruction	Initials of collector	REMARKS.
19	20	21	22	23	24
		Rs			

Note - Columns 9 to 11 are not to be filled in cases which the refund or renewal is to be refused.

FORM No SR.2

Voucher No.

REFUND STATEMENT.

Approved for payment of Rupees (both in words and figures)

_____ and certified that the stamps described below , refund of value of which has been allowed, subject to the prescribed deduction , have been cancelled.

District_____

Dated_____

Office Superintendent

collector

Name of applicant	Description of stamps	Value of stamps (both in words and figures)	Amount of deduction [a1]	Net amount allowed .	Date of application for refund	Authority for refund

Received payment

one anna receipt stamp if required for sums over Rs. 20.
--

Pay rupees _____

District _____

Dated _____ Head clerk, Treasury Treasury officer

NOTE -- (1) The amount should be given both in words and figures.

(2) The deduction must be calculated on each stamp for which the allowance is claimed , not on the aggregate value of the stamps presented for refund at any one time. Thus , the deduction to be made in regard to four stamps of the value of eight annas each (or total of two rupees) would be four annas (one anna on each) and not two annas only, where , however, two or more impressed sheets or labels are used to denote the stamp duty on a single instrument, they should, for the purpose of calculating the deduction , be treated as a single stamp.

FORM No SR.3**Voucher No.****Refund statement.**

Approved for payment of Rs _____ (both in words and figures) and certified that the stamps described below , being serviceable and fit for re issue, have been disposed in double lock of the treasury

District _____

Dated _____

Office Superintendent

collector

Name of applicant	Description of stamps	Value of stamps (both in words and figures)	Amount of deduction	Net amount allowed .	Date of application for refund	Authority for refund

--	--	--	--	--	--	--

NOTE --The deduction must be calculated on each stamp for which the allowance is claimed , not on the aggregate value of the stamps presented for refund at any one time. Thus , the deduction to be made in regard to four stamps of the value of eight annas each (or total of two rupees) would be four annas (one anna on each) and not two annas only, where , however, two or more impressed sheets or labels are used to denote the stamp duty on a single instrument, they should, for the purpose of calculating the deduction , be treated as a single stamp.

Received payment

one anna receipt stamp if required for sums over Rs. 20.
--

Pay rupees _____

District _____

Dated _____ Head clerk, Treasury Treasury officer

FORM No. SR.4

(To be submitted to Audit office in original along with monthly plus minus memo of stamps)

VOUCHER NO.

RENEWAL STATEMENT

Approved for the issue of stamps (detailed in column 6) of the value of Rs. _____ (both in figures and words) and certified that the stamps described below, the renewal whereof has been allowed, have been cancelled/have been deposited in the double lock of the treasury

DISTRICT _____

DATED _____

*Office superintendent**Collector*

Name of applicant	Description of stamps	Value of stamps (both in words and figures)	Date of application for renewal	Authority for renewal	Description of fresh stamps to be issued	value
1	2	3	4	5	6	7

FORM NO. SR. 5

The stamps described below have been submitted by _____, a licensed stamp vendor , for grant of refund of their value/renewal The stamps being serviceable and fit for reissue are sent herewith to the treasury officer _____for deposit in the main store under double lock in the treasury.

DISTRICT _____

DATED _____

*Office superintendent**Collector*

Name of applicant	Description of stamps tendered	Value

To The Treasury Officer,

No. _____ dated _____

CHAPTER 8

THE PUNJAB STAMP LOSSES AND DEFALCATIONS RULES 1935

(Punjab Government Notification No. 970-St., dated the 28th August 1935)

In exercise of the powers conferred by rule 37 (e) of the Devolution Rules, and with reference to rules 48 to 53 of the rules* made by the Governor General in Council for the supply and distribution of stamps, the Finance Department of the Local Government is pleased to issue the following rules :

*Reproduced in chapter I of this part.

- (1) These rules may be called 'The Punjab stamp Losses and Defalcations Rules, 1935.'
- (2) In these rules, unless a different intention appears from the subject or context-
 - (a) 'Controller' means the Controller of Stamps, Central Stamp Store, Nasik Road';
 - (b) 'Central Store' means the Central stamp Store, Nasik Road;
 - (c) 'Local Depot' includes the treasury at the head quarters of a district in the Punjab and any place for the custody and sale of stamps where there is no treasury which the Governor in Council may declare to be a 'Local Depot';
 - (d) 'Branch Depot' includes every subordinate treasury in the Punjab at the headquarters of a tahsil or other sub division of a district at which stamps are stored for sale;
 - (e) 'Stamp' means as the case may be –
 - (i) a stamp intended to be used under the Indian Stamp Act, 1899 and includes both adhesive stamps and impressed stamps;
 - (ii) a stamp intended to be used under the Court fees Act 1870, and includes both adhesive stamps and impressed stamps; and
 - (iii) a postage stamp and includes both adhesive stamps and impressed stamps and also postal stationery.
- (3) There are three classes of cases of loss connected with stamps-
 - (i) Losses in transit-
 - (a) between the Central Stamp Store, Nasik Road, and local depots in the Punjab and
 - (b) between a local depot and a branch depot;
 - (ii) Losses of stamps forming part of the stock in a local or branch depot; or
 - (iii) Losses when stamps are abstracted from files or otherwise illegally acquired and fraudulently reused.

Note: Loss in stamp revenue due to deficiency in the stamping of documents is to be dealt with separately under

rule 14 of the 'Punjab Stamp Audit Instructions*, 1933.'

*See Chapter 9 of this part.

- (4) There are separate departments concerned with postal and non postal stamps as follows:
- (i) Non Postal stamps-
 - (1) The Financial Commissioner;
 - (2) The Commissioner of the Division;
 - (3) The Accountant General, Punjab;
 - (ii) Postal Stamps-
 - (1) The Postmaster General, Punjab;
 - (2) The Accountant General, Punjab;
 - (3) The Controller of Stamps, Central Stamp Store, Nasik Road;
 - (4) The Commissioner of the Division and the Financial Commissioner for purposes of information as being incharge of Treasuries.

Losses of stamps in transit between the Central Stamp Store, Nasik Road and local depots and vice versa.

(5) The terms of supply from the Central Stamp Stores are f.o.r. Nasik Road and the stamps become the property of the Posts and Telegraphs Department or of the Local Government once they are despatched from the Central Stamp Store to a local depot according as the stamps despatched are postal or non postal. When shortages occur in such consignments, whether occasioned by theft, accident or other causes, the loss represented by the intrinsic value of the missing stamps, as well as the potential loss, falls on the Posts and Telegraphs Department if they are postal or on the Local Government if they are non postal unless serious negligence in receiving or despatching is established against the Central Stamp Store at Nasik Road.

(6) Article 29 of the Civil Account Code, Volume I, prescribes-

‘With the exception noted below, any defalcation or loss of stamps discovered in a Government treasury or other office or department, which is under the audit of the Accountant General should be immediately reported to the Accountant General, even when such loss has been made good by the person responsible for it. It will usually be sufficient if the officer reporting the defalcation or loss to higher authority sends to the Accountant General either a copy of his report or such relevant extracts from it as are sufficient to explain the exact nature of the defalcation or loss and the circumstances which made it possible. When the matter has been fully investigated, a further and complete report should be submitted of the nature and extent of the loss, showing the errors or neglect or rules by which such loss was rendered possible, and the prospects of effecting a recovery. The

submission of such report does not debar the local authorities from taking any further action which may be deemed necessary.

Exception-Petty cases, that is, cases involving losses not exceeding Rs. 200 each, need not be reported to the Accountant General unless there are in any case, important features which merit detailed investigation and consideration.'

(7) The Officer in charge of a local depot or branch depot, as may be, shall bring any shortage in a consignment immediately to the notice of the Deputy Commissioner of the district who will report the matter to the Controller of Stamps, Nasik Road, to the Postal or Railway authorities and to the Civil or Railway Police, as may be, for investigation and send a copy of his report to the Assistant Secretary to the Financial Commissioners, through the Commissioner of the division and to the Accountant General, Punjab and also to the Post master General, Punjab, if the stamps are postal. The Deputy Commissioner shall immediately depute an Extra Assistant Commissioner or Assistant Commissioner unconnected with treasury work to hold an enquiry which should, in particular, deal with the manner in which the following rules were observed:

(1) Rules 22, 23 and 25 of the rules* framed by the Government of India for supply and distribution of stamps;

(2) Rules 4-8 and 11-20 of the Punjab Stamp Despatch and Receipt Rules**, 1934.

*See chapter 1 of this part.

**See chapter 3 of this part.

The report of the officer deputed to hold the enquiry should particularly include answers to the following question:

- (1) What was the number stencilled on the case in which the shortage was found ?
- (2) (a) Was the case weighed before taking delivery and its weight checked with the weight noted either in the invoice or in the list attached thereto?
(b) If so, was there any deficiency in weight?
- (3) (a) Did the case show signs of tampering?
(b) Did the officer personally examine the outward condition of the case and the seals and satisfy himself that it bore no marks of tampering?
- (4) If the case was tin-lined ,was the tin-lined intact?
- (5) Was the case placed in the strong room immediately on arrival?
- (6) Was the officer present all the time the case was being opened and the contents were being examined and counted?
- (7) On what date was the case (a) received, (b) opened?

It will be for the Deputy Commissioner to determine what action by way of prosecution or otherwise is to be taken with reference to the orders of Government (see Annexure I and II to these rules). If the loss relates to postage stamps, the Deputy Commissioner shall submit the detailed report to the Controller of Stamps, the Commissioner of the Division and the Assistant Secretary to the Financial Commissioners and also endorse copies to the Accountant General and the Postmaster General, Punjab. If the loss relates to non postal stamps, the detailed report shall be submitted to the Accountant General through the Commissioner of the division with 3 spare copies for use in Commissioner's, Accountant General's and Financial Commissioners' offices.

FINANCIAL COMMISSIONERS' OFFICE PUNJAB
CORRECTION SLIP NO. 43 DATED LAHORE THE 1ST MAY 1936
Punjab Stamp Manual 1934
Part-III, Chapter-8, Page 4

In the last sub paragraph of rule 7 for the words and brackets '(see Annexures I and II to these rules)' the words and brackets '(See Annexures I, II and III to these rules)' shall be substituted.

(Punjab Government notification No. 408-St9Fin-Gen), dated the 10th March, 1936)

(8) Rule 51 of the rules* framed by the Government of India for the supply and distribution of stamps lays down-

'The Controller of Stamps shall submit half yearly to the Director General of Posts and Telegraphs a debit note for acceptance to cover the intrinsic value of the postage stamps lost in transit. This debit note should be supported by a statement of the losses and the explanatory certificate of the officer in charge of the local depot. The debit note accepted by the Director General of Posts and Telegraphs will form the supporting voucher to a debit for the intrinsic value of the lost stamps against the Posts and Telegraphs Department. In the case of losses of non postal stamps, the value will be recovered by the Controller from the Local Government in direct correspondence.'

If, therefore, non postal stamps are lost, the orders of the Financial Commissioner or of the Local Government are necessary for writing off the loss from the registers of the local or branch depot as may be.

*See chapter 1 of this part.

FINANCIAL COMMISSIONERS' OFFICE PUNJAB
CORRECTION SLIP NO. 43 DATED LAHORE THE 1ST MAY 1936

Punjab Stamp Manual 1934

Part-III, Chapter-8, Page 4

In rules 9 and 10 for the figures '20.17' and '19.21', the figures '20.19' and '19.22', respectively should be substituted.

(9) The Financial Commissioner may, if satisfied that the loss of stamps does not disclose any serious negligence on the part of some individual Government servant or servants or some defect in the system which requires the orders of higher authority, pass orders, under paragraph 20.17 of the book of Financial Powers, for the writing off of the loss up to a limit of Rs. 250 in face value in each individual case.

(10) If the face value of the stamps lost exceeds Rs. 250, the sanction of the Local Government shall be obtained for writing off the loss under paragraph 19.21 of the Book of Financial Powers.

(11) Orders for writing off losses under these rules shall be communicated to the Accountant General, Punjab as follows:

(a) if the order is issued by the Financial Commissioner, by the Assistant Secretary to the Financial Commissioners;

(b) if the order is issued by the Local Government, under the endorsement of the Assistant Secretary to Government, Punjab in the Revenue Department or the Deputy Secretary to Government, Punjab in the Finance Department, according as the order is issued by the Administrative or the Finance Department.

(12) On receipt of orders the officer in charge of the local depot shall make the necessary entries in the plus and minus memos. Of stamps submitted to the Accountant General and the Financial Commissioner.

Losses of stamps in transit between a local depot and branch depot and vice versa

(13) The provisions of rules 5-12 apply mutatis mutandis to stamps whether postal or non postal that are lost in transit between a local depot and a branch depot. In such cases the Investigating Officer will enquire into the responsibility of both the despatching and the receiving

officers.

Losses of stamps forming part of the stock in a local or branch depot

(14) All losses whether by theft, fraud, accident or any other cause, from the stock in a local or branch depot shall be reported at once by the officer in charge of the depot to the Deputy Commissioner of the district who shall forward a copy of the report to the Assistant Secretary to the Financial Commissioners through the Commissioner of the division and to the Accountant General and also to the Controller of Stamps and the Postmaster General, Punjab, if the stamps are postal. The report shall explain in detail (1) the quantity, the face value and the manufacturing cost of the stamps lost; (2) the cause and the responsibility for the loss; (3) whether in the opinion of the officer in charge of the depot the loss was contributed to by the negligence of any individual or individuals; (4) the amount proposed to be recovered, if any, from person or persons at fault; and (5) steps taken or proposed to be taken to prevent the recurrence of such loss. On receipt of this report, the Financial Commissioner shall institute such further enquiries and pass such orders as he may consider necessary, sending copies of his orders as he may consider necessary, sending copies of his orders to the Controller of Stamps, the Accountant General and the Postmaster General, Punjab, if the loss relates to postal stamps. The deputy Commissioner shall on receipt of the orders, proceed in the case of non-postal stamps in the manner prescribed in the preceding rules 9-11. If it is a case of damaged postal stamps, he shall send them if they can be counted and identified to the Controller of Stamps for destruction as required by rule 46 of the rules* framed by the Government of India for supply and distribution of stamps.

*See Chapter 1 of this part.

If the postage stamps to which the loss relates have been damaged to an extent that they cannot be counted or identified, the Deputy Commissioner shall forward them with his report through the Commissioner of the division to the Assistant Secretary to the Financial Commissioners who shall transmit for destruction to the Controller of Stamps with a copy of the Financial Commissioner's orders. In such cases the Controller will not grant certificates as to the quantity and value of stamps destroyed.

In cases where the loss relates to postage stamps of which the manufacturing cost does not exceed Rs. 10, no report shall be made to the Financial Commissioners if in the opinion of the officer incharge of the depot the damage could not have been avoided with proper care. The stamps in such cases shall be sent to the Controller of Stamps for destruction with a letter furnishing

information on the following points:

- (1) the quantity, the face value and the manufacturing cost of the damaged stamps;
- (2) the date on which the treasury stock was last examined;
- (3) the date on which the damage was first noticed;
- (4) steps taken or proposed to be taken to prevent such damage in future. A copy of this letter should be endorsed to the Accountant General and the Post master General, Punjab. It shall be open to the Controller of Stamps in any case to draw the attention of the administrative head to the damage with a view to instituting enquiries as to the cause of the damage, etc., fixing the responsibility therefore and taking necessary action.

These losses will in general be borne by the Posts and Telegraphs Department but in cases in which individuals having been found guilty of contributory negligence are ordered to make good the whole or a part of the total loss (equivalent either to the intrinsic value or the face value of the stamps, the former only in cases where the stamps are spoilt but not lost, or if lost, cannot be used) the recoveries shall be credited to that department.

Losses and defalcations of stamps when they are abstracted from files or otherwise illegally acquired and fraudulently re-used

(15) In the event of any such deficiency or embezzlement or fraudulent re-use of stamps coming to light, the Deputy Commissioner shall at once send a preliminary report thereof to the Accountant General, a copy being transmitted simultaneously through the Commissioner of the division to the Financial Commissioners, who will, if the case is sufficiently important submit it for the information of Government. The Deputy Commissioner shall cause the necessary investigation to be made keeping in view the general principles laid down in Annexures I and II to these rules. If necessary he should take the help of the police, the public prosecutor and the stamp auditor and launch such prosecutions as may be necessary. When the final stage is reached, the Deputy Commissioner shall submit a report through the Commissioner of the division, to the Accountant General, who will submit it through the Financial Commissioners for the orders of Government.

FINANCIAL COMMISSIONERS' OFFICE PUNJAB
CORRECTION SLIP NO. 44 DATED LAHORE THE 1ST MAY 1936

Punjab Stamp Manual 1934

Part-III, Chapter-8, Page 8

In the tenth line of rule 15 for the words 'Annexures I and II' the words, 'Annexures I, II and III' shall be substituted.

(Punjab Government notification No. 408-St (Fin-General), dated the 10th March, 1936)

(16) In any cases of doubt in which the opinion of an expert may be required on the question whether stamps are genuine or forged, a reference should be made to the Master, Security Printing India, Nasik Road whose fees for the examination of stamps and for giving evidence on commission are as follows:

(1) For each stamp examined Rs. 10, but where the stamps to be examined consist of a block or blocks from the same sheet, this fee will be charged for the examination of each block; as any one of the stamps is representative of the whole block.

(2) For stamps examined on commission, Rs. 20 per document, irrespective of the number of stamps requiring examination on each document; provided that where more than one document, relating to the same case is to be examined on the same day, the charge will be Rs. 20 for the first and Rs. 10 for each subsequent document.

These fees shall be credited to VII-Stamps-Central-Security Printing Press-Miscellaneous.

(Government of India letter R.Dis.No.44-Stamps/35, dated the 26th April 1935).

FINANCIAL COMMISSIONERS' OFFICE PUNJAB

CORRECTION SLIP NO. 105 DATED LAHORE THE 27th SEPTEMBER 1937

Punjab Stamp Manual 1934

Part-III, Chapter-8, Page 8

In rules 16 for the letters 'VII', the letters 'IX' should be substituted.

(17) If a case of embezzlement, forgery or fraudulent use of stamps has resulted in a criminal trial, a copy of the court's judgment should accompany the Deputy Commissioner's final report.

(18) Any magistrate trying an offender should, if he thinks the grant of a reward necessary,

refer the matter for the orders of the Collector. In order that cases in which rewards should be granted, are not lost sight of, the record keeper shall pass over the files of all such relevant cases before filing them to the Head Vernacular Clerk so that he might obtain the orders of the Collector.

(19) The Collector may, under paragraph 20.6 of the Book of Financial Powers, grant a reward up to Rs. 50 in any one case to any person not in the service of Government who has definitely contributed to the conviction of any offender under the Indian Stamp Act, 1899, or the Court Fees Act, 1870.

(20) Proposals for grant of a reward to a non official exceeding Rs. 50 or to an official should be submitted to the Assistant Secretary to the Financial Commissioners through the Commissioner of the division. The Financial Commissioners are empowered, under paragraph 20.6 of the Book of Financial Powers, to sanction the grant of a reward to an official or non official up to Rs. 100 in any one case. The grant of rewards above that amount requires the sanction of the Government.

FINANCIAL COMMISSIONERS' OFFICE PUNJAB

CORRECTION SLIP NO. 104 DATED LAHORE THE 27TH THE SEPTEMBER 1937

Punjab Stamp Manual 1934

Part-III, Chapter-8, Page 9

- (i) In rules 19 and 20 for the figures "20.6" , the figures "20.7" should be substituted.
- (ii) in rule 21 for the letters and figure "XVII" and "7" the letters and figure "XXI" and "9", respectively should be substituted.

(21) Fines imposed by courts are credited to 'XVII-Administration of Justice'. Rewards should be drawn on separate bills and debited to the allotment provided for the purpose under head '7-Stamps.'

ANNEXURE I

MEMORANDUM OF GENERAL PRINCIPLES TO REGULATE THE ENFORCEMENT OF RESPONSIBILITY FOR LOSSES SUSTAINED BY GOVERNMENT THROUGH FRAUD OR NEGLIGENCE OF INDIVIDUALS

1. Means should be devised to ensure that every Government servant realises fully and

clearly that he will be held personally responsible for any loss sustained by Government through fraud or negligence on his part, and that he will also be held personally responsible for any loss arising from fraud or negligence on the part of any other Government servant to the extent to which it may be shown that he contributed to the loss by his own action or negligence. The cardinal principle governing the assessment of responsibility in such cases is that every public officer should exert the same vigilance in respect of public expenditure and public funds generally as a person of ordinary prudence would exercise in respect of the expenditure and the custody of his own money. While, therefore, Government are prepared to condone an officer's honest errors of judgment involving financial loss, provided the officer can show that he has done his best up to the limits of his ability and experience, they are determined to penalise officers who are dishonest, careless or negligent in the duties entrusted to them.

2. It is of the greatest importance to avoid delay in the investigation of any loss due to fraud, negligence, financial irregularity, etc. If the irregularity is detected by audit in the first instance, it will be the duty of the audit officer to report immediately to the administrative authority concerned. If the irregularity is detected by the administrative authority in the first instance and if it is one which should be reported to the audit officer in terms of Article 29, Civil Account Code, Volume-I, he must make that report immediately. Every important case should be brought to the notice of superior authority as soon as possible- the administrative authority should report to his superior and the audit authority to his superior. Should the administrative authority require the assistance of the audit officer in pursuing the investigation he may call on that officer for all vouchers and other documents that may be relevant to the investigation; and if the investigation is complex and he needs the assistance of an expert audit officer to unravel it, he should apply forthwith for that assistance to Government who will then negotiate with the audit officer for the services of an investigating staff. Thereafter the administrative authority and the audit authority will be personally responsible, within their respective spheres for the expeditious conduct of the enquiry.

Where account offices exist intermediary between audit and the administrative authority, the account offices will discharge the functions prescribed above for audit, but a report will still be necessary to the audit officer in terms of Article 29 of Civil Account code, Volume I.

3. In any case in which it appears that recourse to judicial proceedings is likely to be involved, competent legal advice should be taken as soon as the possibility emerges. In the case of losses involving a reasonable suspicion of fraud or other criminal offence a prosecution should

be attempted unless the legal advisers consider that the evidence available is not such as will secure a conviction. The reasons for not attempting a prosecution should be placed on record in all such cases.

4. In cases where loss is due to delinquencies of subordinate officials and where it appears that this has been facilitated by laxity of supervision on the part of a superior officer, the latter should also be called strictly to account and his personal liability in the matter carefully assessed.

5. The question of enforcing pecuniary liability should always be considered as well as the question of other forms of disciplinary action. In deciding the degree of the officer's pecuniary liability it will be necessary to look not only to the circumstances of the case, but also to the financial circumstances of the officer, since it should be recognised that the penalty should not be such as to impair the Government servant's future efficiency.

In particular, if the loss has occurred through fraud, every endeavour should be made to recover the whole amount lost from the guilty person, and if laxity of supervision has facilitated the fraud, the supervising officer at fault may properly be penalised either directly by requiring him to make good in money a sufficient proportion of the loss, or indirectly by reduction or stoppage of his increments of pay.

It should always be considered whether the value of Government property or equipment lost, damaged, or destroyed by the carelessness of individuals entrusted with their care (e.g. a policeman's rifle, a touring officer's tents, a factory motor lorry, an engineer's instruments) should not be recovered in full up to the limit of the officer's capacity to pay.

6. One reason why it is important to avoid delay (vide paragraph 2 preceding) is that in the course of a prolonged investigation Government servants who are concerned may qualify for pension, and it is held that under the rules as they now stand (measures to rectify this are under separate consideration) a pension once sanctioned cannot be reduced or withheld for misconduct committed prior to retirement. It follows from this that, as a primary precaution, steps should be taken to ensure that an officer concerned in any loss or irregularity which is the subject of an enquiry, is not inadvertently allowed to retire on pension while the enquiry is in progress, and accordingly, when a pensionable Government servant is concerned in any irregularity or loss, the authority investigating the case should immediately inform the Accounts or Audit Officer responsible for reporting on his title to pension and the authority competent to sanction pension, and it will be the duty of the latter to make a note of the information and to see that pension is not sanctioned before either a conclusion is arrived at as regards the Government servant's

culpability, or it has been decided by the sanctioning authority that the result of the investigation need not be awaited.

7. The fact that officers who were guilty of frauds or irregularities have been demobilised or have retired and have thus escaped punishment, should not be made a justification for absolving those who are also guilty but who still remain in service.

ANNEXURE II MEMORANDUM

Supplementary instructions for the guidance of departmental officers, with special reference to cases in which prosecutions in the criminal courts are or are likely to be necessary.

- (1) All losses of the kind referred to in Article 29 of the Civil Account Code, Volume-I must be reported forthwith by the officer concerned, not only to the Audit Officer, but also to his own immediate official superior. Reports must be submitted as soon as reasonable grounds exist for believing that a loss has occurred; they must not be delayed while detailed enquiries are made.
- (2) Reports submitted under (1) above must be forwarded forthwith to Government through the usual channel with such comments as may be considered necessary.
- (3) As soon as a reasonable suspicion exists that a criminal offence has been committed the senior officer of the department concerned present in the station will report to the District Magistrate and ask for a regular police investigation under the Code of Criminal Procedure, 1898.
- (4) If the District Magistrate agrees that an investigation may be made, the senior officer of the department concerned present in the station will (a) request the District Magistrate to arrange for the investigation to proceed from day to day; (b) see that all witnesses and documents are made available to the investigating officer; and (c) associate with the investigating officer an officer of the department who is not personally concerned with the irregularity leading up to the loss, but who is fully cognizant of the rules and procedure of the office in which the loss has occurred.
- (5) When the investigation is completed an officer of the department (accompanied by the officer who attended the investigation) must be made available for conferences with the authority who will decide whether a prosecution should be instituted. If it is decided not to prosecute, the case must be reported through the usual channel to Government for orders.

(6) If it is decided to prosecute the department representative will ascertain from the prosecuting officer whether, having regard to the engagements of the prosecuting staff, and the state of work in the court which would ordinarily hear the case, it is necessary to move the District Magistrate to make special arrangements for a speedy trial, and will request the prosecuting officer to make any application that he may think necessary.

(7) When the case is put into court by the police, the senior officer of the department concerned present in the station will see that all witnesses serving in the department, and all documentary evidence in the control of the department, are punctually produced, and will also appoint an officer of the department (preferably the officer who attended the investigation) to attend the proceedings in court and assist the prosecuting staff.

(8) If any prosecution results in the discharge or acquittal of any person, or in the imposition of sentences which appear to be inadequate, the senior officer of the department concerned will at once consult the District Magistrate as to the advisability of instituting further proceedings in revision or appeal, as the case may be, and if the District Magistrate is of opinion that further proceedings are necessary, will request him to proceed as he would in any other case.

Appeals against acquittals can be made only under the orders of a Local Government.

(9) The senior officer of the department concerned present in the station will see that, in addition to the reports required under (1), (2) and (5) above, prompt reports are submitted to Government through the usual channel regarding:

- (a) the commencement of a police investigation;
- (b) the decision to prosecute in any particular case;
- (c) the result of any prosecution;
- (d) the decision to proceed further in revision or appeal in any case;
- (e) the result of any proceedings in revision or appeal.

(10) Notwithstanding anything contained in (2)-(9) above the senior officer of the department concerned present in the station may, if he thinks fit, refer any matter through the usual channel for the orders of Government before taking action.

FINANCIAL COMMISSIONERS' OFFICE PUNJAB
CORRECTION SLIP NO. 45 DATED LAHORE THE 1ST MAY 1936

Punjab Stamp Manual 1934

Part-III, Chapter-8, Page 15

After Annexure II the following shall be inserted as Annexure III.

‘ANNEXURE III’

Departmental enquiry in cases of fraud and embezzlement of Government money in which Government servants are involved.

1. It has been found that where fraud or embezzlement of Government funds has occurred, there is a tendency for the head of the office or department to regard the institution of criminal proceedings as absolving him from the unpleasant and often laborious task of conducting immediately a thorough departmental enquiry. This natural reluctance may be enhanced by an apprehension that an enquiry may prejudice the result of the trial in a court of law. As a result there has sometimes been great delay in taking departmental proceedings and the results have been inconclusive. The Central Public Accounts Committee in their report on the account of 1933-34 have agreed with the Auditor General that departmental enquiries should not necessarily be delayed pending decision of criminal cases as at a later stage the evidence might disappear and the departmental enquiry could not be brought to any conclusion at all.
2. Experience shows that departmental proceedings cannot as a rule proceed concurrently with a criminal prosecution. Much of the evidence in a case of fraud or embezzlement is documentary. As soon as the criminal proceedings begin the documents go to the court as exhibits, and there they must remain till the case is over and (if an appeal is filed) till the appeal is over. But it is essential that everything should be done to carry the departmental proceedings as soon possible before prosecution begins. The stage to which departmental proceedings prior to prosecution should be taken must depend on circumstances and cannot be precisely defined. The normal procedure is laid down in Rule 35 of the Civil Services (Classification Control and Appeal) Rules; and the stage which departmental proceedings can reach may according to circumstances be any one of the stages described or implied in the Rule- i.e. the preliminary recording of evidence, the receipt of the delinquents written statement after the framing of a charge, the personal hearing, or the enquiry. If it is intended to prosecute, a finding and sentence should not be recorded in the departmental proceedings till after the disposal of the criminal case; but it must be emphasised that the proceedings should be completed up to the point that can property be reached.
3. A common type of case is that where a number of persons are involved one or more criminally, and others in such circumstances as show negligence, or warrant the suspicion of

criminal abetment without sufficient proof to justify prosecution, or have similar features which necessitate a criminal prosecution of one or more and a departmental enquiry against others. In such cases the authority has sometimes neglected to institute a formal departmental enquiry, or to carry it to the requisite stage, before criminal proceedings are taken, with the result that many months later, when the criminal case is over, effective departmental action has been found impracticable.

4. The general rule should be that in all cases of fraud, embezzlement, or similar offences departmental proceedings should be instituted at the earliest possible moment against all the delinquents and conducted with strict adherence to the rules up to the point at which prosecution of any of the delinquents begins. At that stage it must be specifically considered whether further conduct of the departmental proceedings against any of the remaining delinquents is practicable; if it is, it should continue as far as possible (which will not as a rule, include finding and sentence). If the accused is convicted and awarded an adequate sentence, the departmental proceedings against him will be formally completed, and the proceedings against other delinquents continued. If the accused is not convicted, or the accused is inadequately punished, the departmental proceedings against him will be resumed, as will also those against the remaining delinquents.

5. The proceedings contemplated in these instructions are those, which are regulated by the Civil Services (Classification, Control and Appeal) Rules. Where action is taken under the Public Servants (Inquiries) Act, XXXVIII of 1859, this ordinarily takes the place of a criminal prosecution as regards the person or persons accused; but the procedure as regards other persons involved against whom the Act is not employed should be in accordance with the instructions given above.

(Punjab Government notification No. 408-St(Finance-General), dated the 10th March, 1936)

CHAPTER 8-A

Responsibility of presiding officers of courts and security to be furnished by ministerial officials.

The Punjab Government have, in consultation with the Honorable Judges of the High court, ordered that the ministerial officers of the court concerned , i.e. the clerk of court in the case of District and Sessions Judges and senior sub-judges and the Reader in the case of other subordinate judges should be made responsible for seeing that plaints and petitions are properly stamped in all simple and undisputed cases, For failure to do so he should be personally responsible; but in cases of doubt regarding the correctness of the court-fee due, it would be his duty to take the orders of the Presiding Officer, Personal responsibility should only be enforced against the presiding or ministerial officer, , as the case might be, where obvious mistakes were made, and not in cases in which a genuine doubt was possible regarding the correctness of the court –fee due.

Deputy commissioners and Districts and Session Judges should impress upon the presiding officers of subordinate civil, criminal and revenue courts and their readers, etc, their personal responsibility this matter and they should be made to under stand that as a consequence of this responsibility all government losses in stamp revenue will be dealt with on the principals enunciated in the Punjab Government Finance Department, memo. No. 30161-F dated the 30th September 1929

2. Government have prescribed the following scale of security to be furnished by readers , etc of revenue courts and magistrates in the Punjab:-

	AMOUNT OF SECURITY	
	If not holding any advance	If holding a permanent advance
	Rs	Rs.
1. Head Vernacular clerks of Commissioners and deputy commissioners	100	200

<p>2. Readers to deputy commissioners , sub divisional officers, Revenue Assistant , Section 30 magistrates and Magistrates 1st class.</p>	<p>100</p>	<p>200</p>
<p>3. Muharrirs to Tahisaldar, Naib Tahsildars other magistrates, second and third class or honorary magistrates</p>	<p>50</p>	<p>100</p>

In a district where the Head Vernacular Clerk does not entertain any appeals, etc, the Deputy commissioner shall take the requisite security from his reader.

The security shall be in any of the forms described in paragraph 1 of chapter 5 of the Punjab District office Manual (Punjab Government letter No. 6075-E . & S dated the 12th October 1934)

The security to be furnished by the clerks of court and Readers attached to civil courts is governed by paragraphs 1 and 2 of chapter 18-c of High court rules and orders, volume 1.

3. All clerks entrusted with the work of stamp refunds are required to furnish a security of Rs. 200 in any of the forms described in paragraph 1 of chapter 5 of the Punjab District office Manual (Punjab Government letter No. 6233-E & S, dated 22nd October 1934)

CHAPTER 9

AUDIT AND CONTROL OF STAMP REVENUE IN THE PUNJAB

The following instructions for audit and control of stamp revenue in the Punjab , are issued (Punjab Government U.O. No. 418-P . F – 47-S., dated 19th May 1933) by the Governor in Council sitting with his Ministers, the High Court of Judicature at Lahore, and the Financial Commissioners in their judicial capacity, for the guidance of all officers and courts under their respective control:-

RULES

1. These rules shall be termed “ The Punjab Stamp Audit Instructions , 1933”
2. There shall be appointed stamp auditors for the purpose of the audit of every document requiring a stamp which is presented to a court of law other than the High court or a public officer.
3. The Financial commissioner as the Chief Controlling Authority will determine the districts within the jurisdiction of each auditor and fix his head quarters. The auditors shall be under the direct control of the Commissioner of the division in which they are from time to time operating and shall be authorised by the collector in writing in the term of section 73 of the Indian Stamp Act.
4. The auditor shall prepare a bi-monthly programme of his tour by districts and after obtaining the approval of the Financial commissioner give due notice to the Collector of the district concerned and the Commissioner of the division of his forthcoming visit .

The auditor shall spend the least possible time on travelling and more time on actual audit work. He shall visit each district in his charge once a quarter and spend about eight days at the head – quarters of a district and two days at tahsil .

5. The auditor shall, on visiting a district, audit all fresh institutions , documents and files pending or otherwise in all courts and registration and other offices including record rooms. Such inspection shall be from the date on which the last audit terminated.

The auditor shall, in particular, see that the stamps used are genuine and have not been removed from files and re-used.

6. Every person described in section 33 of the Indian stamp Act and every public official referred to in section 6 of the curt-fees Act shall maintain a register of stamp deficiencies in form S.A.2 . The collector shall , in addition to the register in Form S.A. 2. Maintained by him in respect of his own court, maintain a register in Form S.A. 5 of documents sent to him under section 38 of the stamp Act, These registers shall be maintained in respect of all deficiencies whether found in audit or independently .

7. The auditor shall examine the register in Form No. S.A. 2 maintained by the court or office with a view to seeing that it is properly maintained and that collections are made not only on account of deficiencies detected in audit but on account of deficiencies detected independently. He shall also examine the register maintained by the collector in Form S.A. 5

8. Once a case has been decided and consigned to the record-room , deficient court fees are not recoverable under the existing law' instances, therefore , of such shout recoveries in court-fees as may be brought to light in the general record – room will merely server the purpose of educating readers and moharrirs or taking disciplinary action against them. But deficiencies in stamp duty may be brought to the notice of the collector of the district with a view to action under s action 61 of the stamp Act.

9. The presiding officers of all courts and heads of offices will give the auditor access to all records and accounts, etc., and so far as lies in their power , assist him in the performance of his duties.

10. In the course of his audit the auditor shall draw the attention of presiding officers of courts and heads of offices to documents before them which are insufficiently stamped, and shall advise them where necessary in relation to their powers and obligations as follows:-

(i) under the Stamp Act:--

(a) To impound documents under section 33 of the stamp Act

(b) To admit unstamped documents in evidence under section 35

(c) To dispose of impounded documents under section 38. The collector may also ask the auditor to note on cases coming before him under sections 39 to 43 and also seek any other assistance which he may consider necessary.

(ii) under the court-fees act.:-

To determine correct fee leviable on any document . The auditor , if necessary , will discuss the point at issue with the presiding officer and , if required by him, be present at the discussion in court before orders are passed.

11. The auditor will maintain for each district a register in Form S.A. 1 , in which he will note as it is discovered , each deficiency in stamp duty and court fees

12. After discussion of his rough notes of audit with presiding officer or the head of office , the auditor will prepare his audit note and sent typewritten copies to the presiding officer or the head of the officer as the case may be, to the collector of the district concerned and to the commissioner of the division. This note will include a statement in Form S.A. 3 of deficiencies discovered, columns 1 and 6 to 15 will be left blank.

13. The presiding officer of the curt or the head of the office shall transfer column 2 to 5 of Form S.A. 3 to his register S.A. 2 and proceed to take necessary action on the note . in cases where he does not agree with the auditor or where he considers it necessary to hear the party concerned before passing orders, he shall, where possible, discuss the matter with the auditor . The presiding officers or head of the office will return the form S.A 3 to the auditor after completing columns 1,6 to 8 and noting in column 15, the cases , if any, in which he disagree with the

auditor, but without necessarily completing columns 9-14 . The auditor after completing his register will return the form to the court or office and report to the collector any case in which the presiding officer or head of the office has been unable to take the advice of the auditor . The collector (if he thinks fit and after consulting the Financial commissioners, if necessary) will take action under section 61 of the Stamp Act, or in the case of court-fees Act, draw the attention of the appellate court, or take other appropriate action in the case of other offices.

14. All courts and offices shall , in addition to the account of recoveries effected by them in form S.A. 2 , show recoveries effected at the instance of the stamp auditor in columns 9 and 10 of Forms S.A. 2 and S.A. 3. Irrecoverable loss of stamp revenue is required to be written off under serial No. 1 of paragraph 20.17 j, page 185 of the Book of Financial Powers, and shall be entered in columns 11 and 12 of Forms S.A. 2 and S.A. 3. They shall also sent to the auditor at the end of each month, their copies of form S.A. 3 so that he may complete his returns of recoveries made at his instance from time to time and irrecoverable items written off, after which he will return the form to the court or office. If the court or office has sent a document to the collector under section 38 of the Stamp Act, it will have no concern with columns 9 to 12.

15. Special attention shall be paid by the auditors to pauper suits and all their sages carefully watched while they are pending in courts. After their disposal the auditors shall draw the attention of the collector to the court-fees realizable, and shall suggest to him what steps will ensure early realization. When a curt fails to pass an order for costs, the auditor shall advise the collector to move the court concerned under order 33 rule 12 , civil Procedure code . The auditors shall keep a register of all such cases in form S.A. 5

16. The auditor shall, at the time of his visit to a district, inspect the applications for grant of refund of the value or renewal of spoilt and unused court-fee and non judicial stamps and register maintained by the refund clerk and report the result of his inspection to the collector of the district

The auditor shall also inspect the registers of stamp. Vendors and check their stock of stamps.

17. The auditor shall bring to the notice of the collector defects in the vend arrangement and make suggestions where necessary for improvement of the arrangements .

18. The auditors shall monthly submit reports by districts to the Assistant secretary to Financial Commissioners through the collector and commissioner

In these reports the auditor should give details of the period spent, and of the work done on each day, they should also state the total number of cases examined by them and note separately for each district the total number of deficient stamps duty discovered and recovered at their instance under the following heads:-

- (1) on plaints;
- (2) on copies'

- (3) on applications, etc;
- (4) on process fees;
- (5) on objection petitions;
- (6) on powers of attorney;
- (7) on security bonds , etc ,. Filed in courts;
- (8) on miscellaneous petitions in the English record room ; and
- (9) on document filed by the parties .

The report shall be accompanied by a statement in form S.A. 4 showing district totals .

19. In support of their claims for travelling allowance the auditors will obtain from the presiding officers of courts and collectors a certificate in form S.A. 6 and attach it to their monthly travelling allowance bills .

20. The local Audit Department is relieved of the audit of stamp duty and court-fees.

A brief account of the work done under this system shall be included by the Financial commissioners in their annual note on the stamp Administration.

F.Cs' . stereo No. 351

(FORM S.A. 1)

District of _____

Register of stamp deficiencies discovered by auditor (auditors register)

							BY COURT OR OFFICE		BY COLLECTOR		BY COLLECTOR		
							<i>Amount recovered at the instance of the auditor .</i>		<i>Amount recovered at the instance of the auditor .</i>		<i>Amount recovered at the instance of the auditor .</i>		
SN	Court or office and name or presiding officer	No. of suits	Brief particulars of suit or case	Deficiency in stamp duty or court fees discovered	State if has been sent to collector under section 38 of stamp Act.	Penalty if any under section 35 of the stamp Act.	duty	Penalty if any under section 35 of the stamp Act.	Duty	Penalty if any under section 35 of the stamp Act.	Duty	Penalty	REMARKS

(FORM S.A. 2)

District of _____ Court or office _____

Register of stamp deficiencies to be maintained by courts and offices

								RECOVERED		Amount written off as irrecoverable by competent authority		BALANCE		
SL No	No of suit	Brief particulars of suit or case.	Deficiency in stamp duty or court fees	If discovered in audit state date and serial number in Forms S. A. 3	State if has been sent to collector under section 38 of stamp Act.	Duty recoverable under section 35 of the Stamp act or under the court fees act.	Penalty imposed under section 35 of the stamp Act.	Duty	Penalty	Duty	Penalty	Duty (Column 7,9 and 11)	Penalty (Column 8,10and 12)	REMARKS
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>	<i>14</i>	<i>15</i>

								RECOVERED		written off as irrecoverable by competent authority		BALANCE		

**(FORM S.
A. 3)**Note of
deficiencies

Serial No.	No of suit	Brief particulars of suit or case.	Deficiency in stamp duty or court fees	serial number in register S. A. 1	State if sent to collector under section 33 of stamp Act.	Duty recoverable under section 35 of the Stamp act or under the court fees act.	Penalty imposed under section 35 of the stamp Act.	Duty	Penalty	Duty	Penalty	Duty (Column 7,9 and 11)	Penalty (Column 8,10and 12)	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

recovered in audit to be submitted to court or office concerned with his inspection note by the

auditor

District of _____ Court or office _____

(FORM S.A. 4)

District of _____ Court or office _____

Statement showing deficiencies in stamp duty and court fees discovered by _____ stamp auditor and recoveries made by courts and collectors of the _____ districts during the month of _____

(to be submitted by the auditors to the financial commissioners monthly)

		Total of Columns						Total of columns		BALANCE			
	Deficiencies in court fee-and stamp duty discovered during the month.	Deficiencies in court fee-and stamp duty discovered during the previous month.	2 & 4	3 & 5	Recoveries made by courts and collectors at the instance of the auditor during the month	Recoveries made during previous months	Amount written off as irrecoverable during the month	Amount written off as irrecoverable during the previous month	8,10,12 & 14	9, 11, 13 & 15	Colmun 6 column		

District	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

(FORM S.A. 5)

District of _____

Register of deficiencies discovered in stamp audit and dealt with by the collector

Serial No.	Serial No. in registers S.A.I	Court or office from which sent .	Section under which sent	Nature of deficiency	If discovered in audit state serial no. register S.A. 1.
1	2	3	4	5	6

DEMAND	RECOVERED	WRITTEN OFF AS IRRECOVERABLE	BALANCE

Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty
7	8	9	10	11	12	13	14

(FORM S.A. 6)

“ Certified that _____, Stamp auditor , started audit in this court / office on _____ and audited the stamp and court – fee accounts of this court or place/office for _____ days

Place _____

Dated _____

Signature of presiding Officer of
court, or Head Of office.

CHAPTER 10

STAMPS RETURNS AND REPORTS

1. (a) Terminal{ *Government of India, Department of commerce letter No. 6280, dated 29th November 1922*) reports are no longer required by the Government of India but each Deputy Commissioner is required to furnish annually thorough the commissioner of the Division a brief note on the stamp administration of his district which will be supplied by the Financial commissioners . In the note appended to the tables the following matters should be noted :-

- (i) Explain of any important variations in gross receipts and charges
- (ii) Explanation of any important variations in receipts from sales of court-fee stamps, including remarks concerning recoveries on account of pauper suits .

(b). In preparing the note the following principles should be carefully followed:-

- (i) The note should contain only the explanation of really important or suggestive variations in the statistics, and really noteworthy facts in the history of the year's administration.
- (ii) No mere paraphrasing and reproduction of the statistics should be allowed
- (iii) All attempts to officer explanations of variations in figures , which are not important or unusual, should be excluded , unless the fact alleged in explanation is in itself important enough to demand mention .
- (iv) The idea that it is necessary to say something should be discarded, and it should be recognised that the briefer a note is the better, if it says all that need be said t show an intelligent comprehension of the meaning of the fact and figures and of the salient feature of the year's work .

(c). Commissioners are not required to review the returns submitted by Deputy Commissioners but should bring to notice in a forwarding letter any special points which are considered to be of interest.

2. (a) The annual return receives will be consolidated in the office of the Financial commissioners who are required to submit statistics for the province to the local Government accompanied by a brief note on the administration of the stamp Department .

(b) The note submitted by the Financial Commissioners will be confined to variations worthy of remark and such other special points as are considered worthy of notice. It will also include a brief account of the work done by the stamp auditor.

3. The dates on which the annual statement with notes are due are given below:-

From Deputy commissioner to commissioner - 1st May

From commissioner to Financial Commissioner - 15th May

From financial commissioner to Punjab Government - 15th July

From Punjab Government to Government of India - 1st. August

The punctual submission of the district returns is of the utmost importance, as delays on the part of Deputy Commissioner necessarily delay the consideration of the statement in the office of the Financial Commissioner . As a precaution against such delays, the Deputy commissioners should submit to the Assistant Secretary to Financial commissioners , in advance by the 1st May each year, their office copies of the annual returns , which will be returned to them by the Financial Commissioners after the provincial returns have been printed and published .

4. In addition to the annual stamp returns , there are other returns submitted to the financial commissioners a list of which is attached.

Serial no.	Description of report or return	Authority	Latest date of submission by collectors	Date of submission by commissioners	Date of submission by Fin. Comms.	To whom submitted
1	2	3	4	5	6	7
1	<i>Monthly</i> Stamp income statement ...	Punjab Government resolution no. 299, dated 5 th February 1876	First week of the month succeeding that to which it relates	...	....	....
2	Stamp transactions statement	Punjab Government letter No. 31690 FG dated 6 November 1928	Ditto	....	....	....
3	Plus and minus relating to stamps	Financial commissioner's letter No. 4606 S. R. dated 17 Sep. 1928	Ditto	.....	....	.....

4	Statement of expenditure relating to head – “ 7 stamps “	Paragraph 14.5 of the Punjab Budget Manual and Financial Commissioners letter No. 3304 – A dt. 3 July 1934	10 th of the month of following that to which it relates.	15 th of the month following that to which it relates	20 th . Ditto	(1) (2) Accountant General , Punjab. Finance Dept
5	Statement of “ deduct refunds” under head VII of stamps .”	Ditto...	Ditto	Ditto	Ditto	Ditto
	<i>Quarterly</i>					
6	Indents for low value non – postal stamps.	Rule 6 of Punjab Stamps indent rules [a1] 1934,	Ist week of January , April , July and Oct. each year.	.....	By the last week of January , April , July, oct. each year.	Controller of stamps ,central stamp store, Nasik Road.
7	Annual indents for high value non-postal stamps	Rule 7 of Punjab indent rules 1934	.....	By the end of July	Controller of stamps, central stamp store, Nasik road.	

8	Annual forecast of court-fee and non-judicial stamps including revenue stamps.	Rule 8(I) of the Govt. of India rules for the supply and distribution of stamps	.....	15 th August	Ditto	
9	Budget estimate of stamp revenue, under head "VII stamps"	Appendix D to the Pb. Budget Manual	15 th oct.	10 th Nov	Finance dept.	
10	List of sub and branch postmasters licensed to sell non judicial stamps in the Punjab.	.....	15 th May	1 st August	Post Master —Gen Pb.	
11	Annual statement of gross value of postage stamps and postal stationery sold by treasuries in the Punjab including the imperial treasury at	.....	.....	15 th May	Ditto	

	Gilgit.					
12	Budget estimates of expenditure under head “ 7 stamps”	Appendix D to the Pb. Budget Manual	1 st oct.	15 th Oct.		(1)Accountant General , Punjab. Finance Dept
13	First statement of excess and surrendered relating to head “ 7 stamps”	Para 10.3 of the Pb. Budget Manual	5 th Nov.	20 th Nov.		Ditto
14	Second statement of excess and surrenders relating to head “ 7 stamps”	Para 10.4 of the Pb. Budget Manual	5 th Jan.	15 th January		

5. From other sources the Financial commissioners get the following returns .

Serial No.	Description of returns	From whom due	Authority	Latest date of submission to fina. Comm.(s)	Remarks
	Monthly				
1. 1	Statement of receipts under head “ VII—Stamps	Accountant – general Punjab	Punjab Government Resolution No. 1531, dated 6 th August 1889.	First week of the month next but one after that to which it relates	

2. 2	Invoices of non-postal stamps supplied to the treasuries in the Pb.	Controller of stamps central stamp store Nasik road	Rule 11 of the Govt. of India rules for the supply and distribution of stamps	Ditto	
3. 3	Statements showing deficiencies in stamp duties and court-fees discovered made by courts and collectors at the instance of stamp Auditor s	Stamp auditors	Rule 18 of “the Punjab stamp audit Instructions, 1933”	First week of the month following that to which it relates	
4. 4	Annual				
5. 5	Statement showing duties realize on probate and letters of administration	Registrar , High court, Lahore	Punjab Govt. letter No. 20250 F dt.9 th July 1926”	15 th May	
6. 6	Statement showing sale – proceeds of postage stamps.	Treasury officer Gilgit	.....	1 st May	

6. The following is a list of the returns due from the Financial Commissioners to the officers mentioned in column 3:-

SI No.	Description of returns	From whom due	Authority	Latest date of submission to fina. Comm.(s)
	Monthly			
1	Plus minus memo of special adhesive stamps	Accountant general , Punjab	Accountant generals letter No. T.M 5304, dated 8 th August 1896	First week of the month following that to which it relates

	Quarterly			
2.	Indents for special adhesive stamps	Controller of stamps , central stamp Store Nasik Road	Pb. Got . letter No. 1251 E & s. dated 26 th Feb. 1934	Ditto
	Annual			
3	Establishment Returns of the Stamp Department	Accountant general of Punjab	Article 62 (1) of civil Account Code Vol I	15 th May

Great care should be taken that the returns are correctly prepared and despatched on or before the prescribed dates. Before signing any return the Treasury Officer or the Collector , as the case may be, should satisfy himself that the various columns of the statement have been correctly filled in and that the explanation, if any furnished is clear and precise. Further to save correspondence, any increase or decrease of Rs. 1000 and upwards under any sub-head of stamp income in any month compared with the figures of the same month in the proceeding year should invariably be briefly explained in column 7 of the monthly stamp income statement (form A. & T. No 87) it should be remembered that delays cause general dislocation and confusion and fail to serve the object for which returns are prescribed.

[\[a1\]](#) See chapter 2 of this part

CHAPTER 11

DESTRUCTION OF RECORDS

1. Books of reference, circular orders and files of important correspondence should be permanently preserved.
2. The following is a list of stamp-department registers, returns and miscellaneous papers authorized for destruction periodically:-

SN	Particular of records	Period for which to be retained.
1.	Vend registers of licensed stamp vendors.	Twelve years after completion
2.	Registers of stamp receipts	Twelve years
3.	Registers of discount paid on stamps	
4.	Double lock stamp store registers	Three years after completion
5.	Registers of payment of stamp duties and penalties on account of unstamped or insufficiently stamped documents under section 35 and 38 of Act II of 1899.	
6.	Tahvil stamp store register	
7.	Treasurer's counterpart of double lock stamp store registers	
8.	Tahsil stamp store registers ..	
9.	Files regarding remission of stamp revenue	
10.	Daily registers of court fees filed in revenue courts.	
11.	Correspondence regarding probate of wills and letters of Administration	

12.	Budget estimates relating to heads “ VII-stamps “ (receipts) and “ 7 stamps” (Expenditure)	Three years from close of year to which they relate.
13.	Statement of excess and surrenders	
14.	Annual stamp returns and reports	
15.	Annual forecast of stamps	
16.	Monthly returns of stamp income	
17.	Monthly stamp transactions statements	
18.	Monthly statements of expenditure relating to head “ 7 Stamps “	
19.	Monthly schedule of Receipts under head “ VII stamps”	
20.	Form for the credit of the value of stamps purchased by stamp vendors.	
21.	Instruments other than receipts, chargeable with a duty of one anna or half an anna, bill of exchange and Promissory notes impounded under section 33 of the Indian Stamp Act and forwarded to the collector under sub-section (2) of section 38 of the same act		Three years form the end of the year in which they were impounded
22.	Application for refund or renewal of stamps exceeding Rs. 5 in value when refund or renewal sanctioned is not taken or further evidence required is not furnished	Three years form the date of the order

23.	Monthly statements showing deficiencies discovered by stamp auditors and recoveries made by courts and collectors at their instance	Two years
24.	Leave applications of stamp auditors	
25.	Audit and inspection notes of stamp auditors	
26.	Annual and quarterly indents for stamps including Tahvil indent registers .	
27.	Invoices of stamps sent and receipts for same.	One year from date of filling
28.	Certificates of prepayment of duty on documents to be impressed at Lahore	
29.	Tahsil returns of stocks and sales of stamps	
30.	Cases relating to discrepancies of stamp accounts, spoiled stamps, transfer of stamps, and supply of stamp registers	
31.	Papers relating to Government stamp dues in pauper suits.	One year from date of recovery or remission
32.	Cases under the stamp laws- Revenue proceedings only.	One year from the date of final order or recovery of any sum found due to Govt.
33.	Application for refund or renewal of spoiled or unused stamps whether refund or renewal has been sanctioned is not taken or further evidence required is not furnished ,the claim does not exceed Rs. 5 in value.	One year from close of year to which they relate.
34.	Statement showing the daily sale of stamps and water marked petition papers	

35.	Monthly plus and minus memos of stamps submitted by Deputy Commissioners to the financial commissioners .	
36.	Applications for stamp vend licenses	Three months after the end of the year to which they relate
37.	Stamp penalty statements received by collectors from courts.	Till the end of the year to which they relate.
38.	Quarterly returns of receipts and sales of stamps submitted by stamp vendors	
39.	Duplicate indents submitted by stamp vendors for the information of the excise inspector.	

3. All other ephemeral papers (not being registered) relating to “ Stamps “ whether English or Vernacular, should be preserved for one year, and then destroyed

Destruction of records should be done yearly on the lines indicated above under the orders of the Treasury officer or the officer in charge of the general record room attached to deputy commissioner’s office as the case may be

In case of doubt the Assistant Secretary to the Financial Commissioners should be addressed through the commissioner of the division .

APPENDIX A

List of delegations of powers to Financial Commissioners, Commissioners and Collectors, etc., under the Stamp and Court Fees Acts.

The following revised delegations of power relating to “Stamp Department “ published with Punjab Government notification No. 4986 E. & S ., dated the 14th August 1934 , and incorporated in chapter 20.11 of the book of Financial Powers are reproduced here for facility of reference . the serial numbers in column 1 of the sub-joined table correspond to the serial numbers given in the Book of Financial Powers:-

(ii) stamp department

Serial No.	Nature of power	To whom delegated	Extent
1	2	3	4
	Non Judicial stamps		
17	<p>To sanction allowances of the value of non-judicial stamps</p> <p>(i) when a stamp has been inadvertently spoiled or misused:</p>	Collectors of districts to the deputy Commissioners, Lahore, and officers in charge of Treasuries , who have passed the treasury branch of the departmental Examination	Subject to the conditions in section 49, 50 and 52,53 of the Indian Stamp Act, 1899
	<p>(ii) when any document on a stamped paper, which is written out wholly or in part, is not signed or executed by any party thereto;</p> <p>(iii) when a bill of exchange payable other wise than on demand or a promissory note has been executed on an impressed stamped paper and signed by or on behalf of drawer, but has not been accepted or made use of in any of the manner described in clause (c) of section 49 of the Stamp act.</p> <p>(iv) when a stamp on any instrument</p>		The authority in column 3 may , in special cases, allow refund or renewal of a spoilt or useless non-judicial stamp. Provided application is made within two years of the date of purchase or the date on which the stamp was spoiled or rendered useless.

	partially or fully executed has become spoiled for any of the reasons given in clause (d) of section 49 of the stamp Act.		
	To sanction allowance of the value of non-judicial stamps:- (v) when stamped papers used for printed forms of instruments are no longer required by banks or corporations.	Collectors of districts, the first Assistant to the Deputy commissioners, Lahore and officers in charge of treasuries who have passed the treasury Branch of the departmental Examination.	Subject to the conditions in section 51, of the Indian Stamp Act, (no deduction is required)
	(vi) when a stamp has not been spoiled or rendered unfit or useless for the purpose intended , but for which the purchaser has no immediate use;		
	(vii) when any duly stamped debenture is renewed by issue of a new debenture in the same terms.	Ditto	Subject to the conditions in section 54, of the Indian Stamp Act. The authority in column 3 may, in special cases, allow refund or renewal of a spoilt or Useless non-judicial stamp. Provided

		application is made within two years of the date of purchase or the date on which the stamp was spoiled or rendered useless.
(viii) when stamps not spoiled or rendered unfit are returned to the collector's store on	Ditto	Subject to the conditions in section 54, of the Indian Stamp Act, (no deduction is required)
<p>(a) Resignation of the vendor's license</p> <p>(b) revocation of license for any fault of license</p> <p>(c) death of the vendor</p> <p>(d) application of the vendor for leave to restore any stamps</p> <p>(e) expiration of license</p> <p>(f) recall of stamps by Government</p> <p>(g) revocation of license for any other cause than that mentioned in</p>		<p>(a-d) stamps should be taken back at their full value less a deduction of one anna in the rupee</p> <p>(e-g) stamps should be taken back at their full value less only discount allowed on their sale by the licensed vendor</p> <p>(Pb. Govt. Notification No. 32769 F/G dated 8th Nov. 1930)</p>

	(b)		
18	To grant , under section 39 of the Indian Stamp Act, 1899, refund of— (a) penalty paid under section 38 (1) of the said Act;	Collectors. The First Assistant to the Deputy Commissioner Lahore.	Any portion of the penalty in excess of five rupees (sec. 39(1) of the stamp Act)
	(b) Penalty paid in respect of an instrument which has been impounded only because it has been written in contravention of section 13 or section 14 of the said Act.	Ditto	Full powers (section 39 (2) of the stamp act)
19.	To grant under section 45 of the stamp act refund of (i) penalty paid under section 35 or 40 of the said act.	(i) Commissioners of divisions - Up to Rs. 500 in each case (ii) Chief controlling revenue authority - Full powers	Provided an application in writing is made within one year form the date of the payment (section 45(1) of the stamp Act)
	(ii) Stamp duty charged and paid under section 35 or 40 in excess of that which is legally chargeable under the act.	(i) Commissioners of divisions - Up to Rs. 50 in each case (ii) Chief Controlling Revenue Authority - Full powers	Provided an application in writing is made within three months of the order charging the same (section 45(2) of the stamp Act) (Pb. Govt. notification no. 40573 F Genl dated 24 th)

			December 1932)
20.	Court-fee Stamps		
	<p>To grant, under section 45 of stamp act refund of—</p> <p>(1) impressed court-fee stamps which have been spoiled or rendered unfit or useless for the purpose intended or for which the purchaser has no immediate use or</p> <p>(2) two or more (or in the case of denominations five , four or more) court fee adhesive labels which have never been detached from each other and for which the possessor has no immediate use</p> <p>(3) court fee adhesive labels when they are attached to impressed sheets of court fee stamps in accordance with the rules framed in accordance with the rules framed by the local Government under section 26 and 27 (b) of the court fees Act, 1870.</p>	<p>Collectors of districts , the first Assistant to the Deputy commissioners , Lahore and officers in charge of treasuries who have passed the treasury Branch of the departmental Examination.</p>	<p>Subject to the following conditions</p> <p>The authority in column 3 shall on application repay to the applicant the value of such stamps or labels in money, deduction one anna in the rupee , upon such person delivering up the same to be cancelled and proving to the satisfaction of the said authority that they were purchased him with a bonafide intention to use them that he has paid the full price thereof and that they were so purchased ; or in the case of impressed stamps so purchased spoiled or rendered useless , within the period of six months preceding the date on which they were so delivered .</p>

		<p>The collector may, in special cases allow similar refunds when the period of six months is exceeded , provided the application for refund is made within a period of one year from the date of purchase or spoiling .</p> <p>NOTE the mere allegation of the applicant that he was not aware of the rule requiring him to apply with in six months is not a “ appeal case”</p>
<p>(4) All court fee stamps not spoiled or rendered unfit for use returned to the collector’s store on</p> <p>(a) resignation of the vendor ‘s license</p> <p>(b) revocation of license for any fault of license</p> <p>(c) death of the vendor</p> <p>(d) application of the vendor for leave to restore any stamps</p> <p>(e) expiration of license</p>	Ditto	<p>a-d) stamps should be taken back at their full value less a deduction of one anna in the rupee</p> <p>(e-g) stamps should be taken back at their full value less only discount allowed on their sale by the licensed vendor</p>

	(f) recall of stamps by Government		
	(g) revocation of license for any other cause than that mentioned in (b)		
21	To sanction renewal of damaged or spoiled impressed court-fee stamp and any adhesive stamp used in combination with or affixed to an impressed stamp.		

22	To sanction refund of fee paid on memorandum of appeal	Collector	Provided application is made within six months after such stamp has become damaged or spoiled
23	To sanction refund of fee on application for review of judgment .	Ditto	Subject to the conditions in section 14 of the Indian Stamp Act, 1870 and on presentation by the applicant of court certificates authorising such refund by the court
23A	To sanction refund when court reverses or modifies its former decision on ground of mistake	Ditto	Subject to the conditions in section 14 of the Indian Stamp Act, 1870 and on presentation by the applicant of court certificates authorising such refund by the court

23B	To sanction refunds or renewal of detached as well as spoiled court-fee adhesive stamps in cases of special hardship	Commissioners of division	Subject to the conditions in section 14 of the Indian Stamp Act, 1870 and on presentation by the applicant of court certificates authorising such refund by the court
23C	To sanction refund or renewal of the value of impressed as well as adhesive court fee stamps which are not required for immediate use or which have been spoiled or rendered unfit for use in cases where the application for refund is made within three years of the date of purchase or the date of spoiling or rendering unfit for use.	Commissioners of division	Subject to the deduction of one anna per rupee of face value
23D	To sanction refund of court-fee stamps affixed unnecessary in consequence of an order of a court.	Ditto	On production of an order of the court.
23E	To sanction refund or renewal of the impressed or adhesive court fee stamps which have been spoiled or rendered unfit or useless the purpose intended or for which the purchaser has no immediate use.	Financial commissioner	Full powers including powers to revise the orders of collectors and commissioners, subject to the deduction of one anna per rupee of face value in the case of refunds except in cases falling under clauses (e-q) of item No. 20 (4) above
23F	To sanction the writing of irrecoverable balances of stamp dues in pauper suits.	Commissioners of division	Full powers

APPENDIX –B

POSTAGE STAMPS

(Including Service Stamps)

Postage stamps regulated by Section 16,17,and 60 of the Indian Post Office Act, VI of 1898. - Postage stamps are provided for in sections 16,17 and 60 of the Indian Post Office Act, 1898 (VI of 1898)

Section 16(1) enacts that the Governor – General in Council shall cause postage stamps to be provided of such kinds and denoting such values as may be necessary for the purpose of the Act, Section 16(2) vests in the Governor General in council the power to make rules for the supply [a1]sale and use of stamps. Section 16(3) provides that these rules may among other things (a) fix the price at which postage stamps shall be sold ;(b) declare the classes of postal article in respect of which postage stamps shall be used for the payment of postage or other sums chargeable under the act. ; (c) prescribe the conditions with regard to performance , defacement and all other matters, subject to which postage stamps may be accepted or refused in payment of postage stamps may be accepted or refused in payment of postage stamps or other sums; (d) regulate the custody , supply and sale of postage stamps; (e) declare the persons by whom and the terms and conditions subject to which postage stamps may be sold; and (f) prescribe the duties and remuneration of persons selling postage stamps.

Section 17 provides—

(1) That postage stamps provided or prescribed under section 16 shall be deemed to be stamps issued by Government for the purpose of revenue within the meaning of the Indian Penal Code , and subject to the other provisions of the Act , shall be used for the pr-payment of postage or other sums chargeable under the Act in respect of postal articles except where the Governor – General in council , directs that pre-payment shall be made in some other way .

(2) Where the Governor – General in council has directed that pre-payment of postage or other sums chargeable under the act in respect of postal articles may be made by pre paying the value denoted by the impression of stamping machines issued under this authority , the impression of any such machine shall likewise, be deemed to be a stamp

issued by the Government for the purpose of revenue within the meaning of Indian Penal Code

Penalties for breaches of rules made under section 16 - Section 60 enacts that, whoever being appointed to sell postage stamps (a) takes from any purchaser for any postage stamp or quantity of postage stamps, a price higher than that fixed by any rule made under section 16(3) (a) shall be punishable with imprisonment for a term which may extend to six, months or with fine which may extend to two hundred rupees, or with both; or (b) commits a breach of any other rule made under section 16 shall be punishable with fine which may extend to two hundred rupees

2. Description of postage stamps in use. - The several kinds of postage stamps provided under section 16 (1) and now in use, are tabulated below, They are of four kinds (I) adhesive labels including stamp booklets and air mail stamps, (II) postcards, (III) wrappers, (IV) embossed envelopes

Adhesive Labels. - I—Labels . All rectangular (postcard) they are of the following values

<i>(i) Ordinary postage stamps</i>		
$\frac{1}{4}$ anna	3 anna	2 rupees
$\frac{1}{2}$ anna	3.5 anna	5 rupees
$\frac{3}{4}$ anna	4 anna	10 rupees
1 anna	6 anna	14 rupees
1.25 anna	8 anna	25 rupees
2 anna	12 anna	
2.5 anna	1 rupee	

<i>(ii) Air mail stamps</i>
3anna
6 annas
12 annas

Stamp booklets contain 1 $\frac{1}{4}$ anna and one anna postage stamps interleaved with waxed paper so as to preserve the stamp in good condition during all seasons of the year . The sale price of each of these book lets is Re. 1-4-0 and Re. 1, respectively.

Unlike the use of the value air mail label the affixing of air mail stamps to letter tendered of despatch by aim mail is not obligatory `

The stamps marked with an asterisk above are also issued for official correspondence with “ Service” over – printed in black ink and are then known as “ Service Stamps”

Post cards and wrappers. - II and III –post cards and Wrappers – The stamps impressed on post-cards are wither ornamental square or elliptical. Post cards are wither ornamental square or elliptical . Post cards and wrapper are of the following denominations

$\frac{3}{4}$ anna inland service post card

$\frac{3}{4}$ anna inland single post card

1 $\frac{1}{2}$ anna inland reply post card

2 anna international single post card

4 anna international reply post card

4 anna air mail post card

$\frac{1}{2}$ anna wrapper

The wrappers can only be sued for the transmission of newspapers and packets by wither the inland of foreign post, and additional adhesive stamps can be affixed to them when the weight is not covered by the stamp printed upon them

IV – Envelops – Embossed stamps in relief . The following are the ordinary and registration envelops:-

1 anna square and commercial	4 ¾ anna small registration	An additional stamp of 1 ¼ anna is required to be affixed to each envelope before it is presented for registration
1 anna and 3 pies square	4 anna small registration	
1 anna and 3 pies commercial	4 anna medium registration	
8 ¼ anna air mail (Commercialize)	4 ¼ anna large registration	

3. Labels are issued from the central stamp store Nasik (See mode of supplies in Part III) in sheets of 320 each from ¼ anna to 12 annas , and of 120 each from Re. 1 to Rs. 25.

Ordinary labels are sold to the public and to authorized vendors from local and Brand Depots (see rule in Part III) at the denoted vale, in quantities of not less than five rupees in vale, and not including a fraction of a Re . Embossed envelops and post cards are sold in completed packets only.

Stamp booklets of all denominations are to be sold to the public by the post offices only specially authorized in this behalf.

Post-cards issued from the central stamp store in packets, single of 16 , reply of 8 and service of 16 cards , while wrappers bearing a half anna stamp for newspapers and packets are sold in packets of six each to the public and authorized vendors from Local and Branch Depots where stocks are held at the following rates.

Rs. A. P.

For 1	0	0	7
For 2	0	1	2
For 3	0	1	9
For 4	0	2	4

For 5 0 2 11

For 6 0 3 6

Service stamps are sold by local and branch depots to Government official and semi-official bodies and institutions mentioned in clause 354 of the post and Telegraph Guide provided the letter certify in writing that the stamps will be used on prepaying postage on communications bonafide on the service of His Majesty or for the purpose stipulated in the said clause of the post and Telegraph Guide.

It has been ruled by the Government of India that Service postage stamps may also be sold to the public, provided that the value of stamps sold to any person at one time shall not be less than 10 shillings or Rs. 6-8-0 and that an extra charge of half per cent . calculated on the face value shall be made to cover incidental expenses . These stamps cannot be used of the pre-payment of postage on private correspondence.

Envelops, ordinary and registration, are issued from the central stamp store Nasik , in packets as below set forth , and are sold from local branch depots to the public and to authorized vendors in complete packets at the following rates

Description	Number of envelops in each packet	Price per packet		
		Rs	A.	P.
<i>(1) Commercial and square envelops –At each Re. 0-1-3 each.</i>	12	0	15	0
<i>(2) Commercial and square envelops –At Re 0-1-0 each</i>	15	0	15	0
<i>(3) Registration envelops--</i>				
(i) Small size (7 ½ . 4 ½ inches at Re 0-4-9 each .	12	2	9	0

(ii) Medium size (9 X 6 ¼ inches) at Re 0-4-0 each	8	2	0	0
(iii) large size (14 ½ X 5 ½ inches) at Re. 0-4-3 each	8	2	2	0
(4) <i>Air mail Embossed Envelopes</i> (commercial size) with 8 annas air mail stamp and blue air mail label printed on them at Re 0-8-3 each.	8	4	2	0

Stamps & C. , sold at all Post Offices.

4. Ordinary postage stamps , post cards and envelopes of all descriptions as well as wrappers for newspapers and packets are sold to the public in any quantity however small at all post offices and postage stamps and post cards only at Telegraph offices at any time at which the office is open to the public, Quarter –anna , one anna half anna and two anna stamps , 1 ¼ anna and 1 anna envelopes and inland post cards are sold by postmen of most the post offices throughout India.

5. **Spoilt or defaced stamps.** – (1) Postage stamps (whether adhesive , embossed , or impressed) which have been obliterated , defaced , torn , cut or otherwise rendered imperfect, or which have any work , letter figure, or design written printed, or impressed upon them otherwise than by the authority of Government before posting , or which have been cut or otherwise separated from embossed envelopes , post cards or wrappers, cannot be recognised in payment of postage . The special registration envelopes provided by the Post office , cannot be used for the transmission of unregistered postal articles (See clause 17).

NOTE - The performance of postage stamps with initials , or other identifying marks , traced in minute holes not prohibited .

(2) The using for the payment of postage or postal fees, with intent to cause loss to the Government , or a stamp that has already been used for that or any other purpose , is an offence punishable with two years imprisonment. Or with fine or with both.

6. Fictitious stamps . - The manufacture and use of fictitious postage stamps for any purpose whatsoever is prohibited , and is an offence punishable under section 263 –A of the Indian Penal code. Reproductions of stamps are , however , allowed for illustrations purpose in a philatelic publication or in an article or section relating wholly to postage stamps which may appear in a publication of a general character . Such reproduction however must be in black alone.

7. Rules for vend of postage stamps. - With reference to section 16(2) the following rules have been made by the Governor general in council in regard to the vend , etc, of postage stamps:-

“ The officer in charge of each post office , at which letters are received for despatch, and of each telegraph office, is required to keep a supply of ordinary postage stamps for sale to the public sufficient for the probable demands of one week

Superintendent and inspectors of post office within their respective jurisdictions and any other officers of the Post office authorized on the t behalf by the Head of Postal Circles are empowered to examine the stock of postage stamps kept by any of the persons required to keep postage stamps for sale to the public under the above rule:

8. Exchange of spoiled stamps. - Ordinary postage stamps belonging to licensed vendors, which have become unfit for use , should not be taken in exchange for new postage stamps of the same value, unless in very exceptional circumstances and only with the previous sanction of the Director – General of Post offices in India.

In case of persons entitled to use “service” stamps “service stamps “ may be given in exchange of for “ ordinary” stamps, provided the letter are in good conditions and fit for re-issue.

Fresh postage stamps , envelopes and post cards may be issued to Postmasters in exchange for useless or obsolete ones returned by them provided that embossed envelops, wrappers or post cards , which it is desired to exchange , are presented at the treasury only in complete packets.

Damaged and obsolete stamps that can be counted and identified , should be sent once a quarter to the controller of stamp , central stamp store, Nasik,. For destruction in accordance with rule 37 of the rules { see part III , chapter I) issued by the Govt. of India for supply and distribution of stamps.

In the case of bodies maintained from municipal and local funds or other like bodies or a quasi Government nature, there is no objection to issue by the Treasury officers of ordinary in

exchange of service postage stamps, or vice versa always provided that the stamps to be returned to the treasury officers should also, after due enquiry, satisfy themselves as to the proper and rightful ownership of the party applying for the exchange. In the case of applications for exchange of service postage stamps from parties other than those authorised to keep them, treasury officers should, after ascertaining how the stamps came to be in possession of the parties, obtain the orders of the controller of stamps, Nasik

(N.B. –Local bodies, such as Municipal Committees, district Boards, and cantonment committees to do not use service stamps now)

The service postage stamps presented by an official who is authorised to use such stamps may be exchanged for other service stamps of equivalent value, provided that the stamps which are presented to the treasury are in good condition and fit for re-issue

9. As far as possible, defective stamp booklets returned by a Post office should be exchanged for fresh booklets or postage stamps simultaneously with their return to the treasury, but when owing to the number of booklets returned being large it is not possible to examine them at once at the treasury, the exchange should be made as soon as the booklets have been examined to see that they contain the correct number of stamps.

[a1]for further rules relating to the supply, etc of postage stamps, see the Government of India Rules in Part III of chapter I