



## The Indian Stamp (Andhra Pradesh Amendment) Act, 1986

Act 17 of 1986

### Keyword(s):

Bill of Exchange, Bill of Exchange Payable on Demand, Bill of Lading, Bond, Chargeable, Cheque, Conveyance, Duly Stamped, Executed and Execution, Impressed Stamp, India, Instrument, Instrument of Partition, Lease, Marketable Security, Mortgage-Deed, Paper, Policy of Insurance, Policy of Group Insurance, Policy of Sea-Insurance or Sea-Policy, Power-of-Attorney, Treasury

Amendments appended: 22 of 1989, 1 of 1992, 21 of 1995, 31 of 1997, 8 of 1998, 14 of 1999, 16 of 2002, 8 of 2003

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THE INDIAN STAMP (ANDHRA PRADESH  
AMENDMENT) ACT, 1986.\*

ACT No. 17 OF 1986.

[ 22nd July, 1986 ]

An Act further to amend the Indian Stamp Act, 1899 in its application to the State of Andhra Pradesh.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 1986.

Short title, extent and commencement.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may by notification in the *Andhra Pradesh Gazette* appoints.

2. In the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act) as in the force in the State of Andhra Pradesh in section 2 in clause (15), the following words shall be added at the end, namely:—

Amendment of section 2, Central Act II of 1899.

“and a memorandum regarding past partition.”;

3. After section 41 of the principal Act, the following shall be inserted, namely—

Insertion of new section 41-A.

40-A. (1) Where after the commencement of the Indian Stamp (Andhra Pradesh Amendment) Act, 1986, any instrument chargeable with duty has not been duly stamped and registered by any Registering Officer by mistake and remarked as such by the Collector or any audit party, the Collector

Recovery of stamp duty no levied or short levied.

\* Received the assent of the President on the 17th July, 1986. For Statement of Objects and Reasons, please see the *Andhra Pradesh Gazette*, Part IV-A, Extraordinary, dated the 20th March, 1986, at Pages 9&12.

may, within five years from the date of registration serve a 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 the rules made thereunder with intent to evade payment of duty, the Collector may within ten years from the date of registration serve a notice on such person to show cause why the proper duty or the amount required to make up the same should not be collected from him.

(2) The Collector or any officer specially authorised by him in this behalf shall, after considering the representation if any, made by the person on whom notice is served under sub-section (1), determine by an order, 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 as determined. On payment of the duty the Collector shall add a certificate under section 42.

(3) Any person aggrieved by an order under sub-section (2) may prefer an appeal before the Commissioner of Survey, Settlement and Land Records, Andhra Pradesh, Hyderabad within three months from the date of such order.

(4) Any duty payable under this section shall be recovered as an arrear of land revenue".

4. In section 42 of the principal Act,—

Amendment  
of section 42.

(a) for the expression "under section 35, section 40 or 41", the expression "under section 35, section 40, section 41 or 41-A" shall be substituted;

(b) in the marginal heading for the expression "section 35, 40 or 41", the expression "section 35, 40, 41 or 41-A" shall be substituted.

5. In section 47-A of the principal Act for the words "or settlement", the words "settlement or, release" and for the words "he may, after registering such instrument, refer the matter to the Collector for determination of the market value of such property and the proper duty payable thereon", the words "he may, keep pending such instrument and refer the matter to the Collector for determination of market value of such property and proper duty payable thereon", shall respectively be substituted.

Amendment  
of Section  
47-A.

6. For section 73, of the principal Act, the following section shall be substituted, namely :—

Substitution  
of Section 73

73. (1) Every public officer or any person having in his custody any registers, books, records, papers, documents or proceedings, the inspection where of may attend to secure any duty, or to prove or lead to the discovery of any fraud or omission in relation to any duty, shall at all reasonable times permit any person authorised in writing by the Collector to enter upon any premises and to inspect for such purposes the registers, books, records, papers, documents and proceedings, and to take such notes and extracts as he may deem necessary, without fee of charge and if necessary to seize them and impound the same under proper acknowledgement :

"Books, etc.  
to be kept  
open for  
inspection.

Provided that such seizure of any registers, books, records, papers, documents or other proceedings, in the custody of any Bank be made only after a notice of thirty days to make good the deficit stamp duty is given.

*Explanation:*—For the purposes of this proviso "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949 and includes the State Bank of India, constituted by the State Bank of India Act, 1955 a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, a Regional Rural Bank established under the Regional Rural Banks

Central Act  
10 of 1949.

Central Act  
23 of 1955.

Central Act  
38 of 1959.

Central Act  
5 of 1970.

Central Act  
40 of 1980.

Central Act  
21 of 1976.

Central Act  
18 of 1964.

Central Act  
61 of 1981.

Central Act  
31 of 1956.

Central Act  
XV of 1948.

Act, 1976, the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964, National Bank for Agriculture and Rural Development established under the National Bank for Agriculture and Rural Development Act, 1981, the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956. The Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948, and such other financial or banking institution owned, controlled or managed by a State Government or the Central Government, as may be notified in this behalf by the Government.

(2) Every person having in his custody or maintaining such registers, books, records, papers, documents or proceedings shall, when so required by the officer authorised under sub-section (1), produce them before such officer and at all reasonable times permit such officer to inspect them and take such notes and extracts as he may deem necessary.

(3) If, upon such inspection, the person so authorised is of opinion that any 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 from the person liable to pay the stamp duty; and in case of default the amount of the duty shall be recovered as an arrear of land revenue.

Amendment  
of Schedule  
1-A.

7. In Schedule 1-A of the principal Act,—

(a) in Article 20—

(i) for the expression "conveyance as defined by section 2 (10), not being a transfer charged or exempted under (No. 53)", the expression "conveyance as defined by section 2 (10), not being a sale, charged under (No. 47-A) or a transfer charged or exempted under (No. 53)", shall be substituted;

(ii) after clause (c), the following proviso shall be inserted, namely:—

"Provided that where an agreement to sell an immovable property is stamped with the advelorem

stamp required for a conveyance on sale under article 47-A and a conveyance on sale in pursuance of such agreement is subsequently executed, the duty on such conveyance on sale shall be the duty payable under the article less the duty already paid under article 47-A subject to a minimum of five rupees ;

(b) in article 31, after clause (c), and before the explanation thereunder the following clause shall be inserted, namely:—

“(d) where the lessee is to make over the improvements if any to the lessor, on termination of the lease falling under clauses (a), (b) or (c);

The same duty as conveyance (No. 20) for value of the improvements, contemplated to be made by the lessees as set forth in the deed in addition to the duty chargeable under clauses (a), (b) or (c).”

(c) in article 46, for clause (A), the following clause shall be substituted, namely:—

“(A) Any instrument (not being such a release as is provided for by section (23-A) whereby a person renounces a claim upon another person or against any specified property—

(a) where the amount or value of the claim does not exceed Rs. 1,000.

Three rupees for every one hundred rupees or part thereof on the consideration for such release as set forth therein or the market value of the property whichever is higher over which claim is relinquished.

(ii) where it exceeds  
Rs. 1,000.

The same duty as under  
clause (i) for the first,  
Rs. 1,000 and for every  
Rs. 500 or part thereof in  
excess of Rs. 1,000, Thirty-  
five rupees.

(c) where the property is situated in any area  
other than those mentioned in clauses (a) and (b)-

(i) where the amount Six rupees for every on<sup>e</sup>  
or value of the considera- hundred rupees or par<sup>t</sup>  
tion for such sale as set thereof.  
forth in the instrument or  
the market value of the  
property which is the sub-  
ject matter of the sale,  
whichever is higher but  
does not exceed Rs. 1,000.

(ii) where it exceeds  
Rs. 1,000.

The same duty as under  
clause (i) for the first  
Rs. 1,000 and for every  
Rs. 500 or part thereof in  
excess of Rs. 1,000 Thirty  
rupees.

*Explanation* :—An agreement to sell followed  
by or evidencing delivery of possession of the pro-  
perty agreed to be sold shall be chargeable as a “sale”  
under this article and the instrument of sale in pursu-  
ance of such agreement subsequently executed shall  
be chargeable with a duty of rupees five”.

**THE INDIAN STAMP (ANDHRA PRADESH  
AMENDMENT) ACT, 1989.**

**ACT NO. 22 OF 1989\*.**

**[23rd October, 1989]**

An Act further to amend the Indian Stamp Act, 1899 in its application to the State of Andhra Pradesh.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 1989.

Short title  
extent and  
commence-  
ment.

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\*Received the assent of the Governor on the 21st June, 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Extraordinary, Part IV-A, dated the 29th March, 1989 at Page 8



(2) It extends to the whole of the State of Andhra Pradesh.

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

Amendment of Schedule 1-A. 2. In the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act) as in force in the State of Andhra Pradesh, in Schedule 1-A.

(a) in article 4, for the entry in column (2) the following entry shall be substituted namely:--

"Ten rupees".

(b) for article 5 and the entry relating thereto, the following shall be substituted, namely:--

"6. Agreement or Memorandum of an agreement not otherwise provided for, where the value of the property--

- |  |                        |
|--|------------------------|
| (a) does not exceed<br>Rs. 5,000/-.                              | Ten rupees.            |
| (b) exceeds Rs. 5,000/- but<br>does not exceed<br>Rs. 20,000/-.  | Twenty<br>rupees       |
| (c) exceeds Rs. 20,000/-<br>but does not exceed<br>Rs. 50,000/-. | Fifty<br>rupees.       |
| (d) exceeds Rs. 50,000/-   | One hundred<br>rupees. |

and

(e) 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.;

(c) In article 11, for the entry in column (2), the following entry shall be substituted, namely:--

"Three hundred rupees".;

(d) in article 21, in column (2), for the words "Two rupees fifty paise" and "five rupees", the words "Ten rupees" and "Twenty rupees" shall respectively be substituted.;

(e) in article 22, --

i) in column (1), for the words "five rupees", the words "Ten rupees" shall be substituted,

ii) in column (2), for the words "Five rupees", the words "Twenty rupees" shall be substituted.;

(f) in article 34, in column (2), for the words "Ninety rupees" and "Two hundred and forty rupees", the words "Two hundred rupees" and "Five hundred rupees" shall respectively be substituted.;

(g) for article 41 and the entries relating thereto the following shall be substituted, namely:--

"41. Partnership--

## A. Instrument of --

- (a) Where the capital of the partnership does not exceed Rs. 5,000/- One hundred rupees.
- (b) in any other case Three hundred rupees.

## B. Dissolution of --

One hundred and fifty rupees";

(h) in article 42, --

(i) for the entry in column (2) against sub-article (a), the following shall be substituted, namely:--

"Twenty rupees";

(ii) for the entry in column (2) against sub-article (b), the following shall be substituted, namely:--

"Twenty rupees";

(iii) for the entry in column (2) against sub-article (c), the following shall be substituted, namely:--

"Fifty rupees";

(iv) for the entry in column (2) against sub-article (d), the following shall be substituted, namely:--

"Seventy five rupees";

(v) for the entry in column (2) against sub-article (f), the following shall be substituted, namely:--

"Twenty five rupees";

(i) for article 48 and the entries relating thereto, the following shall be substituted, namely:--

"48. Security bond or mortgage deed executed by way of security for the due execution of an office or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract. Three per centum of the value of the security subject to a maximum of rupees one hundred";

(j) for article 49 and the entry relating thereto the following shall be substituted, namely:--

"49. Settlement --

A. Instrument of (including a deed of dower) --

(a) settlement in favour of a member or members of a family.

The same duty as a Bottomry Bond (No.14) for a sum equal to the amount or market value of the property settled as set forth in such settlement:

provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement and an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall be the duty as mentioned in article 6.

Explanation: - For the purpose of this article "family" means father, mother, husband, wife, brother, sister, son, daughter and includes grand-father, grand-mother, grand child, adoptive father or mother, adopted son or daughter.

(b) in any other case

Six rupees for every hundred rupees or part thereof of the market value of the property which is the subject matter of settlement.

Exemption:

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

## B. Revocation of --

The same duty as a Bottomry Bond (No.14) for a sum equal to the amount or value of the property concerned as set forth in the instrument of revocation but not exceeding ninety rupees";

(k) in article 55, in column. (2). --

(i) for the expression "Bottomry Bond (No. 14)" in the two places where it occurs, the expression "Conveyance (No. 20)" shall be substituted;

(ii) for the words "ninety rupees", and "sixty rupees" the words "Two hundred rupees" and "one hundred rupees" shall respectively be substituted.

THE INDIAN STAMP (ANDHRA PRADESH AMENDMENT.)  
ACT, 1992.

Act No. 1 Of 1992 [31 st Jan' 1992]

An Act further to Amend the Indian Stamp Act, 1899 in its application to the State of Andhra Pradesh.

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-second year of the Republic of India as follows:-

1. *Short title extent and Commencement.*—(1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 1992.

(2) It extends to the whole of the State of Andhra Pradesh.

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

2. *Insertion of new section 64-A Central Act 11 of 1899.*— In the Indian Stamp Act, (1899, after Section 64, the following section shall be inserted, namely :—

“ *Recovery of amount of deficit stamp duty.*—64-A (1) Where any person liable to pay duty under this Act is convicted of an offence under Section 64 in respect of any instrument (not being an instrument specified in entry 91 of List I in the Seventh Schedule to the Constitution) the Magistrate shall, in addition to the punishment which may be imposed for such offence, recover summarily and pay over to the Collector, the amount of duty if any, due under this Act from such person in respect of that instrument and the Collector shall thereupon certify by endorsement on that instrument that proper duty has been levied in respect thereof :

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\*Received the assent of the Governor on the 6th Nov, 1992 For Statement of Objects and Reasons Please See the *Andhra Pradesh Gazette*, Extraordinary dated the 23rd Sep. 1992 Part IV-A at Page No. 3

Provided that if the person referred to in this sub-section has already paid any amount towards the duty payable under this Act in respect of the instrument in relation to which such person was convicted, the Magistrate shall recover Only the difference in the amount of duty.

(2) The amount recoverable under sub-section (1) shall be recovered by the Magistrate, as if it were a fine imposed under the Code of Criminal Procedure 1973". Central Act 2 of 1974.



THE INDIAN STAMP (ANDHRA PRADESH  
AMENDMENT) ACT, 1995.

ACT No. 21 OF 1995\*

[31st March, 1995]

AN ACT FURTHER TO AMEND THE INDIAN STAMP  
ACT, 1899 IN ITS APPLICATION TO THE STATE OF  
ANDHRA PRADESH.

Be it enacted by the Legislative Assembly of the State of  
Andhra Pradesh in the Forty-sixth Year of Republic of India  
as follows :

1. (1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 1995. Short titles  
extent and  
commence-  
ment.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Govern-  
ment may, by notification in the *Andhra Pradesh Gazette*, appoint.

2. In the Indian Stamp Act, 1899, as in force in the State of Andhra Pradesh, in Schedule 1-A — Amendment  
to Schedule  
1-A,

(a) for article 6 and the entries relating thereto, the following shall be substituted, namely :—

“6. Agreement or Memorandum of an Agreement not otherwise provided for :

(A) Where the value,—

(i) does not exceed ...Ten rupees Rs. 5,000/-

(ii) exceeds Rs. 5,000/- Twenty rupees but  
does not exceed Rs. 20,000/- ..

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\* Received the assent of the Governor on the 31st March, 1995. For Statement of Object Reasons, Please See the *Andhra Pradesh Gazette* Part IV-A, Extra ordinary, dt 30-3-95 at Page 5.

(iii) exceeds Rs. 20,000/- Fifty rupees but does not exceed Rs. 50,000/-.

(iv) exceeds Rs. 50,000/- ..One hundred rupees.

(B) If relating to construction of a house or building including a multi-unit house or building or unit of apartment/flat/portion of a multi-storied building or for development/sale of any other immovable property. Five rupees for every one hundred rupees or part thereof on the market value or the estimated cost of the proposed construction/development of such property as the case may be, as mentioned in the agreement or the value arrived at in accordance with the schedule of rates prescribed by the Public Works Department authorities, whichever is higher.

(C) In any other case. One hundred rupees.” ;

(b) In article 42, after clause (f) and the entries relating thereto, the following shall be added, namely:—

“(g) when given for construction, development of, or sale or transfer (in any manner whatsoever) of, any immovable property; Five rupees for every one hundred rupees or part thereof on the market value of the property.” ;

(c) In article 47-A, after the existing clause (c) and the entries relating thereto, but before the explanation thereunder the following shall be added, namely:—

“(d) If relating to a multi-unit house or unit of apartment/flat/portion of a multi storied building or part of such structure to which the provisions of Andhra Pradesh Apartments (Promotion of Construction and Ownership) Act, 1987, apply :

(i) where the value does not exceed Rs. 2,00,000/-.	Rupees twelve thousand.
(ii) Where it exceeds Rs. 2,00,000/- but does not exceed Rs. 3,50,000/-.	Rupees twelve thousand plus 4% on the value above Rs. 2,00,000/-.
(iii) where it exceeds Rs. 3,50,000/- but does not exceed Rs. 7 00 000/-.	Rupees eighteen thousand plus 6% on the value above Rs. 3,50,000/-.
(iv) where it exceeds Rs. 7,00,000/-.	Rupees thirty nine thousand plus 8% on the value above Rs. 7,00,000/-."

(d) for the Explanation under article 47-A, the following shall be substituted, namely :—

*“Explanation-I* ; An agreement to sell followed by or evidencing delivery of possession of the property agreed to be sold shall be chargeable as a “sale” under this article :

Provided that, where subsequently a sale deed is executed in pursuance of an agreement of sale as aforesaid or in pursuance of an agreement referred to in clause (B) of article 6, the stamp duty, if any, already paid or recovered on the agreement of sale shall be adjusted towards the total duty leviable on the sale deed.

*“Explanation-II* : For the purposes of clause (d),

(i) “unit” includes a flat, apartment, tenement, portion or semi-finished part of such structure ; and

(ii) ‘value’ means the consideration or value of the apartment/flat/portion or semi-finished part of such structure of multi-storied building as declared in the document by the seller and builder or market value whichever is higher”.

**THE INDIAN STAMP (ANDHRA PRADESH AMEND-  
MENT) ACT, 1997.**

**ACT No. 31 OF 1997\***

**[18th December, 1997.]**

**An Act further to amend the Indian Stamp Act, 1899 in its application to the State of Andhra Pradesh.**

**Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India as follows:-**

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\*Received the assent of the Governor on 15th August, 1997.  
For Statement of the Objects and Reasons. Please see the  
A.P. Gazette Part IV-A Extraordinary dated 19th March,  
1997 at P-3.

Short title, 1. (1) This Act may be called the extent and Indian Stamp (Andhra Pradesh Amendment) commencement- Act, 1937.  
ment.

(2) It extends to the whole of the State of Andhra Pradesh.

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

Amendment  
of sect.  
76-  
Centr. Act  
II of 1937.

2. In the Indian Stamp Act, 1899 as in force in the State of Andhra Pradesh, in section 76-A,-

(i) in clause (a), the word "and" shall be omitted;

ii) in clause (b), the word "and" shall be added at the end;

iii) after clause (b), the following shall be inserted; namely:-

"all or any of the powers conferred on it by section 9(1) (b) to the Commissioner and Inspector General of Registration and Stamps."

K.M. NAGARAJUSAMI RAO,  
Secretary to Government,  
Legislative Affairs & Justice, I/c  
Law Department.

## ACT No. 8 OF 1998.

\*[17th March, 1998.]

AN ACT FURTHER TO AMEND THE INDIAN STAMP ACT, 1899 IN ITS APPLICATION TO THE STATE OF ANDHRA PRADESH.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 1998.

Short title  
extent and  
commence  
ment.

\*[Received the assent of the Governor on the 19-01-1998. and assent of the President received on 09-03-1998. For statement of object and reasons Please see Andhra Pradesh Gazette, Part-IV-A, Extraordinary dated 19-03-97 at Page 8-9.]

(2) It extends to the whole of the State of Andhra Pradesh.

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

**Amendment**  
of section 2,  
Central Act-II  
of 1959.

2. In the Indian Stamp Act, 1899, (hereinafter referred to as the principal Act) as in force in the State of Andhra Pradesh, in section 2, for clause (10), the following shall be substituted, namely:-

"(10) "Conveyance" includes a conveyance on sale, every instrument and every decree or final order of any civil court, by which property, whether movable or immovable, or any estate or interest in any property is transferred to, or vested in or declared to be of any other person, *intervivos*, and which is not otherwise specifically provided for by Schedule-I or Schedule-I-A, as the case may be.

**Explanation: I:** An instrument whereby a co-owner of any property transfers his interest to another co-owner of the property and which is not an instrument of partition, shall, for the purposes of this clause, be deemed to be an instrument by which property is transferred *intervivos*.

**Explanation: II:** An instrument whereby a partner transfers his share in the property of the partnership business to another partner or to other partners, whether separately or together with transfer of other business assets on

retirement or dissolution or whereby contributes to the capital of the partnership firm by transferring his right and title to, or interest in any property, is for the purpose of this clause an instrument by which property is transferred."

3. In the principal Act, after section 10, the following section shall be inserted, namely:--

Insertion  
of new  
section 10-A.

"Payment of 10-A (1) Notwithstanding any duty in cash. thing contained in section 10, where the Government or the Collector as the case may be is satisfied that there is shortage of stamps in the district or stamps of required denominations are not available, the Government or the Collector, may permit payment of the duty to be paid in cash or by way of Demand Draft or by Pay Order and authorise the Treasury Officer or Sub-Treasury Officer or Sub-Registrar or any other officer, as the case may be, on production of a challan evidencing payment of duty in the Government Treasury or Sub-Treasury or a Demand Draft or by Pay Order drawn on a Branch of any scheduled bank, as the case may be, after due verification, to certify in such manner as may be prescribed by endorsement on the instrument of the amount of duty so paid in cash.

Explanation: 'Government Treasury' includes a Government Sub-Treasury and any other place as the State Government may, by notification in the Andhra Pradesh Gazette, appoint in this behalf:

Provided that the State Government may, by order publish in the Andhra Pradesh



Gazette, direct that the power exercisable by it or by the Collector under this section may be exercised by such other officers as may be specified in the order.

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

(3) Nothing in this section shall apply to:--

(i) the payment of stamp duty chargeable on the instruments specified in Entry 91 of List 1 of the Seventh Schedule to the Constitution of India; and

(ii) the instruments presented after four months from the date of their execution or first execution."

Amendment  
of  
section 17.

4. In the principal Act, to section 17, the following proviso shall be added, namely:--

"Provided that nothing in this section shall apply to the instruments in respect of which stamp duty has been paid under section 10-A."

Amendment  
of section  
27.

5. In the principal Act, to section 27, the following proviso shall be added, namely:--

"Provided that a registering officer appointed under the Registration Act, 1908 or any other officer authorised in this behalf, may inspect the property, which is the subject matter of such instrument, make necessary local enquiries call for and examine all the connected records and satisfy that the provisions of this section are complied with."

6. In the principal Act, in section 41-A, in sub-section (3), for the words "Commissioner of Survey, Settlement and Land Records" the words "Chief Controlling Revenue Authority" shall be substituted.

Amendment  
of  
section 41-A

7. In the principal Act, in section 47-A,--

Amendment  
of  
section 47-A.

(i) for sub-sections (1) and (2), the following shall be substituted, namely:-

"(1) Where the registering officer appointed under the Registration Act, 1908, while registering any instrument of conveyance, exchange, gift, partition, settlement, release, agreement relating to construction, development or sale of any immovable property or power of attorney given for sale, development of immovable property, has reason to believe that the market value of the property which is the subject-matter of such instrument has not been truly set forth in the instrument, or that the value arrived at by him as per the guidelines prepared or caused to be prepared by the Government from time to time has not been adopted by the parties, he may keep pending such instrument and refer the matter to the Collector for determination of the market value of the property and the proper duty payable thereon:

Central Act  
16 of 1908.

Provided that no reference shall be made by the registering officer unless an amount equal to fifty per cent of the deficit duty arrived at by him is deposited by the party concerned.

(2) On receipt of a reference under sub-section (1), the Collector shall, after giving the parties an opportunity of making their representation and after holding an enquiry in such manner as may be prescribed by rules made under this Act, determine the market value of the property which is the subject matter of such instrument and the duty as aforesaid.

Provided that no appeal shall be preferred unless and until the difference, if any, in the amount of duty is paid by the person liable to pay the same, after deducting the amount already deposited by him:

Provided further that where after the determination of market value by the Collector, if the stamp duty borne by the instrument is found sufficient, the amount deposited shall be returned to the person concerned without interest.;

(ii) for sub-section (6), the following shall be substituted, namely:-

"(6) For the purposes of this Act, market value of any property shall be estimated to be the price which in the opinion of the Collector or the appellate authority, as the case may be, such property would have fetched or would fetch if sold in the open market on the date of execution of any instrument referred to in sub-section (1):

Provided that in respect of instruments executed by or on behalf of the Central Government or the State Government or any authority or body incorporate by or under any law for the time being in force and wholly owned by Central/ State Government, the market value of any property shall be the value shown in such instrument."

8. In the principal Act, in section 49, the explanation shall be numbered as "Explanation-I" and after the following Explanation, as so renumbered, the following Explanation shall be added, namely:-

"Explanation -II: The endorsement made under section 10-A is an impressed stamp within the meaning of this section to the extent of the amount as specified therein."

9. In the principal Act, in section 50, after sub-section (3), the following shall be added, namely:-

"(4) in the case of instrument bearing an endorsement under section 10-A within six months after the endorsement is made."

G. BHAVANI PRASAD,  
Secretary to Government,  
Legislative Affairs & Justice,  
Law Department.

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 18th December, 1998 for the consideration and assent of the President received the assent of the President on the 4th May, 1999 and the said assent is hereby first published on the 17th May, 1999 in the Andhra Pradesh Gazette for general information:-

ACT No. 14 OF 1999

AN ACT FURTHER TO AMEND THE INDIAN STAMP ACT, 1899 IN ITS APPLICATION TO THE STATE OF ANDHRA PRADESH.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fiftieth Year of the Republic of India as follows:-

Received the assent of the Governor on 18-12-1998. For statement of objects and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dt. 25-7-1998 at page No. 23.

Short  
title,  
extent,  
and  
commence-  
ment.

1. (1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 1999.

(2) It extends to the whole of the State of Andhra Pradesh.

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

Amendment  
of section  
47-A.  
Central  
Act II of  
1899.

2. In the Indian Stamp Act, 1899 as in force in the State of Andhra Pradesh, in section 47-A,-

(a) after sub-section (3), the following sub-section shall be inserted, namely:-

"(3-A) (i) The Inspector General may suo-motu, call for and examine the record of any order passed or proceeding recorded by the Collector under sub-section (3), and if such order or proceeding recorded is found leading to loss of legitimate revenue due to disregard of market value by the Collector, based on mistake, omission, or failure to take any factual evidence effecting the market value of the property, may make such enquiry, or cause such enquiry and inspection of the property to be made and subject to the provisions of this Act, may initiate proceedings to revise, modify or set aside such order or proceeding and may pass such order in reference thereto as he thinks fit:

Provided that the powers conferred under this clause shall be invoked within

a period of six months from the date of the order or proceeding issued by the Collector under sub-section (3);

(ii) the power under clause (i) shall not be exercised by the authority specified therein in respect of any issue or question which is the subject matter of an appeal before, or which was decided on appeal by the appellate authority under sub-section (5);

(iii) no order shall be passed under clause (i) enhancing any duty unless an opportunity has been given to the party to show cause against the proposed revision of market value and deficit stamp duty;

(iv) where any action under this sub-section has been deferred on account of any stay order granted by the Court in any case, or by reason of the fact that another proceeding is pending before the Court involving a question of law having a direct bearing on the order or proceeding in question, the period during which the stay order was in force or such proceeding was pending shall be excluded in computing the period of six months specified in the proviso to clause (i) of this section for the purposes of exercising the power under this sub-section.";

(b) after sub-section (4), the following sub-section shall be inserted namely:-

"(4-A) Any person aggrieved by the order of the Inspector General under

sub-section (3-A) may appeal to the High Court within a period of two months from the date of receipt of such order."

G. BHAVANI PRASAD,  
Secretary to Government,  
Legislative Affairs & Justice.  
Law Department.



STATEMENT OF OBJECTS AND REASONS

Section 47-A of the Indian Stamp Act, 1899 (Central Act 2 of 1899) casts a duty on the registering officer, (Sub-Registrar) to satisfy about the correctness of the Market value adopted by the parties and levy proper stamp duty. If the registering authority has reason to believe that the correct market value has not been declared by the parties, he has to keep the document pending and make a reference to the Collector authorised under Section 47-A of the Act for determination of the market value and proper duty.

After receipt of the reference, the Collector shall determine the market value of the property and the duty payable thereon after holding an enquiry. The civil courts are appellate authorities to deal with the appeals preferred by registering public against the orders passed by the Collectors determining the market value of the property and the duty payable.

In G.O.Ms.No. 587, Revenue (Regn.I) Dept., dated 17.7.1996 all the District Registrars of Registration and Stamps Department have been notified as Collectors Under Section 47-A of Indian Stamp Act. But, there is no provision in the Act to subject the orders of the Collectors under Section 47-A to appeal if they are prejudicial to the revenues of Government. Therefore, it is considered necessary to incorporate a provision empowering the Commissioner and Inspector General of Registration and Stamps, to call for, examine and review the orders passed by the Collectors and revise such orders if necessary, to ensure that the revenues of the Government are duly protected.

The Government have decided to amend Section 47-A of Indian Stamp Act, 1899 suitably in its application to the State of Andhra Pradesh.

The Bill seeks to give effect to the above decision.

**T. DEVENDER GOUD,**  
Minister for Revenue, Relief and  
Rehabilitation.

**ANDHRA PRADESH ACTS, ORDINANCES  
AND REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Government on the 31st January, 2002 for the consideration and assent of the President received the assent of the President on the 20th July, 2002 and the said assent is hereby first published on the 30th July, 2002 in the Andhra Pradesh Gazette for general information:-

**ACT No. 16 OF 2002**

**AN ACT FURTHER TO AMEND THE INDIAN STAMP ACT, 1899 IN ITS APPLICATION TO THE STATE OF ANDHRA PRADESH.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 2002.

(2) It extends to the whole of the State of Andhra Pradesh.

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

Amendment of  
Section 41-A  
Central Act II  
of 1899.

2. In the Indian Stamp Act, 1899, (herein after referred to as the principal Act) as in force in the State of Andhra Pradesh, in section 41-A,-

(a) in sub-section (1), in the proviso, for the words "the proper duty or the amount required to make up the same should not be collected from him", the words "the amount

required to make up the deficit stamp duty should not be collected from him along with a penalty of three times of the deficit stamp duty", shall be substituted.

(b) in sub-section (2),

(i) for the words "the amount of duty", the words "the amount of duty and the penalty", shall be substituted.

(ii) for the word "duty" occurring at the end, the word "amount" shall be substituted.

(c) in sub-section (4) for the word "duty", the word "amount" shall be substituted.

3. In section 70 of the principal Act, for subsection (2), the following sub-section shall be substituted, namely,-

Amendment of section 70.

(2) The Chief Controlling Revenue Authority, or any officer generally or specially authorised by it in this behalf, may stay any such prosecution or compound any such offence by levying a compounding fee which shall include the deficit stamp duty, if any and a penalty of three times of the deficit stamp duty.

**K.G. SHANKAR,**  
*Secretary to Government,*  
*Legislative Affairs & Justice (FAC),*  
*Law Department.*

**STATEMENT OF OBJECTS AND REASONS**

The existing Section 41-A of the Indian Stamp Act, 1899 provides for recovery of deficit stamp duty in cases where instruments were registered with insufficient stamp duty. Similarly, Section 70 provides for compounding of such offences relating to Stamp duty. But, neither of these Sections specifically provides for levy of any penalty even when the non-payment of proper duty was by reason of fraud, collusion or any wilful mis-statement or suppression or contravention of any of the provisions of the Act or the Rules made thereunder.

As there are no adequate provisions in the Indian Stamp Act, 1899, the Government after careful examination of proposal of the Commissioner and Inspector General of Registration and stamps, have decided to amend Section 41-A and Section 70 (2) of the Indian Stamp Act, 1899 suitably.

This Bill seeks to give effect to the above decision.

**P. ASHOK GAJAPATHI RAJU,**  
*Minister for Revenue,  
Relief and Rehabilitation.*

**ANDHRA PRADESH ACTS, ORDINANCES AND  
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 26th December, 2002 for the consideration and assent of the President received the assent of the President on the 22nd April, 2003 and the said assent is hereby first published on the 3rd May, 2003 in the Andhra Pradesh Gazette for general information:

**ACT No. 8 OF 2003**

**AN ACT FURTHER TO AMEND THE INDIAN STAMP ACT, 1899 IN ITS APPLICATION TO THE STATE OF ANDHRA PRADESH.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fourth Year of the Republic of India, as follows:-

Short  
title,  
extent  
and  
commence-  
ment.

1. (1) This Act may be called the Indian Stamp (Andhra Pradesh Amendment) Act, 2003.

(2) It extends to the whole of the State of Andhra Pradesh.

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

Amendment  
of  
section 2.  
Central  
Act 2 of  
1989.

2. In the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act), as in force in the State of Andhra Pradesh, in section 2, in sub-section (13), after clause (b), the following clause shall be added, namely:-

"(c) impression by franking machine or any other such machine as the State Government or the Central Government, as the case may be, by notification in the Official Gazette, specify."

Amendment  
of  
section 9.

3. In section 9 of the principal Act,-

(i) in sub-section (1), in the opening portion for the words "The Government may by rule or order published in the Official Gazette,-", the words "The Government if satisfied that it is necessary to do so in the public interest, may, by rule or order published in the Official Gazette,-", shall be substituted;

(ii) in clause (b), for the words "bonds or other marketable securities.", the words "bonds, shares or policies of insurances, proxies and receipts or other marketable securities.", shall be substituted;

(iii) in sub-section (2), for clause (b), the following clause shall be substituted, namely:-

"(b) save as aforesaid and in respect of clause (b) of sub-section (1), the State Government."

K.G. SHANKAR,  
Secretary to Government,  
Legislative Affairs & Justice(FAC),  
Law Department.

**STATEMENT OF OBJECTS AND REASONS**

According to the provisions of the Indian Stamp Act, 1899, Stamp duties have to be paid by way of labels affixed and impressed by the proper officer in case of lower stamp duties and by way of using embossed or engraved stamp paper in case of higher stamp duties. In case of payment of stamp duties in lower denomination the process involves the printing of the labels by the Central Stamp Depot (CSD), Nasik, distribution by G.S.O. Treasury, Office of the Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad to all the Treasuries in the State and cancellation by the proper officer.

The process of printing, supply and distribution of stamps not only involves expenditure but also the process obviously results in delay and ultimately non-availability of stamps results in loss of legitimate revenue to the State and invalid receipts to the citizens or clients.

It is observed that there is,-

- (1) heavy demand for specific category of Stamp and Central Stamp Depot, Nasik's has expressed their inability to supply sufficient quantities of stamps in proper time ;
- (2) non-availability of right denomination of stamps in many times ;
- (3) increasing cost of production, distribution and supply of stamps ;
- (4) increasing number of security lapses, frequent criticism on fake or counterfeit stamps and heavy dependence on Central Stamp Depot, Nasik for cross checking of genuineness of the stamps ;
- (5) to create convenience to the citizens by making availability of the stamps at their door steps in view of the Government's policy to supply stamps in the State to 'anywhere, any time' service ; and



- (6) to safeguard revenue interests of the State Exchaquer which is often getting strained because of non-availability of right denomination and right category of stamps.

To over come the situation, it is proposed to adopt the following methods,-

- (a) for impression of stamp by franking duly notifying the companies and corporations like L.I.C., U.T.I., B.S.N.L., APGENCO, APTRANSCO, etc., for using the Franking Machines ; and
- (b) to allow the incorporated companies to go for consolidate payment of stamp duty.

According to clause (b) of sub-section (1) of section 9 of the said Act, Government are empowered to make rules for composition or consolidation of duties in respect of debentures, bonds or other marketable securities only. It has been decided in public interest to extend the said power of consolidation of duties in respect of shares or policies of insurances proxies and other receipts also by suitably amending the said provision.

On bringing these amendments it is viewed that the legitimate revenue of the state will be protected ; effective curbing of avoidance of payment of stamp duties in the pretext of non-availability of stamps, and convenience can be provided to the companies / corporations like L.I.C., B.S.N.L., and state institutions like A.P.I.D.C., APGENCO, APTRANSCO to pay stamp duty by using franking machines or by making consolidated payment of stamp duty.

To achieve the object in view, the Government have decided to amend section 2(13) and Sub-section (1) of section 9 of the said Act suitably.

This Bill seeks to give effect to the above decisions.

**P. ASHOK GAJAPATHI RAJU,**  
*Minister for Revenue,  
Relief and Rehabilitation.*