

ORISSA ORDINANCE No. 10 OF 1985

THE INDIAN STAMP (ORISSA AMENDMENT) ORDINANCE, 1985

[Promulgated by the Governor on the 28th October 1985 published in an extraordinary issue of the *Orissa Gazette*, dated the 31st October 1985.]

AN

ORDINANCE

TO AMEND THE INDIAN STAMP ACT, 1899 IN ITS APPLICATION TO THE STATE OF ORISSA

WHEREAS, the Legislature of the State of Orissa is not in session;

AND WHEREAS, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Indian Stamp Act, 1899 in its application to the State of Orissa, in the manner herein after appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-sixth Year of the Republic of India:—

Short title
and
Commence-
ment

1. (1) This Ordinance may be called the Indian Stamp (Orissa Amendment) Ordinance, 1985.

(2) It shall come into force on such date as the State Government may, by notification, appoint in that behalf.

Substitution
of schedule
1-A.

2. For Schedule 1-A of the Indian Stamp Act, 1899 the following Schedule shall 2 of 1899 be substituted, namely:—

"SCHEDULE 1-A

STAMP-DUTY ON CERTAIN INSTRUMENTS UNDER THE INDIAN STAMP (ORISSA AMENDMENT) ORDINANCE, 1985

(See Section 3)

NOTE—The articles in Schedule 1-A are numbered so as to correspond with similar articles in Schedule 1.

Description of Instrument	Proper Stamp-duty
(1)	(2)
2. ADMINISTRATION BOND, including a bond given under sections 291, 375 and 376 of the Indian Succession Act, 1925 or section 6 of the Government Savings Banks Act, 1873.	The same duty as a BOND (No. 15) for the same amount.
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.	Two hundred rupees
4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.	Ten rupees

39 of 1925
5 of 1873

Exemptions

Affidavit or declaration in writing when made—

(a) as a condition of enrolment under the Army Act, 1950 or the Air Force Act, 1950;

46 of 1951
45 of 1951

Description of Instrument	Proper Stamp-duty
(1)	(2)
(b) for the immediate purpose of being filed or used in any Court or before the Officer of any Court;	
(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.	
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT.	
(a) If relating to the sale of a Bill of Exchange;	One rupee
(b) If relating to the sale of a Government security or Share in an incorporated Company or other body corporate;	Subject to maximum of forty-two rupees fifty paise for every ten thousand or part thereof of the value of the security or share.
(c) If not otherwise provided for	Three rupees

Exemptions

Agreement or 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 Central Government for, or relating to, any loan.

AGREEMENT TO LEASE—See 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

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

- (a) If such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement.

Description of Instrument	Proper Stamp-duty		
	If drawn singly	If drawn in set of two for each part of the set	If drawn in set of three for each part of the set
(1)	(2)	(3)	(4)
	Rs. P.	Rs. P.	Rs. P.
When the amount of the loan or debt does not exceed Rs. 100	0.40	0.25	0.25
When the amount of the loan or debt exceeds Rs. 100 but does not exceed Rs. 200.	0.70	0.40	0.25
When it exceeds Rs. 200 but does not exceed Rs. 400	1.25	0.70	0.45
When it exceeds Rs. 400 but does not exceed Rs. 600	1.75	0.90	0.70
When it exceeds Rs. 600 but does not exceed Rs. 800	2.25	1.25	0.80
When it exceeds Rs. 800 but does not exceed Rs. 1,000	4.15	2.25	1.40
When it exceeds Rs. 1,000 but does not exceed Rs. 1,200	4.55	2.45	1.80
When it exceeds Rs. 1,200 but does not exceed Rs. 1,600	5.90	3.15	2.10
When it exceeds Rs. 1,600 but does not exceed Rs. 2,500	9.00	4.55	3.15
When it exceeds Rs. 2,500 but does not exceed Rs. 5,000	17.90	9.00	6.25
When it exceeds Rs. 5,000 but does not exceed Rs. 7,500	27.50	13.75	9.65
When it exceeds Rs. 7,500 but does not exceed Rs. 10,000	41.25	20.65	13.75
When it exceeds Rs. 10,000 but does not exceed Rs. 15,000	55.00	27.50	19.25
When it exceeds Rs. 15,000 but does not exceed Rs. 20,000	75.65	41.25	26.15
When it exceeds Rs. 20,000 but does not exceed Rs. 25,000	89.40	48.15	30.00
When it exceeds Rs. 25,000 but does not exceed Rs. 30,000	110.00	55.00	41.25
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000.	41.25	20.65	13.75

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

Half the duty payable on a loan or debt under clause (a) for the amount secured.

Description of Instrument	Proper Stamp-duty
(1)	(2)
Exemption	
Instrument of pawn or pledge of goods, if unattested	
7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, moveable or immovable where made by any writing not being a Will.	One hundred 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.	The same duty as a BOTTOMRY BOND (No.16) for such amount.
(b) in any other case	Twenty-one rupees

Exemptions

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

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

9. APPRENTICESHIP DEED— Fifty rupees
including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being ARTICLES OF CLERKSHIP.

Exemption

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

19 of 1850

10. ARTICLES OF ASSOCIATION OF A COMPANY.

Two hundred rupees

Exemption

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

1 of 1956

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

Description of Instrument	Proper Stamp-duty
(1)	(2)
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—	
(a) where the amount or value of the property to which the award relates, as set forth in such award does not exceed Rs.1,000	The same duty as a BOTTOMRY BOND (No.16) or such amount.
(b) if it exceeds Rs.1,000 but does not exceed Rs.5,000 ;	Twenty-seven rupees
and for every additional Rs.1,000 or part thereof in excess of Rs.5,000.	One rupee and fifty paise subject to a maximum of one hundred and thirty-eight rupees.
15. BOND, as defined by section 2 (5) not being DEBENTURE and not being otherwise provided for by this Act, or by the Court Fees Act, 1870—	7 of 1870
Where the amount or value secured does not exceed Rs.10;	Thirty-five paise
Where it exceeds Rs. 10 and does not exceed Rs.50 ;	Forty-five paise
Where it exceeds Rs. 50 and does not exceed Rs. 100;	One rupee
Where it exceeds Rs. 100 and does not exceed Rs. 200;	Two rupees and fifty paise
Where it exceeds Rs. 200 and does exceed Rs.300 ;	Three rupees and seventy-five paise
Where it exceeds Rs. 300 and does not exceed Rs. 400 ;	Four rupees and seventy-five paise
Where it exceeds Rs. 400 and does not exceed Rs.500;	Six rupees
Where it exceeds Rs. 500 and does not exceed Rs. 600;	Eight rupees and fifty paise
Where it exceeds Rs.600 and does not exceed Rs. 700;	Ten rupees

Description of Instrument	Proper Stamp-duty
(1)	(2)
Where it exceeds Rs. 700 and does not exceed Rs. 800;	Twelve rupees
Where it exceeds Rs. 800 and does not exceed Rs. 900;	Eighteen rupees
Where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Twenty-one rupees
and for every Rs. 500 or part thereof in excess of Rs. 1,000;	Eleven rupees

See (No.2) ADMINISTRATION BOND.

(No.16) BOTTOMRY BOND

(No.26) CUSTOMS BOND

(No.34) INDEMNITY BOND

(No.56) RESPONDENTIA BOND.

(No.57) SECURITY

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
3 of 1876.

(b) 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 specified sum per mensem.

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

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

Forty paise

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

Eighty paise

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

One rupee and fifty paise

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

Three rupees

Description of Instrument	Proper Stamp-duty
(1)	(2)
Where it exceeds Rs. 200 and does not exceed Rs. 300;	Four rupees and twenty-five paise
Where it exceeds Rs. 300 and does not exceed Rs. 400;	Six rupees
Where it exceeds Rs. 400 and does not exceed Rs. 500;	Seven rupees and fifty paise
Where it exceeds Rs. 500 and does not exceed Rs. 600;	Eight rupees and fifty paise
Where it exceeds Rs. 600 and does not exceed Rs. 700;	Ten rupees
Where it exceeds Rs. 700 and does not exceed Rs. 800;	Twelve rupees
Where it exceeds Rs. 800 and does not exceed Rs. 900;	Eighteen rupees
Where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Twenty-one rupees
and for every Rs. 500 or part thereof in excess Rs. 1,000.	Eleven rupees
17. CANCELLATION—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	One hundred rupees
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 the Revenue Officer—	
(a) where the purchase money does not exceed Rs. 10;	Forty paise
(b) where the purchase money exceeds Rs. 10 but does not exceed Rs. 25;	Eighty 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.
20. CHARTER 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.	
	Fifty rupees

Description of Instrument	Proper Stamp-duty
(1)	(2)
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 or their debts is secured to the creditors, or when by provision is made for the continuance of the debtors business under the supervision of inspectors or under letters of licence, for the benefit of his creditors.	Fifty 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 fifty paise
Where it exceeds Rs. 50 but does not exceed Rs. 100;	Three rupees
Where it exceeds Rs. 100 but does not exceed Rs. 200;	Six rupees
Where it exceeds Rs. 200 but does not exceed Rs. 300;	Eight rupees and fifty paise
Where it exceeds Rs. 300 but does not exceed Rs. 400;	Twelve rupees
Where it exceeds Rs. 400 but does not exceed Rs. 500;	Fifteen rupees
Where it exceeds Rs. 500 but does not exceed Rs. 600;	Seventeen rupees
Where it exceeds Rs. 600 but does not exceed Rs. 700;	Twenty rupees
Where it exceeds Rs. 700 but does not exceed Rs. 800;	Twenty-three rupees
Where it exceeds Rs. 800 but does not exceed Rs. 1,000;	Forty-two rupees
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Twenty-one rupees
Exemptions	
Assignment of copyright under the Copyright Act, 1957, section 18.	
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 one rupee;	Two rupees and fifty paise

Description of Instrument	Proper Stamp-duty
(1)	(2)
(ii) if any other case	Five rupees
Exemption	
(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 birth, 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 one rupee and fifty paise;	The same duty as is payable on the original.
(b) in any other case	Five rupees
Exemption	
Counter-part 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 a BOTTOMRY BOND (No. 16) for such amount.
(b) In any other case	Fifty rupees
DECLARATION OF ANY TRUST —See TRUST (No. 64).	
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, that is to say, instrument by which any person effects the dissolution of his marriage.	One hundred rupees

Description of Instrument	Proper Stamp-duty
(1)	(2)
DOWER—Instrument of—See SETTLEMENT (No. 58).	
DUPLICATE—See COUNTER-PART (No. 25).	
31. EXCHANGE OF PROPERTY—Instrument of—	The same duty as a CONVEYANCE (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.
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) 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.
(b) When such mortgage is one of the descriptions 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. The same duty as a BOTTOMRY BOND (No. 16) for the amount of the further charge secured by such instrument.
(ii) If the possession is not so given	
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).	
35. LEASE, including an under-lease or sub-lease and any agreement to 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;	The same duty as a BOTTOMRY BOND (No. 16) for the whole amount payable of deliverable under such lease.

Description of Instrument	Proper Stamp-duty
(1)	(2)
(ii) Where the lease purports to be for term of not less than one year, but not more than five years;	The same duty as a BOTTOMRY BOND (No. 16) for the amount or value of the average annual rent reserved.
(iii) Where the lease purports to be for a term exceeding five years, but 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 to one sixth of the whole amount of rent which would be paid or delivered in respect of 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.
(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 advances as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered:

Provided that, in any case when an agreement to lease is stamped with the *ad valorem* stamp required for a lease, and lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed two rupees and fifty paise.

Description of Instrument

Proper Stamp-duty

(1)

(2)

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.

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

LETTER OF GUARANTEE—See AGREEMENT (No. 5).

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

Fifty rupees

39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

(a) If accompanied by articles of association under section 26 of the Companies Act, 1956.

Two hundred rupees

1 of 1955

(b) If not so accompanied

Five hundred rupees

Exemption

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

1 of 1956

40. MORTGAGE-DEED, NOT BEING AN AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWN OR PLEDGE (No. 6) BOND (No. 15) 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.

(b) When possession is not given or agreed to be given as aforesaid.

The same duty as BOTTOMRY BOND (No. 16) for the amount secured by such deed.

Description of Instrument

Proper Stamp-duty

(1)

(2)

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.

- (c) 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 ; and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.

Three rupees
Three rupees

Exemptions

- (1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883 or the Agriculturists Loans Act, 1884 or by their sureties as security for the repayment of such advances.
- (2) Letter of hypothecation accompanying a bill of exchange.

19 of 1884
12 of 1883

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.

Thirty paise

and for every Rs. 200 or part thereof secured in excess of Rs. 200;

Thirty paise

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

for every sum secured not exceeding Rs. 100;

Forty paise

and for every Rs. 100 or part thereof secured in excess of Rs. 100.

Fifty 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.

Twenty rupees

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

Description of Instrument	Proper Stamp-duty
(1)	(2)
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;	Seventyfive paise
(b) of any stock or marketable security exceeding in value twenty rupees;	Subject to a maximum of forty-two rupees, fifty paise for every ten thousand rupees or part thereof of the value of the stock or security.
44. NOTE OF PROTEST BY THE MASTER OF A SHIP—See also PROTEST BY THE MASTER OF A SHIP (No. 51).	Ten rupees
45. PARTITION—Instrument of as defined by Section 2 (15).	The same duty as a BOTTOMRY BOND (No. 16) for the amount of the value of the separated share or shares of the property.
	<i>N. B.</i> —The largest share remaining after the property is partitioned (Or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated:
	Provided always that—
	(a) When an instrument of partition containing an agreement to divide property in severality is executed and a partition is effected in pursuance of such agreement the duty chargeable upon the instrument effecting such a partition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than three 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 and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed three rupees.

Description of Instrument (1)	Proper Stamp-duty (2)
46. PARTNERSHIP—	
A—Instrument of—	
(a) where the capital of the partnership does not exceed Twenty rupees Rs. 500,	
(b) in any other case.	One hundred rupees
B—Dissolution of—	
PAWN OR PLEDGE—See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).	Fifty rupees
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;	Fifty rupees
(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1872;	Five rupees
(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a);	Ten rupees
(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally;	Fifty rupees
(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally;	One hundred 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 consideration.
(g) in any other case	Ten rupees for each person authorised.
	<i>N. B.</i> —The term "Registration" includes every operation incidental or registration under the Indian Registration Act, 1908.
<i>Explanation</i> —For the purposes of this article more persons than one when belonging to the same firm shall be deemed to be one person.	16 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.	Ten rupees
51. PROTEST BY THE MASTER OF A SHIP that is to say, any declaration of the particulars of the 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.	Ten rupees
<i>See also NOTE OF PROTEST BY THE MASTER OF A SHIP (No. 44).</i>	

Description of Instrument	Proper Stamp-duty
(1)	(2)
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 reconveyance.
(b) in any other case.	Forty-two rupees
55. RELEASE that is to say, 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 BOTTOMRY BOND (No. 16) for such amount or value as set forth in the release.
(b) in any other case	Twenty-one rupees
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 BOTTOMRY BOND (No. 16) for the amount of the loan secured.
REVOCATION OF ANY TRUST OR 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 of 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 BOTTOMRY BOND (No. 16) for the amount secured.
(b) in any other case.	Twenty-one rupees
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 the due performance of their duties under that Act;	3 of 1876
(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 subject of public utility shall not be less than a specified sum per mensem;	
(c) by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, or by their sureties, as security for the repayment of such advances;	19 of 1883 12 of 1884

Description of Instrument

(1)

- (d) by Officers of the 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.

58. SETTLEMENT—(A) INSTRUMENT OF (Including a deed of dower).

Proper Stamp-duty

(2)

The same duty as a BOTTOMRY BOND (No. 16) 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 three rupees.

Exemption

Deed of dower executed on the occasion of a marriage between Mohammadans.

(B) REVOCATION OF

The same duty as a BOTTOMRY BOND (No. 16) for a sum equal to the amount or value of the property concerned as set forth in the instrument of Revocation, but not exceeding forty-two rupees.

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) 1 of 1936 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, 1956, section 114, to have effect only upon payment, as composition for that duty, to the Collector of stamp-revenue, of—

- (a) one and a half percentum 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 had a half percentum of the additional capital so issued.

1 of 1936

Description of Instrument	Proper Stamp-duty
(1)	(2)
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.	Twenty-one rupees
Exemptions	
Surrender of lease, when such lease is exempted from duty.	
62. TRANSFER (Whether with or without consideration)—	
(c) of any interest secured by a bond of mortgage deed—	
(i) if the duty on such bond or mortgage deed does not exceed seven rupees and fifty paise;	The duty with which such bond or mortgage deed is chargeable.
(ii) in any other case	Twenty-one rupees
(d) of any property under the Administrator General's Act, 1913, section 25;	Forty-two rupees
(e) of any trust-property without consideration from one trustee to another trustee or from a trustee to a beneficiary.	Eighteen rupees and seventy-five paise or such smaller amount as may be chargeable under clause (c) of the Article.
Exemptions	
Transfer by endorsement—	
(b) of a delivery order, warrant for goods, or other merchantile document of title to goods;	
(d) of securities of the Central Government See also Section 8—	
63. TRANSFER OR LEASE by way of assignment and not by way of under lease.	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— of concerning any property when made by any writing not being a will.	The same duty as BOTTOMRY BOND (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding sixty-two rupees.

Description of Instrument

(1)

B—REVOCATION OF— of or concerning any property when made by an instrument other than a will.

See also SETTLEMENT (No. 58)—
Variation

See APPRISEMENT (No. 8)

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

Proper Stamp-duty

(2)

The same duty as **BOTTOMRY BOND** (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding forty-two rupees.

Five rupees

B. N. PANDE

Dated the 28th October 1985

GOVERNOR OF ORISSA