

# **THE MAHARASHTRA STAMP RULES, 1939**

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**CHAPTER I  
PRELIMINARY**

**1. Short title**

These rules may be called the Bombay Stamp Rules, 1939.

## **2. Definitions**

In these rules,-

- (a) "The Act" means the Indian Stamp Act, 1899 (II of 1899).
- (b) "Section" means a section of the Act.
- (c) "Schedule" means a schedule of the Act.
- (d) "superintendent of Stamps" means the Superintendent of Stamps, Bombay and any other officer appointed by the <sup>1</sup>[State] Government to perform the functions of the Superintendent of Stamps.

## **3. Description of Stamps**

(1) Except as otherwise provided by the Act or by these rules,

(i) all duties with which any instrument is chargeable shall be paid, and such payment shall be indicated on such instrument, by means of stamps-issued by <sup>1</sup>[State] Government for the purposes of the Act, and

(ii) a stamp which by any word or words on the face of it is appropriated to any particular kind of instrument, shall not be used for an instrument of any other kind.

(2) There shall be two kinds of stamps for indicating the payment of instruments duty with which are chargeable, namely :-

(a) impressed stamps, and

(b) adhesive stamps.

<sup>1</sup>[Provided that, the Chief Controlling Revenue Authority may authorise the use of franking machine or any other machine for making impression on instruments to indicate payment of duty chargeable on such instruments and when so authorised any such impression on an instrument shall have the same effect as if the duty of amount equal to the amount indicated in the impression has been paid in respect of, and such payment has been indicated on such instruments by means of stamps under sub-section (I) of section 10].

### **<sup>2</sup>[3A. Use of Bombay Government Stamps by Maharashtra permissible for certain period after 1st May 1960**

During the period commencing on the 1st day of May, 1960, and ending on the 31st day of March 1962, or such further period as the State Government may by notification in the official Gazette specify and not with standing anything contained in rule 3 any stamp whether adhesive or impressed bearing the words "Bombay" or "Bombay State" issued by the Government of Bombay before the 1st day of May 1960, or by the Government of Maharashtra during the period aforesaid, may also be used for the purposes of the Act, as if they were duly issued by the Government of Maharashtra.]

## **CHAPTER II OF IMPRTSSED STAMPS**

### **4. Hundis**

(1) Hundis, other than hundis which may be stamped with an adhesive stamp under section 11, shall be written on paper as follows, namely:—

(a) A hundi payable otherwise than on demand, but not at more than one year after date or sight, and for an amount not exceeding rupees thirty thousand in value, shall be written on paper on which a stamp of the proper value bearing the word "hundi" has been, engraved or embossed

<sup>3</sup>[Provided that, where a paper with a stamp of the proper value bearing the word "hundi" engraved or embossed thereon is not available the hundi may not with standing anything contained in sub-rules (2) and (3), be written on any blank paper or on paper having a stamp of insufficient value engraved or embossed thereon and may, along with the amount of proper duty or, the amount required to make up the same as the case may be sent to the proper officer for affixing and impressing labels thereon in accordance with rule 11.

(b) A hundi for an amount exceeding rupees thirty thousand in value, or payable at more than one year after date or sight, shall be written on paper supplied for sale by the <sup>1</sup>[State] Government, to which a label has been affixed by the Superintendent of Stamps, and impressed by such officer in the manner prescribed by rule 11.

(2) Every sheet of paper on which a hundi is written shall be not less than <sup>2</sup>[21.9 cms.

long and 13 cms. wide] and no plain paper shall be joined thereto.

(3) The provisions of sub-rule (1) of rule 7 shall apply in the case of hundis.

### **5. Promissory notes and bills of exchange**

A promissory note or bill of exchange shall, except as provided by section 11 <sup>3</sup>[or by

the proviso to clause (a) of sub-rule (1) of rule 4] or by rules 13 and 19, be written on paper on which a stamp of the proper value, with or without the word "hundi" has been engraved or embossed..

## **6. Other Instruments**

Every other instrument chargeable with duty shall, except as provided by section 11 or by rules 10, 12 and 13 be written on paper on which a stamp of the proper value, not bearing the word "hundi" has been engraved or embossed

## **7. Provision where single sheet of paper is insufficient**

(1) Where two or more sheets of paper on which stamps are engraved or embossed are used to make up the amount of duty chargeable in respect of any instrument, portion of such instrument shall be written on each sheet so used.

(2) Where a single sheet of paper, not being paper bearing an impressed hundi stamp, is insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument :

Provided that in every such case a substantial part of the instrument shall be written on the sheet which bears the stamp before any part is written on the plain paper subjoined.

## **8. 4[\*\*\*]**

## **9. The Proper Officer**

The officer specified in Appendix I and any officer <sup>1</sup>[State] appointed in this behalf by the Government are empowered to affix and impress labels, and each of them shall be deemed to be "the proper officer" for the purposes of the Act and of these rules.

<sup>2</sup>[No. Mudrank 1093/4637/CR-933/M-1. In exercise of the powers conferred. by

*rule 9 of the Bombay Stamp Rules, 1939 and of all other powers enabling it in this behalf,  
the Government of Maharashtra hereby appoints the Inspector of Stamps, General Stamps Office, Bombay to be the "Proper Officer" for the purposes of the said. rule 9].*

## **10. Affixing and impressing of labels by Proper Officer permissible in certain cases**

Except as provided in section 11 and rule 13 labels may be affixed and impressed by the Proper Officer in the case of all instruments chargeable with stamp duty under the Act

other than instruments on which the duty is less than two annas when-

(i) they are written in English, Hindi or any recognised regional language of the State; or

(ii) they are written in any other language and accompanied by the translation in English or Hindi:

<sup>3</sup>*[Provided that in the case of Article 17 of the Bombay Stamp Act, 1958, the proper officer may affix impressed stamps if the duty exceeds rupee one]*

## **11. Mode of affixing and impressing labels**

(1) The Proper Officer shall, upon any instrument specified in rule 10 being brought to him before it is executed, and upon application being made to him, affix there to a label or labels of such value as the applicant may require and pay for, and impress such label or labels by means of a stamping machine, and also stamp or write on the face of the label or labels the date of impressing the same. In the case of instruments written on parchment, the labels shall be further secured by means of metallic eyelets:

<sup>4</sup>*[Provided that in the case of clearance list chargeable with stamp duty under Articles 20-A, 20-B, 20-C, 20-D, 20-E of the Schedule I the "proper officer" may affix and impress the labels thereon at any time but not later than two months after it is submitted to the Clearing House of an Association in accordance with its rules and bye-laws. (Vide Revenue*

*Department Notification No. 9110/149, dated 2nd February 1953, published on pages 72-73 of the Bombay Government Gazette, part IV-A, dated 12th February, 1953).]*

(2) on affixing any label or labels under this rule, the proper the duty officer shall, where amounts to <sup>1</sup>[rupees one hundred or more, endorse his usual signature on the instrument immediately under the Label or Labels.]

## **12. Certain instruments to be stamped with impressed labels**

(1) Instruments executed out of the State of Bombay and requiring to be stamped after their receipt in the State of Bombay (other than instruments which under section 11 or rule 13, may be stamped with adhesive stamps) shall be stamped with impressed labels.

(2) Where any such instrument as aforesaid is taken to the Collector under sub-section (2) of section 18, the Collector, unless he is himself the proper officer, shall send the instrument to the proper officer, remitting the amount of duty paid in respect thereof; and the proper officer shall stamp the instrument in the manner prescribed by rule 11, and return it to the Collector for delivery to the person by whom it was produced.

## **CHAPTER III OF ADHESIVE STAMPS**

### **13. Use of adhesive stamps on certain instruments**

The following instruments may be stamped with adhesive stamps, namely :-

(a) Bills of exchange payable otherwise than on demand and drawn in sets, when the amount of duty does not exceed Ten naye paise for each part of the set.

(b) Transfers of debentures of public companies and associations.

(c) Copies of maps or plans, printed copies and copies of or extracts from registers given on printed forms when chargeable with duty under Article 26 of Schedule I of Bombay Stamp Act.

(d) Instruments chargeable with stamp duty under entry (a), (aa), (b), (bb), (bc), (bd) or (be) of Article 42 of the Schedule I.' (<sup>2</sup>Vide Revenue Department Notification No. 9110/49, dated 2nd February 1953, published on pages 72-73 of the Bombay Government Gazette, part IV-A, dated 12th February 1953).

(e) Instruments chargeable with stamp duty under Article 47 of Schedule I of the Indian Stamp Act, 1899.

(f) Instruments chargeable with stamp duty under Articles 19 and 37 of Indian stamp Act, 1899, and 36, 49 (ii) and (iii) and 52-of schedule I of Bombay Stamp Act, 1958.

14. Notwithstanding anything contained in these rules whenever the stamp duty payable under the Act in respect of any instrument cannot be paid exactly by reason of the fact that the necessary stamps are not in circulation, the amount by which the payment of duty shall on that account be in defect shall be made up by the affixing of one-anna and half-anna adhesive stamps such as are described in rule <sup>1</sup>[18]:

Provided that the <sup>2</sup>[State] Government may direct that instead of such stamps adhesive court-fee stamps shall be used for the purpose.

#### **Notification under Rule 14**

In exercise of the powers conferred by rule 14 of the Bombay Stamp Rules, 1939, the Government of Bombay hereby directs that whenever the stamp duty payable under the Bombay Stamp Act, 1958 (Bom. LX 1958) in respect of any instrument referred to in entry (g) of Article 5 or entry (d) of Article 43 of Schedule I to the said Act, cannot be paid exactly by reason of the fact that the necessary stamps are not in circulation, then instead of such stamps, adhesive court-fee shall be used for the purpose, (Vide Government Notification No. STP. 1159/135586-N, printed and published on page 1505 of the Bombay Government Gazette, dated the 12th November 1959, part IV-B).

#### **15. Supply of deficient duty on transfer of share**

When any instrument of transfer of shares in a Company or Association is written on a sheet of paper on which a stamp of the proper value is engraved or embossed, and the value of the stamp so engraved or embossed is subsequently, in consequence of a rise the value of such, shares, found to fall short of the amount of duty chargeable under Article 59(a) of Schedule I of Bombay Stamp Act, 1958, one or more adhesive stamps bearing the words "Share Transfer" may be used to make up the amount required.

#### **16. Mode of cancelling "share Transfer" Stamps at the time of registration of the deed of transfer**

"Share Transfer" stamps affixed to deeds of transfer of shares, shall, before effect is given to the transfer by the Joint Stock Company concerned, be cancelled by the Company by means of a punch which can perforate either the word "Cancelled" <sup>3</sup>["or an abbreviation thereof, namely, cancels or cancelled"] or the initials of the Company, even though the stamps were previously cancelled in accordance with section 12 of the Bombay Stamp Act. In case a company fails so to cancel the share transfer stamps as provided by this rule the company shall be liable to the penalty prescribed by section 61 of the Bombay Stamp Act;

Provided that for the purpose of cancelling "Share Transfer, stamps, the State Government may, on being satisfied by a certificate from the Superintendent of Stamps, permit any Joint Stock Company to adopt any other method in lieu of

perforation by means of a punch. (Vide Government Notification, Revenue Department, No. 4298/33, dated 22nd- August 1939, printed at page 1586 of the Bombay Government Gazette, part IV-A, dated 24th August 1939).

#### **17. <sup>1</sup>[Deleted.]**

#### **18. Adhesive stamps or stamps denoting duty**

Except as otherwise provided by these rules, the adhesive stamps used to denote duty shall be the requisite number of stamps bearing the words "India Revenue" or "Bombay Revenue" and the words "four annas" or "two annas" or "one anna" or "half anna."

#### **19. Special Adhesive Stamps to be used in certain cases :-**

The following instruments when stamped with adhesive stamps shall be stamped with the following descriptions of such stamps, namely :-

- (a) Bills of exchange, cheques and promissory notes drawn or made out of the State of Bombay and chargeable with a duty of more than Ten naye paise; with stamps bearing the words "Foreign Bill."
- (b) Separate instruments of transfer of shares, and transfers of debentures of Public Companies and Associations : with stamps bearing the words "Share Transfer."
- (c) Entry as an Advocate, Vakil or Attorney on the roll of the High Court of Judicature at Bombay with stamps bearing the word "Advocate", "Vakil" or "Attorney, as the case may be.
- (d) Notarial acts: with 2[\* \* \*] stamps bearing the words "Notarial."
- (e) Copies of maps or plans, printed copies and copies of or extracts from registers given on printed forms certified to be true copies: with Court-fee stamps.
- (f) Instruments chargeable with stamp duty under entry (a), (aa), (b), (bb), (dc), (bd) or (be) of Article 5 or Article 43 of the Schedule I. (vide Revenue Department Notification No. 9110/49, dated 2nd February 1953, Published on pages 72-73 of the Bombay Government Gazette, part IV-A, dated 12th February 1953). (with stamps bearing either the words "Agreement" or "Brokers Note").
- (g) Instruments chargeable with stamp duty under Article 47 of Schedule I of the Indian stamp Act: with stamps bearing the word "insurance."
- <sup>3</sup>[(h) Entry of memorandum of marriage in the register under the Bombay Registration of Marriages Act, 1953 (Bom. v of 1954) : with court-fee stamps.]



## **CHAPTER IV MISCELLANEOUS**

### **20. Provision for cases In which improper description of stamp is used**

When an instrument bears a stamp of proper amount, but of improper description, the Collector may, on payment of the duty with which the instrument is chargeable, certify by endorsement that it is duly stamped:

Provided that where the stamp borne on proper the instrument is a postage stamp and the description of stamp is a stamp bearing the words "India Revenue, or the words "Bombay Revenue" the collector shall so certify If the instrument was executed before and shall not so certify if it was executed on or after, the April 1935.

### **21. Evidence as to circumstances of claim to refund or renewal.**

The collector may require any person claiming a refund or renewal under chapter v of the Act, or his duly authorized agent, to make oral deposition oath or affirmation, or to file an affidavit, setting forth the circumstances under which the claim has arisen, and may also' if he thinks fit, call for the evidence of witnesses in support of the statement set forth in any such deposition or affidavit.

## **NOTES**

### **Claim for refund of stamp duty.**

Under rule 21 where a claim for refund of stamp duty is made, the procedure laid down under the rule to take evidence by the Collector. Accordingly the Collector may direct any person claiming a refund under Chapter v to make an oral deposition on oath or affirmation or to file an affidavit, setting forth the circumstances under which the claim has arisen and if he thinks fit call all evidence of witnesses in support of the statement set forth in any such deposition or affidavit. Rule 22A deals wit matters relating deducting to deduction to be made from the amount of spoiled or misused or unused stamps. The word "spoiled stamps" is not expressly defined either in the Act or in the Rules but Section 47 describes instances of such spoiled stamps for the purpose of claiming refund.

### **22. Payment of allowances in respect of spoiled or misused stamp or on the renewal of debentures**

when an application is made for the payment, under chapter V of the Act, of an allowance in respect of stamp which has spoiled or misused or for which the applicant has had no immediate use, or on the renewal- of the debenture, and an order is passed by the collector sanctioning the allowance or calling for further evidence in support of the application then, if the amount of the allowance or the stamp given in lieu thereof is not taken, or if the further evidence required is not

furnished, as the case may be, by the applicant within 1[six months] of the date of and the spoiled or misused stamp (if any) sent to the superintendent of stamps, or other officer appointed in this behalf by the state government for destruction.

**<sup>1</sup>[22A, Rule of deduction from the amount of stamps, allowance for spoiled, misused or unused etc.**

When any person is in possession of -

(a) spoiled stamps, under section 47, misused stamps under section 50, or printed forms on- stamped paper no longer required under section 49 and he applies to the collector for making allowance in respect or the same.

(b) 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 and he delivers up the same to the collector for cancellation, then the collector may, give in lieu thereof may repay to such person, the same. value in money of such stamp or stamps or printed forms on stamped papers, after deducting rupees ten for each stamp or printed form on stamped paper or amount equal to (ten per cent) of the value of the such stamp or such printed form, whichever is more]

**23. Mode of cancelling original debenture on refund under section 55**

when the collector makes a refund under section 55 of the Indian Stamp Act, he shall cancel the original debenture by writing on or across it the word "cancelled, and his usual signature with the date thereof.

**<sup>3</sup>[24 Rewards**

on the recovery of evaded stamp duty and penalty or on conviction of any offender under the Act, the chief controlling Revenue authority may grant to any person who appears to him to have contributed thereto a reward in accordance with the scheme made by the state Government by notification in official Gazette, for grant of such reward.

**25. Document recording transactions for the purchase or sale of certain securities, etc., not to be destroyed for two years**

Every person entering into any transaction for 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 incorporate company or other body corporate or for the purchase or sale of cotton, bullion, spices, oil seeds, artificial silk yarn, edible oils or spices of any kind shall reserve any document, kachha souda book, contract book of any other book paper, memorandum or slip recording such transaction for a period of two years from the date of such transaction. Any person committing a breach of this rule shall be punishable with fine not exceeding five hundred rupees. (Vide Revenue Department Notification No. 9110/49, dated the 2nd February 1953, published on pages 72-73 of the Bombay Government Gazette, Part IV-A, dt. 12-2-1953.