

ASSAM ACT VI OF 1971

(Received the assent of the Governor on the 26th February, 1971)

THE INDIAN STAMP (ASSAM AMENDMENT) ACT, 1970

[Published in the Assam Gazette, Extraordinary, dated the 4th March, 1971]

An
Act*further to amend the Indian Stamp Act, 1899, in its application to Assam.*

Preamble WHEREAS it is expedient further to amend the Indian Stamp Act, 1899, hereinafter called the principal Act, in its application to Assam, in the manner hereinafter appearing ;

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Indian Stamp (Assam Amendment) Act, 1970.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Amendment of Schedule I of Act II of 1899. 2. In Schedule I to the principal Act—
(1) for items Nos. 1-10, 12, 15-20, 22-26, 28, 29, 31-36, 38-46, 48, 50-51, 54-61 and 63-65, the following shall be substituted, namely:—

Description of instrument

Proper stamp-duty

“1. **ACKNOWLEDGEMENT** of a debt exceeding twenty rupees in amount or value, written or signed by or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a 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 good or other property.

Twenty-five paise.

Description of instruments

Proper stamp-duty

2. **ADMINISTRATION-BOND** including a bond, given under section 6 of the Government Savings Banks Act, 1873, or section 291 or section 376 of the Indian Succession Act, 1925—

Act V of
1873.

Act
XXXIX of
1925.

- (a) where the amount does not exceed Rs.1,000 ; The same duty as a Bond (No. 15) for such amount.
- (b) in any other case. Sixteen rupees fifty paise.

3. **ADOPTION-DEED**, that is to say, any instrument (other than a Will), recording an adoption, or conferring or purporting to confer an authority to adopt.

Thirty-three rupees

4. **AFFIDAVIT**, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.

Three rupees thirty paise.

Exemptions

Affidavit or declaration in writing when made—

- (a) as a condition of enlistment under the Indian Army Act, 1950 ;
- (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.

Act XLVI
of 1950.

5. AGREEMENT OR MEMO. RANDOM OF AN AGREEMENT +

- (a) if relating to the sale of a bill of exchange ; Fifty paise.

- (b) if relating to the sale of a Government security ; Subject to a maximum of forty-four rupees, thirty paise for every Rs.10,000 or part thereof of the value of the security.

Description of instrument	Proper stamp duty
(c) if relating to the purchase or sale of shares, scrips, stocks, bonds, debentures, debenture stocks or any other marketable security of a like nature in or of any incorporated company or other body corporate—	
(i) when such agreement or memorandum of an agreement is with or through a member or between members of a Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956 ;	Twenty paise for every Rs.2,500 or part thereof of the value of the security at the time of its purchase or sale, as the case may be. ^{Act XLII of 1956.}
(ii) in other cases ;	Forty-five paise for every Rs.2,500 or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
(d) if executed for service or for performance of work in any estate whether held by one person, or by more persons than one as co-owners, and whether in one or more blocks, and situated in Assam, where the advance given under such agreement does not exceed fifty rupees ;	Thirty paise.
(e) if not, otherwise provided for	Two rupees * twenty paise.

Exemptions

AGREEMENT FOR MEMORANDUM OF AGREEMENT—

- (a) for or relating to the sale of goods or merchandise exclusively, not being a note or memorandum chargeable under No.43 ;
- (b) made in the form of tenders to the Government of India for or relating to any loan.

Description of instrument

Proper stamp-duty

AGREEMENT TO LEASE—

Lease (No.35).

6. 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 a marketable security), or

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

(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement,—

if the amount of loan does not exceed Rs. 500 ;

Two rupees seventy-five paise.

if it exceeds Rs. 500 and does not exceed Rs. 1,000 ;

Five rupees fifty paise,

and for every Rs. 1,000 or part thereof in excess of Rs. 1,000 ;

Five rupees fifty paise.

(b) if such loan or debt is repayable not more than three months from the date of such instrument.

Half the duty payable under sub-clause (a).

Description of instrument

Proper stamp-duty

Exemptions

Instrument of pawn or pledge of goods if unattested.

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

(a) where the value of the property does not exceed Rs. 1,000 ; Twenty-seven rupees fifty paise.

(b) in any other case. Forty-nine rupees fifty paise.

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 ; The same duty as a Bond (No.15) for such amount.

(b) in any other case. Sixteen rupees fifty paise.

Exemptions

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

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

9. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment. Sixteen rupees fifty paise

Exemptions

Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1961, or by, which a person is apprenticed by or at the charge of, any public charity.

Act LII of
1961.

Description of instrument

Proper stamp-duty

10. ARTICLES OF ASSOCIATION OF A COMPANY—

- | | |
|--|-------------------------------------|
| (a) where the company has no share capital or the nominal share capital does not exceed Rs.2,500 ; | Forty-one rupees twenty-five paise. |
| (b) where the nominal share capital exceeds Rs. 2,500 but does not exceed Rs. 5,000 ; | Fifty-five rupees. |
| (c) where the nominal share capital exceeds Rs. 5,000 but does not exceed Rs. 1,00,000 ; | Eighty-two rupees fifty paise. |
| (d) where the nominal share capital exceeds Rs.1,00,000 ; | One hundred sixty-five rupees. |

Exemptions

Articles of any Association not formed for profit and registered under section 25 of the Companies Act, 1956.

See also Memorandum of Association of a Company (No.39).

Act I of
1956.

ASSIGNMENT—See Conveyance (No.23), Transfer (No.62), and Transfer of lease (No.63), as the case may be.

ATTORNEY—See Power-of-attorney (No.48).

AUTHORITY TO ADOPT—See Adoption-deed (No.3).

12. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit.

The same duty as a Bond (No.15) for the amount or value of the property to which the award relates as set forth in such award subject to a maximum of eighty-two rupees fifty paise.

Description of instrument

Proper stamp-duty

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—

where the amount or value secured does not exceed Rs.10 ;

Thirty paise.

Act VII of 1870.

where it exceeds Rs.10 and does not exceed Rs.50 ;

Fifty-five paise.

where it exceeds Rs.50 and does not exceed Rs.100 ;

One rupee ten paise.

where it exceeds Rs.100 and does not exceed Rs.200 ;

Two rupees and seventy-five paise.

where it exceeds Rs.200 and does not exceed Rs.300 ;

Four rupees and fifteen paise.

where it exceeds Rs.300 and does not exceed Rs.400 ;

Five rupees and fifty paise.

where it exceeds Rs.400 and does not exceed Rs.500 ;

Seven rupees and forty-five paise.

where it exceeds Rs.500 and does not exceed Rs.600 ;

Nine rupees and ninety paise.

where it exceeds Rs.600 and does not exceed Rs.700 ;

Eleven rupees and fifty-five paise.

where it exceeds Rs.700 and does not exceed Rs.800 ;

Thirteen rupees and twenty paise.

where it exceeds Rs.800 and does not exceed Rs.900 ;

Fourteen rupees and eighty-five paise.

where it exceeds Rs.900 and does not exceed Rs.1,000 ;

Sixteen rupees and fifty paise.

and for every Rs.500 or part thereof in excess of Rs.1,000.

Eight rupees and twenty-five paise.

See Administration Bond (No.2), Bottomry Bond (No.16) Customs Bond (No.26), Indemnity-Bond (No.34), Respondentia Bond (No.56), Security Bond (No.57).

Description of instrument

Proper stamp-duty

Exemptions

Bond, when executed by—

- (a) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act;

Bengal Act
III of 1876.

- (b) any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.

16. **BOTTOMRY BOND**, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of a ship to enable him to preserve the ship or prosecute her voyage—

The same duty as a Bond (No.15) for such amount.

17. **CANCELLATION**, instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.

Sixteen rupees fifty paise.

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 property put up as a separate lot and sold), granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer—

- (a) where the purchase-money does not exceed Rs.10 ;

Forty-five paise.

- (b) where the purchase-money exceeds Rs.10 but does not exceed Rs.25;

Eighty-five paise.

- (c) in any other case ...

The same duty as a Conveyance (No.23), for a consideration equal to the amount of the purchase-money only.

19. CERTIFICATE OR OTHER DOCUMENT, 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 any such company or body.

Thirty paise.

See also LETTER OF ALLOT-
MENT OF SHARES (No.36)

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

Three rupees and thirty paise.

22. COMPOSITION-DEED, that is to say, any instrument executed by a debtor, whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors.

Thirty three rupees.

23. CONVEYANCE [as defined by section 2 (10)], not being a Transfer charged or exempted under No. 62—

where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs.50 ;

One rupee and thirty paise.

where it exceeds Rs. 50 but does not exceed Rs.100 ;

Two rupees and fifty paise.

where it exceeds Rs. 100 but does not exceed Rs. 200 ;

Four rupees and ninety-five paise.

where it exceeds Rs. 200 but does not exceed Rs. 300 ;

Seven rupees and forty-five paise.

where it exceeds Rs. 300 but does not exceed Rs. 400 ;

Nine rupees and ninety paise.

where it exceeds Rs. 400 but does not exceed Rs. 500 ;

Twelve rupees and forty paise.

Description of instrument	Proper stamp-duty
where it exceeds Rs. 500 but does not exceed Rs. 600 ;	Fourteen rupees and eighty-five paise.
where it exceeds Rs. 600 but does not exceed Rs. 700 ;	Seventeen rupees and thirty-five paise.
where it exceeds Rs. 700 but does not exceed Rs. 800;	Nineteen rupees and eighty paise.
where it exceeds Rs. 800 but does not exceed Rs. 900.	Twenty-two rupees and thirty paise.
where it exceeds Rs. 900 but does not exceed Rs. 1,000 ;	Twenty-four rupees and seventy-five paise.
for every Rs. 500 or part thereof in excess of Rs. 1,000.	Twelve rupees and forty paise.
where it exceeds Rs. 50,000 but does not exceed Rs. 90,000.	Thirty-three rupees for every one thousand rupees.
where it exceeds Rs. 90,000 but does not exceed Rs. 1,50,000.	Forty-four rupees for every one thousand rupees.
and where it exceeds Rs. 1,50,000	Fifty-five rupees for every one thousand rupees.

Provided that where the "instrument" or the conveyance is in respect of an Industrial Loan, certified as such by the Director of Industries, Assam, the stamp duty shall be half of the above rate

Exemption

Assignment of copyright under the Indian Copyright Act, 1957.

CO-PARTNERSHIP DEED—*see* Partnership (No. 46).

Act XIV of 1957.

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 one rupee ; One rupee and sixty-five paise.

Description of instrument	Proper stamp-duty
(ii) if any other case not falling within the provisions of section 6A.	Three rupees and thirty paise.

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, namings, dedications, marriages, divorces, deaths or burials.

25. COUNTERPART OR DUPLICATE, of any instrument, chargeable with duty and in respect of which the proper duty has been paid—

- (a) if the duty with which the original instrument is chargeable does not exceed two rupees ; The same duty as is payable on the original.
- (b) in any other case not falling within the provisions of section 6A. Three rupees and thirty paise.

Exemption

Counterpart of any lease granted to a cultivator, when such lease is exempted from duty.

26. CUSTOMS-BOND—

- (a) where the amount does not exceed Rs.1,000 ; The same duty as Bond (No.15) for such amount.
- (b) in any other case ... Twenty-two rupees,

28. DELIVERY ORDER IN RESPECT OF GOODS, that is to say, any instrument entitling any person therein named, or his assigns or the holder thereof, to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored

Twenty-five paise.

Description of instrument

) r s p e r stamp-duty

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 DEEDS.—

See Agreement relating to Deposit of Title deeds, Pawn or Pledge (No.6).

DISSOLUTION OF PARTNERSHIP— See Partnership (No.46).

29. **DIVORCE.**—Instrument of, Eleven rupees.
that is to pay, any instrument by which any person effects the dissolution of his marriage.

DOWER.—Instrument of. See Settlement (No.58).

DUPLICATE.—See Counterpart (No.25).

31. **EXCHANGE OF PROPERTY.**—Instrument of.

The same duty as conveyance (No.23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.

EXTRACT.—See Copy (No.24).

32. **FURTHER CHARGE.**—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—

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

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

Description of instrument

Proper stamp-duty

(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;

The same duty as 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.

(ii) if possession is not so given.

The same duty as 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).

The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.

HIRING AGREEMENT—or agreement for service, *See* Agreement (No. 5).

34. INDEMNITY BOND.

INSPECTORSHIP DEED,
See Composition-Deed (No.22).

The same duty as a Security Bond (No.57) for the same amount.

35. LEASE—including an under-lease or sub-lease and any agreement to let or sub-let:—

(a) whereby 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;

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

(ii) where the lease purports to be for a term of not less than one year but not more than five years;

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

Description of instrument	Proper stamp-duty
(iii) where the lease purports to be for a term exceeding five years, and not exceeding ten years;	The same duty as a conveyance (No.23) for a consideration equal to the amount or value of the average annual rent reserved.
(iv) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years;	The same duty as a Conveyance (No. 23) for a consideration equal to twice the amount or value of the average annual rent reserved.
(v) where the lease purports to be for a term exceeding twenty years, but not exceeding thirty years ;	The same duty as a Conveyance (No.23) for a consideration equal to three times the amount or value of the average annual rent reserved.
(vi) where the lease purports to be for a term exceeding thirty years, but not exceeding one hundred years ;	The same duty as a Conveyance (No. 23) for a consideration equal to four times the amount or value of the average annual rent reserved.
(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity ;	The same duty as a Conveyance (No. 23) for a consideration equal in the case of a lease granted solely for agricultural purposes to one-tenth and in any other case to one-sixth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.
(viii) where the lease does not purport to be for any definite term;	The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.
(b) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved;	The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.

Description of instrument

Proper stamp-duty

- (c) where the lease is granted for a fine or premium, or for money advanced in addition to rent reserved. The same duty as a Conveyance (No.23) for a consideration equal to the amount or value of such fine or premium, or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered :

Provided that, in any case when an agreement to lease is stamped with the advalorem stamp required for a lease, and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed one rupee and thirty paise.

Exemption

Lease, executed in the case of a cultivator and for the purpose of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.

In this exemption a lease for the purpose of cultivation shall include a lease of lands for cultivation together with a homestead or tank.

Explanation—When a lessee undertakes to pay any recurring charge, such as Government revenue, landlord's share of cesses, or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amounts so agreed to be paid by the lessee shall be deemed to be part of the rent.

36. LETTER OF ALLOTMENT OF SHARES, in any company or proposed company, or in respect of any loan to be raised by any company or proposed company. Thirty paise.

See also **CERTIFICATE OR OTHER DOCUMENT (No.19)**

38. LETTER OF LICENSE, that is to say any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion. Twenty-two rupees.

39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

(a) if accompanied by articles of association under section 26 of the Companies Act, 1956 ; Sixty-six rupees. Act I of 1956.

(b) if not so accompanied—

(i) where the nominal share capital does not exceed one lakh of rupees ; One hundred sixty-five rupees.

(ii) where the nominal share capital exceeds one lakh of rupees. Two hundred seventy-five rupees.

Exemption

Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956.

Act I of 1956.

40. MORTGAGE-DEED, not being an Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No.6), Bottomry Bond (No.16), Mortgage of a Crop (No.41), Respondentia Bond (No.56), or Security Bond (No.57).

(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given ; The same duty as a Conveyance (No.23) for a consideration equal to the amount secured by such deed.

Description of instrument	Proper stamp-duty
(b) when possession of the property or any part of the property comprised in such deed is not given by the mortgagor nor agreed to be given ;	The same duty as a Bond (No.15) for the amount secured by such deed.
<p>Explanation—A mortgagor who gives to the mortgagee a power of attorney to collect rents or a lease of the property mortgaged or part thereof is deemed to give possession within the meaning of this article ;</p>	
(c)(i) When a collateral or auxiliary or additional or substituted security, or by way of further assurance for the above mentioned purpose where the principal or primary security is duly stamped for every sum secured not exceeding Rs.1,000;	One rupee and sixty-five paise.
(ii) and for every Rs. 1,000 or part thereof secured in excess Rs. 1,000.	Two rupees.

Exemptions

(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturist's Loans Act, 1884, or by their sureties as security for the repayment of such advances.

Act XIX of 1883.

Act XII of 1884.

(2) Letter of hypothecation accompanying a bill of exchange.

41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage—

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

for every sum secured not exceeding Rs.200; and Thirty paise.

for every Rs. 200 or part thereof secured in excess Rs.200 ; Forty paise.

Description of instrument

Proper stamp-duty

- (b) when the loan is repayable more than three months, but not more than eighteen months from the date of instrument—

for every sum secured not exceeding Rs.100; and Forty-five paise.

for every Rs.100 or part thereof secured in excess of Rs.100. Forty-five paise.

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

Three rupees and thirty paise.

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; Fifty-five paise.

- (b) of any stock or marketable security exceeding in value twenty rupees. Sixty paise for every Rs.5,000 or part thereof of the value of the stock or security subject to a maximum of thirty-three rupees.

44. NOTE OF PROTEST BY THE MASTER OF A SHIP—*See also* Protest by the Master of a Ship (No.51).

Two rupees and twenty paise.

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 a Bond (No.15) for the amount of the value of the separated share or shares of the property.

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

Provided always that—

- (a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement the duty chargeable upon the instrument affecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than two rupees and twenty paise;
- (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

Description of instrument

Proper stamp-duty

a partition, is stamped with the stamp required for an instrument of partition and an instrument of partition in pursuance of such order or award is subsequently executed the duty in such instrument shall not exceed two rupees and twenty paise.

PARTNERSHIP—

A.—Instrument of—

- (a) where the capital of the partnership does not exceed Rs.1,000; The same duty as a Bond (No.15).
 (b) in any other case ... Forty-four rupees.

B.—Dissolution of—

Twenty-two rupees.

PAWN OR PLEDGE.—See Agreement relating to Deposit of Title-deeds, Pawn or Pledge (No.6).

48. **POWER OF ATTORNEY** [as defined by section 2(21)], not being a proxy—

- (a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents ; One rupee and sixty-five paise.
 (b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882 ; One rupee and sixty-five paise. Act XV of 1882.
 (c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a); Three rupees and thirty paise.
 (d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally ; Sixteen rupees and fifty paise.

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(e) when authorizing more than five persons but not more than ten persons to act jointly and severally in more than one transaction or generally ;	Thirty-three rupees.
(f) when given for consideration and authorising the attorney to sell any immovable property ;	The same duty as a Conveyance (No.23) for the amount of the consideration.
(g) in any other case	Three rupees and thirty paise for each person authorised.

Explanation.—For the purpose of this Article more persons than one when belonging to the same firm shall be deemed to be one person.

N.B.—The term “Registration” includes every operation incidental to registration under the Indian Registration Act, 1908. Act XVI of 1908.

50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public or other person lawfully acting as such, attesting the dishonour of a bill-of-exchange or promissory note. Three rupees and thirty paise.

51. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or 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. Three rupees and thirty paise.

See also Note of Protest by the Master of a Ship (No.44).

54. RECONVEYANCE OF MORTGAGED PROPERTY.—

- | | |
|--|--|
| (a) If the consideration for which the property was mortgaged does not exceed Rs.1,000 ; | The same duty as a Conveyance (No.23) for the amount of such consideration as set forth in the conveyance. |
| (b) in any other case | Thirty-three rupees. |

Description of instrument

Proper stamp-duty

55. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23.—A), whereby a person renounces a claim upon another person or against any specified property—

- (a) if the amount or value of the claim does not exceed Rs 1,000 ; The same duty as a Bond (No.15) for such amount or value as set forth in the release.
- (b) in any other case Sixteen rupees and fifty paise.

56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on Board a ship and making repayment contingent on the arrival of the cargo at the port of destination.

The same duty as a Bond (No.15) for the amount of the loan secured.

REVOCATION OF ANY TRUST ON 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 by a surety to secure the due performance of a contract—

- (a) when the amount secured does not exceed Rs.1,000 ; The same duty as a Bond (No.15) for the amount secured.
- (b) in any other case Sixteen rupees and fifty paise.

Exemptions

Bond or other instrument, when executed—

- (a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for due performance of their duties under that Act ;

Ben. Act, III
of 1876.

Description of instrument

Proper stamp-duty

- (b) 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, specified sum per mensem ;
- (c) under No.3-A of the rules made by the Government of Bombay in Council, under section 70 of the Bombay Irrigation Act, 1879 ;
- (d) executed by persons taking advances under the Land Improvement Loans Act 1883, or the Agriculturist's Loans Act, 1884, or by their sureties, as sureties, as security for the repayment of such advance ;
- (e) executed by officers of Government or their sureties to secure the due execution of an office, or the due accounting for money or other property received by virtue thereof ;

Pom. Act
VII of 1879 .

Act XIX of
1883.

Act XII of
1884.

58. SETTLEMENT—

A.—Instrument of (including a deed of power).

The same duty as a Conveyance (No.23) for a sum equal to the amount or value of the property settled as set forth in such settlement :

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 rupee and thirty paise.

Description of instrument

Proper stamp duty

Exemptions

- (a) Deed of power executed on the occasion of a marriage between Muhammadans.
- (b) Hludassa, that is to say, any settlement of immovable property executed by a Buddhist in Burma for a religious purpose in which no value has been specified and on which a duty of Rs.10 has been paid.

B.—Revocation of—

The same duty as a Conveyance (No.23) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of Revocation, but not exceeding twenty-seven rupees and fifty paise.

See also TRUST (No.64)

59. **SHARE WARRANTS** to bearer issued under the Companies Act, 1956.

One-and-a-half times the duty payable on a Conveyance (No.23) for a consideration equal to the nominal amount of the shares specified in the warrant.

Act I of 1956.

Exemptions

Share warrant when issued by a Company in pursuance of the Companies Act, 1956, section 114, to have effect only upon payment, as composition for the duty, to the Collector of Stamp-revenue of—

Act I of 1956.

- (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.

Description of instrument

Proper stamp-duty

60. SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel. Twenty-five paise

61. SURRENDER OF LEASE—

(a) when the duty with which the lease is chargeable, does not exceed seven rupees and fifty paise; The duty with which such lease is chargeable.

(b) in any other case ... Sixteen rupees and fifty paise.

Exemption

Surrender of lease, when such lease is exempted from duty.

63. TRANSFER OF LEASE by way of assignment, and not by way of underlease. The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer.

Exemption

Transfer of any lease exempt from duty.

64. TRUST—

A.—Declaration of—or concerning, any property when made by any writing not being a Will. The same duty as 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 twenty-seven rupees and fifty paise.

B.—Revocation of—or concerning, any property when made by any instrument other than a Will. The same duty as 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 twenty-seven rupees and fifty paise.

See also Settlement (No. 58).

Valuation. — See Appraisement (No. 8).

Description of instrument

Proper stamp-duty

65. **Warrant for Goods**, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.

One rupee and ten paise

ASSAM ACT VII OF 1971

THE DIBRUGARH UNIVERSITY (AMENDMENT) ACT, 1967

(Received the assent of the Governor on the 21st March, 1971)

[Published in the *Assam Gazette*, Extraordinary, dated the 25th March, 1971].

An

Act

to amend the Dibrugarh University Act, 1965 (Assam Act VIII of 1965)

Preamble

Whereas it is expedient to amend the Dibrugarh University Act, 1965, hereinafter called the principal Act, in the manner hereinafter appearing ;

Assam Act
VIII of
1965.

It is hereby enacted in the Eighteenth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Dibrugarh University (Amendment) Act, 1967.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force on such date or dates as the State Government may, by notification in the official Gazette, appoint.