



The Indian Stamp Duty (Nagaland Amendment) Act, 1989

Act 6 of 1989

Keyword(s):

Stamp Duty, Treasury, Stamp Duty on Documents

Amendments appended: 8 of 1999, 6 of 2004

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INDIAN STAMP DUTY (NAGALAND AMENDMENT) ACT, 1989

(THE NAGALAND ACT NO. 6 OF 1989)

*(Received the assent of the Governor on 30th June '89 and published
in the Nagaland Gazette extraordinary dated 30th June '89)*

An

Act

to amend the Indian Stamp Duty Act, 1989, in its application to Nagaland.

Preamble

Whereas it is expedient to amend the Indian Stamp Duty Act, 1989, (Act 11 of 1989) hereinafter called the Principal Act, in its application to Nagaland in the manner hereinafter appearing.

It is hereby enacted in the Fortieth year of the Republic of India as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Indian Stamp Duty (Nagaland Amendment) Act, 1989.

(2) It shall extend to the whole State of Nagaland.

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

2. Amendment of Schedule 1 of Act 11 of 1989.

In Schedule 1 to the principal Act, the following shall be substituted, namely :

SCHEDULE 1

Description of Instrument

(1)

- 1. ACKNOWLEDGMENT** of 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 bankers pass-book) or on a separate piece of paper when such book or paper is left in the creditor's possession : provided that such acknowledgment does not contain any promise to pay the debt or any stipulation to pay interest or to deliver any goods or other property.

Fifty paise

2. **ADMINISTRATION-BOND** including a bond given under section 6 of the Govt. Savings Banks Act, 1875, or section 291 or section 375 or section 376 of the Indian Succession Act, 1925.

(a) Where the amount does not exceed Rs. 1000/-

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

(b) In any other case.

Thirty rupees.

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.

Sixty 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

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 Courtier.
- (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 Govt. Security

Subject to a maximum of eighty rupees and fifty paise for every Rs. 10,000/- or part thereof of the value of the Security.

(c) if relating to the purchase or sale of shares, scripts, 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.

One rupee for every Rs. 25,00/- or part thereof of the value of the Security at the time of its purchase or sale, as the case may be.

Description of Instrument

(ii) in other cases

Two rupees for every Rs. 500/- or part thereof 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 more persons, than one as co-owners, and whether in one or more blocks, and situated in Assam/Meghalaya

where the advance given under such agreement does not exceed fifty rupees.

One rupee

(e) if not otherwise provided for

Four 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 Government of India for or relating to any loan :

AGREEMENT TO LEASE

See Lease (No. 35)

6. AGREEMENT RELATING TO DEPOSIT OF TITLE DEEDS, PAWNS 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 if the amount of loan does not exceed Rs. 500/

if it exceeds Rs. 500/- and not exceed Rs. 1000/- and for every Rs. 1000/- or part thereof in excess of Rs. 1000/-

Five rupees if the amount of loan does not exceed Rs. 500/-; Ten rupees if the amount exceed Rs. 500/- but does not exceed Rs. 1000/- Ten rupees for every Rs. 1000/- or part thereof in excess of Rs. 1000/-

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

Half the duty payable under subclause (a)

Exemptions

Instrument of pawn or pledge of good if unattested.

7. APPOINTMENT IN EXECUTION OF A POWER

Whether of trustees or a property, movable or immovable, where made by any writing not being a will :

- (a) Where the value of the property does not exceed Rs. 1000/-
 (b) in any other case

Fifty rupees
 Ninety 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. 1000/-

The same duty as in Bottomory Bond (No 15) for such amount

Description of Instrument	Proper Stamp Duty
(b) in any other case	Twenty four rupees seventy-five paise

Exemptions

- (a) Appraisement or valuation made for the information of one party only and not being in any manner obligatory be-

tween parties either by agreement or operation of law.

- (b) Appraisalment 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.

Twenty-four rupees
seventy-five 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.

10. ARTICLES OF ASSOCIATION OF A COMPANY

- (a) Where the company has no share capital or the normal share capital does not exceed Rs. 2,500/-

Sixty-one rupees ninty
paise.

- (b) Where the nominal share capital exceeds Rs. 2,500/- but does not exceed Rs. 5,000/-

Eighty two rupees fifty
paise.

- (c) Where the nominal share capital exceeds Rs. 5,500/- but does not exceeds 1,00,000

One hundred twenty three
rupees seventy five paise.

- (d) Where the nominal share capital exceeds Rs. 1,00,000/-

Two hundred forty seven
rupees fifty paise.

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)

ASSIGNMENT - See conveyance (No. 23) transfer (No. 62) and transfer of lease (No. 63) as the case may be.

ATTORNEY-See adoption-deed (No. 3)

12. **AWARD**-That is to say, decision in writing by an arbitrator or umpier, 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 one hundred twenty three rupees seventy five paise.

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/-

Forty five paise

Where it exceeds Rs. 10/- and does not exceed Rs. 50/-

Eighty-two paise

Where it exceeds Rs. 50/- and does not exceed Rs. 100/-

One Rupee sixty five paise

Where it exceeds Rs. 100/- and does not exceed Rs. 200/-

Four rupees and ten paise

Description of Instrument	Proper Stamp Duty Six
Where it exceeds Rs. 200/- and does not exceed Rs. 300/-	Six rupees and twenty paise
Where it exceeds Rs. 300/- and does not exceed Rs. 400/-	Eighty rupees and twenty five paise
Where it exceeds Rs. 400/- and does not exceed Rs. 500/-	Eleven rupees and twenty paise
Where it exceeds Rs. 500/- and does not exceed Rs. 600/-	Fourteen rupees and Ninety paise
Where it exceeds Rs. 600/- and does not exceed Rs. 700/-	Seventeen rupees and thirty five paise

Where it exceeds Rs. 700/- and does not exceed Rs. 800/-	Nineteen rupees and eighty paise
Where it exceeds Rs. 800/- and does not exceed Rs. 900/-	Twenty two rupees and thirty paise
Where it exceeds Rs. 900/- and does not exceed Rs. 1000/-	Twenty four rupees and seventy five paise
and for every Rs. 500/- or part thereof in excess of Rs. 1000/-	twelve rupees and thirty paise

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

Exemptions

Bond, when executed by

- (a) headman nominated under rules framed in accordance with the Bengal Irrigation Act 1876, section 99, for the due performance of their duties under that Act;
- (b) any person for the purpose of guaranting 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 specific sum per mensem

- 16. BOTTOMRY BOND, that is to say, any instrument whereby the master of a seagoing ship borrows money on the security of the ship to enable to preserve the ship or prosecute her voyage, The same duty as a Bond (No. 15) of such amount
- 17. CANCELLATION-Instrument of (including any instrument by which any instrument previously 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)

Twenty four rupees and seventy five paise.

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 a public auction by a Civil or Revenue Court, or Collector or other Revenue Officer :

- (a) Where the purchase-money does not exceed Rs. 10/-
- (b) Where the purchase-money exceeds Rs. 10/- but not exceed Rs. 25/-
- (c) in any other case

Seventy paise

One rupee thirty paise

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

Forty-five paise

19. CERTIFICATE OR OTHER DOCUMENT, evidencing the right or title of the holder thereof or any other person either to any share, script or stock in or of any incorporated company or other body corporate or to become proprietor of share, script or stock in or any such company or body. See also Letter of Allotment of shares (No. 36).

20. A 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 character, whether it includes a penalty clause or not.

Four rupees and ninety-five paise

<p>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</p>	<p>Forty-nine rupees and fifty paise</p>
<p>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.</p>	
<p>23. CONVEYANCE (as defined by section 2(10) not being a transfer charged or exempted under No. 62 :—</p>	
<p>Where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50/—</p>	<p>Four rupees and thirty paise</p>
<p>Where it exceeds Rs. 50/— but does not exceed Rs. 100/—</p>	<p>Four rupees and fifty paise</p>
<p>Where it exceeds Rs. 100/— but does not exceed Rs. 200/—</p>	<p>Nin rupees</p>
<p>Where it exceeds Rs. 200/— but does not exceed Rs. 300/—</p>	<p>Thirteen rupees and fifty paise</p>
<p>Where it exceeds Rs. 300/— but does not exceed Rs. 400/—</p>	<p>Eighteen rupees</p>
<p>Where it exceeds Rs. 400/— but does not exceed Rs. 500/—</p>	<p>Twenty-two rupees and fifty paise</p>
<p>Where it exceeds Rs. 500/— but does not exceed Rs. 600/—</p>	<p>Twenty seven rupees</p>
<p>Where it exceeds Rs. 600/— but does not exceed Rs. 700/—</p>	<p>Thirty one rupees and fifty paise</p>
<p>Where it exceeds Rs. 700/— but does not exceed Rs. 800/—</p>	<p>Thirty six rupees</p>
<p>Where it exceeds Rs. 800/— but does not exceed Rs. 900/—</p>	<p>Forty rupees rupees and fifty paise</p>

Where it exceeds Rs. 900/- but does not exceed Rs. 1000/-	Forty five rupees
For every Rs. 500/- or part thereof in excess of Rs. 1000/-	Twenty two rupees and fifty paise
Where it exceeds Rs. 50,000/- but does not exceed Rs. 90,000/-	Forty nine rupees and fifty paise for every one thousand rupees.
Where it exceeds Rs. 90,000/- but does not exceed Rs. 1,50,000/-	Sixty six rupees and fifty paise for every one thousand rupees
And where it exceeds Rs. 1,50,000/-	Eightytworupeesandfifty paise 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, Nagaland the stamp duty shall be half of the above rate.

Description of Instrument	Proper Stamp Duty
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Exemptions

Assignment of copyright under the Indian Copyright Act, 1957.

CO-PARTNERSHIP-DEED —
See Partnership (No. 46)

23. COPY OR EXTRACT

Certified to be true copy or extract by or 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 with which it was chargeable does not exceed one rupee; | Two rupees and fifty paise |
| (ii) in any other case not falling within the provisions of section 6-A. | Four rupees and ninety five 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.

24. 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;
- (b) in any other case not falling within the provisions of section 6-A

The same duty as is payable on the original.

Four rupees and ninety five paise

Exemptions

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

25. Customs Bond :-

- (a) where the amount does not exceed Rs. 1,000/-
- (b) In any other case

The same duty as a Board (No. 15) for such amount
Thirty three rupees Forty paise

26. 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 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, that is to say, any instrument by which any person effects the dissolution of his marriage.

DOWER — Instrument of, see Settlement. (No 58)

Sixteen rupees and fifty paise.

DUPLICATE — See Counterpart (No. 25).

1. **EXCHANGE OF PROPERTY,** Instrument of

Sixteen rupees and fifty paise.

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) of Article 40 (that is with possession);

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

(b) when such mortgage is one of the description referred to in clause (b) of Article No. 40 (that is with—Out procession) —

(i) if at time the 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 so given.

The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgaged and any further charge already made), less the duty already paid on such original mortgage any further charge.

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)

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

34. INDEMNITY BOND INSPECTORSHIP DEED, See Composition Deed (No. 22)

35. LEASE, including an underlease and any agreement to let or sublet :—

(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 Bond (No. 15) for the whole amount payable or deliverable under such lease.

- | | |
|---|---|
| <p>(ii) where the lease purports to be for a term of not less than one year but not more than five years;</p> | <p>The same duty, as a Bond (No. 15) for the amount or value of the average annual rent reserved.</p> |
| <p>(iii) where the lease purports to be for a term exceeding five years and not exceeding ten years;</p> | <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.</p> |
| <p>(iv) where the lease purports to be for a term exceeding ten years, but not exceeding twenty years;</p> | <p>The same duty as a conveyance (No. 23) for a consideration equal to twice the amount or value of the average annual rent reserved.</p> |
| <p>(v) where the lease purports to be for a term exceeding twenty years; but not exceeding thirty years</p> | <p>The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annuals rent reserved.</p> |
| <p>(vi) where the lease purports to be for a term exceeding thirty years, but not exceed one hundred years;</p> | <p>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.</p> |
| <p>(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity;</p> | <p>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.</p> |

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

(b) where the lease is granted for a fine or premium or for money advanced and where no rent is reserved;

(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 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.

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.

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 ad valorem 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 purposes of cultivation shall include a lease of lands for cultivation together with homestead or tank.

EXPLANATION—When a lessee undertakes to pay any recurring charge, such as Government revenue the landlord's share of cases, or the owner's share of municipal rates of 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.

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.

See also **CERTIFICATE** or other document (No. 19).

Forty-five paise

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.

Thirty-three rupees and eighty paise.

39. **MEMORANDUM OR ASSOCIATION OF A COMPANY** :—

(a) if accompanied by articles of association under Section 26 of the Companies Act, 1956;

Ninety-nine rupees.

(b) if not so accompanied —

(i) where the nominal share capital does not exceed one lakh of rupees;

Two hundred forty seven rupees and fifty paise.

(ii) where the nominal share capital exceeds one lakh of rupees.

Four hundred twelve rupees and fifty paise.

Exemption

Memorandum of any association not formed for profit and registered under Section 25 of the Companies Act 1965.

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.

(b) when possession 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.

EXPLANATION :— A mortgagee who gives to the mortgaged 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) (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;

Two rupees and fifty paise.

- (ii) and for every Rs. 1,000 or part thereof secured in excess of Rupees 1,000' 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 advance.
- (2) Letter of hypothecation accompanying a bill of exchange.
41. **MORTGAGE OF A CROP,**¹ 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 for every Rs. 200, or part thereof secured in excess of Rs. 200. Forty-five paise
- (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 Sixty paise.
- for every Rs. 100, or part there of secured in excess of Rs 100. Seventy paise.
42. **NOTARIAL ACT,** that is to say, any instrument, endorment, note, attestation, certificate, or entry not, being a **PROTEST** (No. 50 made Seventy paise.

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).

Four rupees and ninety-five paise.

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;

Eighty paise.

(b) of any stock or marketable security exceeding in value twenty rupees.

Ninety paise for every Rs. 5,000 or part thereof of the value of the stock as security subject to a maximum of forty-nine rupees and fifty paise.

44. NOTE OF PROTEST BY THE MASTER OF A SHIP—

See also Protest by the Master of a Ship (No. 51)

ORDER FOR THE PAYMENT OF MONEY See Bill of exchange (No. 13).

Three rupees and thirty paise.

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 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 is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting 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 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 ex-

	ceed three rupees and thirty paise.
46. PARTNERSHIP—	
A. Instrument of—	The same duty as Bond (No. 15)
(a) where the capital of the partnership does not exceed Rs. 1,000.	Sixty-six rupees
(b) in any other case	Thirty-three rupees.
B. Dissolution of—	
PAWN OR PLEDGE—See Agreement relating to deposit of Title deed, 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;	Two rupees and fifty paise.
(b) when required in suits or proceedings under the presidency Small Cause Court Act, 1882;	Two rupees and fifty paise.
(c) when authorizing one person or more to act in a single transaction other than the case mentioned in Cl (a);	Five rupees
(d) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally;	Twenty-four rupees and seventy-five paise.
(e) when authorizing more than five but not more than ten persons to act jointly and	

severally in more than one transaction or generally;

- (f) when given for consideration and authorizing the attorney to sell any immovable property;
- (g) in any other case.

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

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

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 the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the characters 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.

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

4. RECOVERANCE OF MORTGAGED PROPERTY—

- (a) If the consideration for which the property was mortgaged does not exceed Rs. 1,000;

Forty-nine rupees and fifty paise.

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

Five rupees for each person authorised.

N.B. :— The term "Registration" includes every operation incidental to registration under the Indian Registration Act 1980.

Five rupees.

Five rupees

The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the recoverance.

(b) in any other case.

Forty-nine rupees fifty paise.

5. **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.

Twenty four rupees seventy five paise.

6. **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 MORTAAGE 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 secure does not exceed Rs. 1,000.

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

(b) in any other case.

Twenty-four rupees and seventy-five paise.

Exemptions

Bond or othe 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;
- (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, shall not be less than a 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, 1872;
- (d) 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;
- (e) executed by officers of Govt. or their sureties to secure the due executions 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 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 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 ninety-five paise.

Exemptions

- (a) Deed of dower executed on the occasion of a marriage between Muhamadans :
- (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 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 forty-one rupees and twenty-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

share specified in the Warrant.

Exemptions

Share warrant when issued by a Company in pursuance of the Companies Act, 1956, Section 144, 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 and addition to its subscribed capital one-and-a-half per centum of the additional capital so issued.

60. SHIPPING ORDER, for or relating to the conveyance of goods on board of any vessel.

Forty paise.

61. SURRENDER OF LEASE—

(a) When the duty with which the lease is chargeable does not exceed seven rupees fifty paise;

The duty with which such lease is chargeable.

(b) in any other case;

Twenty-four rupees and Seventy-five paise.

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 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 forty-one rupees and twenty-five paise.

B. REVOCATION OF— or concerning, any property when made by any instrument other than 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 forty-one rupees and twenty-five paise.

See also Settlement (No. 58)

VALUATION—See Appraisement (No. 8)

**Indian Stamp (Nagaland second Amendment) Act, 1999
(Act No. 8 of 1999).**

*[Received the assent of the Governor of Nagaland on 17-7-99
and published in the Nagaland Gazette Extra-ordinary
dated 25-8-99]*

An Act to further amend The Indian Stamp Act, 1899 in its application to Nagaland.

PREAMBLE : Whereas it is expedient to further amend The Indian Stamp Act, 1899 (Act-II of 1899) herein after called the Principal Act, in its application to Nagaland in the manner herein after appearing ;

It is hereby enacted in the Fiftieth year of the Republic of India as follows—

1. Short title, extend and commencement.

- (i) This Act may be called the Indian Stamps (Nagaland Second Amendment) Act, 1999.
- (ii) It shall extend to the whole State of Nagaland.
- (iii) It shall come into force on such date as the State Government may, by Notification in the Official Gazette, appoint.

2. Amendment of Schedule-I of Act-II of 1899. In schedule-I to the Principal Act, the following shall be substituted, namely :-

SCHEDULE - I

Description of Instrument

(1)

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 bankers' 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.

Rs. 1.00

2. Administration-bond, including a bond given under Sec. 256 of the Indian Succession Act, 1865 (10 of 1865); Sec. 6 of the Government Savings Bank Act, 1873 (5 of 1873); Sec. 78 of the Probate and Administration Act, 1881 (5 of 1881); or Sec. 9 or Sec. 10 of the Succession Certificate Act, 1889 (7 of 1889):

- | | | |
|-----|--|--|
| (a) | where the amount does not exceed Rs. 1000; | The same duty as a bond duty No. 15 for such amount. |
| (b) | in any other case..... | Rs. 50/- |
| 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. | Rs. 100/- |

Advocate

(See Entry as an Advocate NO.)30

- | | | |
|----|--|----------|
| 4. | Affidavit, including an affirmation or declaration in the case of persons by the law allowed to affirm or declare instead of swearing. | Rs. 20/- |
|----|--|----------|

Exemptions

Affidavit or declaration in writing when made-

- | | |
|-----|--|
| (a) | as a condition of enrolment under the (Indian Army Act, 1911 (8 of 1911),) or the (Indian Air Force Act, 1932 (14 of 1932),) |
|-----|--|

- (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.

5. *Agreement or Memorandum of an Agreement :-*

- (a) If relating to the sale of a bill of exchange;

Rs. 2/-

- (b) If relating to the sale of a Government security

Subject to maximum of one hundred fifty rupees for every Rs. 10,000 only or part thereof the value of the security.

- (c) If relating to the purchase on sale of shares, scripts, 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

Two rupees for every Rs. 2500/- only or part of the value of the Security the value

between members of a Stock Exchange recognized under the Security Contracts (Regulation) Act, 1956;

of the Security at the time of its purchase or sale, as the case may be.

Description of Instrument

(ii) in other cases;

Five Rupees for every Rs. 500/- only or part thereof 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 more persons, than one as co-partner and whether in one or more blocks and situated in Assam/ Meghalaya where the advance given under such agreement does not exceed fifty rupees;

Rs. 2/-

(e) if not otherwise provided for

Rs. 8/-

Exemption

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;

7. *Appointment in execution of a power, whether of trustees or of property, moveable or immoveable, where made by any writing not being a Will.*

- (a) Where the value of property does not exceed Rs. 10,000 Rs. 100/-

- (b) in any other case Rs. 150/-

8. *Appraisal 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 in Bottomry Bond (No.15) for such amount

- (b) in any other case Rs. 50/-

Exemptions

- (a) Appraisal 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) Appraisalment of crops for the purpose of ascertaining the amount to 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, not being Articles or Clerkship (No. 11)

Rs. 50/-

Exemption

Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850 (19 of 1850), or by which a person is apprenticed by or at the charge of any public charity.

10. Articles of Association of a company.

(a) Where the company has no share capital or the normal share capital does not exceed Rs. 2,500

Rs. 100/-

(b) Where the nominal share capital exceeds Rs. 2,500 but does not exceed Rs. 10,000;

Rs. 150/-

- | | | |
|-----|---|-----------|
| (c) | Where the nominal share capital exceeds Rs. 10,000 but does not exceed Rs. 1,00,000 | Rs. 300/- |
| (d) | Where the nominal share capital exceed Rs. 1,00,000 | Rs. 500/- |

Exemption

Article of any Association not formed for profit and registered under Sec. 26 of the Indian Companies Act, 1882 (6 of 1882).

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

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|-----|---|---|
| 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 Two hundred fifty rupees. |
| 13. | Bond (as defined by Sec. 2 (5)) not being a Debenture (No. 27) and not being otherwise provided for the Court-fees Act, 1870 (7 of 1870). | |

Where the amount or value secured does not exceed Rs. 10;	Re. 1/-
Where it exceeds Rs. 10 and does not exceed Rs. 50	Rs. 2/-
Ditto 50 ditto 100	Rs. 3/-
Where it exceeds Rs. 100 and does not exceed Rs. 200	Rs. 5/-
Ditto 200 ditto 300	Rs. 6/-
Ditto 300 ditto 400	Rs. 8/-
Ditto 400 ditto 500	Rs. 12/-
Ditto 500 ditto 600	Rs. 16/-
Ditto 600 ditto 700	Rs. 18/-
Where it exceeds Rs. 700 and does not exceeds Rs. 800	Rs. 20/-
Ditto 800 ditto 900	Rs. 25/-
Ditto 900 ditto 1000	Rs. 30/-
and for every Rs. 500 (or part) thereof in excess of Rs. 1000	Rs. 10/-
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)

Exemptions

Bonds when executed by-

(a) headman nominated under rules framed in accordance with the Bengal Irrigation Act, 1876 (Ben Act 3 of 1876), Sec. 99, for the due performance of their duties under that Act,

(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 the ship to enable him to preserve the ship or prosecute her voyage.

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

- | | |
|--|--|
| 17. Cancellation-Instrument of (including any instrument by which any instrument, previously 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). | Rs. 50/- |
| 18. Certification 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, | Re. 1/- |
| (b) where the purchase money does not exceeds Rs. 25; | Rs. 2/- |
| (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, | Rs. 2/- |

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 (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purpose of the charterer, whether it includes a penalty clause or not. Rs. 10/-
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, whereby provision is made for the continuance of the debtor's business, under the supervision of inspector or under letters of Rs. 100/-

licence, for the benefit of his creditors.

23. Conveyance (as defined by Sec. 2 (10)), not being 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/-,

Rs. 3/-

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

Rs. 5/-

Ditto 100 ditto 200

Rs. 10/-

Ditto 200 ditto 300

Rs. 15/-

Ditto 300 ditto 400

Rs. 20/-

Ditto 400 ditto 500

Rs. 25/-

Ditto 500 ditto 600

Rs. 30/-

Ditto 600 ditto 700

Rs. 35/-^o

Ditto 700 ditto 800

Rs. 40/-

Ditto 800 ditto 900

Rs. 45/-

Ditto 900 ditto 1000

Rs. 50/-

and for every Rs. 500 or part thereof in excess of Rs. 1000

Rs. 15/-

Where it exceeds Rs. 50,000 but

Rs. 30/- for every one thou

does not exceed Rs. 90,000

sand rupees part thereof in
excces of Rs. 50,000/-

Where it exceeds Rs. 90,000 but
does not exceed Rs. 1,50,000

Rs. 40/- for every one thou-
sand rupees part thereof in
excees of Rs. 90,000/-

Where it exceeds Rs. 1,50,000

Rs. 50/- for every one
thousand rupees part thereof
in excees of Rs. 1,50,000/-

Exemptions

Assignment of copyright entry
made under the (Indian Copyright
Act, 1847 (20 of) Sec. 5

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-
fee-

i) if the original was not chargeable
with duty or if the duty which it was
not chargeable does not exceed
Ten rupees;

Rs. 5/-

ii) in any other case.....

Rs. 10/-

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 being paid,-

- (a) if the duty which the original instrument is chargeable does not exceed rupee one;

The same duty as is payable on the original

- (b) in any other case.....

Rs. 10/-

Exemption

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

26. Customs-Bonds-

- (a) where the amount does not exceed Rs. 1000/-

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

- (b) in any other case.... Rs. 75/-
29. Divorce- Instrument of that is to say, any instrument by which any person effects the dissolution of his marriage. Rs. 50/-
 Dower-Instrument of-See Settlement (No.58)
 Duplicate-See Counterpart (No. 25)
31. Exchange of Property-Instrument of Extract-See copy (No. 24) 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.
32. Further Charges-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 Cl.(a) of Art NO. 40 (that is, with possession). The same duty as a conveyance (No. 23) for a consideration equal to the further charge secured by such instrument.
- (b) when such mortgage is one of the description referred to in Cl.(b) of Art No. 40 (that is, without possession)-

- (i) if at 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 so given.
33. Gift-Instrument of, not being a settlement (No. 58) or will or transfer (No. 62)
- Hiring agreement-Or agreement for service See agreement (No. 5)
34. Indemnity-Bond.
Inspectorship deed - See Composition-deed (No. 22)
Insurance - See Policy or Insurance (No. 47)
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-
- The same duty as a conveyance (No. 23) for a consideration equal to the total amount of the charge.
- The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.
- The same duty as a conveyance No. 23 for a consideration equal to the value of the property as set forth in such instrument.
- The same duty as a Security Bond (No. 57) for the same amount.

- | | |
|---|--|
| (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 three years; | The same duty as a Bond (No. 15) for the amount or value of the overage annual rent reserved. |
| (iii) where the lease purports to be for a term in excess of three 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 does not purport to be for any definite term; | 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 in perpetuity, | 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 agriculture 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.

(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

Exemptions

- (a) 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.

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.

Re. 1/-

38. Letter of licence :- That is say, any agreement between a debtor and his creditor that the letter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.

Rs. 50/-

or premium or advance asset 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.

39. Memorandum or Association of a Company :-

(a) if accompanied by articles of association under Sec. 26 of the Indian Companies Act, 1956 Rs. 200/-

(b) if not so accompanied

(i) where the nominal share capital does not exceed one lakh of rupees; Rs. 500/-

(ii) where the nominal share capital exceeds one lakh of rupees Rs. 800/-

Exemption

Memorandum of any association not formed for profit and registered under Sec. 25 of the Indian Companies Act. 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 corp (No. 41), respondentia Bond (No. 56), or security bond (No. 57) -

(a) when possession of the property or any part of the property The same duty as a conveyance (No. 23) for a

comprised in such deed is given by the mortgage or agreed to be given;

- (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 purpose where the principal or primary security is dully stamped-

for every sum secured not exceeding Rs. 1,000;

Rs. 5/-

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

Rs. 5/-

Exemptions

- (1) Instruments, executed by persons taking advances under the Land

consideration equal to the amount secured by such deed.

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

Improvement Loans Act, 1883 (19 of 1883) or the Agriculturists Loan Act, 1884 (12 of 1884) or by their sureties as security for the repayment of such advances.

(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 the sum secured not exceeding Rs. 200,

Re. 1/-

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

Re. 1/-

(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;	Rs. 2/-
and for every Rs. 100 or part thereof secured in excess of Rs. 100	Rs. 2/-
42. Notarial Act :- That is to say, any instrument, 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, by any other person lawfully acting as a Notary Public. See also Protest of bill or note (No. 50)	Rs. 10/-
43. Note or Memorandum :- Send 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;	Re. 1/-
(b) of any stock or marketable security exceeding in value twenty rupees.	Two rupees for every Rs. 5,000 or part thereof of the value of the stock as security subject to a maximum of Rs. 100

- | | | |
|-----|---|--|
| 44. | Note of protest by the master of a ship-See also Protest by the master of a ship (No. 51) Order for the payment of money - | Rs. 10/- |
| 45. | Partition - Instrument of (as defined by Sec. 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. |
| 46. | Partnership :- | |
| A. | Instrument of - | |
| (a) | where the capital of the partnership does not exceed Rs. 1000; | The same duty as Bond (No. 15) |
| (b) | in any other case | Rs. 100/- |
| B. | Dissolution of - | |
| | Pawn or pledge - See Agreement relating to Deposit of title-deeds, pawn or pledge (No. 6) | Rs. 50/- |
| 48. | <i>Power of attorney</i> - (As defined by Sec. 2(21), not being 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, | Rs. 5/- |

- | | |
|---|---|
| (b) when required in suits or proceedings under the Presidency Small Causes Courts Act. 1882; | Rs. 5/- |
| (c) when authorizing one person or more to act in a single transaction other than the case mentioned in Cl. (a); | Rs. 10/- |
| (d) when authorizing not more than five persons to act jointly and severally in more than one transaction or generally, | Rs. 50/- |
| (e) when authorizing more than five but not more than ten persons to act jointly and severally in more than one transaction or generally, | Rs. 100/- |
| (f) when given for consideration and authorizing 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 | Rs. 10/- |

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

Re. 1/-

53. Receipt, (as defined by Sec. 2(23) for any money or other property the amount or value of which exceeds twenty rupees.

Exemptions :

Receipt-

- a) endorsed on or contained in any instrument duly stamped (or any instrument exempted) under the proviso to Sec. 3 (instrument executed on behalf of the Govt.) (or any cheque or bill of exchange payable on demand) acknowledging the receipt of the consideration-money therein expressed of the receipt of any principal-money, interest or annuity secured;
- b) for any payment of money without consideration;
- c) for any payment of rent by a cultivator on account of land

assessed to Govt. revenue;

- d) for pay or allowances by non commissioned (or petty) officers (Soldiers, sailors or airmen) of the Indian 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 is a non-commissioned (or petty) Officer, (soldiers), (sailor or airmen), of (any of the said forces), and serving in such capacity;
- f) for pension or allowances by persons receiving such pensions or allowances in receipt of their service as such non-commissioned (or petty) Officers, (Soldiers), (Sailors or airmen), and not serving the Govt. in any other capacity;
- g) given by a headman or lambordar for land or taxes collected by him;

- h) given for money or securities for money deposited in the hands or any banker, to be accounted for;

Provided that the same is not expressed to be received, or by the hands of, any other than the person to whom the same is to be accounted for;

Provided that this exemption shall not extend to a receipt or acknowledgement for any sum paid or deposited for or upon a letter of allotment of a share of, or in an incorporated company or other body corporate or such or intended company or body or respect of a debenture being a marketable security.

(See also Policy of Insurance (No. 47 - B (2)).

54. Reconveyance of mortgaged property

- (a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000; in
(b) in any other case....

The same duty as a conveyance (No. 23) for the amount of such consideration as set forth in the reconveyance.

Rs. 80/-

55. Release, that is to say, any instrument (not being such a release as is provided by Sec. 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 exceeds Rs. 1000; as

The same duty as a Bond (No. 15) for such amount or value as set forth in the release.

(b) in another case

Rs. 50/-

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 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 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. 1000; | The same duty as a Bond (No. 15) for the amount secured. |
| (b) in any case.... | Rs. 50/- |

Exemptions

Bond or other instrument, when executed

- (a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876 (Ben. Act 3 of 1876) Sec. 99, for the due performance of their duties under that act.
- (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 shall not be less than a specified sum per mensem;
- (c) under No. 3-A of the rules made

by the (State Government) under Sec. 70 of the Bombay Irrigation Act, 1879 (Bom. Act 5 of 1879);

- (d) executed by persons taking advance under the Land Improvement Loan Act, 1883 (19 of 1883), or the Agriculturists Loan Act, 1884 (12 of 1884), or by their sureties, as security for the repayment of such advances;
- (e) executed 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 or (including a deed of dower)

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 Rs. 4/-

Exemption

- (a) deed of dower executed on the occasion of a marriage between Mahammedens

- B. Revocation of -
See also Trust (No. 64)

The same 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 Rs. 50/-

59. Share warrants, to bearer issued under the (Indian Companies Act, 1882 (6 of 1882))

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

Exemption

Share warrant when issued by a company pursuance of the (Indian Companies Act, 1882 (6 of 1882)) Sec. 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 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. Script see Certificate (No. 19)

60. Shipping order, for or relating to the conveyance of goods on board of any vessel.

Re. 1/-

61. Surrender of Lease -

(a) when the duty with which the lease is chargeable does not exceed forty rupees

The duty with which such lease is chargeable

(b) in any other case

Rs. 40/-

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 - of, or concerning, any property when made by any written 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 Rs. 80/-

B. Revocation of - of, or concerning, any property when made by any instrument other than a will.

The same 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 Rs. 80/-

See also Settlement (No. 58)

Valuation See Appraisalment (No. 8)

Vakil See Entry as a Vakil (No. 30)

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

Rs. 5/-

NOTE :- *In respect of the clauses (items) not included in this amended schedule 1. The rates of stamp duty as prescribed in the Indian Stamp Act (act - 2 of 1899) (as amended upto date) shall continue to apply.*

**THE INDIAN STAMP (NAGALAND THIRD
AMENDMENT) ACT, 2004**

(Act No. 6 of 2004)

Received the assent of the Governor on 27.03.2004 and published
in the Nagaland Gazette Extra-Ordinary date 11.08. 2004.

An

Act

to further amend the Indian Stamp Act, 1899 (Act No.II of
1899) in its application to Nagaland.

Be it enacted in the Fifty-fifth year of the Republic of India as
follows:

Short title and extent

1. (1) This Act may be called the Indian Stamp (Nagaland
Third Amendment) Act, 2004.
- (2) It shall extend to the whole of Nagaland.

Amendment of Section 10

2. In the Indian Stamp Act, 1899 (Act No.II of 1899), for existing
Section 10, the following may be substituted, namely:

“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 instruments, by means of
stamps-

- (a) according to the provisions herein contained; or
- (b) when no such provision is applicable thereto, as the
Government may by rule direct.

THE INDIAN STAMP (NAGALAND THIRD AMENDMENT) ACT, 2004

2. The rules made under Sub-Section (1) may, among other matters, regulate,-
 - (a) in case of each kind of instrument - the description of stamps which may be used;
 - (b) in the case of instruments stamped with impressed stamps - the number of stamps which may be used.

(3) Subject to the rules made under Clause (b) of Sub-Section (1), the Chief Controlling Revenue Authority or any other Officer empowered by the State Government in this behalf, may authorize any person, body or organization, including Post Offices and Banks, to use a machine for making impression of stamps indicating the payment of stamp duty on the instrument.”

Insertion of Section 10A

3. In the Indian Stamp Act, 1899 (Act No.II of 1899), after the existing Section 10 as substituted by this Act in its application to Nagaland, the following may be inserted namely :

“10A.(1) Notwithstanding anything contained in Section 10, the stamp duty payable on an instrument may also be paid in cash by challan in the Banking Treasury or Treasury, countersigned by an Officer empowered by the State Government by notification in this behalf or by Demand Draft or by pay Order drawn on a Branch of any scheduled Bank. The Officer so empowered shall on production of such Challan and after such verification that the duty has been paid, or upon production of Demand Draft or pay Order, as the case may be, certify in such manner as may be prescribed by endorsement on the instrument, of the amount of duty so paid.

THE INDIAN STAMP (NAGALAND THIRD AMENDMENT) ACT, 2004

(2) An endorsement made on any instrument under Sub-section (1) shall have the same effect as if the duty of an amount equal to the amount stated in the endorsement has been paid in respect thereof and such payment has been indicated on such instrument by means of stamps, in accordance with the requirement of Section 10.”