

THE STAMP ACT, 1899  
(Act II of 1899)

CONTENTS

CHAPTERI  
PRELIMINARY

SECTIONS

1. Short title, extent and commencement.

2. Definitions.

CHAPTERII  
STAMP DUTIES  
A —Of the liability of instrument to duty.

Instruments chargeable with duty.

Several instruments used in single transaction of sale, mortgage or settlement.

Instruments relating to several distinct matters.

Instruments coming within several descriptions in Schedule -I.

Policies of sea-insurance.

Bonds, debentures or other securities issued on loans under Act XI 1879.

eo PF nNnw FY

Power to reduce, remit or compound duties.

B -Of stamps and the mode of using them

10. Duties how to be paid.

11. Use of adhesive stamps.

12. Cancellation of adhesive stamps.

13. Instruments stamped with impressed stamps how to be written.

14. Only one instruments to be on same stamps.

15. Instrument written contrary to section 13 or 14 deemed un-stamped.

16. Denoting duty.

C—Of the time of stamping instrument

17. Instruments executed in Pakistan.

18. Instruments other than bills and notes executed out of Pakistan.

19. Bills and notes drawn out of Pakistan.

D—Of valuations for duty.

20. Conversion of amount expressed in foreign currencies.

21. Stock and marketable securities how to be valued.

22. Effect of statement of rate of exchange or average price.

23. Instruments reserving interest.

23A. Certain instruments connected with mortgages of marketable securities to be chargeable as agreements.

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

25. Valuation in case of annuity, etc.

26. Stamp where value of subject matter is indeterminate.

27. Facts affecting duty to be set forth in instrument.

27A. Valuation of Urban Land.

28. Direction as to duty in case of certain conveyances.

E — Duty by whom payable

29. Duties by whom payable.

30. Obligation to receipt in certain cases.

31.  
32.

33,  
34,  
35,  
36,  
37,  
38,  
39,  
40,  
41,  
42.

43.  
44.  
45.  
46.  
47.  
48.

**CHAPTER III**  
**ADJUDICATION AS TO STAMP**

Adjudication as to proper stamp.

Certificate by Collector.

**CHAPTER IV**  
**INSTRUMENTS NOT DULY STAMPED**

Examination and impounding of instruments.

Special provision as to unstamped receipts.

Instruments not duly stamped inadmissible in evidence, etc.

Admission of instrument where not to be questioned.

Admission of improperly stamped instruments.

Instruments impounded how dealt with.

Collector's power to refund penalty paid under section 38, sub-section (1).  
Collector's power to stamp instruments impounded.

Instruments unduly stamped by accident.

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

Prosecution for offence against Stamp-law.

Persons paying duty or penalty may recover same in certain cases.

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

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

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

Recovery of duties and penalties.

49.  
50.  
51.  
52.  
53.  
54.  
55.

56.  
57.  
58.  
59.  
60.  
61.

62.  
63.  
64.  
65.  
66.  
67.

## **CHAPTER V ALLOWANCES FOR STAMPS IN CERTAIN CASES**

Allowance for special stamps.

Application for relief under section 49 when to be made .

Allowance in case of printed forms no longer required by Corporations.

Allowance for misused stamps.

Allowance for spoiled or misused stamps how to be made.

Allowance for stamps not required for use.

Allowance on renewal of certain debentures.

## **CHAPTER VI REFERENCE AND REVISION**

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

Statement of ease by Chief Revenue Authority to High Court.

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

Procedure in disposing of case stated.

Statement of case by other Courts to High Court.

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

## **CHAPTER VII CRIMINAL OFFENCES AND PROCEDURE**

Penalty for executing, etc. instrument not duly stamped.

Penalty for failure to cancel adhesive, stamp.

Penalty for omission to comply with provisions of section 27.

Penalty for refusal to give receipt, and for devices to evade duty on receipts.

Penalty for not making out police, or making one not duly stamped.

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

68.  
69.  
70.  
71,  
72.

23.  
74.  
75.  
76.  
77.  
78.  
79.

Penalty for post-dating bills, and for other devices to defraud the revenue.  
Penalty for breach of rule relating to sale of stamps and for unauthorized sale.  
Institution and conduct of prosecutions.

Jurisdiction of Magistrate.

Place of trial

**CHAPTER VIII**  
**SUPPLEMENTAL PROVISIONS;**

Books, etc. to be open to inspection.

Power to make rules relating to sale of stamps.

Power to make rules generally to carry out Act.  
Publication of rules. 76-A. Delegation of certain powers.  
Saving as to court fees.

Act to be translated and sold cheaply.

[Repeated].

**SCHEDULE I—STAMP DUTY ON INSTRUMENTS.**

**SCHEDULE II--- [Repealed].**

THE STAMP ACT, 1899]

(Act II of 1899)

[27"January, 1899]

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

WHEREAS it is expedient to Consolidate and amend the law relating to stamps;

It is here by enacted as follows:—

I. For Statement of Objects and Reasons, see Gazette of India, 1897. Pt. V, P. 175, for Report of the Select Committee, see ibid 1898, Pt(V. P. 231; and for Proceedings in Council, see ibid., Pt. VI pp. 10 and 278 ; and ibid1899Pt.VLP.5. The Act has been amended in its application to:—

(1)the Punjab and the Khyber Pakhtunkhwa by the Indian Stamp (Punjab Amendment) Act, 1922 (Punjab VIII of 1922), the Indian Stamp (Punjab Amendment) Act, 1924 (Punjabi 1924) and the Indian Stamp (Khyber Pakhtunkhwa . Amendment) Act, 1948 (Khyber Pakhtunkhwa Act XV of 1948); See also the Punjab Stamp (Amendment) Act, 1935 (Punjab I of 1935), Punjab Act XIV\_ of 1948,s. 2 and Act XI of 1949, s.2, applying only to the Punjab :

(2) Sind, by the Indian Stamp (Sind Amendment) Act, 1938 (Sind XII of 1938 );

(3) Capital of the Federation by the Finance Act, 1952 (V of 1952); and

(4) the Province of West Pakistan (except the Capital of the Federation ) by West Pakistan Act XVI of 1957, s.3 (3) and 3rd Sch. (with effect from 14th October, 1955).

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the Khyber Pakhtunkhwa. subject to certain modification, and extended to the Excluded Area of Upper Tanawal (Khyber Pakhtunkhwa.)other than Phulera with effect from such date and subject to such modifications as may be notified,.see Khyber Pakhtunkhwa = (Upper Tanawal ~— Excluded ~—Area) Laws Regulation, 1950.

This Act and all rules, notifications, declaration and orders made under it which were in force immediately before the first-day of April, 1952, have been extended to and brought into force in the State of Bahawalpur, see the Bataw.Ipur (Extension of Laws) Order, I'S2, (G.G.O.H of 1952).

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

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 3950 (G.G.O. III of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India 1937 Pt.,Lp. 1499.

It has also been extended to the Baluchistan States Union,see G.G.O. XVII of 1953.

This Act has been amended in its application to the Province of West Pakistan by W.P. Order XXXXVI of 1959 (with effect from the 15th August, 1959).

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

CHAPTER I  
PRELIMINARY

1. (1) This Act may be called the '[\* \* \*] Stamp Act, 1899.

\*[(2) It extends to the whole of Pakistan.

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

2. in this Act, unless there is something repugnant in the subject of context.

(1) 'banker'<sup>1</sup> includes a bank and any person acting as a banker:

(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:

(3) "bill of exchange payable on demand" includes-

(a)

(b)

(c)

an order for the payment of any sum of money by a bill of exchange or promissory (note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen:

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

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:

(4) "bill of lading" includes a 'through bill of lading', but does not include a mate's receipt:

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

? Subjection (2), by Ord. No. XXI of 1960

Short title,  
extent and  
commencement

Definitions.

Banker.

Bill of  
exchange.

“Bill of  
exchange  
payable on  
demand.”

“Bill of lading”

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

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

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

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

(6) "chargeable" means, as applied to an instrument executed or first executed after the commencement of this Act, chargeable under this Act and, as applied to any other instrument, chargeable under the law in force in [Pakistan] when such instrument was executed or where several persons executed the instrument at different times, first executed:

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

(9) Collector.

3/(a) means the Collector of a district; and]

[(b) includes a Deputy Commissioner and any officer whom "[the Provincial Government] may, by notification in the Official Gazette, appoint in this behalf:

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

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

2. Repealed vide A. O., 1937.

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

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

"Pond"

Chargeable.

Cheque.

Conveyance.

111) "duly stamped" means affixation of an adhesive or impressed Duly Stamped. stamp or e-stamp of not less than the requisite amount and that such stamp has been legally affixed, used or electronically generated:]

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

Government:]

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

(12-A)3[\* \* \*]

(13) "impressed stamp" includes— "Impressed Stamp"

(a) labels affixed and impressed by the proper officer, "[\*\*]"  
(b) stamps embossed or engraved on stamped paper: \*[and]

°[(c) an e-stamp:]

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

(15) "instrument of partition" means any instrument where by co-owners "Instrument of Partition.

of any property divide or agree to divide such property in severally, and includes also a final order for effecting a partition passed by any Revenue-;

authority or any Civil Court and an award by an arbitrator directing a partition:

' Substituted vide Khyber Pakhtunkhwa Act No. XIV of 2020

? Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

3. omitted vide w.pord XLVI of 1959.

4 Omitted vide Khyber Pakhtunkhwa Act No. XIV of 2020

5 Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

?Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

7 Inserted vide Khyber Pakhtunkhwa Act No. XIV of 2020

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

(a) a patta;

(b) a kahuliyat or other undertaking in writing, not being a counter-part of a lease, to cultivate, occupy or pay or 'deliver rent for, immovable property;

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

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

'116-A.) "marketable security" means. a-security- of such a description as to be Marketable capable of being sold in any stock market in 7[Pakistan] or in the United security. Kingdom:]

(17) 'mortgage-deed'" includes every instrument whereby ' for the purpose of "Mortgage securing money advanced, or to be advanced, by way of loan, or an existing or deed. 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:

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

(19) "policy of insurance" includes- "Policy of

insurance.

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

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

(c) Ape \* \* \* \* ]

' Ins. By the Indian Stamp (Amdt) Act, 1904 (XV of 1904).

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

3. By the Indian stamp (amdt) Act, 1906 (V of 1906).

4. By the Indian stamp (amdt) Act, 1906 (V of 1906)..

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

(a) means any insurance made upon any ship or vessel (whether for marine or in land navigation), or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandise or property of any description whatever on board of any ship or vessel, or upon the freight of, or any other interest which may be lawfully insured in, or relating to, any ship or vessel and

(b) includes any insurance of goods, merchandise or property for any transit which includes not only sea-risk within the meaning of clause (a) .but also any other risk incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the .insurance

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

(21) "power-of-attorney" includes any instrument (not chargeable with a fee under the law relating to court-fees for the time being in force)empowering a specified person to act for and in the name of the person executing it:

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

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

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

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

"Policy of sea

insurance"  
sea-policy.

or

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

(b) whereby any other movable property is acknowledged to have been received in satisfaction of a debt, or

(c) whereby any debt or demand, or any part of a debt or demand, is acknowledged to have been satisfied or discharged, or

(d) which signifies or imports any such acknowledgment, and whether the same is or is not signed with the name of any person ![\* \* \*]:

(24) "Settlement" means any non-testamentary disposition, in writing, of movable or immovable property made—

(a) In consideration of marriage.

(b) for the purpose of distributing property of the settler among his family or those for whom he desires to provide, or for the purpose' of providing for some person dependent on him, or

(c) for any religious or charitable purpose:

and includes an agreement in writing to make such a disposition \*[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]: 3[and]

41(25)] "soldier" includes any person below the rank of non-commissioned officer who is enrolled under the Indian Army Act 1911 °[or the Pakistan Army Act. 1952.]

## CHAPTER II

### STAMP-DUTIES

[The word and\_ rep. by the Repealing and Amending Act, 1928 (XVIII of 1928).  
2 Ins. by the Indian Stamp (Amendment) Act, 1904 (XV of 1904), s.2.

3.The word "and " and cl. (25), ins. by Act XVIII of 1928,s.2. and Sch

'The word "and " and cl. (25), ins. by Act XVIII of 1928,s.2. and Sch

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

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

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

(b) every bill of exchange 7[payable otherwise than on demand] 3[\* \*] or promissory note drawn or made out of "[Pakistan] on or after that day and accepted or paid, or presented for acceptance or payment, or endorsed, transferred or other-wise negotiated, in °[Pakistan]; 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 7 [Pakistan] on or after that day, relates to any property situate, or to any matter or thing done or to be done, in \*[Pakistan] and is received in °[Pakistan]:

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

(1) any instrument executed by, or on behalf of, or in favour, of the 4[Government] in cases where, but for this exemption, title '?[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 Registration of Ships Act, 1841, as amended by subsequent Acts.

4. 121(1) Where, in die case of any sale, mortgage or settlement, several instruments are employed for completing the transaction, the principal instrument only shall be chargeable with the duty prescribed in Schedule I, for

' Subs. by the Central Laws (Statute Reform ) Ordinance, 1960.

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

3 The word "cheque" rep., ibid.

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

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

® The word "cheque" rep., ibid.

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

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

°. Subs. by the Central Laws (Statute Reform ) Ordinance, 1960 (XXI of 1960).

1° Subs, by W.P. Ord. XLVI of 1959 .for "Crown."

'! The Bombay Coupling Vessels Act, 1838.

22 subs by W. P. Act II of 1964.

Several  
instruments

used in single

transaction

of

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

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

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

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

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

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

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

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

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

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

' Subs by W. P. Act II of 1964.

sale mortgage  
of settlement.

Instruments  
relating to  
several distinct  
matters.

Instruments  
coming witing

several  
descriptions in  
Schedule I.

Policies of sea  
insurance.

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

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

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

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

(3) In the case of willful neglect to pay the duty required by this section, the local authority shall be liable to forfeit to the 3[Provincial] Government a sum equal to ten per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

9. 4[The Provincial Government] may, by rule or order pub- Wished in the \*[Official 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

' Subs., by the Indian Stamp (Amendment) Act, 1910 (VII1910), s. 2, for "eight annas per centum.

2.Subs, by Khyber Pakhtunkhwa .A.L.O. 1975 for Central Government ".

3 Ins. by W.P. Ord XLVI of 1959.

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

5 Subs, by A.O. 1937, for "Gazette of India"

© Subs, ibid., for "British India."

Power to

reduce, remit  
or compound  
duties.

LO

Ta

Te)

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, ![\* \* \*]

(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 7[,]

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

exempt from payment of duties either in whole or in part in respect of the instrument executed by Al-Shifa Trust, for the transfer of land, donated by Government free of cost measuring 80 kanals, for the construction of an Eye Hospital at Kohat]

\*[:and]

exempt from payment of duties either in whole or in part in respect of the instrument executed by ShoukatKhanum Memorial, Cancer Hospital and Research Centre Lahore, for the transfer of a house, measuring 54 marlas donated by Raja Haq Nawaz Kiyani , son of Raja Ali Akbar Khan resident of Azeem House, MohallahBandiRajgan, KotNajibullah, Haripur

District".

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

Explanation.—For the purpose of this Section, "banking company "

shall have the same meaning as assigned to it in the Banking Tribunals Ordinance, 1984 (LVIII of 1984},]

- . Deleted vide Khyber Pakhtunkhwa Ordinance No.XI of 2002.
- . Replaced vide Khyber Pakhtunkhwa Ordinance No.XI of 2002.
- . Inserted vide Khyber Pakhtunkhwa Ordinance No.XI of 2002.

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

1

2

3

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

5

6

7

. Added vide Ordinance No. III of 2003.

. Inserted vide Ordinance No.III of 2003.

8.9:A, ins. Khyber Pakhtunkhwa Ord: No. I of 1985.

B—Of the mode of using them

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

(a) according to the provisions herein contained, or

(b) when no such provision is applicable thereto, as the \*[Provincial Government] may by rules direct.

(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 [for e-stamps] which may be used;

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

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

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

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

(b) bills of exchange, °[\* \*] and promissory notes drawn or made out of [Pakistan]:

(c) entry as an advocate, vakil or attorney on the role of a High Court;

(d) notarial acts ; and

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

2. Subs, by W.P. Ord. XLVI of 1959, for "Collecting Government" which had been sub, by A.O., 1937, for" G G in C." 3. See the Stamp Rules, 1925.

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

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

® The word "cheques" rep., by the Indian Finance Act, 1927 (V of 1927), s.5.

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

Duties how to

be paid.

Use of adhesive  
stamps.

(e) transfers by endorsement of shares in any incorporated company or other body corporate.

12. (1) (a) Whoever affixes any adhesive stamp to any instrument chargeable with duty which has been executed by any person shall, when affixing such stamp, cancel the same so that it cannot be used again ; and

(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 ha..not been cancelled so that it cannot be used again, shall, so fur as such stamp is concerned, be deemed to be unstamped.

(3) The person required by sub-section (1) to cancel an adhesive stamp may cancel it by writing on or across the stamp his name or initials or the name or initials of his firm with the true date of his so writing, or in any other effectual manner.

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

14. No second instrument chargeable with duty shall be written upon a piece of stamped paper upon which an instrument chargeable with duty has already been written:

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

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

16. Where the duty with which an instrument is chargeable, or t its exemption

Cancellation of adhesive stamps.

Instruments stamped with impressed stamps how to be written.

Only one instrument to be on same stamp.

Instrument  
written contrary  
to section 13 or  
14 deemed un-  
stamped,

Denoting duty.

from duty, depends in any manner upon the duty actually paid in respect of another instrument, the payment of such last mentioned duty shall, if application is made in writing to the Collector for that purpose, and on reduction 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 [Provincial Government] may by rule prescribe.

C—of the time of stamping Instruments

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

18. (1) Every instrument chargeable with duty executed only out of 3

[Pakistan], and not being a bill of exchange, "[\* \*] or promissory note, may be stamped within three months after it has been first received in [Pakistan].

(2) Where any such instrument cannot, with reference to the description of stamp prescribed therefore, be duly stamped by a private person, it may be taken within the said period of three months to the Collector, who shall stamp the same, in such manner as the [Provincial Government] may by rule prescribe, with a stamp of such value as the person so taking such instrument may require and pay for.

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

Provided that,—

(a) if, at the time any such bill of exchange, ?[\* \*] or note comes into the hands of any holder thereof in [Pakistan]. the proper

<sup>1</sup> Subs, by W.P. Ord. XLV1 of 1959.

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

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

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

\*. Subs, by the Central Laws (Statute Reform )Ordinance, 1960 (XXI of 1960).

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

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

8' Subs, by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960).

<sup>°</sup> Ins. ibid.

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

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

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

<sup>3</sup> The word "Cheque" rep. by the Indian Finance Act, 1927 (V of 1927), s.5.

Instruments  
executed in  
Pakistan,

Instruments  
other than bills  
and notes  
executed out of  
6[Pakistan]

adhesive stamp is affixed thereto and cancelled in manner prescribed by section 12, and such holder has no reason to believe that such stamp was affixed or cancelled otherwise than by the person and at the time required by this Act, such stamp shall, so far as relates to such holder, be deemed to have been duly affixed and cancelled;

(b) nothing contained in this proviso shall relieve any person from any penalty incurred by him for omitting to affix or cancel a stamp.

D — Of valuations for duty

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

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

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

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

23, 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.

Stock and  
marketable  
securities how  
to be valued.

Effect of  
statement of  
rate of  
exchange or  
average price.

Instruments  
reserving

interest.

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

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

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

<sup>4</sup>"Sub. Khyber Pakhtunkhwa .A.L. 1975 for "Central Government."

<sup>5</sup> Subs, *ibid.*, for "Gazette of India."

<sup>6</sup> For notification prescribing such rates, see Finance Department (Central Revenues) Notification No. C. 125-stamps25, dated 18-9-1925 (Gazette of India, 1925, Pt. I p.886 as mended by Notification No. 8- Stamps, dated 7-11-31.

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

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

(a) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt, or

(b) makes redeemable or qualifies a duly stamped transfer intended as a security, of any marketable security,

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under 7[Article No. 5 (c) of Schedule I.

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

24. Where any property is transferred to any person in consideration, wholly or in part, of any debt due to him, or subject either certainly or contingently to the payment or transfer of any money or stock, whether being or constituting a charge or encumbrance upon the property or not, such debt, money or stock is to be deemed the whole or part, as the case maybe, of the consideration in respect whereof the transfer is chargeable with ad valorem duty:

Provided that nothing in this section shall apply to any such certificate of sale as is mentioned in Article No. 18 of Schedule I.

Explanation—In the case of a sale of property subject to a mortgage or other encumbrance, any unpaid mortgage-money or money charged, together with the interest (if any) due on the same, shall be deemed to be part of the consideration for the sale:

Provided that, where property subject to a mortgage is transferred to the mortgagee, he shall be entitled to deduct from the duty payable on the transfer the amount of any duty already paid in respect of the mortgage.

#### Illustrations

(1) A owes B Rs. 1,000. A sells a property to B, \hz consideration being

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

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

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

Rs. 500 and the release of the previous debt of Rs. 1,000. Stamp-duty is payable on Rs. 1,500.

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

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

25. Where an instrument is executed to secure the payment of an annuity or other sum payable periodically, or where the consideration for a conveyance is an annuity or other sum payable periodically, the amount secured by such instrument or the consideration for such conveyance, as the case may be, shall, for the purposes of this Act, be deemed to be,—

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

(b) Where the sum is payable in perpetuity or for an indefinite time not terminable with any life in being at the date of such instrument or conveyance the total amount which, according to the terms of such instrument or conveyance, will or may be payable during the period of twenty years calculated from the date on which the first payment becomes due; and

(c) where the sum is payable for an indefinite time terminable with any life in being at the date of such instrument or conveyance—the maximum amount which will or may be payable as aforesaid during the period of twelve years calculated from the date on which the first payment becomes due.

26. Where the amount or value of the subject-matter of any instrument chargeable with ad valorem duty cannot be, or (in the case of an instrument executed before the commencement of this Act) could not have been, ascertained at the date of its execution or first execution, nothing shall be claimable under such instrument more than the highest amount or value for which, if stated in an instrument of the same description, the stamp actually used would, at the date of such execution have been sufficient:

' [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 >[the Government] under the lease, or,

(b) when the lease has been granted by any other person, at twenty thousand rupees a year; and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease:] and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease:]

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

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

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

7[Provided that the value, so determined, shall in no case be less than ninety percent (90%) of the rates determined by the Federal Board of Revenue.]

(2) Where an instrument mentioned in sub-section (1) relates to land with building or structure thereon, it shall state the value of the land and the building or structure, separately, and the value of the building or structure so stated shall,

1 Subs, by the Indian Stamp (Amendment) Act, 1904 (XV of 1904,) 3,4, for the original proviso.

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

XLVI of 1959.

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

4 Inserted vide Khyber Pakhtunkhwa Act No.VI 1992.

5 Added vide Khyber Pakhtunkhwa Act No.III of 1997.

© Replaced vide Khyber Pakhtunkhwa Act No. XIII of 2021.

7 Inserted vide Khyber Pakhtunkhwa Act No. XIII of 2021.

subject to the provisions contained in this Act, be accepted.

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

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

28. (1) Where any property has been contracted to be sold for one consideration for the whole, and is conveyed to the purchaser in separate parts by different instruments, the consideration shall be apportioned in such manner as the parties think fit, provided that a distinct consideration for each separate part is set forth in the conveyance relating thereto, and such conveyance shall be chargeable with ad valorem duty in respect of such distinct consideration.

(2) Where property contracted to be purchased for one consideration for the whole, by two or more persons jointly, or by any person for himself and others, or wholly for others, is conveyed in parts by separate instruments to the persons by or for whom the same was purchased, for distinct parts of the consideration, the conveyance of each separate part shall be chargeable with ad valorem duty in respect of the distinct part of the consideration therein specified.

(3) Where a person, having contracted for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the same to any other person and the property is in consequence conveyed immediately to the sub-purchaser, the conveyance shall be chargeable with ad valorem duty in respect of the consideration for the sale by the original purchaser to the sub-purchaser.

(4) Where a person, having contracted- for the purchase of any property but not having obtained a conveyance thereof, contracts to sell the whole, or any part thereof, to any other person or persons and the property is in consequence conveyed by the original seller to different persons in parts, the conveyance of each part sold to a sub-purchaser shall be chargeable with ad valorem duty in respect only of the consideration paid by such sub-purchaser, without regard to the amount or value of the original consideration, and the conveyance of the residue (if any) of such property to the original purchaser shall be chargeable with ad valorem duty in respect only of the excess of the original consideration over the aggregate of the consideration paid by the sub-purchasers:

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

(5) Where a sub-purchaser takes an actual conveyance of the interest of the person immediately selling to him, which is chargeable with ad valorem duty in respect of the consideration paid by him and is duly stamped accordingly, any conveyance to be afterwards made to him of the same property by the original seller shall be chargeable with a duty equal to that which would be chargeable on a conveyance for the consideration obtained by such original seller, or, where such duty would exceed five rupees, with a duty of five rupees.

E—Duty by whom payable

29. In the absence of an agreement to the contrary, the expense Duty of

providing the proper stamp shall be borne, —

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

No. 2. (Administration Bond),  
'No. 6. (Agreement relating to Deposit of Title-deeds, Pawn or

pledge],

No. 13, (Bill of Exchange),

No. 15. (Bond),

No. 16. (Bottomery Bonds),

No. 26. (Customs Bond),

No. 27. (Debenture),

No. 32. (Further Charge),

No. 34. (Indemnity-Bond),

No. 40. (Mortgage-Deed),

No.49. (Promissory-Note),

No. 55. (Release),

No. 56. (Respondentia Bond),

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

No. 58. (Settlement)

No. 62.(a) (Transfer of Debentures, being market- able securities,

whether the debenture is liable to duty or not, except debentures provided for by section 8).

' Subs. by the Indian Stamp (Amdt.)Act, 1904 (XV of 1904), s.5. for "No.6 Agreement to mortgage)."'

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

'T(b) in the case of a policy of insurance other than fire-insurance—by the person effecting the insurance;

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

(c) in the case of a conveyance (including a re-conveyance of mortgaged property) by the grantee : in the case of a lease or agreement to lease—by the lessee or intended lessee;

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

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

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

(g) in the case of an instrument of partition —by the parties thereto in proportion to their respective shares in the whole property partitioned, or, when the partition is made in execution of an order passed by a Revenue-authority or Civil Court or arbitrator, in such proportion as such authority, Court or arbitrator directs.

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

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

### CHAFFER III ADJUDICATION AS TO STAMPS

' Ins. by Indian Stamp (Amendment) Act 1906 (V of 1996), s.4, for the original cl.(b).  
2 Ins. by Indian Stamp (Amendment) Act 1906 (V of 1996).

31. (1) When any instrument, whether executed or not and whether previously stamped or not, is brought to the Collector, . and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of such amount (not exceeding five rupees and not less than [fifty paisa] as the Collector may in each case direct, the Collector shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

(2) For this purpose the Collector may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that all "the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon any such application until such abstract and evidence have been furnished accordingly:

Provided that—

(a) no evidence furnished in pursuance of this-section shall be used against any person, in any civil proceeding, except ,in an , enquiry a;-; to the duty with which the instrument to which it relate is chargeable; and

(b) every person by whom any such evidence is furnished shall, on payment of the full duty with which the instrument to which it relates is chargeable, be relieved from any penalty which he may have incurred under this Act by reason of the omission to state truly in such instrument any of the facts or circumstances aforesaid.

32. (1)When an instrument brought to the Collector under section 31, is, in his opinion, one of a description chargeable with duty, and—

(a) the Collector determines that it is already fully stamped, or

(b) the duty determined by the Collector under section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid 7[\* \* \*]

the Collector shall certify by endorsement on such instrument that that full duty (stating the amount) with which it is chargeable has been paid

' Subs, by W.P. Act II of 1964 for "eight annas."

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

Adjudication as  
to proper stamp.

(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 do not chargeable with duty, as the case may be; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acters upon and registered as if it had been originally duly stamped:

Provided that nothing in this section shall authorize the Collector to endorse-

(a) any instrument executed or first executed in '[Pakistan] and brought to him after the expiration of one month from the date of its execution or first execution, as the case may be;

(b) any instrument executed or first executed out of \*[Pakistan] and brought to him after the expiration of three months after it has been first received in >[Pakistan]; or

(c) any instrument chargeable with "[a duty not exceeding twenty-five paisa] or any bill of exchange or promissory note, when brought to him, after the drawing or execution thereof, on paper not duly stamped.

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

#### CHAPTER IV INSTRUMENT NOT DULY STAMPED

33. (1) Every person having by law or consent of par ties author-1 ity 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.

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

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

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

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

(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' [Pakistan] when such instrument was executed or first executed:

Provided that—

(a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898;

(b) in the case of a Judge of a High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court appoints in this behalf.

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

(a) 7[the Provincial Government] may determine [\* \* \*] what offices shall be deemed to be public offices; and

(b) [the Provincial Government] may determine who shall be deemed to be persons in charge of public offices.

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

35. 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 persons or by any public officer, unless such instrument is duly stamped:

Provided that—

' Subs. by the Central Laws (Statute Reforms Ordinance, 1960 (XXI of 1960).

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

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

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

5, Subs, by W.P. Act II of 1964, for "one anna or half an anna."

Special  
provision as to  
unstamped  
receipts.

Instruments not  
duly stamped  
inadmissible in  
evidence, etc.

(a) any such instrument not being an instrument chargeable with a duty

\*[not exceeding twenty-five paisa] only, or a bill of exchange or promissory note, shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument insufficiently stamped, of the amount required to make up such duty, together with a penalty of five-rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;

(b) where any person from whom a stamped receipt could have been demanded, has given an unstamped receipt and such receipt, if stamped, would be admissible in evidence against him, then such receipt shall be admitted in evidence against him on payment of a penalty of one rupee by the person tendering it;

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

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

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

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

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

' For modifications of this provision in respect of instruments to which the Stamps (Specified instruments) Act, 1924 (XIII

of 1924), applies see s. 3 of that Act.

2. Subs, by W.P. Act II of 1964, for "on" anna or half an anna""1899 Act.

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

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

Admission  
instrument

of

where not to be

questioned.

Admission  
improperly  
stamped

instrument

of

38. (1) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 35 or of duty as provided by section 37, he shall send to the Collector an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the Collector, or to such person as he may appoint in this behalf.

(2) In every other case, the person so impounding an instrument shall send it in original to the Collector.

39, (1) When a copy of an instrument is sent to the Collector under section 38, sub-section (1), he may, if he thinks fit [\* \* \*] 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]. (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 with a duty >[not exceeding twenty-five paisa] only or a bill of exchange or promissory note, he shall adopt the following procedure:—

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

(b) if he is of opinion that such instrument is chargeable with duty and is not duly stamped, he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees ; or, if he thinks fit, “[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:

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

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

\*\Subs, by W.P. Act II of 1964, for "one anna or half an anna".

4. Ins. by the Indian Stamp (Amendment) Act, 1904 (XV of 1904),

Instruments  
impounded how  
dealt with.

Collectors

power to refund  
penalty paid

under section  
38, such section

(1).

Collector's  
power to stamp  
instrument  
impounded.

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

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

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

42. (1) When the duty and penalty (if any) leviable in respect of any instrument have been paid under section 35, section 40 or section 41, the person admitting such instrument in evidence or the Collector, as the case, may be shall certify by endorsement there on 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 11, or as such person may direct:

Provided that—

(a) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 35, shall be so delivered before the expiration of one month from the date of such impounding, or

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

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

Instrument  
unduly stamped  
by accident.

Endorsement of  
instruments on  
which duty has

been paid under  
sections 35, 40  
or 41.

if the Collector has certified that its further detention is necessary and has not cancelled such certificate;

(b) nothing in this section shall affect the [Code of Civil Procedure], section 144, clause 3.

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

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the Collector that the offence was committed with an intention of evading payment of the proper duty.

44. (1) when any duty or penalty has been paid under section 35, section 37, section 40 or section 41, by any person in respect of an instrument, and, by agreement or under the provisions of section 29 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first mentioned person shall be entitled to recover from such other persons the amount of the duty or penalty so paid.

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

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

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

(2) Where, in the opinion of the \*[Chief Revenue Authority], stamp-duty in excess of that which is legally chargeable has been charged and paid under

<sup>1</sup> Now the Code of Civil Procedure, 1908(V of 1908).

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

Prosecution for  
offence against  
stamp-law.

Persons Paying  
duty or Penalty  
may recover

same in certain case.

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

section 35 or section 40, such authority may, upon application in writing made within three months of the order charging the same, refund the excess.

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

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

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

Provided that nothing herein contained shall relieve any person from any penalty or proceeding to which he may be liable in relation to such bill or note.]

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

## CHAPTER V ALLOWANCES FOR STAMPS IN CERTAIN CASES

49. Subject to such rules as may be made by the [Provincial Government] as to the evidence to be required, or the enquiry to be made, the Collector may, on application made within the period prescribed in section 50, and if he is satisfied

' Subs. by W. P. Act II of 1964.

>. The original words "G.G. in C.". have successively been amended by the Decentralization Act, 1914(IV of 1914)s.2andSch.. Pt- 1.A.0..1937andW.P. Ord. XL.VT of 1959.

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

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



as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely: —

(a) the stamp on any paper inadvertently and undesignedly spoiled, obliterated or by error in writing or any other means rendered unfit for the purpose intended before any instrument written thereon is executed by any person :

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

(c) in the case of bills of exchange '[payable otherwise than on demand] 7[\*\*\*] Or promissory notes —

(1) the stamp on °[any such bill of exchange] "[\*\*\*]  
signed by or on behalf of the drawer which hasnot  
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 \*[ \* \*] to be  
afterwards written there on :

(2) the stamp on any promissory note signed by or on  
behalf of the maker which has not been made use of  
in any manner whatever or delivered out of his hands:

(3) the stamp used or intended to be used for °[any such  
bill of exchange] '[ \* \* \*] 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 \*[\*\*\*], may have been presented for  
acceptance or accepted or endorsed, or, being a  
promissory note, may have been delivered to the pay  
provided that another completed and duly stamped  
bill of exchange °[ \* \* \*] or promissory note is  
produced identical in every particular, except in the

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

2 The word "cheques" rep. ibid.

3. Subs. for., I or any oil! of exchange."

4. "The words "or cheque" rep. ibid.

5. The words "or cheque" rep. by Act V of 1927.

®, Subs, ibid., for "any bill of exchange."

7 The words "or cheque" rep. by Act V of 1927.

8 The words "or cheque" rep. by Act V of 1927.

° The word "cheque" rep. *ibid.*

correction of such omission or error as aforesaid, with  
the spoiled bill ![\* \* \*] or note:

(d) \_ the stamp used for an instrument execute. by any party  
thereto which—

(1) has been afterwards found to be absolutely void in law from the  
beginning:

(2) has been afterwards found unfit, by reason of any error or mistake  
therein, for the purpose originally intended:

(3) by reason of the death of any person by whom it is necessary that it  
should be executed, without having executed the same, or of the  
refusal of any such person to execute the same, cannot be  
completed so as to effect the intended transaction in the form  
proposed:

(4) for want of the execution thereof by some material party, and his  
inability or refusal to sign the same, is in fact incomplete and  
insufficient for the purpose for which it was intended:

(5) by reason of the refusal of any person to act under the same, or to  
advance any money intended to be thereby secured, or by the refusal or  
non-acceptance of any office thereby granted, totally fails of the  
intended purpose:

(6) becomes useless in consequence of the transaction intended to be  
thereby effected being effected b] some other instrument between the  
same parties and bearing a stamp of not less value:

(7) is deficient in value and the transaction intended to be thereby effected  
has been effected by some other instrument between the same parties  
and bearing a stamp of not less value:

(8) is inadvertently and undersigned spoiled, and in lieu whereof another  
instrument made between the same parties and for the same purpose is  
executed and duly stamped:

Provided that, in the case of an executed instrument, no legal proceeding  
has been commenced in which the instrument could or would have been given or  
offered in evidence and that the instrument is given up to be cancelled.

| The word "cheque" rep. ibid.

Explanation—The certificate of the Collector under section 32 that the full duty with which an instrument is chargeable has been paid is an impressed stamp within the meaning of this section.

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

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

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

(3) in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within six months after the date of the instrument, or, if it is not dated, within six months after the execution thereof by the person by whom it was first or alone executed:

Provided that,—

(a) when the spoiled instrument has been for sufficient reasons sent out of '[Pakistan], the application may be made within six months after it has been received back in \*[Pakistan]:

(b) when, from unavoidable circumstances, any instrument for which another instrument has been substituted cannot be given up to be cancelled within the aforesaid period, the application may be made within six months after the date of execution of the substituted instrument.

51. The \*[Chief Revenue Authority] "[or the Collector if empo-u wered by the \*[Chief Revenue Authority] in this behalf] may, I- without limit of time, make allowance for stamped papers used for printed form of instruments "[by any banker or] by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said "[banker], company or body corporate; provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

52.

(a) When any person has inadvertently used, for an 3 instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, ora stamp of greater value than was necessary, or has

. Subs, by the Central Laws (Statute Reform) Ordinance, 1960,(XXIof 1960).  
. Subs, by the Central Laws (Statute Reform) Ordinance, 1960,(XXIof 1960).  
. Subs, by A.O 1961, for "Chief Controlling Revenue Authority".

-Ins. by the Decentralization Act, 1914 (TV of 1914) s.2 and Sch., Part 1.

. Subs, by A.O 1961, for "Chief Controlling Revenue Authority".

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

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

(b)

inadvertently used any stamp for an instrument not chargeable with any duty ; or

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 persons by whom it was first or alone executed, and upon the instrument, if chargeable with duty, being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

53. In any case in which allowance is made for spoiled or misused stamps, the

Collector may give in lieu thereof—

- (a) other stamps of the same description and value; or
- (b) if required and he thinks fit, stamps of any other description to the same amount in value; or,
- (c) at his discretion, the same value in money, deducting '[ten per centum of the value].

54. When any person is possessed of a stamp or stamps which have not been

spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the Collector shall repay to such person the value of such stamp or stamps in money, deducting? [ten per centum of the value] upon such person delivering up the same to be cancelled, and proving to the Collector's

satisfaction—

(a)

(b)

()

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.

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

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

Allowance for  
spoiled or  
misused stamps  
how to be  
made.

Allowance for  
stamps not  
required for  
use.

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

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

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

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

## CHAPTER VI REFERENCE AND REVISION

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

(2) If any Collector, acting under section 31, section 40 or section 41, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case, and refer it, with his own opinion thereon, for the decision of the "[Chief Revenue Authority].

(3) Such authority shall consider the case and send a copy of its-decision to the .Collector,, who shall proceed to assess and charge the duty (if any) in conformity with such decision.

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

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

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

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

Allowance on  
renewal of  
certain  
debentures.

Control of and

statement of,  
case to, Chief  
Revenue  
Authority.

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

?I(a) [\* \* \* \* \*]

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

58. 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. (1) The High Court [\* \* \*], upon the hearing of any such case, shall decide the questions raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded.

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

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

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

2. Del. by Khyber Pakhtunkhwa .A.L.O.1975.

3 Omitted W P. Act No.XVI of 1957.

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

5 The words "or chief Court" as amended by A.O. 1937. A.O., 1949 and Act XXVI of 1951 has been omitted by Ord. XXI 011960.2nd Sch. with effect from the 14th October, 1955.

© The words "or chief Court" as amended by A.O. 1937. A.O., 1949 and Act XXVI of 1951 has been omitted by Ord. XXI 011960.2nd Sch. with effect from the 14th October, 1955.

Statement of  
case by Chief  
Revenue  
Authority to  
High Court.

Power of High  
Court to call for

further  
particulars as to  
case stated.

Procedure in  
disposing of  
case stated.

Statement of  
case by other  
Court to High

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

(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 Revenue Authority] and another like copy of the judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

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

61. (1) When any Court in the exercise of its civil or revenue "jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898, makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 35, the Court to which appeals lie from, or reference are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 35, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

(3) When any declaration has been recorded under subsection (2), the Court recording the same shall send a copy there to the Collector, and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument.

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

Provided that —

1 The words "or chief Court" as amended by A.O. 1937. A.O., 1949 and Act XXVI of 1951 has been omitted by Ord. XXI 011960.2nd Sch. with effect from the 14th October, 1955.

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

Court.

Revision of  
certain

decisions of  
Courts  
regarding the  
sufficiency of  
stamp.

(a) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the Instrument under section 35, is paid to the Collector, unless he thinks that the offence was committed with an intention of evading payment of the proper duty:

(b)

---

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

## CHAPTER VII

### CRIMINAL OFFENCES AND PROCEDURE

62]. (1) Any person—

(a) drawing, making, issuing, endorsing or transferring, or signing otherwise than as a witness, or presenting for acceptance or payment, or accepting, paying or receiving payment of, or in any manner negotiating, any bill of exchange \*[payable otherwise than on demand] [\* \* \*] or promissory note without the same being duly stamped ; or

(b) executing or signing otherwise than as a witness any other instrument chargeable with duty without the same being duly stamped ; or

(c) voting or attempting to vote under any proxy not duly stamped; shall for every such offence be punishable with fine which may extend to five hundred rupees:

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.

| For modification of provisions in respect of instruments to which the Stamp (Specified Instruments) Act, 1924 (XII 1 of 1924) applies, see s. 3 of that Act.

>. Ins. by the Indian Finance Act, 1927 (V of 1927) s.5.3

3. The word "cheque" rep. ibid.

Penalty for

executing, etc,  
instrument non  
duly stamped.

63.

Any person required by section 12 to cancel an adhesive stamp, and failing to cancel such stamp in manner prescribed by that / section, shall be punishable with fine which may extend to one hundred rupees.

64.

(a)

(b)

()

65.

(a)

(b)

66.

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.

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.

Any person who—

(a) receives, or takes credit for, any premium or consideration for any contract of insurance and does not, within one month after receiving, or taking credit for, such premium or consideration,

make out and execute a duly stamped policy of such insurance: or

Penalty for  
failure to cancel  
adhesive stamp.

Penalty for  
omission to  
comply with  
Provisions of  
section 27.

Penalty  
forefusal to give  
receipt, and for  
devices to  
evade duty on  
receipts,

Penalty for not  
making out  
policy, or  
making one no  
duly stamped.

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

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

67. Any person drawing or executing a bill of exchange [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.

68. Any person who—

(a) with intent to defraud the Government of duty, draws, makes or issues any bill of exchange or promissory note bearing a date subsequent to that on which such bill or note is actually drawn or made; or

(b) knowing that such bill or note has been so post-dated endorses, transfers, presents for acceptance or payment, or accepts, pays or receives payment of, such bill or note, or in any manner negotiates the same; or

(c) with the like intent, practices or is concerned in any Act, contrivance or device not specially provided for by this Act or

any other law for the time being in force;

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

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

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

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

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

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

(b) any person not so appointed who sells or offers for sale any stamp other than ![five paisa, fifteen paisa, or twenty-five paisa revenue] adhesive stamp shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hindered rupees, or with both.

70. (1) No prosecution in respect of any offence punishable under this Act or any Act hereby repealed shall be instituted without the sanction of the Collector or such other officer as 7[the Provincial Government] generally, or the 3 [Collector] specially, authorizes in that behalf.

(2) The "[Chief Revenue Authority], or any officers 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.

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

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

## CHAPTER VIII SUPPLEMENTAL PROVISIONS

73. Every public officer having in his custody any registers, books, records, papers, documents or proceedings, the inspection whereof may tend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorized in writing by the Collector to inspect for such purpose the registers, books, papers, documents

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

2 Subs, by A.O. 1937, for "the Local Government".

3. Subs, by W.P. Ord. XLVI of 1959 for "Collecting Government".

4 Subs, by A.O. 1961, for "Chief Controlling Revenue-Authority".

5. The words "Presidency Magistrate or", omitted by A.O., 1949.

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

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

unauthorized  
sale.

Institution and  
conduct of  
prosecutions.

Jurisdiction of

Magistrates.

Place of trial.

Books, etc,  
be open  
inspection

to  
to

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

74. The [Provincial Government] \*[ \* \* ] may make rules for Power to make regulating— rules relating to sale of stamps.

- (a) the supply and sale of stamps and stamped papers,
- (b) the persons by whom alone such sale is to be conducted, and
- (c) the duties and remuneration of such persons:

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

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

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

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

176-A. %[ \* \* \* \* ] the Provincial Government, may by notification Delegation of in the Official Gazette delegate certain powers.

(a) all or any of the powers conferred on it by sections 2 (9), 33 (3) (b), 70 (1), 74 and 78 to the ?[Chief Revenue Authority] ; and

(b) all or any of the powers conferred on the !°[Chief Revenue Authority] by section 45 (1), (2), 56 (1) and 70 (2) to such

1 subs, by W.P. Ord. XLVI of 1959, for "Collecting Government".

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

\* Subs, by W.P. Act II of 1964, for "one anna or half an anna."

4 Subs, by W.P., Ord. XLVI of 1959, for Collecting Government.

5. See The Stamp Rules 1927.

6 Subs, by A.O. 1937.

7. Section 76-A inserted by Act, IV of 1914.

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

°. Subs by A.O, 196Jj for "Chief Controlling Revenue-authority. "

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

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

77. Nothing in this Act contained shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to court-fees.

78. Every '[Provincial Government] shall make provision for the sale of translations of this Act in the principal vernacular languages of the territories administered by it at a price not exceeding 7[twenty-five paisa] per copy.

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

#### APPENDIX

3["SCHEDULE-1"]

[see section-2]

#### STAMP DUTY ON INSTRUMENTS

Savings as to court-fees.

Act to be translated and sold cheaply.

#### [SEE SECTION-3]

Article Description of Instrument Proper Stamp

Number

1 2 3

1. ACKNOWLEDGEMENT of a debt exceeding twenty | Ten rupees.

rupees in amount of value, written or signed by, or on behalf of, a debtor in order to supply evidence of such debt in any book other than a banker's pass-book or on a separate piece of paper when such book or paper is left in the creditor's possession, provided that such acknowledgement does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.

2. ADMINISTRATTON BOND, including a bond given under section 291, 375 and 376 of the Succession Act, 1925, section 6 of the Government Saving Banks Act, 1873-

on a Bond (No. 15) on such amount.

(a) Where the amount does not exceed Rs.1000/- The same duty as

' Subs, by A.O. 1937.

2 Subs. by W.P. Act. H of 1964 for, "four annas ."

3. Schedule-I is substituted vide Khyber Pakhtunkhwa Act No.II of 2007.



(b)

In any other case.

One hundred and  
fifty rupees.

ADOPTION-DEED that is to say, any instrument

One hundred and

(other than a will) recording an adoption or conferring | fifty rupees

or purporting to confer any authority adopt.

ADVOCATE SEE ENTRY AS AN ADVOCATE

(NO. 30).

AFFIDAVIT, Including an affirmation or declaration in | 1{One Hundred  
the case of persons by law allowed to affirm or declare | and Fifty Rupees]

instead of swearing.

EXEMPTIONS

Affidavit or declaration in writing when made :-

as a condition of enrolment under the Indian  
army Act, 1911 (VII of 1911) or the Pakistan  
Army Act, (XXIX of 1951) or the Indian Air  
Force Act, 1932 (XIV of 1932) or the Pakistan  
Air Force Act, (VI of 1953);

(a)

(b) for the immediate purpose of being filed or  
used in any Court or before the officer of any  
Court; or

(c) for the sole purpose of enabling any person  
to receive any pension or charitable allowance.

AGREEMENT OR MEMBERADUM OF AN  
AGREEMENT-

(a) If relating to the sale of a bill of exchange,  
(b) If relating to the sale of Government security.  
(c) If relating to the sale of a share in an incorporated

Three rupees.

Two rupees for

every 310,000 rupees or part thereof of the value of the security, subject to a maximum of one hundred rupees.

Two rupees for

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXIX of 2022.

company or other body corporate.

(cc) If relating to the sale of immovable property.

(ccc) for collection or recovery of tax on transfer of immovable property by a contractor with a Local Council.

@

if not otherwise provided for.

#### EXEMPTIONS

(a) Agreement or Memorandum of an agreement for or relating to the purchase of or sale of goods or merchandise exclusively, not being a

NOTE or MEMORANDUM chargeable under No. 43;

Made in the form of tenders to the Federal Government for or relating to any loan.

(b)

AGREEMENT TO LEASE, see LEASE (No.35).

every rupees  
5000 or part  
thereof of the  
value of the  
share.

One hundred  
rupees,

Fifty paisa for  
every rupees one  
hundred or part  
thereof the  
amount of the  
contract.

Fifty rupees.

AGREEMENT RELATING TO DEPOSIT  
OF TITLE-DEEDS, PAWN OR PLEDGE, that is  
to say any instrument evidencing an agreement relating  
to-

(1) the deposit of title-deeds or instruments  
constituting or being evidence of the title to  
any property whatever (other than marketable

security), or

(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by any of loan or an existing or future debt,-

(a) \_ if such loan or debt is pay on demand or more than three months from the date of the instrument evidencing the agreement.

One-fifth of one percent, that is to say, 0.2% of the

(b)

(i) in the case of banking companies or

other financial institutions, when  
the entire finance is not based on  
interest; and

(ii) in any other case.

If such loan or debt is repayable not  
more than three months from the date of  
such instrument.

i)

in the case of banking  
companies or other financial  
institutions, when the entire  
finance is not based on  
interest; and

(ii) in any other case.

loan amount  
subject to a  
maximum of one  
hundred thousand  
rupees.

One-fifth of one  
percent, that is to  
say, 0.2% of the  
loan amount.

One-tenth of one  
percent, that is to  
say, 0.1% of the  
loan amount  
subject to a  
maximum of  
fifty thousand  
rupees.

One-tenth of one  
percent, that is to  
say 0.1% of the  
loan amount.

6(A) Allotment Order or Transfer of Allotment Order  
issued by a developer, builder, co-operative Society,  
housing society or housing authority, or any other  
body or organization providing open plots dwelling

houses or built up commercial premises;

(i) in respect of residential open plots. Rupees +[1200] per Marla.

(ii) in respect of commercial open plots.

Rupees [2000]  
per Marla.

6(B) Transfer of Allotment Orders before lease. one half of the

rates calculated  
according to the

<sup>1</sup> Substituted vide Khyber Pakhtunkhwa Act No. XXIX of 2022.

2. Substituted vide Khyber Pakhtunkhwa Act No. XXIX of 2022.

rats given in  
clause (A) above

**7. APPOINTMENT IN EXECUTION OF A POWER**

Where made by any writing not being a will-

- (a) of trustees. Seventy rupees.
- (b) of property, movable or immovable One hundred and fifty rupees.

**8. APPRAISEMENT OR VALUATION** made otherwise than

under an order of the Court in the course of a suit-

- (a) where the amount does not exceed Rs. 1,000;

At the rate of  
four percent.

- (b) in any other case. Rupees one hundred and fifty

**EXEMPTIONS**

(a) Appraisement of valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreements or operation of law.

(b) Appraisement of crop for the purpose of ascertaining the amount to be given to a landlord as rent.

**8-A Application made on plain paper.**

(i) For arms licences of non-prohibited bore. Three hundred rupees]

(ii) For arms licences of prohibited bore.

(iii) For form X and XII prescribed under the Arms Rules.

?[One thousand and Five hundred rupees]

3[Five thousand rupees].

**9. APPRENTICESHIP-DEED**, including \_ every

Rupees one

| Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.  
?. Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

3, Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.

writing relating to the service or tuition of any apprentice clerk or servant, placed with any master to learn any profession, trade or employment not being  
ARTICLES OF CLERKSHIP (No. 11)

#### EXEMPTION

Instrument of apprenticeship executed by a Magistrate under the Apprentices Act, 1850(XIX of 1850) or by which a person is apprenticed by or at the charge of any public charity.

hundred and fifty.

10.

#### ARTICLS OF ASSOCIATION OF A COMPANY

Deleted through  
Finance Act,  
2004.

11.

ARTICLES OF CLERKSHIP or contract whereby any person first becomes bound to serve as a clerk in order to his admission as an attorney in any High Court.

ASSIGNMENT See CONVEYANCE \_ (No.23), TRANSFER (No.62)AND TRANSFER OF LEASE (No.63), as the case may be ATTORNEY, See entry as an Attorney (No.30) and power of Attorney (No.48) AUTHORITY OF ADOPT See ADOPTION DEED (No.3).

One thousand rupees.

11(B)

AUTHINTICATED DECLARATIONS that is to say declarations of newspapers, periodicals or printing presses authenticated by a legally competent authority. Explanation I---The duty shall be paid by the declarant. Explanation I—The declaration shall not be authenticated unless the duty is paid.

Five thousand rupees per declaration

12

114A WARD;

(i) that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit; and

The same duty as on a Bond (No. 15), for the amount or value of the

property to which the award relates as set forth

in such award.

' substituted vide Khyber Pakhtunkhwa Act No.XXV of 2014.

(ii) directing partition.

Rs: 50.00 for  
every kanal or part  
thereof").

12(A) | BANK GUARANTEE" that is to say the guarantee | One rupee for  
to be issued by any schedule Bank. every one  
hundred rupees  
or part thereof of  
the value of the  
Guarantee.

12(B) | BILL OF ENTRY including goods declaration or any | Two hundred and  
documents relating to good declaration for the purpose | twenty five  
of custom clearance. rupees.

13. BILL OF EXCHANGE as defined by section 2(2) not  
being BOND, bank note or currency note-

(a) where payable otherwise than on demand  
by not more than one year after date or sight-

(i) if drawn singly Two rupees for  
every Rs.1000/-  
or part thereof of  
the amount of the  
Bill.

(ii) if drawn in set of two, for each part of | Rs.1.50/- for

the set. every Rs.1000/-or  
part thereof of the  
amount of the Bill

(iii) if drawn in set of three, for each part | One rupees for

oftheset every Rs.1000/-or  
part thereof of the  
amount of the  
Bill.

(b) Where payable more than one year after | 2.25 percent of the  
date or sight. amount of the bill.

14 BILL OF LADING (including a through bill of lading). | Ten rupees for

Note—If a bill of lading is drawn in parts, the  
proper stamp therefore must be borne by each one of the  
sets.

every one lac  
rupees or part  
thereof the value  
of the bill subject  
to minimum of

## EXEMPTION

(a) Bill of lading when the goods therein described are received at a place within the limits of any port as defined under the Ports Act, 1908, XV of 1908, and are to be delivered at another place within the limits of the same port.

(b) Bill of lading when executed out of Pakistan and relating to property to be delivered in Pakistan.

one hundred rupees.

15.

BOND as defined by section 2(5) not being a DEBENTURE (No.27) and not being otherwise provided for by this Act, or by the Court Fees Act. 1870.

(a) When covered by the category of bonds specified in such clauses (a) and (b) of section 2 (5) and issued by public sector corporations or by financial institutions approved by or under the regulatory control of the State Bank of Pakistan, the Federal Government or a Provincial Government.

(b) Other bond not covered by (a) above.

(i) Where the amount or value secured does not exceeds Rs.500/-

(ii) Where it exceeds Rs.500/-, for every additional amount of Rs.500/- or part thereof.

See ADMINISTRATION BOND (No. 2) BOTTOMRY BOND (No. 16) CUSTOMS BOND (No.26).

i. On first transaction at 0.33% of the amount or value secured.

ii. On each subsequent

transaction at  
0.15% of the  
amount or  
value secured.

[Thirty Rupees. ]

2(Thirty Rupees. ]

| Substituted vide Khyber Pakhtunkhwa Act No. XXIX of 2022.

2 \_ Substituted vide Khyber Pakhtunkhwa Act No. XXIX of 2022.

INDEMNITY BOND (No. 34) RESPONDENTIA  
BOND (No.56) SECURIY BOND(No.57)

EXEMPTION

Bond when executed by any person for the purpose of guaranteeing that the local income derived from private subscription to a Charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.

16. BOTTOMARY BOND, that is to say, any instrument | The same duty whereby the master of a sea going ship borrows money | as on a \_ Bond on the security of the ship to enable him to preserve the | (No,15) for the ship or prosecute her voyage. same amount.

17. CANCELLATION-Instrument of (including any Seventy five instrument by which any instrument previously rupees. executed is cancelled), if attested and not otherwise provided for.

See also RELEASE (No.55), REVOCATION OF SETTLEMENT (No.58-B), SURRENDER OF LEASE (No.61) REVOCATION OF TRUST (No.64-B).

18. CERTIFICATE OF SALE (in respect of each | Two percent of property put up as separate lot and sold) granted to | the consideration the purchaser of any property sold by public auction by | equal to the a Civil or Revenue Court, or Collector or other) amount of the Revenue Officer purchase money.

19. CERTIFICATE OR OTHER DOCUMENT | Thirty rupees. evidencing the right or title of the holder thereof, or any other person either to any shares, scrip or stock in or of any incorporated Company or other body corporate, or to become proprietor of shares, scrip or stock in or of any such company or body.

See also LETTER OF ALLOTMENT OF SHARES (No.36)

20. CHARTER PARTY, that is to say, any instrument One hundred (except an agreement for the hire of a tugsteamer) rupees for every whereby a vessel or some specified principal part one lac rupees or thereof is let for the specified purposes of the part thereof of the charterer, whether it includes a penalty clause or value of the charter not. party.

21. CHEQUE PAY ORDER OR BANK DRAFT. Deleted.

22. COMPOSITION DEED, that is to say, any instrument | Two hundred and

executed by a debtor whereby he conveys his property | fifty rupees.  
for the benefit of his creditors, or whereby payment of a  
composition or dividend on their debts is secured to the  
creditors, or whereby provision is made for the  
continuance of the debtor's business under the  
supervision of inspector or under letters of licence for the  
benefit of his creditors.

1122(A) | CONTRACT, that is to say any instrument of the nature  
of memorandum of agreement, made or entered into by  
a contractor with Government, a Corporation, Local  
Body, Local Authority, Agency or Organization set  
up or controlled by Federal Government or Provincial  
Government.

(a) to execute any work-

(i) where the amount does not exceed rupees | Two hundred and  
0.1 million; fifty rupees.

(ii) | where the amount exceeds rupees 0.1 | One thousand two  
million but does not exceed rupees one | hundred and fifty  
million; rupees.

(iii) | where the amount exceeds rupees one | Four thousand  
million but does not exceed rupees five | rupees.  
million;

(iv) — where the amount exceeds rupees five | Nine thousand  
million but does not exceed rupees ten | rupees.  
million; and.

(v) where the amount exceeds rupees ten | Forty thousand  
million: and rupees.

(b) to procure stores and materials. One rupee for

every one

hundred rupees  
(100.00) or part

thereof of the  
amount of the  
contract. ]

1 Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2021.

23.

CONVEYANCE as defined by section 2 (10) not being a TRANSFER charged or exempted under No.62,

(a) in case of agriculture.

(b) in case of immoveable property in an urban area

(c) In any other case

Explanation-I For the purpose of sub-article (b) (1)

"Urban area" shall mean-

(i) an area as defined under the West Pakistan Urban Immoveable Property Tax Act, 1958; and

(ii) any built up area including land situated within or adjoining such area, specified by notification by Government to be an urban area for the purpose of this clause.

(iii) For the purpose of sub-clause (ii) "built up area" shall mean land which is occupied as site of a building or enclosure and is not used for agricultural purposes or a purpose subservient to agriculture.

(iv) duty chargeable in respect of instrument relating to property in an urban area specified by the government under sub clause (i) shall be effective from the date such area is specified as urban area.

Explanation-I Any reference in schedule I to article 23 shall mean a reference to sub articles (a) and (c) only.

qd) "rural area" means an area not within the boundaries of a City, Municipality or Cantonment Board;

(2) "agricultural land" means any land in the

Two rupees for  
every one  
hundred rupees  
or part thereof  
of the value of  
land.

Two rupees for  
every one

hundred rupees  
or part thereof of  
the value of the

property.

Two rupees for  
every one  
hundred rupees  
or part thereof of  
the value of the

property.

rural area other than a village abadi or a town.

#### EXEMPTION

Assignment of copyright by entry made under the Copy Right Act, 1914, Section 5.  
CO-PARTNERSHIP-DEED, See PARTNERSHIP (No.46)

24.

COPY OR EXTRACT certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court fees.

(i) if the original was not chargeable with duty or if the duty with which it was chargeable does not exceed four rupees.

(ii) In any other case.

#### EXEMPTIONS

(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose;

(b) Copy of, or extract from, any register relating to births, baptisms, dedications, marriages (divorces), deaths or burials.

Three rupees.

Fifteen rupees.

25.

COUNTIERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid—

(a) If the duty with which the original instrument is chargeable does not exceed five rupees;

(b) In any other case.

#### EXEMPTION

Counterpart of any lease granted to a cultivator

when such lease is exempted from duty.

The same duty as  
is leviable on the  
original.

Twenty rupees.

26. CUSTOMS-BOND-

(a) where the amount does not exceed | The same duty  
Rs. 1,000 as on a Bond  
(No. 15) for such  
amount.

(b) in any other case. One hundred and  
twenty five  
rupees.

27. DEBENTURE OR PARTICIPATION One-Twentieth

CERTIFICATE OR TERM FINANCE of one percent,

CERTIFICATE OR ANY OTHER INSTRUMENT OF | that is to say.  
REDEEMABLE CAPITAL OTHER THAN A 0.05% of the  
COMMERCIAL PAPER. face value per  
(whether or not a mortgage debenture, a Participation | annum subject to  
Term Certificate, a Term Finance Certificate or any other | the maximum of  
instrument of redeemable capital), being a marketable | one million  
security transferable by endorsement or by separate | rupees.  
instrument of transfer or by delivery.

EXPLANATION. I The term "Debenture includes any  
interest coupons attached thereto, but the amount of such  
coupons shall not be included in estimating the duty.

EXPLANATION. II. The term "Participation Term  
Certificate" means an instrument or certificate of a  
specified denomination called the face value or nominal  
value, issued by a company for raising capital, the holder  
whereof participates in the profit and loss of the  
company over such period to such extent and on such  
conditions as may be specified at the time of its issue.

EXPLANATION. III. The term "Term Finance  
Certificate" means a fixed tenure instrument of  
certificate of a specified denomination called the face  
value or nominal value issued to raise capital by a body  
corporate in the form of transferable security.

28. DELIVERY ORDER IN- RESPECT OF | Tenrupees.

GOODS, that is to say, any instrument entitling any  
person therein named, or his assigns or the holder  
thereof, to the delivery of any goods lying in any dock or  
port, or in any ware house in which goods are stored or  
deposited on rent or hire, or upon any wharf, such  
instrument being signed by or on behalf of the owner of

such goods upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees.

DEPOSIT OF TITLE-DEED [See AGREEMENT relating to DEPOSIT OF TITLE-DEEDS PAWN OR PLEDGE \_ (No.6)]. DISSOLUTION OF PARTNERSHIP, See PARTNERSHIP (No.46).

29. DIVORCE.— Instrument of, that is to say, any | Fifty rupees. instrument by which any person effects the dissolution of his marriage.

DOWER. Instrument of See SETTLEMENT (No.58).

DUPLICATE- See COUNTERPART (No.25)

30. ENTRY AS ANADVOCATE, OR ATTORTY ON THE ROLL OF ANY HIGH COURT—under the Legal Practitioners and Bar Councils Act, 1965- One thousand and

(a) in the case of an Advocate five hundred rupees.

One thousand

(b) in the case of Attorney and five hundred

EXEMPTION rupees.

Entry of an Advocate or attorney on the role of any High Court when he has previously been enrolled in a High Court.

31. EXCHANGE OF PROPERTY---Instrument of-

(a) when executed in respect of agricultural land.

(b) when executed in\_ respect of immovable property in an Urban Area as defined in No.23.

Two rupees for  
every one  
hundred rupees  
of the value of  
the property of  
the greatest  
value.

Two rupees for  
every one  
hundred rupees

(c) In any other case.

EXTRACT See Copy (No.24).

of the value of  
the property of  
the greatest  
value.

Two rupees for  
every one  
hundred rupees  
of the value of  
the property of  
the greatest  
value.

31-A.

Financing document, that is to say, any instrument or set of instruments in the nature of sale and repurchase on markup basis agreement of letter of hypothecation or pledge, mortgage, memorandum of deposit of title deed, or deed of floating charge executed in favour of a banking company by any of its customers under any mode of finance not based on interest, in a single transaction.

i) Where the amount does not exceed  
Rs. 0.5 Million.

ii) Where the amount does not exceed  
Rs. 1.00 Million.

iii) Where the amount exceeds Rs. 1.00 Million,  
but does not exceed 10.00 Million.

iv) Where the amount exceeds Rs. 10.00  
Millions, but does not exceed 50.00 Millions

v) Where the amount exceeds Rs. 50.00  
Millions, but does not exceeds 100.00  
Million.

vi) Where the amount exceeds Rs. 100.00  
Millions but does not exceed 300.00 Million.

vii) Where the amount exceeds Rs. 300.00  
Millions but does not exceed 500.00  
Million.

0.2 percent

(Advalorem)

One thousand  
rupees.

Two thousand and  
five hundred  
rupees.

Ten thousand  
rupees.

Twenty five  
thousand rupees.

Thirty five  
thousand rupees.

Fifty thousand  
rupees.

viii) Where the amount exceeds Rs. 500.00

Millions.

One lac rupees.

32.

**FUTURE CHARGE**---Instrument of, that is to say, any instrument imposing a further charge on mortgaged property-

(a) when the original mortgage is one of the description referred to in clause (a) of Article No.40 (that is, with possession);

(b) when such mortgage is one of the description referred to in clause (b) of Article No.40 (that is, without

possession )—

(i) if at the time of execution of the instrument of further charge possession of the

property is given or agreed to be given under such instrument;

(ii) If possession is not given.

The same duty as on a Conveyance (No.23) for a consideration equal to the amount of the further charge secured by such instrument.

The same duty as on a Conveyance (No.23) for a consideration equal to the

total amount of the charge (including the original mortgage and any further charge already

made) less the  
duty already paid  
on such original  
mortgage and  
further charge.

The same duty  
as on a Bond  
(No. 15) for  
the amount of  
the further  
charge secured  
by such  
instrument.

33. GIFT-instrument of, not being a SETTLEMENT

(No.58) OR WILL OR TRANSFER (NO.62).

(a) (i) when executed in favour of legal heirs | 1.25 percent as in respect of Agricultural Land; set forth in such instruments.

(ii) in any other case, in respect of | Two rupees for Agricultural Land; every one hundred rupees or part thereof of the value of the property, as notified by the District Collector.

(b) other property (other than legal heir). Three percent of the value of the property, as

HIRING AGREEMENT or agreement of service, | notified by the

See AGREEMENT. (No.5) District Collector.

34. INDEMNITY BOND INSPECTION-DEED, See | The same duty as COMPOSITION-DEED (No.22). on a Security INSURANCE, See POLICY OE INSURANCE | Bond (No.57) for (NO.47) the same

amount.

35. LEASE, including an under lease or sub-lease and

any agreement let or sub-let-

(a) where by such lease the rent is fixed and no premium is paid or delivered—

(i) where the lease purports to be for a term of less than one year;

(ii) \_ where the lease purports to be for a term of not less than

The same duty as on a Bond (No. 15) for the whole amount payable or deliverable under such lease.

The same duty as

on a Bond (No.

one year but not more than  
three years;

(iii) | where the lease purports to be  
for a term in excess of three  
years, but not more than twenty

years;

(iv) \_ where the lease purports to be  
for a term in excess of twenty

years or in perpetuity;

where the lease does not  
purport to be for any definite  
term;

(vy)

(b)

where the lease is granted for money  
advanced and where no rent is reserved;

15) for the  
amount or value  
of the average  
annual rent  
reserved.

The same duty as  
on a Bond (No.  
15) for a  
consideration  
equal to the  
amount or value  
of the average  
annual rent  
reserved.

The same duty as  
on a Bond (No.  
15) for a  
consideration  
equal to the  
whole amount of  
rents which  
would be paid or  
delivered in  
respect of the  
first ten years of  
the lease.

The same duty  
as on a Bond  
(No. 15) for a  
consideration  
equal to the  
amount or value  
of the average  
annual rent  
which would be  
paid or  
delivered for the  
first ten years, if  
the lease  
continued so  
long.

The same duty  
as is leviable on

(o)

(i)

V)

where the lease is granted for a fine or premium and where no rent is reserved.

where the lease is granted for money advanced in addition to rent reserved.

a Conveyance (No.23) for a consideration equal to the amount of such advance as set forth in the lease.

The same duty as is leviable on a Conveyance (No.23) for a consideration equal to the amount of such fine or premium as set forth in the lease.

The same duty as is leviable on a Conveyance (No.23) for a consideration equal to the amount of advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no advance had been paid or delivered; provided that, in any case when an

agreement to  
leases is  
stamped with  
the  
advaloremstam  
p required for a

(ii) where the lease is granted for a fine or premium in addition to rent reserved.

#### EXEMPTION

Leases, executed in the case of a cultivator and for the purposes of cultivation (including a lease, of trees for the production of food or drink) without the payment or delivery of any fine or premium when a

lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed one hundred rupees.

The same duty as is leviable on a Conveyance (No.23) for a consideration equal to the amount of such fine or premium as set forth in the lease in addition to the duty which would have been payable on such lease if no fine or premium had been paid or delivered; provided that, in any case when an agreement to lease is stamped with the ad valorem stamp required for a lease and such agreement is subsequently executed, the duty on such lease shall not exceed one

hundred rupees.

definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

36. LETTER OF ALLOTMENT OF SHARES in any | Two rupees only. company or proposed company, or in respect of any loan to be raised by any company, or proposed company.

See also CERTIFICATE OR OTHER DOCUMENT (No. 19)

37 LETTER OF CREDIT, that is to say, the instrument including applications and agreements for opening letter of credit by which one person authorizes another to give credit to the person in whose favour it is drawn-

a) If the amount of letter of Credit does not exceed | One hundred Rs. 50,000; rupees.

b) — If the amount exceeds Rs. 50,000/- but does exceed | Two hundred Rs. 500,000; rupees.

co) for any amount exceeding Rs. 500,000/- Five hundred rupees.

LETTER OF GAURANTEE See agreement No.5

38. LETTER OF LICENCE, that is to say, any agreement | Seventy rupees. between a debtor and his creditor, that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.

39 MEMORANDUM OF ASSOCIATION OF A | Deleted through COMPANY- Finance Act, 2004

40 MORTGAGE-DEED, not being (an AGREEMENT

RELATING TO DEPOSIT OR TITLE DEEDS,  
PAWN OR PLEDGE (No.6), BOTTOMRY BOND  
(No.16), MORTGAGE OF A CROP (NO.41),  
RESPONDENTIA BOND (No.56) OR SECURITY  
BOND (No.57)-

(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given;

The same duty as on a Conveyance (No.23) for a consideration equal to the amount

(b) when possession is not given or agreed to be given as aforesaid;

Explanation:-A mortgagor who gives to the mortgage a power of attorney to collect rents or a lease of the property mortgaged or part thereof is deemed to give possession within the meaning of this article.

(c) When a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above mentioned purposes where the principal or primary security is duly stamped-

(i) for every sum \_ secured not

exceeding Rs. 1,000.

(ii) and for every Rs, | ,000 or part thereof secured in excess of Rs. 1,000.

d). i). Mortgage with banking companies, that is to say, simple or legal mortgage for banking companies or other financial institution, when the entire finance is not based on interest; and

ii). In any other case.

iii). Mortgage with banking companies - simple/ legal mortgage for banking companies.

secured by such deed

The same duty as on a Bond (No. 15) for the amount secured by such deed.

Fifteen rupees.

Fifteen rupees.

One-fifth of one percent, that is to say, 0.2% of the loan amount subject to a maximum of one

hundred thousand  
rupees.

One fifth of one  
percent, that is to  
say, 0.2% of the  
loan amount.

0.25% of the  
mortgage money.

41.

**MORTGAGE OF A CROP**, including any instrument  
evidencing an agreement to secure the payment of a loan  
made upon any mortgage of a crop, whether the crop is or

is not in existence at the time of mortgage-

(a) when the loan is repayable not more than three months from the date of the instrument;

for every Rs.200.00 or part thereof the sum secured

(b) when loan is repayable more than three months, but not more than eighteen months, from the date of instrument-for every Rs.100/- or part thereof of the sum secured.

One percent

One percent

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

See also PROTEST OF BILL OR NOTE (No.50)

43. NOTE OR MEMORANDUM SENT BY a broker or agent to his principal intimating the purchase or sale on account of such principal

(a) of any goods exceeding in value twenty rupees; Seven rupees.

(b) of any stock or marketable security exceeding in | Seven rupees for

value twenty rupees, not being a Government | every Rs. 5,000 or

Security; part thereof of the value of stock or security.

(c) of a Government Security. Three Rupees for every Rs.10,000/- or part thereof of the value of the security subject to a maximum of fifty Rupees.

44. NOTE OF PROTEST BY THE MASTER | 10 Rupees

OF A SHIP See also PROTEST BY MASTER OF A SHIP (No.51).

ORDER FOR THE PAYMENT OF MONEY See BILL OF EXCHANGE (No.13).



45.

PARTITION-instrument of [as defined by section  
2(15)]-

The same duty as  
on a Bond (No.  
15) for the  
amount of the  
value of the  
separated share or  
shares of the

property.

Explanation-

The largest share  
remaining after  
the property is  
partitioned (or if  
there are two or  
more shares of  
equal value and  
not smaller than  
any of the other  
shares than one of  
such equal shares)  
shall be deemed  
to be that from  
which the other  
shares are  
separated.

Provided always  
that—

(a) When an  
instrument of  
partition  
containing an  
agreement to  
divide property in  
severally is  
executed and a  
partition in  
pursuance of  
such agreement,  
the duty  
chargeable upon  
the instrument  
affecting such  
partition shall be



reduced by the amount of duty paid in respect of the first instrument but shall not be less than one hundred rupees.

(b) Where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue.

(c) Where a final order for effecting a partition passed by any Revenue Authority or any Civil court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, in pursuance of such order or award is subsequently executed, the duty on such

instrument shall  
not exceed one  
hundred rupees.

(d) When  
instrument of  
partition is  
executed in  
respect of  
agricultural land,  
the stamp duty  
shall be charged  
as one rupee

and twenty five

paisa for  
every one  
hundred rupees  
or part thereof of  
the value  
of such land.

**46. PARTNERSHIP-  
A-INSTRUMENT OF**

(a) where the capital of the partnership does not | One hundred  
exceed Rs. 10,000; and fifty rupees.  
(b) in any other case. Five hundred  
rupees.

**B-DISSOLUTION OF -**

**PAWN OF PLEDGE—See AGREEMENT Half of the  
RELATION TO DEPOSIT OF TITLE- stamp duty  
DEEDS PAWN OR PLEDGE (No.6) payable on original**  
**47 POLICY OF INSURANCE**

A-See INSURANCE (See section 7)—

dd) For each voyage--

(i) where the premium or consideration does not  
exceed the rate of 1/8 percent of the amount  
insured by the policy, for every full sum of  
Rs. 5,000 and also any fractional parts thereof  
insured by the policy;

If drawn singly.

If drawn in duplicate for each part.

Three rupees

Three rupees

(ii) in any other case, in respect of every full sum of Rs.2,000 and also any fractional part thereof insured by the policy.

If drawn singly. Three rupees

If drawn in duplicate for each part. Three rupees

(2) For time--

In respect of every full sum of Rs. 2,000 or part thereof insured by the policy—

(i) where the insurance shall be made for any time not exceeding six months;

If drawn singly. Three rupees.

If drawn in duplicate for each part. Three rupees

(ii) where the insurance shall be made for any time not exceeding six months and not exceeding twelve months.

If drawn singly. Three rupees

If drawn in duplicate for each part. Three rupees

B-FIRE-INSURANCE AND OTHER CLASSES OF INSURANCE NOT ELSEWHERE INCLUDED IN THIS ARTICLE COVERING GOODS, MERCHANDISE PERSONAL EFFECTS, CROPS AND OTHER PROPERTY AGAINST LOSS OR DAMAGE—

(1) In respect of an original policy--

(i) when the sum insured does not exceed | Five rupees.

Rs.5,000

(ii) in any other case; and Eight rupees.

(2) in respect of each receipt for any | One half of the payment of a premium on any renewal of an original | duty payable in

policy.

**C-ACCIDENT AND SICKNESS-INSURANCE-**

(a) Against railway accident, valid for a single journey only.

**EXEMPTION**

When issued to a passenger traveling by the intermediate or the third class in any railway.

(b) In any other case for the maximum amount which may become payable in the case of any single accident or sickness where such amount does not exceeds Rs. 2,000 and also where such amount exceeds Rs. 2,000 for every Rs. 2,000 or part thereof.

**D-INSURANCE BY WAY OF INDEMNITY-**

Against liability to pay damages on account of accidents to workmen employed by or under the insurer or against liability to pay compensation under the Workmen's Compensation Act, 1923, for every Rs.100 or part thereof payable as premium.

respect of the original policy in addition to the amount, if any, chargeable under No 53.

Three rupees

Three rupees; provided that, in case of a policy of insurance against death by accident when the annual premium payable does not exceed Rs. 3 per Rs. 1,000 the duty on such instrument shall be seven paisa for every Rs. 1,000 or part thereof of the maximum amount which may become

payable under it.

Three rupees.

E-LIFE INSURANCE OR OTHER INSURANCE  
NOT SPECIFICALLY PROVIDED FOR, except  
such a REINSURANCE as is described in  
Division of this article-

(i) for every sum insured not exceeding Rs.250; Three rupees

If drawn Singly Three rupees

If drawn in duplicate for each part.

(ii) for every sum insured exceeding Rs.250 but  
not exceeding Rs.500; Three rupees

If drawn Singly Three rupees

If drawn in duplicate for each part.

(iii) for every sum insured exceeding Rs. 500 but not  
exceeding Rs. 1,000 and also for every Rs. 1,000  
or part thereof in excess of Rs. 1,000. Three rupees

If drawn Singly Three rupees

If drawn in duplicate for each part.

#### EXEMPTION

Policies of life insurance granted by the Director  
General of Post Offices in accordance with rules for  
Postal Life Insurance issued under the authority of the  
Federal Government. One-half of the  
duty payable In

F-RE-INSURANCE BY AN — INSURANCE | respect of the  
COMPANY WHICH HAS GRANTED A | orginal insurance  
POLICY OF THE NATURESPECIFIED IN | but not less than  
DIVISION A OR DIVISION B OF \_ THIS | three rupees or  
ARTICLE WITH ANOTHER COMPANY BY | more than eight  
WAY OF INDEMNITY OR GUARANTEE | rupees.

AGAINST THE PAYMENT ON THE ORIGINAL  
INSURANCE OF A CERTAIN PART OF THE  
SUM INSURED THEREBY.

#### GENERAL EXEMPTION

Letter of cover or engagement to issue a policy  
of insurance:

Provided that, unless such letter or engagement bear  
the stamp prescribed by this Act for such policy

nothing shall be claimable thereunder, nor shall it be available for any purpose, except to compel the delivery of the policy therein mentioned.

48

POWER OF ATTORNEY as defined by section 2(21), not being a proxy (No.52)-

- (a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents.
- (b) When authorizing one person or more to act in a single transaction other than the case mentioned in clause (a), (e), (ee) and (eee).
- (c) When authorizing not more than five persons to act jointly and severally in more than one transaction or generally;
- (d) When authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;

[Six hundred rupees]

>[Six hundred rupees]

3[One thousand and five hundred rupees]

Nine hundred rupees.

- (ec) When given for consideration and authorizing the attorney to sell any immovable property.

(ee) \*[\*\*\*]  
(eee).

When given not for consideration and authorizing the attorney to sell any immovable property

(d) —In any other case.

EXPLANATION 1. For the purpose of this Article  
more person than one when belonging to the same firm

The same duty  
as is leviable on a  
Conveyance  
(No.23) for the  
amount of the  
consideration.

Two thousand  
rupees.

Fifteen rupees  
for each person  
authorized.

- 1 Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.
- 2. Substituted vide Khyber Pakhtunkhwa Act No. IX of 2016.
- 3, Substituted vide Khyber Pakhtunkhwa Act No.IX of 2016.
- 4 Deleted vide Khyber Pakhtunkhwa Act NO.XXV of 2014.
- 5, Deleted vide Khyber Pakhtunkhwa Act NO.XXV of 2014.

shall be deemed to be one person.

**EXPLANATION 2.** The term "Registration" includes every operation incidental registration under the Registration Act, 1908;

**49. PROMISSORY NOTE** [as defined by section 2(22)]—

(a) when payable on demand—

(i) when amount or value does not exceed | Thirty rupees rupees 2,50,000

(ii) when amount or value \_ exceeds | Sixty rupees

Rs. 2,50,000 but does not exceed

Rs. 5,00,000

(iii) in any other case One hundred rupees

(b) when payable otherwise than on demand, | One-fiftieth of including a commercial paper one percent,

that is to say,

0.02% per

annum of the

amount payable.

**50. PROTEST OF BILL OR NOTE**, that is to say, any | Fifteen rupees.

declaration in writing made by a Notary Public, or

other person lawfully acting as such, attesting the

dishonour of a Bill of Exchange for promissory note.

**51. PROTEST BY THE MASTER OF A SHIP**, that is to | Fifteen rupees

say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.

See also NOTE OF PROTEST BY THE  
MASTER OF A SHIP(No.44).

52.

PROXY empowering any person to vote at any one election of the members of a district or local board or of a body of municipal commissioners, or at any one meeting of (a) members of an incorporated company or other body corporate whose stock or funds is or are divided into shares and transferable; (b) a local authority, or (c) proprietors, members or contributors to the funds of any institution.

Ten rupees.

53.

RECEIPTS as defined by section 2(23) for any money or other property the amount or value of which exceeds twenty rupees.

(a) where such amount does not exceed Rs. 2,000;

(b) where such amount exceeds Rs.2,000 but does not exceed Rs. 10,000;

(c) where such amount exceeds Rs. 10,000.

#### EXEMPTIONS

RECEIPT—

(a) endorsed on or contained in any instrument duly stamped or any instrument exempted under the proviso to section 3 (instruments executed on behalf of the Government) or any cheque or bill of exchange payable on demand acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal-money interest or annuity, or other periodical payment thereby secured;

(b) for any payment of money without consideration;

(c) for any payment of rent by a cultivator on account of land assessed to Government revenue;

[Five rupees]

?[Six rupees]

3[Fifteen rupees]

1 Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2021.

2 Substituted vide Khyber Pakhtunkhwa Act No. Xill of 2021.

3 Substituted vide Khyber Pakhtunkhwa Act No. XIII of 2021.

(d) for pay or allowances by non-commissioned or petty officer; soldiers, sailors airmen of the armed forces of Pakistan/ Pakistan military, naval or air forces when serving in such capacity, or by mounted police-constables;

(e) given by holders of family certificates in cases where the person from whose pay or allowances the sum comprised in the receipt has been assigned as a noncommissioned or petty officer, soldier, sailor or airmen or any of the said forces and serving in such capacity;

(f) for pensioners or allowances by persons receiving such pensions or allowances in respect of their services as such non-commissioned or petty officers, soldiers, sailors or airmen, and not serving the State in any other capacity;

(g) given by a headman or lambardar for land-revenue or taxes collected by him;

(h) given for money or securities for money deposited in the hands of any banker, to be accounted for:

Provided that the same is not expressed to be received of, or by the hand of, any other than the person to whom the same is to be accounted for: Provided also that this exemption shall not extend to receipt or acknowledgment for any sum paid or deposited for, or upon a letter of allotment of a share, or in respect of a call upon any scrip or share of, or in, any incorporated company or other body corporate or such proposed or intended company or body or in respect of a debenture being a marketable security.

See also POLICY OF INSURANCE [No.47-B (2)].

#### 54. RE-CONVEYANCE OF MORTGAGE PROPERTY—

(a) if the consideration for which the property | The same duty was mortgaged does not exceed Rs. 1,000; as on a Bond (No. 15) for the amount of such consideration as set forth in the re-

conveyance.

(b) in any other case.

One hundred And  
thirty rupees,

55. RELEASE, that is to say, any instrument (not being such | The same duty arelease as is provided for by section 23-A) whereby | as on a Bond a person renounces a claim upon another person or | (No. 15) for such against any specified property. amount of the

claim or value of  
the property.

56. RESPONDENTIA BOND, that is to say, any | The same duty instrument securing a loan on the cargo laden or to be | as on a Bond. laden on board a ship and making repayment contingent | (No. 15) for the on the arrival of the cargo at the part of destination. amount of the REVOCATIONOFARMYTRUST OR | loan secured.  
SETTLEMENT.

See settlement (No.58) Trust (No. 64).

57. SECURITY BOND OR MORTGAGE-DEED

executed by way of security for the due execution of an office, or to account for money or other property received by virtue thereof or executed in favour of a Court for the due discharge of a contingent liability or executed by a surety to secure the due performance of a contract—

(a) when the amount secured does not

exceed Rs. 1,000

(b) in any other case.

#### EXEMPTIONS

Bond or other instrument, when executed

by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem;

(a) under No. 3-A of the rules made by the Provincial Government under section 70 of the Sindh Irrigation Act, 1879;

(b) \_ executed by persons taking advance under the Land Improvement Loans Act, 1883. or the West

The same duty

as on a Bond  
(No. 15) for the  
amount secured.  
One hundred and  
thirty rupees.

Pakistan Agriculture Loans Act, 1958, or by their sureties, as security for repayment of such advance;

(c) \_ executed by servants of the State of their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.

58.

**SETTLEMENT-**

A-Instrument of (including a deed of dower)—

(i) where the settlement is made in favour of legal heirs in respect of agricultural land.

(ii) where the settlement is made for a religious or charitable purpose.

(iii) in any other case.

Two rupees for  
every one  
hundred rupees  
or part

thereof of the  
value of the  
property settled.

Two rupees for  
every one  
hundred rupees  
or part thereof  
of the value of  
the property  
settled.

The same  
duty as is  
leviable on a  
Conveyance  
(No.23) for a  
consideration  
equal to the  
amount or value  
of the property  
settled;

Provided that,  
where an  
agreement to

settle is stamped  
with the stamp  
required for an  
instrument of  
settlement, and

an instrument of  
settlement in  
pursuance of  
such agreement is  
subsequently  
executed, the  
duty on such ,  
instrument shall  
not exceed one  
hundred rupees:

Provided further  
that where an  
instrument of  
settlement contains  
any provision  
for the  
revocation of  
the settlement, the  
amount or value  
of the property  
settled shall, for  
purposes of duty,  
be determined as  
if no such  
provision were  
contained in  
the instrument.

The same duty  
as is leviable on a  
Conveyance  
(No.23) for a  
consideration  
equal to the  
amount or value  
of the property  
concerned, as set  
forth in the  
Instrument of  
Revocation but  
not exceeding  
one hundred  
rupees.

#### **EXEMPTION**

Deed of dower execution on the occasion of a marriage  
between Muslims.

**B-REVOCATION OF-**

See also TRUST (No.64)

59. SHARE WARRANTS to bearer issued under the | One and half  
Companies Act, 1913. times the duty  
payable on a  
Bond (No. 15) for  
a consideration  
equal to the  
nominal amount  
of the shares  
specified in the  
warrant.

**EXEMPTIONS**

Share warrant when issued by a company in pursuance  
of the Companies Act, 1913, section 30 to have effect  
only upon payment, as composition for that duty, to  
the Collector of Stamp-revenue-of—

- (a) One and a half per centum of the whole  
subscribed capital of the company; or
- (b) If any company which has paid the said duty or  
composition in full subsequently issues an  
addition to its subscribed capital one and a half  
per centum of the additional capital so issued.

SCRIP, See Certificate (No.19).

60. SHIPPING ORDER for or relating to the conveyance | Ten rupees  
of goods on board of any vessel.

**61. SURRENDER OF LEASE-**

(a) when the duty with which the lease is | The duty with  
chargeable does not exceed Thirty rupees. which lease is  
chargeable.

(b) in any other case.

**EXEMPTION**

One hundred and  
thirty rupees.

Surrender of lease, when such lease is exempted from duty.

62.

TRANSFER (whether with or without consideration)-

(a)

(b)

(a)

(e)

of shares in an incorporated company or other body corporate;

of Debenture or Participation Term Certificate- or Term Finance Certificate or any other instrument of redeemable capital (other than Commercial paper), whether mortgaged or not, being a transferable security, whether liable to duty or not except as provided for by section 8; and

of any interest secured by a bond, mortgage-deed or policy of insurance-

(i) if the duty on such bond, mortgage-deed or policy does not exceed twenty rupees,

(ii) in any other case

of any property under the Administrator-

General Act, 1913, section-31;

of any trust property without consideration from

one trustee to another trustee or from a trustee to a beneficiary.

## EXEMPTIONS

Transfers by endorsement—

(a) of a bill of exchange, cheques or promissory note;

(b) of a bill of lading, delivery order, warrant for goods

or other mercantile document of title to goods;

One-fourth of the duty, payable on a Conveyance (No.23) for a consideration equal to the value of the share.

One-tenth of one percent, that is to say, 0.1 % of the face value of the instrument.

The duty with which such bond, mortgage-deed or policy of insurance is chargeable.

Seventy rupees

Seventy rupees.

Thirty rupees or such smaller amount as may be chargeable under clauses (a) to (c) of this Article.

- (c) of a policy of insurance;
- (da) of securities of the Federal Government.

See also Section 8—

63.

TRANSFER OF LEASE by way of assignment and not  
by way of under lease

**EXEMPTION**

Transfer of any lease exempt from duty.

The same duty as  
is leviable on a  
Conveyance  
(No.23) for a  
consideration  
equal to the  
amount of the  
consideration for  
the transfer.

64.

**TRUST---**

A—DECLARATION OF— of, or concerning, any  
property when made by any writing not being a WILL.

B-REVOCATION OF — of, or concerning any  
property when made by any instrument other than a  
WILL.

See also SETTLEMENT (No. 58).

VALUATION. See APPRAISEMENT (No. 8).

The same duty as  
on a Bond (No.  
15) for a sum  
equal to the  
amount or value  
of the property  
concerned as set  
forth in the  
instrument but not  
exceeding one  
hundred rupees.

The same duty as  
on a Bond (No.  
15) for a sum  
equal to the  
amount or value

of the property  
concerned as set  
forth in the  
instrument but not  
exceeding one  
hundred rupees.

65.

WARRANT FOR GOODS, that is to say, any  
instrument evidencing the title of any person therein  
named, or his assignee, or the holder or thereof to the

Ten rupees.

property in any goods lying in or upon any dock ware  
house or wharf, such instrument; being signed or  
certified by or on behalf of the person in whose custody  
such goods may be.