

CHAPTER III
ADJUDICATION AS TO STAMPS

31. Adjudication as to proper stamp.- (1) When any instrument, whether executed or not and whether previously stamped or not is brought to the 1[Deputy Commissioner]1, and the person bringing it applies to have the opinion of that officer as to the duty (if any) with which it is chargeable, and pays a fee of 2[one hundred rupees]2, the 1[Deputy Commissioner]1 shall determine the duty (if any) with which, in his judgment, the instrument is chargeable.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

2. Substituted by Act 24 of 1999 w.e.f. 18.8.1999.

(2) For this purpose the 1[Deputy Commissioner]1 may require to be furnished with an abstract of the instrument, and also with such affidavit or other evidence as he may deem necessary to prove that all the facts and circumstances affecting the chargeability of the instrument with duty, or the amount of the duty with which it is chargeable, are fully and truly set forth therein, and may refuse to proceed upon any such application, until such abstract and evidence have been furnished accordingly:

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

Provided that,-

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

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

32. Certificate by 1[Deputy Commissioner]1.- (1) When an instrument brought to the 1[Deputy Commissioner]1 under section 31, is in his opinion, one of a description chargeable with duty, and,-

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(a) the 1[Deputy Commissioner]1 determines that it is already fully stamped, or

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(b) the duty determined by the 1[Deputy Commissioner]1 under section 31, or such a sum as, with the duty already paid in respect of the instrument, is equal to the duty so determined, has been paid,

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

the 1[Deputy Commissioner]1 shall certify by endorsement on such instrument that the full duty (stating the amount) with which it is chargeable has been paid.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(2) When such instrument is, in his opinion, not chargeable with duty, the 1[Deputy Commissioner]1 shall certify in manner aforesaid that such instrument is not so chargeable.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(3) 1[Subject to any orders made under Chapter VI, any instrument upon which]1 an endorsement has been made under this section shall be deemed to be duly stamped or not chargeable with duty, as the case may be; and, if chargeable with duty, shall be receivable in evidence or otherwise, and may be acted upon and registered as if it had been originally duly stamped:

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

Provided that nothing in this section shall authorise the 1[Deputy Commissioner]1 to endorse,—

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

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

(b) any instrument executed or first executed out of India and brought to him after the expiration of three months after it has been first received in the 1[State of Karnataka]1; or

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(c) any instrument chargeable 1[with a duty not exceeding fifteen naye paise]1 or a mortgage of crop [Article 1[35]1(a) of the Schedule] chargeable under clause (a) or (b) of section 3 with a duty of twenty-five naye paise, when brought to him, after the execution thereof, on paper not duly stamped.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

CHAPTER IV

INSTRUMENTS NOT DULY STAMPED

33. Examination and impounding of instruments.- (1) Every person having by law or consent of parties authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same.

(2) For that purpose every such person shall examine every instrument so chargeable and so produced or coming before him, in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in the

1[State of Karnataka]1 when such instrument was executed or first executed:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that,—

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

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

(3) For the purposes of this section, in cases of doubt, the Government may determine,—

(a) what offices shall be deemed to be public offices; and

(b) who shall be deemed to be persons in charge of public offices.

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

Provided that,—

(a) any such instrument not being an instrument chargeable 1[with a duty not exceeding fifteen naye paise]1 only, or a mortgage of crop [Article 1[35]1 (a) of the Schedule] chargeable under clauses (a) and (b) of section 3 with a duty of twenty-five naye paise shall, subject to all just exceptions, be admitted in evidence on payment of the duty with which the same is chargeable, or, in the case of an instrument insufficiently stamped, or the amount required to make up such duty, together with a penalty of five rupees, or, when ten times the amount of the proper duty or deficient portion thereof exceeds five rupees, of a sum equal to ten times such duty or portion;

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

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

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

(d) nothing herein contained shall prevent the admission of any instrument in any

Court when such instrument has been executed by or on behalf of the Government, or where it bears the certificate of the 1[Deputy Commissioner]1 as provided by section 32 or any other provision of this Act 2[and such certificate has not been revised in exercise of the powers conferred by the provisions of Chapter VI]2.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

2. Inserted by Act 29 of 1962 w.e.f. 1.10.1962.

35. Admission of instrument where not to be questioned.- Where an instrument has been admitted in evidence such admission shall not, except as provided in section 58, be called in question at any stage of the same suit or proceeding on the ground that the instrument has not been duly stamped.

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

37. Instruments impounded how dealt with.- (1) When the person impounding an instrument under section 33 has by law or consent of parties authority to receive evidence and admits such instrument in evidence upon payment of a penalty as provided by section 34 or of duty as provided by section 36, he shall send to the 1[Deputy Commissioner]1 an authenticated copy of such instrument, together with a certificate in writing, stating the amount of duty and penalty levied in respect thereof, and shall send such amount to the 1[Deputy Commissioner]1 or to such person as he may appoint in this behalf.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(2) In every other case, the person so impounding an instrument shall send it in original to the 1[Deputy Commissioner]1.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

38. 1[Deputy Commissioner]1's power to refund penalty paid under sub-section (1) of section 37.- (1) When a copy of an instrument is sent to the 1[Deputy Commissioner]1 under sub-section (1) of section 37, he may, if he thinks fit, refund any portion of the penalty in excess of five rupees which has been paid in respect of such instrument.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(2) When such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the 1[Deputy Commissioner]1 may refund the whole penalty so paid.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

39. 1[Deputy Commissioner]1's power to stamp instruments impounded.- (1)

When the 1[Deputy Commissioner]1 impounds any instrument under section 33, or receives any instrument sent to him under sub-section (2) of section 37, not being an instrument chargeable 1[with a duty not exceeding fifteen naye paise]1 only or a mortgage of crop [Article 1[35]1 (a) of the Schedule] chargeable under clause (a) or (b) of section 3 with a duty of twenty-five naye paise, he shall adopt the following procedure:—

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

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

(b) if he is of opinion that such instrument is chargeable with duty and is not duly stamped he shall require the payment of the proper duty or the amount required to make up the same, together with a penalty of five rupees; or if he thinks fit; an amount not exceeding ten times the amount of the proper duty or of the deficient portion thereof, whether such amount exceeds or falls short of five rupees:

Provided that, when such instrument has been impounded only because it has been written in contravention of section 13 or section 14, the 1[Deputy Commissioner]1 may, if he thinks fit, remit the whole penalty prescribed by this section.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(2) 1[Subject to any orders made under Chapter VI, every certificate]1 under clause (a) of sub-section (1) shall, for the purposes of this Act be conclusive evidence of the matters stated therein.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(3) Where an instrument has been sent to the 1[Deputy Commissioner]1 under sub-section (2) of section 37, the 1[Deputy Commissioner]1 shall, when he has dealt with it as provided by this section, return it to the impounding officer.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

40. Instruments unduly stamped by accident.- If any instrument chargeable with duty and not duly stamped, not being an instrument chargeable 1[with a duty not exceeding fifteen naye paise]1 or a mortgage of crop [Article 1[35]1 (a) of the Schedule] chargeable under clause (a) or (b) of section 3 with a duty of twenty-five naye paise is produced by any person of his own motion before the 1[Deputy Commissioner]1 within one year from the date of its execution or first execution and such person brings to the notice of the 1[Deputy Commissioner]1 the fact that such instrument is not duly stamped and offers to pay to the 1[Deputy Commissioner]1 the amount of the proper duty, or the amount required to make up the same, and the

1[Deputy Commissioner]1 is satisfied that the omission to duly stamp such instrument has been occasioned by accident, mistake or urgent necessity, he may, instead of proceeding under sections 33 and 39, receive such amount and proceed as next hereinafter prescribed.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

41. Endorsement of instruments on which duty has been paid under section 34, 39 or 40.- (1) When the duty and penalty (if any) leviable in respect of any instrument have been paid under section 34, section 39 or section 40, the person admitting such instrument in evidence or the 1[Deputy Commissioner]1, as the case may be, shall certify by endorsement thereon that the proper duty or, as the case may be, the proper duty and penalty (stating the amount of each) have been levied in respect thereof and the name and residence of the person paying them.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(2) Every instrument so endorsed shall thereupon be admissible in evidence, and may be registered and acted upon and authenticated as if it had been duly stamped, and shall be delivered on his application in this behalf to the person from whose possession it came into the hands of the officer impounding it, or as such person may direct:

Provided that,—

(a) no instrument which has been admitted in evidence upon payment of duty and a penalty under section 34, shall be so delivered before the expiration of one month from the date of such impounding, or if the 1[Deputy Commissioner]1 has certified that its further detention is necessary and has not cancelled such certificate;

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(b) nothing in this section shall affect order XIII, rule 9 of the First Schedule to the Code of Civil Procedure, 1908.

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

Provided that no such prosecution shall be instituted in the case of any instrument in respect of which such a penalty has been paid, unless it appears to the 1[Deputy Commissioner]1 that the offence was committed with an intention of evading payment of the proper duty.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

43. Persons paying duty or penalty may recover same in certain cases.- (1) When any duty or penalty has been paid under section 34, section 36, section 39 or

section 40, by any person in respect of an instrument, and by agreement or under the provisions of section 30 or any other enactment in force at the time such instrument was executed, some other person was bound to bear the expense of providing the proper stamp for such instrument, the first-mentioned person shall be entitled to recover from such other person the amount of the duty or penalty so paid.

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

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

44. Power to Revenue authority to refund penalty or excess duty in certain cases.- (1) Where any penalty is paid under section 34 or section 39, the Chief Controlling Revenue Authority may, upon application in writing made within one year from the date of the payment, refund such penalty wholly or in part.

(2) Where, in the opinion of the Chief Controlling Revenue Authority, stamp duty in excess of that which is legally chargeable has been charged and paid under 1[any of the provisions of this Act]1, such authority may, upon application in writing made 1[within six months from the date of registration of the instrument or the order charging the same]1, refund the excess.

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999

1[Provided that with the sanction of the State Government the Chief Controlling Revenue Authority may make the refund after the period specified in sub-section (1) or (2).]1

1. Inserted by Act 29 of 1962 w.e.f. 1.10.1962.

45. Non-liability for loss of instruments sent under section 37.- (1) If any instrument sent to the 1[Deputy Commissioner]1 under sub-section (2) of section 37 is lost, destroyed or damaged during transmission, the person sending the same shall not be liable for such loss, destruction or damage.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(2) When any instrument is about to be so sent, the person from whose possession it came into the hands of the person impounding the same, may require a copy thereof to be made at the expense of such first-mentioned person and authenticated by the person impounding such instrument.

1[45A. Instrument of conveyance, etc. undervalued how to be dealt with.- 2[(1) If the registering officer appointed under the Registration Act, 1908 (Central Act XVI of 1908) while registering 3[any instrument of,-

- (a) Conveyance [section 2(1)(d)]; (b) Gift [Article 28(a)];
- (c) Exchange of property (Article 26);
- (d) Settlement (Article 48-A(i))
- (e) Reconstitution of Partnership (Article 40-B (a));
- (f) Dissolution of partnership (Article 40-C (a));
- (g) An agreement to sell covered under sub-clause (i) of clause (e) of Article 5;
- 7[(h) a lease covered under item 8[(vi)] 8 of Article 30;] 7
- (i) A power of Attorney covered 7[under clause (e), clause (ea) and clause (eb)]7 of Article 41;
- (j) Release 6[(Article 45-(a)]6;
- (k) Conveyance under a decree or final order of any Civil Court

has reason to believe]3 having regard to the estimated market value published by the Committee constituted under section 45B, if any or otherwise, that the market value of the property which is the subject matter of such instrument has not been truly set forth, he shall after arriving at the estimated market value, communicate the same to the parties and unless the parties pay the duty on the basis of such valuation, shall keep pending the process of registration and refer the matter along with a copy of such instrument to the Deputy Commissioner for determination of the market value of property and the proper duty payable thereon.]1

5[(l) Agreement [Article 5(f)]

(m) Award [Article 11(a)]

(n) Trust [Article 54 (A) (iii)]5

9[(o) Transferable Development Rights [Article 20(7)].] 9

1. Inserted by Act 12 of 1975 w.e.f. 1.5.1975 in Bangalore City, Hubli-Dharwad City, Municipalities of Mysore, Mangalore, Belgaum, Gulbarga, Bellary, Davanagere, Bijapur, Shimoga and Bhadravathi and w.e.f. 1.4.1991 in other areas of the State by notification.
2. Substituted by Act 24 of 1999 w.e.f. 18.8.1999.
3. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.
4. Inserted by Act 7 of 2006 w.e.f. 1.4.2006.
5. Inserted by Act 7 of 2007 w.e.f. 1.4.2007.
6. Substituted by Act 7 of 2007 w.e.f. 1.4.2007.
7. Substituted by Act 9 of 2009 w.e.f. 1.4.2009.
8. Substituted by Act 8 of 2010 w.e.f. 1.4.2010.
9. Inserted by Act 8 of 2010 w.e.f. 1.4.2010.

(2) On receipt of a reference under sub-section (1), the Deputy Commissioner shall, after giving the parties a reasonable opportunity of being heard and after holding an inquiry in such manner as the State Government may by rules prescribe, determine by order 1[as for as may be within ninety days from the date of receipt of such reference]1 the market value of the property which is the 2[subject matter of instrument specified in sub-section (1) and the duty payable thereon.]2 The difference, if any, in the amount of duty, shall be payable by the person liable to pay the duty. 3[with interest at twelve percent per annum if he does not pay within ninety days from the date of order of the Deputy Commissioner]3

3[Provided that the payment of interest is not applicable to instruments executed prior to 31st day of March, 2006.]3

1. Inserted by Act 24 of 1999 w.e.f. 18.8.1999.

2. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

3. Inserted by Act 7 of 2006 w.e.f. 1.4.2006.

(3) The Deputy Commissioner may, suo motu within two years from the date of registration of 1[any instrument specified in sub-section (1)]1 not already referred to him under sub-section (1), call for and examine the instrument for the purpose of satisfying himself as to the correctness of the market value of the property which is the 1[subject matter of any instrument specified in sub-section (1) and the duty payable thereon]1 and if after such examination he has reason to believe that the market value of such property has not been truly set forth in the instrument, he may determine by order the market value of such property and the duty payable thereon in accordance with the procedure provided for in sub-section (2). The difference, if any, in the amount of duty, shall be payable by the person liable to pay the duty 2[with interest at twelve percent per annum if he does not pay within ninety days from the date of order of the Deputy Commissioner]2:

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

2. Inserted by Act 7 of 2006 w.e.f. 1.4.2006.

Provided that nothing in this sub-section shall apply to any instrument registered before the commencement of the Karnataka Stamp (Amendment) Act, 1975

2[Provided further that the payment of interest is not applicable to instruments executed prior to 31st day of March 2006.]2.

2. Inserted by Act 7 of 2006 w.e.f. 1.4.2006.

(4) The order of the Deputy Commissioner under sub-section (2) or (3) shall be communicated to the person liable to pay the duty. A copy of every such order shall be sent to the registering officer concerned.

(5) Any person aggrieved by an order of the Deputy Commissioner under sub-section (2) or sub-section (3) may, prefer an appeal before the 1[Regional

Commissioner]1 and all such appeals shall be preferred within such time and be heard and disposed off in such manner as the State Government may by rules prescribe.]1

1. Substituted by Act 17 of 2007 w.e.f. 5.1.2007.

1[Provided that no appeal shall be admitted unless the person aggrieved has deposited, in the prescribed manner, fifty percent of the difference in the amount of duty as determined by the Deputy Commissioner under sub-section (2) or (3):

1. Proviso 1,2 and 3 inserted by Act 24 of 1999 w.e.f. 18.8.1999.

Provided further that where after the determination of the market value by the Appellate Authority or determined again by the Deputy Commissioner on a remand of the case the stamp duty borne is found to be sufficient, the amount deposited shall be returned to the person concerned:

1[Provided also that such person shall pay the difference in duty along with interest at twelve percent per annum if he does not pay with in ninety days from the date of order of the Deputy Commissioner or sixty days from the date of order of the Appellate Authority, so however, the payment of interest is not applicable to instruments executed prior to eighteenth day of August 1999]1

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

1[Explanation.- x x x]1

1. Omitted by Act 6 of 1999 w.e.f. 1.4.1999.

1[45B. Constitution of Central Valuation Committee.- (1) The State Government shall by notification, constitute a Central Valuation Committee, under the chairmanship of Inspector General of Registration and Commissioner of Stamps, for estimation, publication and revision of market value guidelines of properties in any area in the State at such intervals and in such manner as may be prescribed, for the purpose of section 45-A.

(2) The Central Valuation Committee is the final authority for the formulation of policy, methodology and administration of the market value guidelines in the State and may for the said purpose constitute market valuation sub-committees in each sub-district and district comprising of such members as may be prescribed, for estimation and revision of the market value guidelines in the State.

(3)Sub-committees so constituted shall function under the Central Valuation Committee and shall follows such procedures as may be prescribed and shall be subject to reconstitution whenever found necessary.]1

1. Subsections (1) to (3) substituted by Act 8 of 2003 w.e.f. 1.4.2003

46. Recovery of duties and penalties.- 1[(1)] 1 All duties, penalties and other sums required to be paid under this Chapter may be recovered 2[along with simple interest at such rate as may be specified by the State Government by notification]2 by

the 3[Deputy Commissioner]3 by distress and sale of the moveable property of the person from whom the same are due, or by any other process for the time being in force for the recovery of arrears of land revenue.

1. Re-numbered by Act 11 of 1991 w.e.f. 1.4.1991.
2. Inserted by Act 24 of 1999 w.e.f. 18.8.1999.
3. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

1 2[(2) All duties, penalties and other sums required to be paid under this Chapter shall be a charge on the property which is the subject matter of the Instrument:]2

1. Sub-sections (2) and (3) Substituted by Act 24 of 1999 w.e.f. 18.8.1999
2. Inserted by Act 11 of 1991 w.e.f. 1.4.1991

Provided that the provisions of sub-section (2) shall be deemed to apply to all cases of which are pending recovery and to proceedings under sub-section (1) which have already been initiated.

(3) Notwithstanding anything contained in the Registration Act, 1908 (Central Act XVI of 1908), a note of such charge and its extinguishments shall be made in the indices prescribed therein and shall be deemed to be a notice under the said Act]1

1[46A. Recovery of stamp duty not levied or short levied.- (1) Where any instrument chargeable with duty has not been duly stamped, the Chief Controlling Revenue Authority or any other officer authorised by the State Government (hereinafter referred to as the authorised officer) may, within 2[five years]2 from the date of commencement of the Karnataka Stamp (Amendment) Act, 1980 or the date on which the duty became payable whichever is later, serve notice on the person by whom the duty was payable requiring him to show cause why the proper duty or the amount required to make up the same should not be collected from him:

Provided that where the non-payment was by reason of fraud, collusion or any wilful mis-statement or suppression of facts or contravention of any of the provisions of this Act or of the rules made thereunder with intent to evade payment of duty, the provisions of this sub-section shall have effect, as if for the words 2[five years]2 the words 2[ten years]2 were substituted:

Provided further that nothing in this sub-section shall apply to instruments executed prior to first day of April, 1972.

1. Inserted by Act 15 of 1980 w.e.f. 1.4.1972.
2. Substituted by Act 16 of 1983 w.e.f. 1.4.1972.

Explanation.— Where the service of a notice, under this sub-section is stayed by an order of a court, the period of such stay shall be excluded in computing the aforesaid period of 1 [five years]1 or 1[ten years]1, as the case may be.

1. Substituted by Act 16 of 1983 w.e.f. 1.4.1972.

(2) The Chief Controlling Revenue Authority or the authorised officer shall, after considering the representation, if any, made by the person on whom notice is served under sub-section (1), determine the amount of duty due from such person (not being in excess of the amount specified in the notice) and thereupon such person shall pay the amount so determined.

(3) Any person aggrieved by an order under sub-section (2), may prefer an appeal before the Karnataka Appellate Tribunal within three months from the date of such order.

1[(4) All duties payable under this section shall be recovered in accordance with provisions of section 46.]1

1. Substituted by Act 24 of 1999 w.e.f. 18.8.1999.

1[46B. Duties, penalties etc, to be certified.- All duties whether proper or deficit, penalties, or any other sums paid or recovered under any of the provisions of this Act shall be certified on the instruments in the manner prescribed]1

1. Inserted by Act 24 of 1999 w.e.f. 18.8.1999.

CHAPTER V

ALLOWANCES FOR STAMPS IN CERTAIN CASES

47. Allowance for spoiled stamps.- Subject to such rules as may be made by the State Government as to evidence to be required, or the enquiry to be made, the 1[Deputy Commissioner]1 may, on application made within the period prescribed in section 48, and if he is satisfied as to the facts, make allowance for impressed stamps spoiled in the cases hereinafter mentioned, namely:—

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

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

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

(c) the stamp used for an instrument executed by any party thereto which,—

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

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

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

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

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

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

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

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

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

Explanation.— The certificate of the 1[Deputy Commissioner]1 under section 32, that the full duty with which an instrument is chargeable has been paid, is an impressed stamp within the meaning of this section.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

48. Application for relief under section 47 when to be made.- The application for relief under section 47 shall be made within the following periods, that is to say,—

(1) in the cases mentioned in clause (c)(5), within 1[six months]1 of the date of the instrument;

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

(2) in the case of a stamped paper on which no instrument has been executed by any of the parties thereto, within 1[one year]1 after the stamp has been spoiled;

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

(3) in the case of a stamped paper in which an instrument has been executed by any of the parties thereto, within 1[one year]1 after the date of the instrument or, if it is not dated, within 1[one year]1 after execution thereof by the person by whom it was first or alone executed;

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

Provided that,—

(a) when the spoiled instrument has been for sufficient reasons sent out of the 1[State of Karnataka]1 the application may be made within 2[one year]2 after it has been received back in the 1[State of Karnataka]1;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

(b) when, from unavoidable circumstances, any instrument for which another instrument has been substituted, cannot be given up to be cancelled within the aforesaid period, the application may be made within 1[one year]1 after the date of execution of the substituted instrument.

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

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

The Chief Controlling Revenue Authority may, without limit of time, make allowance for stamped papers used for printed forms of instruments by any banker or by any incorporated company or other body corporate, if for any sufficient reason such forms have ceased to be required by the said banker, company or body corporate: provided that such authority is satisfied that the duty in respect of such stamped papers has been duly paid.

50. Allowance for misused stamps.- (a) When any person has inadvertently used for an instrument chargeable with duty, a stamp of a description other than that prescribed for such instrument by the rules made under this Act, or a stamp of greater value than was necessary or has inadvertently used any stamp for an instrument not chargeable with any duty; or

(b) when any stamp used for an instrument has been inadvertently rendered useless under section 15, owing to such instrument having been written in contravention of the provisions of section 13;

the 1[Deputy Commissioner]1 may, on application made within 2[one year]2 after the date of the instrument, or, if it is not dated, within 2[one year]2 after the execution thereof by the person by whom it was first or alone executed, and upon the instrument, if chargeable with duty being re-stamped with the proper duty, cancel and allow as spoiled the stamp so misused or rendered useless.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

2. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

1[51. Allowance for spoiled or misused stamps how to be made.- In any case in which allowance is made for spoiled or misused stamps, the Deputy Commissioner may, after deducting twenty paise for each rupee or a fraction thereof, give in lieu thereof,-

(a) other stamps of the same description ; or

- (b) if required and if he thinks fit, stamps of any, other description; or
- (c) at his discretion the value in money equal to the discounted value.]¹

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

52. Allowance for stamps not required for use.- 1[(1)]¹ When any person is possessed of a stamp or stamps which have not been spoiled or rendered unfit or useless for the purpose intended, but for which he has no immediate use, the 3[Deputy Commissioner]³ shall repay to such person the value of such stamp or stamps in money, deducting 2[ten naye paise]² for each rupee or portion of a rupee, upon such person delivering up the same to be cancelled, and proving to the 3[Deputy Commissioner's]³ satisfaction—

1. Renumbered by Act 6 of 1999 w.e.f. 1.4.1999.

2. Substituted by Act 8 of 1958 w.e.f. 29.3.1958.

3. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

(a) that such stamp or stamps were purchased by such person with a bona fide intention to use them; and

(b) that he has paid the full price thereof; and

(c) that they were so purchased within the period of 1[one year]¹ next preceding the date on which they were so delivered:

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

Provided that, where the person is a licensed vendor of stamps the 1[Deputy Commissioner]¹ may, if he thinks fit, make the repayment of the sum actually paid by the vendor without any such deduction as aforesaid.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

1[(2)] An appeal shall lie against the orders of the Deputy Commissioner within sixty days from the date of the order passed under this chapter to the Chief Controlling Revenue Authority.]¹

1. Inserted by Act 6 of 1999 w.e.f. 1.4.1999.

1[52A. Power of State Government to grant relief.- Notwithstanding anything in the preceding sections of this Chapter, the State Government, after consultation with the Chief Controlling Revenue Authority, if satisfied that it is just and equitable to grant relief in any case or class of cases,—

(i) other than those to which any of the said sections is applicable; or

(ii) after the period specified in any of the said sections,

may by order direct the grant of such relief as may be specified in the order and the Deputy Commissioner shall dispose of the case or class of cases conformably to such order.]¹

1. Inserted by Act 29 of 19629 w.e.f. 1.10.1962.

1[Provided that the provisions of this section shall not apply to cases where refunds are claimed for loss of stamps.]1

1. Inserted by Act 24 of 1999 w.e.f. 18.8.1999

CHAPTER VI REFERENCE AND REVISION

53. Control of and statement of case to, Chief Controlling Revenue Authority.- (1) The powers exercisable by a 1[Deputy Commissioner]1 under 1[any provision of this Act or any rule or order made thereunder]1 shall in all cases be subject to the control of the Chief Controlling Revenue Authority.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962

(2) If any 1[Deputy Commissioner]1 acting under section 31, section 39 or section 40, feels doubt as to the amount of duty with which any instrument is chargeable, he may draw up a statement of the case and refer it with his own opinion thereon, for the decision of the Chief Controlling Revenue Authority.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962

(3) Such authority shall consider the case and send a copy of its decision to the 1[Deputy Commissioner]1 who shall proceed to assess and charge the duty (if any) in conformity with such decision.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962

1[53A. Revision of order passed by Deputy Commissioner or Authorised officers.- (1) The Chief Controlling Revenue Authority may except where the matter is pending before an appellate authority under this Act, suo-motu, within a period of five years from the date of the order passed under this Act by the Deputy Commissioner or such other officer authorised by the State Government in this behalf, call for and examine the records relating to such order or proceedings taken under this Act by the Deputy Commissioner or the authorised officer, and if after such examination it has reason to believe that the order so made or proceedings so taken is erroneous or are not in accordance with the provisions of this Act or prejudicial to the interest of the revenue, it may after giving the parties interested an opportunity of being heard, pass an order in writing confirming, modifying or setting aside such order and direct the Deputy Commissioner or the authorised officer, as the case may be to collect the difference of duty, if any payable in accordance with the provisions of section 46:

1. Inserted by Act 24 of 1999 w.e.f. 18.8.1999

Provided that in appropriate cases, the Chief Controlling Revenue Authority may order stay of operation of the order under revision, pending hearing of the case.

(2) The Chief Controlling Revenue Authority may for the purpose of sub-section (1), require the concerned person to produce before it, the instrument and examine such instrument to determine whether any duty is chargeable or the duty is short levied or improperly levied on account of any wilful mis-statement or suppression of facts made or of contravention of any of the provisions of this Act or rules made thereunder by such person with intent to evade payment of duty.]¹

54. Statement of case by Chief Controlling Revenue Authority to High Court.-

(1) The Chief Controlling Revenue Authority may, state any case referred to it under sub-section (2) of section 53 or otherwise coming to its notice, and refer such case, with its own opinion thereon, to the High Court.

(2) Every such case shall be decided by not less than three Judges of the High Court, and in case of difference, the opinion of the majority shall prevail.

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

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

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

57. Statement of case by other Courts to High Court.- (1), If any Court, other than the High Court, feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to section 34, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the High Court.

(2) Such Court shall deal with the case as if it had been referred under section 54, and send a copy of its judgment under the seal of the Court and the signature of the Registrar to the Chief Controlling Revenue Authority and another like copy to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such judgment.

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

58. Revision of certain decisions of Courts regarding the sufficiency of stamps.- (1) When any Court in the exercise of its Civil or Revenue jurisdiction or any Criminal Court in any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898, makes any order admitting any instrument in evidence as duly stamped or as not requiring a stamp, or upon payment of duty and a penalty under section 34, the Court to which appeals lie from, or references are made by, such first mentioned Court may, of its own motion or on the application of the 1[Deputy Commissioner]1, take such order into consideration

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(2) If such Court, after such consideration, is of opinion that such instrument should not have been admitted in evidence without the payment of duty and penalty under section 34, or without the payment of a higher duty and penalty than those paid, it may record a declaration to that effect, and determine the amount of duty with which such instrument is chargeable, and may require any person in whose possession or power such instrument then is, to produce the same, and may impound the same when produced.

(3) When any declaration has been recorded under sub-section (2), the Court recording the same shall send a copy thereof to the 1[Deputy Commissioner]1 and, where the instrument to which it relates has been impounded or is otherwise in the possession of such Court, shall also send him such instrument.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(4) The 1[Deputy Commissioner]1 may thereupon, notwithstanding anything contained in the order admitting such instrument in evidence, or in any certificate granted under section 41, or in section 42, prosecute any person for any offence against the stamp-law which the 1[Deputy Commissioner]1 considers him to have committed in respect of such instrument:

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

Provided that,—

(a) no such prosecution shall be instituted where the amount (including duty and penalty) which, according to the determination of such Court, was payable in respect of the instrument under section 34, is paid to the 1[Deputy Commissioner]1 unless he thinks that the offence was committed with an intention of evading payment of the proper duty;

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(b) except for the purpose of such prosecution, no declaration made under this section shall affect the validity of any order admitting any instrument in evidence, or of any certificate granted under section 41.

CHAPTER VII

CRIMINAL OFFENCES AND PROCEDURE

59. Penalty for executing, etc., instrument not duly stamped.- (1) Any person executing or signing otherwise than as a witness any instrument chargeable with duty, without the same being duly stamped shall for every such offence 1[be punishable with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which may extend to five thousand rupees or with both]1:

1. Substituted by Act 24 of 1999 w.e.f. 18.8.1999.

Provided that, when any penalty has been paid in respect of any instrument under section 34, section 39 or section 58, the amount of such penalty shall be allowed in reduction of the fine (if any) subsequently imposed under this section in respect of the same instrument upon the person who paid such penalty.

(2) If a share-warrant is issued without being duly stamped, the company issuing the same, and also every person who, at the time when it is issued, is the managing director or secretary or other principal officer of the company, shall be punishable with fine which may extend to five hundred rupees.

1[59A. Penalty for making false declaration in clearance list.- Any person who in a clearance list makes a declaration which is false or which he either knows or believes to be false where it results in loss of stamp duty to the State Government shall, on conviction be punishable with imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which may extend to five thousand rupees.

1. Sections 59A and 59B inserted by Act 24 of 1999 w.e.f. 18.8.1999.

59B. Penalty for failure to produce documents.- Any person who,-

(i) fails to produce any register, book, record, paper, application, document, instrument or proceedings for inspection, or

(ii) prevents or obstructs the inspection, entry, search or seizure by an officer, empowered under this Act,

shall on conviction, be punishable with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which may extend to five thousand rupees or with both.]1

60. 1[XXX]1

1. Omitted by Act 1 of 2008 w.e.f. 1.4.2003

61. Penalty for omission to comply with provisions of section 28.- Any person who, with intent to defraud the Government,—

(a) executes any instrument in which all the facts and circumstances required by section 28 to be set forth in such instrument are not fully and truly set forth; or

(b) being employed or concerned in or about the preparation of any instrument, neglects or omits fully and truly to set forth therein all such facts and circumstances; or

1[(c) makes any false statement or does any other act calculated to deprive the Government of any duty or penalty under this Act,]1

shall be punishable with fine which may extend to 1[five times the amount of the deficient duty thereof]1.

1. Substituted by Act 24 of 1999 w.e.f. 18.8.1999.

62. Penalty for devices to defraud the revenue.- Any person who with intent to defraud the Government of duty, practices or is concerned in any act, contrivance or device not specially punishable under this Act or any other law for the time being in force shall be punishable with fine which may extend to one thousand rupees.

1[63. Penalty for franking, recording certificate or embossing contrary to the Act or the rules.- Any person who is authorised to frank or record the certificate of stamp or emboss the duty acts in contravention of the Act or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which may extend to five thousand rupees or with both.]1

1. Substituted by Act 1 of 2008 w.e.f. 1.4.2003

1[63A. Penalty for contravention of other provisions.- Any person who willfully acts in contravention of any of the provisions of this Act in respect of which no other provision has been made in this Chapter, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.]1

1. Inserted by Act 17 of 1966 w.e.f. 15.11.1966.

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

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

(2) The Chief Controlling Revenue Authority, or any officer generally or specially authorized by it in this behalf, may stay any such prosecution or compound any such offence.

(3) The amount of any such composition shall be recoverable in the manner provided by section 46.

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

1[66. Place of trial.- Every offence under this Act committed in respect of any instrument may be tried in any district or metropolitan area in which such instrument is executed or found or where such offence is triable under the Code of Criminal Procedure, 1973.]¹

1. Substituted by Act 24 of 1999 w.e.f 18.8.1999.

CHAPTER VIII

SUPPLEMENTAL PROVISIONS

1[67. Books, etc., to be open to inspection.- A Deputy Commissioner or an Assistant Commissioner or any officer not below the rank of a Sub-registrar authorised by the Deputy Commissioner or Chief Controlling Revenue Authority in this behalf may for the purpose of this Act require every public officer or any person to produce or permit at all reasonable time inspection of such registers, books, records, papers, documents, information in electronic storage and retrieval device or medium, applications, instrument or proceedings the inspection whereof may tend to secure any duty or to prove or lead to the discovery of any fraud or omission in relation to any duty and take such notes and extracts as he may deem necessary without fee or charge and may if necessary seize them and impound them under section 33.]¹

1. Substituted by Act 24 of 1999 w.e.f 18.8.1999.

1[67A. Procedure of Chief Controlling Revenue Authority and the Deputy Commissioner and rectification of mistakes.- (1) No order relating to the proper stamp duty payable under this Act shall be made by the Chief Controlling Revenue Authority or the Deputy Commissioner to the prejudice of any person liable to pay such duty, unless a reasonable opportunity to be heard is given to such person.

(2) The State Government, the Chief Controlling Revenue Authority or the Deputy Commissioner may suo motu or on application of any party affected at any time within three years from the date of any order passed by it or him review such order and rectify any mistake, or error apparent from the record:

Provided that no such rectification shall be made to the prejudice of any person unless a reasonable opportunity to be heard is given to such person.]¹

1. Inserted by Act 29 of 1962 w.e.f. 1.10.1962.

1[67B. Power to enter premises and inspect certain documents.- (1) Where the Deputy Commissioner or an Assistant Commissioner or any officer not below the rank of Sub-registrar authorised by the Deputy Commissioner or Chief Controlling Revenue Authority has reason to believe that any of the instruments specified in the

schedule has not been charged at all or incorrectly charged with duty leviable under this Act or the Indian Stamp Act, 1899 in so far it is applicable to the State of Karnataka, he shall have power to enter and search any premises where he has reason to believe that any register, book, record paper, application, information in electronic storage and retrieval device or medium, instrument or proceedings are kept and to inspect them and to take such notes and extracts as he may deem necessary. Every person having in his custody or is maintaining such register, book, record, paper, application, instrument or proceedings shall at all reasonable times produce, or permit the Deputy Commissioner, Assistant Commissioner or such officer to inspect them and to take notes and extracts as he may deem necessary and if necessary seize and impound them under section 33:

1. Inserted by Act 17 of 1966 w.e.f. 15.11.1966 & substituted by Act 24 of 1999 w.e.f. 18.8.1999.

Provided that no residential accommodation (not being a place of business-cum-residence) shall be so entered into and searched except on the authority of a search warrant issued by a Magistrate having jurisdiction over the area; and all searches under this section shall, so far as may be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) If upon such inspection, the Deputy Commissioner, Assistant Commissioner or the officer so authorised is of opinion that any instrument chargeable with duty and is not duly stamped he shall require the person liable to pay the proper duty or the amount required to make up the same and also penalty, not exceeding five times the amount of the deficient duty thereof if any leviable, and in case of default the amount of duty and penalty shall be recovered in accordance with provisions of section 46:

Provided that before taking any action under this sub-section, a reasonable opportunity of being heard shall be given to the person likely to be affected thereby.]¹

68. Powers to make rules.- (1) The State Government may by notification in the official Gazette, make rules to carry out generally the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for regulating,—

- (a) the supply and sale of stamps and stamped papers,
- (b) the persons by whom alone such sale is to be conducted,
- (c) the duties and remuneration of such persons, 1[x x x]1

1. Omitted by Act 12 of 1975 w.e.f. 1.5.1975.

(d) the fines which shall in no case exceed five hundred rupees, to be incurred on breach of any rule:

- 1[(e) the manner of holding inquiry under section 2[45A(2) and (3)]2; and

1. Inserted by Act 12 of 1975 w.e.f. 1.5.1975.

2. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

(f) the time within which an appeal shall be preferred and the manner in which such appeal shall be heard and disposed of by the 1[Deputy Inspector General of Registration of the Department of Registration and Stamps.]1

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

1[(g) regulating the Constitution of Central Valuation Committee and other sub-committees in the sub-districts and districts and procedure for the estimation, publication and revision of market value guidelines of properties under section 45-B]1

1. Inserted by Act 8 of 2003 w.e.f. 1.4.2003

Provided that such rules shall not restrict the sale of 1[fifteen naye paise, ten naye paise or five naye paise]1 adhesive stamps.

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

1[(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]1

1. Substituted by Act 29 of 1962 w.e.f. 1.10.1962.

69. Saving as to Court Fees.- Nothing contained in this Act shall be deemed to affect the duties chargeable under any enactment for the time being in force relating to Court-fees.

70. Act to be translated and sold cheaply.- The State Government shall make provision for the sale of a translation of this Act in Kannada and other regional languages 1[at such price as the State Government may from time to time fix, per copy]1.

1. Substituted by Act 12 of 1975 w.e.f. 1.5.1975.

71. Repeal and savings.- The Mysore Stamp Act, 1900 (Mysore Act II of 1900), as in force in the Mysore Area and the Hyderabad Stamp Act, 1331 F (Hyderabad Act IV of 1331 Fasli), as in force in the 1[Gulbarga Area]1 are hereby repealed:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that such repeal shall not affect,—

(a) the previous operation of the said enactments or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued, or incurred under the said enactments;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

72. Application of Indian Stamp Act, 1899.- (1) The Indian Stamp Act, 1899 (Central Act II of 1899), as in force in the 1[Mangalore and Kollegal Area,]1 shall, notwithstanding anything contained in any law, extend to the whole of the 1[State of Karnataka]1, and shall remain in force in so far such Act relates to the matter specified in entry 44 of List III of the Seventh Schedule to the Constitution in respect of documents specified in entry 91 of List I of the said Schedule.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) Save as provided in sub-section (1), the Indian Stamp Act 1899 (Central Act II of 1899), as in force in the 1[Belgaum Area]1, Coorg District and the 1[Mangalore and Kollegal Area,]1 in so far as it relates to the matter specified in entry 44 of List III of the Seventh Schedule to the Constitution, in respect of documents falling under entry 63 of List II of the said Schedule, is hereby repealed:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that such repeal shall not affect,—

(a) the previous operation of the said enactments or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

¹ [SCHEDULE Stamp Duty on Instruments		
1. Whole schedule has been Substituted by Act 21 of 1979 w.e.f. 31.3.1979.		
Article No.	Description of Instrument	Proper stamp-duty
1	2	3
	<p>1[1. Acknowledgment of,—</p> <p>(i) a debt written or signed by or on behalf of, a debtor in order to supply evidence of such debt in any book (other than a Banker's pass book) or on a separate piece of paper when such book or paper is left in the creditors' possession and the amount or value of such debt,—</p>	
	(a) exceeds rupees 100 but does not exceed rupees ² [5,000.] ²	² [Two rupee.] ²
	² [(b) When exceeds Rs. 5,000/-.	Two rupees plus rupees two for every thousand or part thereof] ² ³ [Subject to a maximum of rupees one thousand] ³
	<p>(ii) a letter, article, document, parcel, package, or consignment, of any nature or discription, whatsoever or by whatever name called, given by a person, courier company, firm, or body of persons whether incorporated or unincorporated sender of such letter, articles, document, to the parcel, package or consignment.</p> <p>1. Substituted by Act 8 of 1995 w.e.f. 1.4.1995. 2. Substituted by Act 7 of 2000 w.e.f. 1.4.2000. 3. Inserted by Act 6 of 2001 w.e.f. 1.4.2001</p>	One rupee for every rupees one hundred or part thereof of the amount charged therefor] ¹
	<p>2. Administration Bond,-including a bond given under section 6 of the Government Savings , Banks Act 1873 (Central Act V of 1873) or section 289, 291, 375 or 376 of the Indian Succession Act, 1925 (Central Act XXXIX of 1925)—</p> <p>(a) where the amount does not exceed Rs. 1,000. (b) in any other case</p> <p>1. Substituted by Act 10 of 1990 w.e.f. 1.4.1990.</p>	The same duty as a Bond (No. 12) for such amount. ¹ [One hundred rupees] ¹

	<p>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.</p> <p>1. Substituted by Act 8 of 20030 w.e.f. 1.4.2003.</p>	<p>¹[Five hundred rupees]¹</p>
	<p>Advocate,- See Certificate of enrolment as an Advocate (No. 17).</p>	
	<p>4. Affidavit,- including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.</p> <p>1. Substituted by Act 7 of 2000 w.e.f. 1.4.2000.</p>	<p>¹[Twenty rupees]¹</p>

EXEMPTIONS

Affidavit or declaration in writing when made,—

(a) as a condition of enlistment to the Armed Forces of the Union;

(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 ¹[its records or]¹ Memorandum of an Agreement,—

²[(a) if relating to the sale of a bill of exchange.

One rupee for every rupees ten thousand or part thereof.

(b) if relating to the purchase or sale of a Government security.

One rupee for every rupees ten thousand or part thereof of the value of the security at the time of its purchase or sale, as the case may be, subject to a maximum of rupees one thousand.

(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 or an agreement is with or through a member or between members of Stock Exchange recognised under the Security Contracts (Regulation) Act, 1956 (XLII of 1956)

(ii) In any other case

³[(d) if relating to a transaction of lease-cum-sale in connection with the allotment of a building site, with or without building thereon, effected by the Bangalore Development and the amount Authority constituted under the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the City Improvement Trust Board, Mysore constituted under the City of Mysore Improvement Act, 1903 (Mysore Act III of 1903), the Karnataka Housing Board constituted under the Karnataka Housing Board Act, 1962, (Karnataka Act 10 of 1963), the Improvement Boards constituted under the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976) ⁴[House Building Co-operative Societies registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959)]⁴ 5[, or the allotment of industrial sheds and plots by the Karnataka Industrial Areas Development Board established under the Karnataka Industrial Area Development Act, 1966 (Karnataka Act 18 of 1966), the Karnataka

One rupee for every rupees ten thousand or part thereof of the value of the security at the time of its purchase or sale as the case may be

One rupee for every rupees ten thousand or part thereof of the value of the security at the time of its purchase or sale as the case may be.]²

The same duty as a conveyance (20) for a market value equal to the security deposit and the amount of average annual rent reserved under such agreement]³

Small Scale Industrial Development Corporation, the Karnataka State Industrial Investment and Development Corporation and the Karnataka State Electronics Development Corporation, registered as a company under the Companies Act, 1956 (Central Act 1 of 1956), or the allotment of land or site with or without building to the market functionaries in the yard by the Agricultural Produce Market Committees constituted under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966)]⁵ [Municipal Corporation constituted under the Karnataka Municipal Corporations Act, 1976, (Karnataka Act 24 of 1978), Municipal Councils or Town Panchayats constituted under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), Urban Development Authorities Constituted under the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987), Grama Panchayats, Taluk Panchayats and Zilla Panchayats constituted under the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993)]⁶ and such other authorities as may be specified by the Government.

⁶[(da) Where any instrument of lease-cum-sale effected by the Bangalore Development Authority constituted under the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Karnataka Housing Board constituted under the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963) pertaining to premises of a Flat or Apartments.

The duty payable shall be as a conveyance [No. 20(3)] for the market value yance [No. 20(3)] for the market value amount of average annual rent re-se-rved under such agreement.]⁶

2[e] If relating to sale. of immovable property wherein part performance of the contract,-

(i) possession of the property is delivered or is agreed to be delivered without executing the conveyance;

Same duty as a conveyance (No. 20) on the market value of the property. ¹¹[Provided that, where a deed of cancellation of earlier agreement is executed by and between the same parties in respect of the same property and if proper stamp duty has been paid on such agreement, then the duty on such 'deed of cancellation' shall not exceed rupees five hundred.]¹¹

7[(ii) possession of the property is delivered

Ten paise for every one hundred rupees or part thereof on the market value equal to the amount of consideration subject to a maximum of rupees twenty thousand but not less than rupees five hundred

Explanation-I,- When a reference of a power of attorney granted separately by the seller to the purchaser in respect of the property which is the subject matter of such agreement, is made in the agreement, then the possession of the property is deemed to have been delivered for the purpose of this clause.

Provided if the proper stamp duty is paid on power of attorney under Article 41(e) Or 41 (eb) as the case may, be executed between the same parties in respect of the same property, then the stamp duty chargeable on such agreement under Article 5(e) shall not exceed rupees two hundred.]⁷

Explanation-II, - For the purpose of clause (e) and clause (h) where subsequently conveyance or mortgage as the case may be, is executed between the same parties in pursuance of such agreement or its records or memorandum, the stamp duty, if any, already paid and recovered on the agreement or its record or memorandum shall be adjusted towards the total duty leviable on the conveyance or mortgage, as the case may be

(b) Where such agreement or memorandum of an agreement does not relate to monetary transactions or transactions not susceptible to valuation in terms of money

Fifty rupees

¹²[(f) XXX]¹²

(g) if relating to sale of moveable property	Same duty in sub-clause (e) of this article
(h) If relating to the mortgage	Same duty as under article 34 (a) or (b) as the case may be.
¹¹ [(i) If relating to contract between Depository Participant (as defined in "The Depository Act, 1996") and client, for opening De-mat account	Rupees Fifty
(ia) If relating to contract between stock broker or sub broker (agent) and client (principal), for stock market operations	Rupees Fifty] ¹¹
¹⁴ [(ib) If relating to advertisement or telecasting or broadcasting of programs for promotion and development of business	On Rupee for every one thousand rupees or part there of on the amount or consideration in the agreement, but not less than Rupees two hundred.
(ic) If relating to assignment or transfer of intellectual property rights (i.e., patent rights, copy rights or trade marks rights.)	One Rupee for every one thousand rupees or part there of on the amount or consideration in the agreement, but not less than Rupees two hundred.
(id) If relating to building Works or labour or services (works contracts)	
(i) Where the amount or consideration in the agreement does not exceed Rupees ten lakhs	Rupees one hundred
(ii) Where the amount or consideration in the agreement exceeds Rupees ten lakhs	Rupees One hundred and in addition Rupees One hundred for every Rupees ten lakhs or part thereof in excess or Rupees ten lakhs, subject to a maximum of Rupees five lakhs.] ¹⁴
¹³ [(j)] ¹³ If not otherwise provided for	⁹ [two hundred rupees] ⁹

Explanation: ¹⁰[(I) x x x]¹⁰

(II) For the purpose of ⁸[sub-clause (i) and (ii)]⁸ of clause (e) and clause (h), where subsequently conveyance or mortgage as the case may be, is executed in pursuance of such agreement or its records or memorandum the stamp duty, if any, already paid and recovered on the agreement or its record or memorandum shall be adjusted towards the total duty leviable on the conveyance or mortgage, as the case may be.]²

EXEMPTIONS

Agreement or memorandum of Agreement,-

(a) for or relating to the purchase or sale of goods, or merchandise exclusively, not being a note or memorandum chargeable under Article 37.

(b) made in the form of tenders to the Central Government, for or relating to any loan.

1. Inserted by Act 8 of 1995 w.e.f. 1.4.1995.
2. Substituted by Act 8 of 1995 w.e.f. 1.4.1995.
3. Inserted by Act 16 of 1981 w.e.f. 10.9.1980.
4. Inserted by Act 10 of 1988 w.e.f. 25.4.1988.
5. Inserted by Act 22 of 1997 w.e.f. 29.9.1997.
6. Inserted by Act 6 of 1999 w.e.f. 1.4.1999.
7. Substituted by Act 16 of 2011 w.e.f. 1.4.2011.
8. Substituted by Act 7 of 2007 w.e.f. 1.4.2007
9. Substituted by Act 9 of 2009 w.e.f. 1.4.2009
10. Omitted by Act 5 of 1998 w.e.f. 1.4.1998.
11. Inserted by Act 8 of 2010 w.e.f. 1.4.2010.
12. Omitted by Act 16 of 2011 w.e.f. 1.4.2011.
13. renumbered by Act 8 of 2010 w.e.f. 1.4.2010.
14. Inserted by Act 15 of 2012 w.e.f. 01.04.2012

¹[6. Agreement relating to deposit of title deeds, ²[pawn or pledge]²,- 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), where such deposit, 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;

⁹[if such loan or debt is repayable on demand from the date of instrument evidencing agreement

0.1percent on the loan or the debt amount subject to a maximum of Rs.50,000/- but not less than Rs.500/-]⁹

⁵**[Explanation.-** For the purpose of clause (1), not withstanding anything contained ⁹[in any law for the time being in force or]⁹ order of any authority, any letter, note memorandum or writing relating to the deposit of title deeds whether written or made either before or at the time when or after the deposit of title deeds is effected, and whether it is in respect of the security for the first loan or any additional loan or loans taken subsequently, such letter, note, memorandum or writing shall, in the absence of any separate agreement or memorandum of agreement relating to deposit of such title deeds, be deemed to be an instrument evidencing an agreement relating to the deposit of title deeds.]⁵

¹⁰[(2) the pawn or pledge of moveable property, where such 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.

if such loan or debt is repayable on demand

Exemption: Instruments of Pawn or pledge of goods or jewels wherein such loan or debt is upto Rupees one Lakh.

One Rupee for every one thousand rupees thereof on the loan or debt amount, subject to a maximum of rupees fifty thousand.

Provided that where a fresh instrument of pawn or pledge of moveable property is executed for securing repayment of money already advanced by way of loan between the same parties and for the same purpose and for the same amount and the duty in respect of earlier instrument has been paid, then the duty chargeable on such fresh instrument is chargeable as per clause (j) of Article 5 of this Schedule.]¹⁰

1. Substituted by Act 9 of 1997 w.e.f. 1.4.1997.
2. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.
3. Substituted by Act 8 of 2008 w.e.f. 1.8.2008.
4. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.
5. Inserted by Act 7 of 2006 w.e.f. 1.4.2006.
6. Omitted by Act 6 of 1999 w.e.f. 1.4.1999.
7. Inserted by Act 5 of 1998 w.e.f. 1.4.1998.
8. Inserted by Act 6 of 1999 w.e.f. 1.4.1999.
9. Substituted by Act 8 of 2010 w.e.f. 1.4.2010.
10. Substituted by Act 15 of 2012 w.e.f. 1.4.2012.

7. Appointment in execution of a power,- whether of trustees or of property, movable or immovable, where made by any writing not being a will.

¹[One thousand rupees]¹

1. Substituted by Act 7 of 2000 w.e.f. 1.4.2000.

8. Appraisalment or valuation,- made otherwise than under an order of the Court in the course of a suit,—

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

The same duty as a Bond (No. 12) for such amount

(b) in any other case

¹[One hundred rupees]¹

EXEMPTIONS

(a) Appraisalment 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 be given to a landlord as rent.

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

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

¹[Fifty rupees]¹

Exemption.- Instruments of apprenticeship, by which a person is apprenticed by, or at the charge, of any public charity

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

¹[10. Articles of Association of a Company,- where the company has no share capital or nominal share capital

²[Five hundred rupees for every rupees ten lakhs or part thereof]²

or increased share capital.

Exemption:—

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. 33)

Assignment: See Conveyance (No. 20), Transfer (No. 52) and Transfer of lease (No. 53), as the case may be.

Authority to Adopt:—See Adoption deed (No. 3)]¹

1. Substituted by Act 8 of 1995 w.e.f. 1.4.1995.

2. Substituted by Act 6 of 2001 w.e.f. 1.4.2001

[11 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.

1. Substituted by Act 9 of 2009 w.e.f. 1.4.2009.

[12. Bond,- defined by section 2(1)(a), not being otherwise provided for by this Act, or by the Karnataka Court fees and Suits Valuation Act, 1958;

(a) Where the amount or value secured does not exceed Rs. 1000

(b) Where it exceeds Rs. 1000

The same duty as a conveyance under Article 20(1) on the amount or market value of the property (which is the subject matter of award), whichever is higher.]¹

²[Fifty Paise]² for every one hundred rupees or part thereof.

The same duty as under Clause (a) for the first one thousand rupees and for every five hundred rupees or part thereof in excess of One thousand rupees: ²[Two Rupees and Fifty Paise]²

See Administration Bond (No. 2) Bottomary Bond (No. 13), Customs Bond (No. 23) Indemnity Bond (No. 29). Respondentia Bond (No. 46), Security Bond (No. 47)

EXEMPTION:

Bond, when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a

charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.]¹

1. Substituted by Act 10 of 1990 w.e.f. 1.4.1990.

13. Bottomry Bond,- that is to say, any instrument where by 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 Bond (No. 12) for such amount.

¹[14 cancellation of instruments.-

(a) Cancellation of any instrument previously executed on which stamp duty has been paid as per any article of the ²[Schedule and not otherwise specifically provided for by the Schedule.]²

³[same duty as on the original instrument if such cancellation has the effect of reconveyance of property already conveyed by the original instrument:

Provided that, if the original instrument is a conveyance on sale, then the stamp duty payable on such cancellation instrument is, as per article 20(1), on the market value of the property as on the date of execution of such cancellation.]³

(b) Cancellation of any instrument executed by or on behalf of the Central Government or a Local Authority or other Authority constituted by or under any law for the time being in force or a body corporate wholly owned or controlled by the Central Government or the State Government

one hundred rupees

(c) in any other case ³[See also agreement or its records or Memorandum of an Agreement No.(5)(e) (i)]³ Release (No.45) Revocation of Settlement (No.48-B), Surrender of Lease (No.51) ⁴[XXX]⁴

Explanation.- If the original instrument has been subjected to determination of the market

value under section 45-A of the Act, stamp duty on the cancellation of such instrument shall be the same as determined under section 45-A of the Act.]¹

1. Substituted by Act 7 of 2006 w.e.f. 1.4.2006.
2. Substituted by Act 7 of 2007 w.e.f. 1.4.2007.
3. Substituted by Act 8 of 2010 w.e.f. 1.4.2010.
4. Omitted by Act 16 of 2011 w.e.f. 1.4.2011.

15. 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 Court or Tribunal or officer of Government or by any other authority under any enactment.

- | | |
|---|---|
| (a) where the purchase money does not exceed Rs. 10 | One rupee |
| (b) where the purchase money exceeds Rs. 10 but does not exceed Rs. 25. | One rupee and fifty paise |
| (c) in any other case | The same duty as a conveyance (No. 20) for a market value equal to the amount of the purchase money only. |

[16. Certificate or other document,- evidencing the right or title of the holder thereof, or any other person either value to any share, scrip or stock in or of any incorporated company or other body corporate, or to become proprietor of share scrip or stock in or of any such company or body. See also letter of Allotment of Shares (No. 31)

One rupee for every one thousand rupees or a part thereof of the value of the shares, scrip or stock.

Explanation:

For the purpose of this Article, the value of the share, scrip, or stock includes the amount of premium, if any]¹

1. Substituted by Act 8 of 1995 w.e.f. 1.4.1995

17. Certificate of enrolment,- in the roll of Advocates prepared and maintained by the State Bar Council under the Advocates Act, 1961 (Central Act 25 of 1961)

¹[Five Hundred Rupees]¹

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

18. 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 charter, whether it includes a penalty clause or not.

¹[Fifty Rupees]¹

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

¹[18A. Clearance list,- (1) relating to the transactions for the purchase or sale of Government securities submitted to the clearing house of a stock exchange

The sum of duties chargeable under article 5(b) or Article as the case may be in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price as the case may be.

(2) relating to the transactions for the purchase or sale of a share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature in or of any incorporate company or other body corporate submitted to the clearing house of a stock exchange recognised under the Securities Contracts (Regulation) Act, 1956.

The sum of duties chargeable under Article 5(c)(i) or 37(b), as the case may be in respect of each of the entries in such list on the value of the securites calculated at the making up price or the contract price, as the case may be.

(3) relating to the transactions for the purchase or sale of a share, scripit, stock , bond, debenture, debenture stock or other marketable security, of a like nature in or of any incorporated company or body corporate, submitted to the cleranance house of a stock Exchange, not re-recognised under the Securities Contract (Regulation) Act, 1956.

The sum of duties chargeable under Article 5(c) (i) or 37(b), as the case may be, in respect of each of the entries in such list on the value of the securities calculated at the making up price or the contract price, as the case may be.]¹

1. Inserted by Act 8 of 1995 w.e.f. 1.4.1995

19. Composition-deed,- that is to say, any instrument executed by a debtor, where by he conveys his property, for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors or whereby provision is made for the continuance of the debtors' business, under the supervision of inspectors or under letters of licence, for the benefit of his creditors.

¹[One hundred rupees]¹

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

1[20(1) For Conveyance.- as defined by clause (d) of section 2, not being a transfer charged or exempted under No.52, on the market value of the property which is the subject matter of conveyance

¹⁷[Five percent of the value]¹⁷

³[XXX]³

⁴[(2) Where it relates to ¹²[instrument]¹² of conveyance executed by a promoter, a land owner, or a developer by whatever name called, pertaining to premises of 'Flat' as defined in clause (a) of section 2 of the Karnataka Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1972 (Karnataka Act 16 of 1973) or 'Apartment' as defined in clause (a) of section 3 of the Karnataka Apartment Ownership Act, 1972 (Karnataka Act 17 of 1973) or transfer of share by or in favour of Co-operative Society or Company pertaining to premises or Unit and the market value of the property which is the subject matter of conveyance.

the same duty as a conveyance under Article 20(1) ¹³[on the market value equal to the market value of the fully constructed flat or apartment or unit, irrespective of the stage of construction, deeming it as fully constructed]¹³

Explanation:-

(a) "Premises" means and includes undivided interest in the land, building and proportionate share in the common areas:

(b) "Unit" includes flat, apartment, tenement, block or any other unit by whatever name called, constructed or under construction in accordance with the sanctioned plan by the authority competent to sanction a building plan under any law for the time being in force:

(c) ¹⁴[xxx]¹⁴

⁶[(3) Where any instrument of conveyance rates is effected by the Bangalore Development Authority constituted under Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), the Karnataka Housing Board constituted under the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963 pertaining to premises of Flat or Apartment.

The duty shall be payable at the specified under clause (2) of Article 20 on the amount or value of consideration as set forth in the instrument:

Provided that in any case where a lease-cum-sale Agreement is executed and is stamped with the advalorem duty required for such agreement under item (da) of Article 5 and in furtherance of such agreement a conveyance is subsequently executed, the duty on such conveyance shall not exceed rupees fifty or the difference of the duty payable on such conveyance and the duty already collected on the security deposit under item (da) of Article 5, whichever is greater.

⁷[(4) If relating to an order made by the High Court under section 394 of the Companies Act, 1956 in respect of;

(i) Amalgamation of Companies, including a subsidiary amalgamating with parent company

¹²⁸¹⁵[two percent]¹⁵¹² on the market value of the property⁵ of the transferor company, located within the State of Karnataka and transferred to the transferee company; or An amount equal to ¹⁵[one percent]¹⁵ of the aggregate

value of shares issued or allotted in exchange, or otherwise and in case of a subsidiary company, shares merged (or cancelled) with parent company and in addition, the amount of consideration if any, paid for such amalgamation; which ever is higher.

- (ii) Reconstruction or Demerger of a company ^{12,7,15}[¹⁵two percent]¹² on the market value of the property⁸ of the transferor company, located within the State of Karnataka, and transferred to the resulting company; or An amount equal to ¹⁵[one percent]¹⁵ of the aggregate value of shares issued or allotted to the resulting company and in addition, the amount of consideration if any, paid for such demerger or reconstruction; - whichever is higher.]⁷

¹⁶**[Explanation:-** The term, "aggregate value of shares" for the purpose of Article 20(4) means, the face value of shares or its market value, whichever is higher.]¹⁶

⁹**[Exemption:-** Amalgamation of sick companies with others, under the orders of Board of Industrial Finance and Reconstruction (BIFR)]⁹

¹⁰["(5) Conveyance relating to industrial machinery whether treated as moveable or immoveable property

Five percent of the market value]¹⁰

(6) If relating to assignment of receivables by the originator to the special purpose vehicle (SPV), or by whatever name they are called in the process of securitisation

One rupee for every one thousand rupees or part thereof subject to a maximum of rupees one lakh.]⁶

¹¹[under securitisation and reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002]¹¹

¹³[(7) conveyance relating to Transferable Development Rights

1. Substituted by Act 7 of 2006 w.e.f. 1.4.2006.
2. Substituted by Act 9 of 2009 w.e.f. 1.4.2009.
3. Deemed to have been omitted by Act 20 of 2009 w.e.f. 04.06.2009.
4. Inserted by Act 19 of 1994 w.e.f. 1.4.1994.
5. Inserted by Act 8 of 1995 w.e.f. 1.4.1995 and substituted by Act 6 of 1999 w.e.f. 1.4.1999.
6. Deemed to have been substituted by Act 20 of 2009 w.e.f. 04.06.2009.
7. Substituted by Act 8 of 2008 w.e.f. 1.8.2008.
8. Substituted by Act 7 of 2007 w.e.f. 1.4.2007.
9. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.
10. Substituted by Act 8 of 2008 w.e.f. 1.8.2008.
11. Inserted by Act 9 of 2009 w.e.f. 1.4.2009.
12. Substituted by Act 8 of 2010 w.e.f. 1.4.2010.
13. Inserted by Act 8 of 2010 w.e.f. 1.4.2010.
14. Omitted by Act 8 of 2010 w.e.f. 1.4.2010.
15. Substituted by Act 16 of 2011 w.e.f. 1.4.2011.
16. Inserted by Act 16 of 2011 w.e.f. 1.4.2011.
17. Submitted by Act 15 of 2012 w.e.f. 1.4.2012

1% on the market value of the Transferable Development Rights equal to the market value of the corresponding portion of the property leading to such Transferable Development Rights, which is the subject matter of conveyance; or consideration for such conveyance; whichever is higher.]¹³

¹[**21. Copy or extract,-** certified to be 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 the Court fees:

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

Five rupees.

(ii) in any other case

Ten 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 the births, baptisms, namings, dedications, marriages, divorces, deaths or burials.]1

1. Substituted by Act 10 of 1990 w.e.f. 1.4.1990

22. Counterpart or duplicate:- of any instruments, chargeable with duty and in respect of which the proper duty has been paid

(a) if the duty with which the original instruments is chargeable does not exceed 2[five hundred rupees]2

The same duty as payable on the original.

(b) in any other case

1[2[five hundred rupees]2]1

EXEMPTION

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

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

2. Substituted by Act 9 of 2009 w.e.f. 1.4.2009.

23. Customs bond or Exise bond]2 :-

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

The same duty as a Bond (No. 12) for such amount

(b) in any other case Declaration of any Trust, see Trust (No. 54).

1[One hundred rupees]1

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

2. Submitted by Act 15 of 2012 w.e.f. 1.4.2012

24. Delivery:- order in respect of Goods, that is to say, any instrument entitling any person, therein named, or his assignees or the holder thereof to the delivery of any goods lying in any dock or port, 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,

2[(i) where the value of the goods do not exceed Rs. 1000

1[x x x]1

Rupee one

(ii) where the value of the goods exceeds Rs. 1,000, thereof

Rupees five for every rupees one thousand or part thereof]2

Deposit of title deeds

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

Dissolution of partnership,- See partnership (No. 40)

1. Omitted by Act 7 of 2000 w.e.f. 1.4.2000

2. Substituted by Act 7 of 2000 w.e.f. 1.4.2000

25. Divorce,- instrument of that is to say, any instrument by which any person effects the dissolution of his marriage. hundred rupees]1

1[One hundred rupees]1

Dower,- Instrument of See settlement (No. 48)

Duplicate,- See Counterpart (No. 22)

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

26. Exchange of property,- Instrument of Extract-See Copy (No. 21).

The same duty as a conveyance (No. 20) for a market value equal to the Market value of the property of greatest value which is the subject matter of exchange

27. Further charge,- Instrument of that is to say, any instrument imposing a further charge on mortgaged property.

(a) when the original mortgage is one of the description referred to in clause (a) of article No. 34 (that is, with possession).

The same duty as a conveyance (No. 20) for a market value equal to the amount of the further charge secured by such instrument.

(b) when such mortgage is one of the description referred to in clause (b) of article No. 34 (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. 20) for a market value equal in 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.

1[(ii) if possession is not given and not being a hypothecation.

2[Fifty paise for every one hundred rupees for the amount of the further charge secured by such instrument,]2

(iii) for hypothecation

Same duty as sub-clause (d) of Article No. 34 for the amount of the further charge secured by such instrument.]1

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999

2. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

1[28. Gift-instrument of,- not being a settlement (No. 48) or will or transfer (No.52).

(a)Where the donee is not a family member of the doner.

The same duty as a Conveyance (Article No. 20) for a market value equal to the market value of the property which is the subject matter of gift:

Provided that where an instrument of gift contains any provision for the revocation of the gift, the value of the property which is the subject matter of the gift, shall for the purposes of duty be determined as if no such provision were contained in the instrument.

2[(b) Where the donee is a member of the family of the donor Rupees One thousand

Explanation: Family in relation to the donor for this purpose means 4[father, mother,]4 husband, wife, son, daughter, 3[daughter-in-law, brothers, sisters]3 and grand children]2]1

1. Substituted by Act 6 of 1999 w.e.f 1.4.1999

2. Substituted by Act 6 of 2001 w.e.f. 1.4.2001

3. Substituted by Act 7 of 2007 w.e.f. 1.4.2007.

4. Inserted by Act 9 of 2009 w.e.f.1.4.2009.

29. Indemnity Bond :-

The same duty as a Security Bond (No. 47) for the same amount.

Inspectorship Deed- See Composition Deed (No. 19)

.30. 1[(1) Lease of immoveable property including an under-lease or sub-lease and any agreement to let or sub-let where by such lease, the rent is fixed, or fine or premium or money advanced or security deposit (as the case may be) is paid or delivered,-

7[(i)where the lease purports to be for a term not exceeding one year in case of residential property

fifty paise for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced, subject to a maximum of rupees five hundred

(ii) where the lease purports to be for a term not exceeding one year in case of commercial or industrial property

fifty paise for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced,

(iii) where the lease purports to be for a term exceeding one year and not exceeding ten years

one rupee for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced,

(iv) where the lease purports to be for a term exceeding ten years and not exceeding twenty years

two rupees for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced,

(v) where the lease purports to be for a term exceeding twenty years and not exceeding thirty years

three rupees for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced,

(vi) where the lease purports to be for a term exceeding thirty years or in perpetuity or does not purport to be for any definite term

the same duty as conveyance under article 20(1) on the total amount or value of, average annual rent, fine, premium and money advanced; or on the market value of the property; whichever is higher.]7

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 rupees fifty:

Provided further that the duty in respect of an instrument of lease executed in favour of the wife, husband, father, mother, son, daughter, brother or sister in relation to the person shall be rupees one thousand.

Explanation.- The term “money advanced” in this Article means and includes the security deposit whether refundable or adjustable towards the rent.]1

8[(2) lease of moveable property including an under lease or sublease 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 not exceeding ten years

One rupee for every hundred rupees or part thereof on the ten years average annual rent reserved, subject to a maximum of rupees two lakhs.

(ii) where the lease purports to be for a term exceeding ten years

One rupee and fifty paise for every hundred rupees or part thereof on the average annual rent reserved, subject to a maximum of rupees two lakhs.

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

One rupee and fifty paise for every hundred or part thereof on the amount of such fine or premium or advance as setforth in the lease, subject to a maximum of rupees two lakhs.

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

One rupee and fifty paise for every hundred rupees or part thereof on the amount of such fine or premium or advance as setforth 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, subject to a maximum of rupees two lakhs:

9[Provided that in respect of lease of industrial machinery the maximum duty chargeable shall be rupees ten thousand.]9

10[Provided further that]2 in any case when an agreement to lease is stamped with advalorem stamp required for a lease and a lease in

pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed rupees fifteen.]10]8

- 1.Substituted by Act 9 of 2009 w.e.f.1.4.2009
- 2.Inserted by Act 8 of 2003 w.e.f. 1.4.2003
- 3.Omitted by Act 8 of 2008 w.e.f. 1.8.2008
- 4.Inserted by Act 9 of 1997 w.e.f. 1.4.1997
- 5.Inserted by Act 5 of 1998 w.e.f. 1.4.1998
- 6.Substituted by Act 5 of 1998 w.e.f. 1.4.1998
7. Substituted by Act 8 of 2010 w.e.f. 1.4.2010

31. 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.

1[One rupee]1

See also certificate or other Document (No. 16) Letter of Guarantee See Agreement (No. 5)

- 1.Substituted by Act 8 of 2003 w.e.f. 1.4.2003

32. 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.

1[One hundred rupees]1

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

1[32-A Licence of immovable or moveable property.- That is to say licence granted by owner or authority for rent or fee or by whatever name it is called and money advanced or security deposit,-

(i)where the license purports to be for a term not exceeding one year in case of residential property

fifty paise for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced, subject to a maximum of rupees five hundred

(ii) where the license purports to be for a term not exceeding one year in case of commercial or industrial property

fifty paise for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced,

(iii) where the license purports to be for a term exceeding one year and not exceeding ten years

one rupee for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced,

(iv) where the license purports to be for a term exceeding ten years and not exceeding twenty years

two rupees for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced,

(v) where the license purports to be for a term exceeding twenty years and not exceeding thirty years

three rupees for every one hundred rupees or part thereof on the total amount or value of; the average annual rent, premium, fine and money advanced.]¹

1. Substituted by Act 8 of 2010 w.e.f. 1.4.2010

1[33 Memorandum of Association of a company:-

(a) if accompanied by Articles of Association under section 26 of the Companies Act, 1956 (Central Act 1 of 1956)

2[One thousand rupees]²

(b) if not so accompanied

The same duty as under Article (No. 10) according to the share capital of the company.

Exemption:-

Memorandum of any Association not formed for profit and registered under section 25 of the Companies Act, 1956, (Central Act 1 of 1956)]¹

1. Substituted by Act 8 of 1995 w.e.f. 1.4.1995.

2. Substituted by Act 8 fo 2003 w.e.f. 1.4.2003.

34. Mortgage deed,- not being an agreement relating to 1[Deposit of title deeds, 2[pawn or pledge]2 (No. 6)]1, Bottomry Bond (No. 13), Mortgage of a Crop (No. 35), Respondentia Bond (No. 46), or Security Bond (No. 47)

(a) When possession of the prop- erty or any part of the property compri- sed in such deed is given by the mortg- agor or agreed to be given.

The same duty as conveyance (No. 20) for a market value equal to the amount secured by such deed.

(b) When possession is not given or agreed to be given as aforesaid 1[and not being a hypothecation]1

3[Fifty paise for every hundred rupees or part thereof for the amount secured by such deed]3

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 thereof within the meaning of this article.

2[(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

(i) for every sum secured not exceeding Rs. 1,000.

3[Ten rupees]3

(ii) for every Rs. 1,000 or part thereof, secured in excess of Rs.1000.

3[Ten rupees plus one rupee for every rupees one thousand or part thereof in excess of rupees one thousand.]3

(d) For hypothecation of moveable property

Ten rupees for every ten thousand rupees or part thereof advanced, subject to a maximum of rupees ten thousand.]2

1. Substituted by Act 8 of 1995 w.e.f. 1.4.1995.

2. Substituted by Act 6 of 1999 w.e.f. 1.4.1999.

3. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

EXEMPTION

(1) Instruments executed by persons taking advances under the Karnataka Land Improvement Loans Act, 1963

(Karnataka Act 16 of 1963), the Karnataka Agriculturists Loans Act, 1963 (Karnataka Act 17 of 1963) or by their sureties as security for the repayment of such advances,

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

35. 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 Fifty paise

and for every Rs. 200 or part thereof secured in excess of Rs. 200 Fifty 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 1[fifty paise]1

and for every Rs. 100 or part thereof secured in excess of Rs. 100. 1[fifty paise]1

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

36. Notarial act:- that is to say, any instrument, endorsement, note, attention, certificate or entry not being a protest (No. 42) made or signed by a Notary Public in the execution of the duties of his office or by any

other person lawfully acting as a Notary Public
See also Protest of Bill or Note (No. 42).

1[XXX]1

1. Omitted by Act 16 of 2011 w.e.f. 1.4.2011.

1[37. Note or Memorandum or record of transactions (Electronic or otherwise).-

Sent by a broker or agent to his principal intimating the purchase or sale on account of such principal or effected by a trading member (agent) through stock exchange or association or otherwise on behalf of the client(principal) resident in the State of Karnataka or otherwise

(a) Of any 2[goods or commodities or Currencies]2

One rupee for every ten thousand or part thereof on the value of goods or commodities, subject to a maximum of fifty rupees

(b) Of any share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature, not being a government security

One rupee for every ten thousand or part thereof on the value of such security at the time of its purchase or sale, as the case may be, subject to a maximum of fifty rupees

(c) of a Government Security

one rupee for every ten thousand or part thereof of the value of the security, at the time of its purchase or sale, as the case may be, subject to a maximum of one thousand rupees

(d) Of securities other than those falling under clause (b) above, in respect of either delivery or non delivery based (jobbing and trading) transactions

one rupee for every ten thousand or part thereof subject to a maximum of fifty rupees

(e) Of futures and options trading, of securities other than those falling under clause (b) above,;

one rupee for every ten thousand or part thereof subject to a maximum of fifty rupees

(f) Of forward contracts of commodities:

one rupee for every ten thousand or part thereof subject to a maximum of fifty rupees.]1

Explanation:

For the purposes of clauses (b), (d) and (e) , “securities” means, the securities as defined in clause (h) of section (2) of the Securities Contract (Regulation) Act, 1956.

Exemptions:

(1) note or Memorandum sent by a broker or agent to his principal intimating the purchase or sale on account of such principal or a Government security or a share, scrip, stock, bond, debenture, debenture stock or other marketable security of like nature in or of any incorporated company or other body corporate, an entry relating to which is required to be made in clearance lists described in clauses (1), (2) and (3) of Article 18-A.

(2) note or Memorandum sent by a broker or agent to his principal in any of the above cases, when the amount stated in the instrument is less than rupees one hundred.

1. Substituted by Act 8 of 2010 w.e.f.1.4.2010.

2. Submiyyed by Act of 15 of 2012 w.e.f. 1.4.2012

38. Note of Protest,- by the Master of a ship Two rupees
Two rupees See also Protest by the Master of a ship (No. 43)

39. 1[Partition-Instrument,- of, as defined by clause (K) of sub-section (1) of section 2.

(a) where the property involved in the partition is converted for non-agric-ultural purpose or is meant for non-agricultural use.

(1) if the property is situated in the jurisdiction of Municipal Corporation or Urban Development Authorities or Municipal Councils or Town Panchayats.

Rupees one thousand for each share

(2) If the property is situated in the areas other than those mentioned in sub- clause (1) above	Rupees five hundred for each share
(b) where the property involved in the partition is agricultural land	Rupees two hundred fifty for each share
(c) where the property involved in the partition is moveable or money	Rupees two hundred and fifty for each share
(d) where the property involved in the partition belongs to any of the combinations of categories mentioned in sub-clause (a), (b) and (c) above.	Maximum of the duties described in sub-clause (a), (b) or (c) above for each share.] ¹
	Provided always that;
	(a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument but shall not be less than 1[fifty rupees] ¹ ;
	2[(b) x x x] ²
	(c) where a final order for effecting 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 1[fifty rupees] ¹

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999

2. Omitted by Act 6 of 1999 w.e.f. 1.4.1999.

1[40 Partnership:-**A. Instrument of:—**

(a) Where the capital of the partnership does not exceed 3[Rupees Fifty Thousand]3 3[Five hundred rupees]3

(b) In any other case 3[Two thousand rupees]3

B. Reconstitution:—

(a) Where immovable property contributed as share by a partner or partners remains with the firm at the time of outgoing in whatever manner by such partner or partners on reconstitution of such partnership firm. The same duty as conveyance (No. 20) on the market value of the immovable property remaining with the firm.

b) In any other case 3[One Thousand Rupees]3

C. Dissolution of:—

(a) Where the property which belonged to one partner or partners when the partnership commenced is distributed or allotted or given to another partner or partners. The same duty as conveyance (No. 20) for a market value equal to the market value of the property distributed or allotted or given to partner under the instrument of dissolution, in addition to the duty which would have been chargeable on such dissolution if such property had not been distributed or allotted or given.

(b) In any other case 3[One Thousand rupees.]1]3

1. Substituted by Act 8 of 1995 w.e.f. 1.4.1995

2. Substituted by Act 8 of 2003 w.e.f. 1.4.2003

3. Submitted by Act 15 of 2012 w.e.f. 1.4.2012

41. Powers of attorney,- (as defined by section 2(1)(P) 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 1[One hundred rupees]1

(b) when authorising one person or more to act in a single transaction other than the case mentioned in Clause (a)	1[One hundred rupees]1
(c) when authorising not more than five persons to act jointly and severally in more than one transaction or generally	2[One hundred rupees]2
(d) when authorising more than five but not more than ten persons to act Jointly and severally in more than one transaction or generally;	2[Two hundred rupees]2
3[(e) when given for consideration or when coupled with interest and authorizing the attorney to sell any immovable property;	The same duty as a Conveyance [under Article 20(1)] on consideration or on market value of the property (which is the subject matter of such power of attorney), whichever is higher.]3
	4[Provided that the duty paid on such power of attorney is adjustable towards the duty payable on agreement for sale under Article 5(e) or instrument of sale or transfer, as the case may be, executed between the same parties and in respect of the same property.]4
8[(ea) XXX]8	
11[(ea) If relating to construction or development of an immovable property, including a multi-unit house or building or unit of apartment or flat or portion of a multi-storied building by a developer or builder or promoter or by whatever name called having a stipulation that, for such construction or development, the property shall be held jointly by the developer or builder or promoter or by whatever name called and the owner or lessee, as the case may be, of such property,	One rupee for every one hundred rupees or part thereof, on the market value of the property which is the subject matter of development in the power of attorney or on consideration, whichever is higher subject to a maximum of rupees fifteen lakhs.]11

or that it shall be sold jointly by them or that a part of it shall be held jointly by them and remaining part thereof shall be sold jointly by them.

5[(eb) When given to a person other than the father, mother, wife or husband, and, sons, daughters, brothers, sisters in relation to the executant authorising such person to sell immoveable property situated in Karnataka State

6[the same duty as a conveyance under Article 20(1)]6 on the market value of the property which is the subject matter of the power of attorney

4[Provided that the duty paid on such power of attorney is adjustable towards the duty payable on agreement for sale under article 5(e) or on instrument of sale or transfer, as the case may be, executed between the same parties in respect of the same property.]4]5

9[(f) When executed by a principal or client for the sole purpose of authorizing the agent or broker to carry out all lawful acts and deeds relating to his / her trading operations including sale / purchase of marketable securities, transfer of securities towards - stock exchange, receiving / releasing funds and securities from / to other parties on behalf of the principal or client.

rupees fifty

(g) When executed by a principal or client for the sole purpose of authorizing the depository participant to carry out all lawful acts and deeds relating to his/her demat account as per the bye-laws of the depositories / regulations governing such operations.

Rupees fifty]9

10[(h)]10 in any other case

7[two hundred rupees]7

N.B. The term "Registration" includes every operation incidental to registration under the Registration Act, 1908. (Central Act 16 of 1908).

Explanation- 'For the purposes of this article more persons than one when belonging to the same firm shall be deemed to be one person'

1. Substituted by Act 7 of 2000 w.e.f. 1.4.2000.
2. Substituted by Act 10 of 1990 w.e.f. 1.4.1990.
3. Substituted by Act 9 of 2009 w.e.f.1.4.2009.
4. Substituted by Act 16 of 2011 w.e.f. 1.4.2011.
5. Substituted by Act 8 of 1995 w.e.f. 1.4.1995 and substituted by Act 6 of 1999 w.e.f. 1.4.1999.
6. Deemed to have been substituted by Act 20 of 2009 w.e.f. 4.6.2009.
7. Substituted by Act 8 of 2003 w.e.f. 1.4.2003 and substituted by Act 9 of 2009 w.e.f..1.4.2009.
8. Omitted by Act 16 of 2011 w.e.f.1.4.2011.
9. Inserted by Act 16 of 2011 w.e.f.1.4.2011.
10. Renumbered by Act 16 of 2011 w.e.r.1.4.2011.
11. Inserted by Act 15 of 2012 w.e.f. 2012

42. 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.

1[Ten rupees]1

1. Substituted by Act 10 of 1990 w.e.f. 1.4.1990.

43. 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 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.

Five rupees

See also Note of Protest by the Master of a ship (No. 38)

44. Reconveyance of mortgaged property,-

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

The same duty as a conveyance (No. 20) for a market value equal to the amount of such consideration as set forth in the re-conveyance

1[(b) in any other case

One-hundred rupees]1

1. Substituted by Act 9 of 1987 w.e.f. 1.4.1987.

45. Release, that is to say, any instrument (not being such a release as is provided for by section 24,) whereby a person renounces a claim upon another person or against any specified property:

6[(a) where the release is not between the family members

The same duty as a Conveyance [under Article No.20(1)] on the market value of the property or on the amount or value of claim or part of claim renounced, as the case may be (which is the subject matter of release) or consideration for such release, whichever is higher.]6

4[(b) Where the release is between the family members

Rupees one thousand

Explanation.- family in relation to a person for the purpose of clause (b) means husband, wife, son, daughter, father, mother, brother, 6[wife / children of predeceased brother]6 sister, 6[husband/ children of predeceased sister]6 wife of a predeceased son and children of a predeceased son or predeceased daughter."4]2

5[(c) Release of mortgage rights or lien

Same duty as bond (No. 12) subject a maximum of rupees one hundred]5.

1. Substituted by Act 10 of 1990 w.e.f. 1.4.1990.

2. Substituted by Act 6 of 1990 w.e.f. 1.4.1999.

3. Substituted by Act 7 of 2007 w.e.f. 1.4.2007.

4. Substituted by Act 6 of 2001 w.e.f. 1.4.2001.

5. Inserted by Act 8 of 1995 w.e.f. 1.4.1995.

6. Substituted by Act 9 of 2009 w.e.f. 1.4.2009.

46. Respondentia bond,- that is to say any instrument securing 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.12) for the amount of the loan secured.

Revocation of any Trust or settlement See settlement (No. 48) Trust (No. 54)

47. 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 execution by a surety to secure the due performance of a contract.

(a) when the amount secured does not exceed Rs. 1000 (b) in any other case

The same duty as a Bond (No.12) for the amount secured. 1[One hundred rupees]1

EXEMPTION

Bond or other instrument, when executed,-

(a) 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,

(b) under No. 3A of the rules made under section 70 of the Bombay Irrigation Act, 1879,

(c) by persons taking advances under the Karnataka Land Improvement Loan Act, 1963 (Karnataka Act 16 of 1963), the Karnataka Agriculturists Loans Act, 1963 (Karnataka Act 17 of 1963) or by their sureties as security for the repayment of such advances.

(d) by officers of Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.

1. Substituted by Act 10 of 1990 w.e.f. 1.4.1990.

48. Settlement,-

1[A. Instrument of (including a deed of dower)

(i) Where the disposition is not for the purpose of distributing the property of the settlor among his family

The same duty as a conveyance (Article No. 20), for a market value equal to the market value of the property, which is the subject matter of settlement:

Provided that, where an agreement to settle is stamped with the stamp duty 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 fifty rupees.

2[(ii) Where the disposition is for the purpose of distributing the property of the settler among the members of his family:-

Explanation.- For the purpose of this sub-clause family in relation to settler means 5[father, mother]5 husband, wife, son, daughter, 3[daughter -in- law, brothers, sisters]3 and grand children.

Rupees one thousand]2

Exemption.- Deed of dower executed on the occasion of a marriage between muhammadans.]1

4[B. Revocation of

The same duty as a conveyance (No. 20) for a sum equal to the amount or value of the property concerned, in the Instrument of revocation, but not exceeding two hundred rupees]4

1. Substituted by Act 6 of 1999 w.e.f. 1.4.1999
2. Substituted by Act 6 of 2001 w.e.f. 1.4.2001.
3. Substituted by Act 7 of 2007 w.e.f. 1.4.2007.
4. Substituted by Act 9 of 1987 w.e.f. 1.4.1987.
5. Inserted by Act 9 of 2009 w.e.f. 1.4.2009.

49. Share warrants- To bearer issued under the Companies Act, 1956 (Central Act I of 1956)

One and a half times the duty payable on a conveyance (No. 20) for a market value equal to the nominal amount of the shares specified in the warrant.

EXEMPTIONS

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

- (a) one and a half per-centum of the whole subscribed capital of the company, or
- (b) if any company which has paid the said duty or composition in full subsequently issues an addition to its subscribed capital one and a half per-centum of the additional capital so issued.

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

1[Two rupees]1

1. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

51. Surrender of lease

(a) when the duty with which the lease is chargeable does not exceed ed twenty-two rupees and fifty paise

The duty with which such lease is chargeable.

(b) In any other case

1[One hundred rupees.]1

EXEMPTION

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

1. Substituted by Act 10 of 1990 w.e.f. 1.4.1990.

52. Transfer.- (Whether with or without consideration),

1[(a) of debentures, being marketable securities, whether the debenture is, liable to duty or not

Fifty paise for every rupees one hundred or part thereof subject to a maximum of one thousand rupees for a consideration equal to the face value of the debenture.]1

(b) of any interest secured by a bond, mortgage-deed or policy of insurance,—

(i) if the duty on such bond, mortgage-deed or policy does not exceed twenty-two rupees and fifty paise

The duty with which such bond, mortgage deed; or policy of insurance is chargeable.

(ii) in any other case

2[One hundred rupees]2

(c) of any property under section 25 of the Administrator Generals Act, 1963

2[One hundred rupees]2

3[(d) of any trust property from one trust to another trust or from Trust to trustee or beneficiary, or from trustee to trust or trustee or beneficiary, as the case may be.

The same duty as a conveyance [under Article 20 (1)] on the market value of the property (which is the subject matter of such transfer) or consideration for such transfer, whichever is higher.

Provided that for the public religious and charitable trusts, the duty for such transfer shall be rupees one thousand.]3

EXEMPTIONS

Transfers by endorsement

(a) of a bill of exchange, cheque or promissory note

(b) of a bill of lading, delivery order, warrant for goods or other mercantile document of title to goods.

(c) of a policy of insurance

(d) of securities of the Central Government or of State Government

(See also section 8)

1. Substituted by Act 6 of 1990 w.e.f. 1.4.1990.

2. Substituted by Act 10 of 1990 w.e.f.1.4.1990.

3. Substituted by Act 16 of 2011 w.e.f.1.4.2011.

1[53 Transfer of lease.- by way of assignment and not by way of under lease.

(a) Where the remaining period of lease does not exceed 30 years

The same duty as conveyance [No.20(1)] for a market value equal to the amount of consideration.

(b) Where the remaining period of lease exceeds 30 years.

The same duty as conveyance [No.20(1)] on the market value of the property which is the subject matter of transfer.]1

1. Substituted by Act 7 of 2006 w.e.f. 1.4.2006.

1[53A.Transfer of Licence

Same duty as conveyance (No. 20)]1 Rupees One Thousand

1. Inserted by Act 8 of 1995 w.e.f. 1.4.1995.

1[54 Trust,-

Declaration of or concerning, any property when made by any writing not being a Will.-

(i) When the Trust is made exclusively for public religious and charitable purposes.

Rupees One Thousand

(ii) When the Trust is made for the management & custody of properties, for the purpose of distributing the benefits/profits of

Rupees One Thousand

the property to the beneficiaries and where there is no transfer/ disposition of property, in any way.

(iii)When the trust made involves the transfer/ disposition of property in any way;

The same duty as conveyance [under Article No. 20(1)] on the amount and the market value of the property, which is the subject matter of such transfer / disposition.] 1

1. Substituted by Act 16 of 2011 w.e.f. 1.4.2011.

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

2[Ten rupees]2.

1[Note x x x]1

1. Omitted by Act 9 of 1987 w.e.f. 1.4.1987.

2. Substituted by Act 8 of 2003 w.e.f. 1.4.2003.

सत्यमेव जयते

NOTIFICATIONS**I****Bangalore, 12th May 1958 (Vishaka 22nd, Saka Era 1880).****[No. RD 6 (A) SPS 58]**

In exercise of the powers conferred by sub-section (3) of Section 1 of the Mysore Stamp Act, 1957 (Mysore Act No. 34 of 1957), the Government of Mysore hereby appoints the 1st day of June 1958 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,
(K. BALASUBRAMANYAM)

Secretary to Government, Revenue Department.

(Published in the Karnataka Gazette, PART IV—2-C, dated 22.5.1958.)

II**Bangalore dated 27th October 1966, [No. RD 184 EST 66].**

S.O. 5614.—In exercise of the powers conferred by sub-section (2) of Section 1 of the Mysore Stamp (Amendment) Act, 1966 (Mysore Act 17 of 1966), the Government of Mysore hereby appoints the 15th day of November 1966 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,
(K. C. PUTTANARASIAH)

Under Secretary.

III**Bangalore, dated 30th November, 1971.[No. RD 116 FST 71]**

S.O. 2000.—In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Stamp (Amendment) Act, 1971 (President's Act No. 17 of 1971), the Government of Mysore hereby appoints the first day of December 1971 as the date on which the said Act shall come into force.

By Order and in the name of the President of India,
(K. BALASUBRAMANYAM)

Commissioner for Land Reforms and Ex-Officio Secretary to Government,
Revenue Department.

IV

Bangalore, dated 11th April, 1991.[No. RD 90 ESR 91]

In exercise of the powers conferred by clause (b) of sub-section (2) of section 1 of the Karnataka Stamp (Amendment) Act, 1975 (Karnataka Act 12 of 1975), the Government of Karnataka hereby specify that section 5 of the said Act shall come into force on the 1st April 1991 in other areas of the State except the areas to which the said section has already brought into force.

By Order in the name of the Governor of Karnataka,
(PRADEEP S. RAJANAL)

Under Secretary to Government, Revenue Department.

V

Bangalore, dated 24th February, 2009.[No. RD 108 MUNOMU 2008]

In exercise of the powers conferred by sub section (2) of section 1 of the Karnataka Stamp (Second Amendment) Act, 2007 (Karnataka Act No. 1 of 2008) the Government of Karnataka hereby appoints the 1st day of April 2003 as the date on which the said Act shall be deemed to have come into force

By Order in the name of the Governor of Karnataka,
(T.K. RAMACHANDRA)

*Under Secretary to Government, Revenue Department
(Stamps and Registration).*

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सत्यमेव जयते