

## **MADHYA PRADESH STAMP RULES, 1942**

### **Chapter 1- Preliminary**

- 1. Short title.** – These rules may be called the **Madhya Pradesh Stamp Rules, 1942**.
- 2. Definitions** – In these rules, unless the context otherwise requires –
  - (a) **"Act"** means the Indian Stamp Act, 1899 (No. II of 1899), as applicable to the State of Madhya Pradesh;
  - (b) **"Authorised agent"** means -
    - (i) a person holding a Power of Attorney authorising him to act on behalf of his Principal; or
    - (ii) an agent empowered by written authority under the hand of his Principal;
  - (c) **"Collector"** means the Collector as defined in the Act;
  - (d) **"Deputy Inspector General of Registration"** means Deputy Inspector General of Registration appointed by the State Government;
  - (e) **"Electronic Registration System or ERS"** means the computerised and web enabled system of registering documents electronically in the State, accessible to Licensed Service Providers, or Users authorised under these rules or by orders issued by the State Government or the Inspector General of Registration from time to time;
  - (f) **"Electronic Signature"** shall have the same meaning as assigned to it in clause (ta) of sub-section (1) of section 2 of the Information Technology Act, 2000 (No. 21 of 2000);
  - (g) **"Electronic Stamping System or ESS"** means the computerised and web enabled system of e-stamping of documents in the State, accessible to Licensed Service Providers, or Users authorised under these rules or by orders issued by the State Government or the Inspector General of Registration from time to time;
  - (h) **"e-stamp or electronic stamp"** means an electronically generated impression on paper to denote the payment of stamp duty or such other amount that would have otherwise been paid as an impressed or adhesive or Franked stamp, issued from the ESS;
  - (i) **"e-stamp code"** means the alpha numeric code issued to the user from the ESS after payment of Stamp Duty;
  - (j) **"Forms"** means Forms appended to these rules;
  - (k) **"Inspector General of Registration"** means Inspector General of Registration appointed under the provisions of Section 3 of the Registration Act, 1908 (No. 16 of 1908);
  - (l) **"Licensing Authority"** means the Collector of the district as defined in the Act;

(m) **"Registering Officer"** means District Registrar and Sub-Registrar appointed under the Registration Act, 1908 (No. 16 of 1908), which also include Senior District Registrar and Senior Sub-Registrar;

(n) **"Revisional Authority"** means Deputy Inspector General of Registration;

(o) **"Schedule"** means the Schedules appended to the Act prescribing the rates of stamp duty;

(p) **"Section"** means the section of the Act;

(q) **"Service Provider"** means a licensee under these rules, authorised to sell e-stamps and to provide other related services in the manner laid down by the Inspector General of Registration, through the ESS and the ERS;

(r) **"Service Provider credit limit"** means the amount deposited by a Service Provider in advance in Government account through the ESS to the extent that he shall be entitled to sell e-stamps and get discount thereon as notified by the State Government from time to time;

(s) **"Slot booking"** means booking of time slots of Registering Officers on a particular date through the ERS;

(t) **"Stamp"** means the stamp as defined under sub-section (26) of Section 2 of the Act;

(u) **"Stamp Vendor"** means a licensee authorised to sell stamps under these rules;

(v) **"State"** means the State of Madhya Pradesh;

(w) **"Government"** means the Government of Madhya Pradesh;

(x) **"Superintendent of Stamps"** means the Superintendent of Stamps, Madhya Pradesh, appointed by the State Government;

(y) The words and expressions used but not defined in these rules, shall have the same meaning as assigned to them in the Indian Stamp Act, 1899 (II of 1899) and the Registration Act, 1908 (No. 16 of 1908) as applicable to the State and the rules framed thereunder.

**3. Description of stamps.** – (1) Except as otherwise provided by the Act or by these rules -

(a) 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 the Government, bearing the words, **"Madhya Pradesh"** in Hindi vernacular for the purpose of the Act; and

(b) 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 any instrument of any other kind.

Explanation : Stamps bearing the words **"Madhya Pradesh"** shall be deemed to have been issued by the Government.

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

(a) **Impressed Stamps** : These stamps shall be overprinted with the words "**Madhya Pradesh**" and bearing serial number, impressed stamp denotes labels affixed and impressed by the proper officer, stamps embossed or engraved on stamp paper, and also impression by a franking machine or any other machine as the State Government may, by notification specify;

(b) **Adhesive Stamp** : These stamps shall be overprinted with the words Madhya Pradesh. Adhesive stamp denotes a stamp bearing the words Court Fee and intended to be used under the Court Fee Act, 1870 (No. 7 of 1870) and also a stamp bearing the word or words Special Adhesive or Revenue or Foreign Bill or Share Transfer Advocate or Notarial or Agreement or Brokers Note or Insurance and intended to be used under the Act;

(c) **e-stamps** : An electronically generated impression on paper to denote the payment of stamp duty or such other amount that would have otherwise been paid as an impressed or adhesive franked stamp issued from the ESS :

Provided that the Government may, by notification, provide for stamping to be done through any one or more type of stamps or Stamping method, for any one or more types of documents or values thereof.

## **CHAPTER II: OF IMPRESSED 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 follow, 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,

(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 State Government, to which a label has been affixed by the superintendent of Stamps and impressed by him in the manner prescribe in Rule 11.

(2) Every sheet of paper on which a hundi is written shall be not less than 8- 5/8 inches long and 5-1/8 inches wide and no plain paper shall be attached thereto.

(3) The provision 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 or by Rules 13 and 17, 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. In the matter of the

descriptions of stamps to be used, "counterparts or duplicate" shall follow the rule applicable to the original documents.

**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, a 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 water-marked paper available for sale with stamp vendors 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 water-marked paper subjoined.

**8. Ten Nay Paise, Fifteen Naya Paise and Twenty Naya Paise impressed stamps -** The duty on any instrument which is chargeable with a duty of ten naya paise under the Act or of fifteen naya paise under articles 19, 36, 37, 49 and 52 of Schedule I or of twenty five naye paise under articles 5 and 43 of Schedule I-A may be denoted by a coloured impression marked on a skeleton form of such instrument by the Superintendent of Stamps.

**9. The proper Officer –** The Superintendent of Stamps and any other officer appointed in this behalf by the State Government are empowered to affix and impress or perforate labels. The Superintendent of Stamps or the officer so appointed in this behalf shall be deemed to be "the proper officer" for purposes of the Act and of these rule.

**10. Affixing and impressing labels by proper officer –** Labels or Stamps may be affixed and impressed or perforated by the proper officer, in the case of all instruments chargeable with stamp duty under the Act.

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

(1) The proper officer shall, upon any such instrument specified in rule 10 being brought to him before it is executed and upon application being made to him, affix thereto a label or labels of such value as the applicant may desire and has paid for and impress or perforate such label or labels by means of stamping machine (including Franking Machine) or perforating machine and also stamp or write on the face of the label or labels the date of impressing or perforating the same. In the case of instrument written on parchment, the label shall be further secured by means of metallic eyelets.

(2) On affixing any label or labels under this rule, the proper officer or any officer subordinate to him duly authorized by him shall, where the duty amounts to rupees five or upward, write on the face of the label or labels his initials, and where the duty is not less than Rs. 20, shall also affix his usual signature to the instrument immediately under the label or labels.

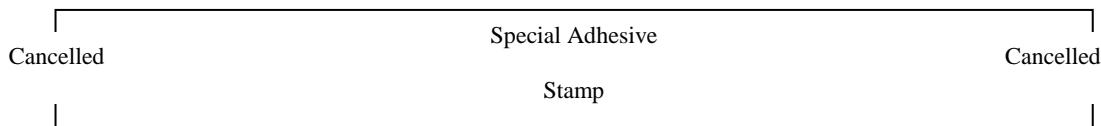
(3) The procedure for impressing or perforating the stamp labels affixed or impressed in accordance with Rule 10 of the Madhya Pradesh Stamp Rules, 1942 on the instruments which are executed by or in favor of any Nationalized Bank or Rural Bank and presented, to any proper officer specified in this Department's Notification No. 411-333 VI-77 dated the 7<sup>th</sup> June, 1977 will be as follows :–

(a) Special adhesive stamp labels required for affixing on instruments would be purchased by the Banks from the treasury or sub-treasury.

(b) Special adhesive stamp labels would be affixed by the Banks to the concerned document. It will be the duty of Banks to ensure that these are affixed to only such documents in respect of which this procedure is permitted.

(c) The cancellation shall be done in all cases irrespective of the value of stamps as follows :–

(i) A rubber stamp "Cancelled" shall be affixed twice on the stamp itself in such a way that at least half of the word "Cancelled" falls outside the boundaries of the stamp labels one on either side as shown below: –



Signature

.....

Date

Signature

.....

Date

(ii) Below that portion of the word (at both places) which falls outside the stamp labels, the authority concerned shall affix his signature and date. In giving the date care should be taken not only to mention the date and the month but also the year,

(iii) The date on which the stamp is cancelled in the above manner by the proper officer will not be deemed to, be date of execution of the instrument. The date of the execution of the instruments will be indicated in the instrument itself by the parties concerned.

(4) Procedure for use of Franking Machines :–

(i) The franking Machines may be used for franking impression of stamps on all kinds of instruments on which stamp duty is payable under the provisions of the Act.

(ii) At the offices of the Collector of Stamps of all districts and offices of the Sub-registrars, the Franking Machine shall be used exclusively for impressing stamps bearing words as special adhesive stamp and the proper officer appointed under rule 9 of these rules shall endorse his usual signature immediately under franked impressions of special adhesive stamp in the same manner as provided in case of affixing and impressing of labels under sub-rule (2).

(iii) The Franking Machines shall be purchased and supplied by the inspector General of Registration to the offices of collector of stamps of the districts and offices of the sub-registrars.

(iv) The Machine Should be operated under strict control and supervision of the proper officer by an employee of the office of the collector of stamps and in the offices of Sub-Registrar by the Sub-Registrar as the case may be. The machine shall be installed at a place in front of the proper officer or the sub-registrar only, as the case may be.

(v) Before using the machine for the first time it shall be authorisedly loaded and sealed by the Collector of stamps.

(vi) The collector of stamp or the sub-registrar shall maintain a registrar in Form FM-1 about periodical loading in case of each machine separately and shall send returns in Form FM-2 weekly to the Deputy Inspector General of registration of his Jurisdiction who shall send the consolidated return of his Jurisdiction to the Inspector General of Registration every week. Each entry in form FM-1 shall be authenticated by the collector of stamps jointly with proper officer or the Sub-Registrar as the case may be.

(vii) The Collector of stamps of the District concerned shall take permission in writing from Inspector General of registration in advance regarding periodical loading of the machine. The machine shall be loaded/reloaded by the Collector of stamp only after receiving sanction from the Inspector General of registration for such reloading. The entries in form FM-1 in respect of each re-loading shall be authenticated by the collector of stamps jointly with the proper officer or the Sub-Registrar as the case may be. The specific order to the Inspector General of registration for sanctioning reloading shall be mentioned against each entry in respect of such re-loading. The sanction for reloading should be sought by the Collector of Stamps in such a manner that the machine shall not remain idle for want of reloading for more than a week's period.

(viii) (a) The meter seal (of lead) shall be of Collector of Stamps and the proper officer or the sub-Registrar as the case may be shall affix his wax seal also.

(b) The access code to the numeric lock of the franking machine shall be exclusively with the Collector of Stamps or the Sub-Registrar as the case may be who shall be responsible for non-disclosure thereof to any body else and who shall maintain an independent register with him in respect of each loading or reloading about increasing of the amount.

(ix) The proper officer or the Sub-Registrar as the case may be shall ensure that the seals are not tampered with in any way by any of the officials or the machine is not handled in any manner by an unauthorized person.

(x) The plier for the seal shall be supplied to the officers of the Collector of Stamps simultaneously with the supply of machine, with the intention to ensure the machine is brought into use without delay. Such pliers will remain with the concerned officer and such officer shall be personally responsible for the misuse of the same.

(xi) The Collector of Stamps and the Sub-Registrar shall be responsible for the custody of the machine installed in Collector of Stamp's and Sub-Registrar office respectively.

(xii) A register in Form FM-3 shall be maintained by the concerning officer in which the meter reading of both the meters separately at the commencement of the day and at the close of the day will be noted. The difference between the two reading will be the total amount collected in lieu of the impressions franked. One register shall be maintained for one machine.

(xiii) For daily use of the machine the franking of the meter should be checked at 00 value and the opening reading invariably recorded in the register and also the date should be set before commencing operation of machine in any spell of duty. In the same way the meter reading at the end of the duty hour should also be recorded in the register and authenticated by Collector of Stamps or by the Sub-Registrar as the case may be.

(xiv) The official when using the machine should maintain the accounting register issued to him. In case if different clerks deal with the same machine, each clerk should record in the register the meter reading at the commencement/close of his spell of duty and the amount shown in the meters during the spell should also be attested by the Collector of Stamps or the Sub-Registrar as the case may be.

(xv) The clerk who relinquishes duty should immediately handover the amount realized by him to the proper officer or the Sub-Registrar, as the case may be under acquaintance for credit as receipt.

(xvi) The repair of the machine shall be carried out by the manufacturer or his authorized dealer. A register in form FM-4 shall be maintained for this purpose. The meter reading at the time the machine gets out of order should be recorded in the register maintained. Re-loading of the meter after repairs will be as per provision contained in clause (vii).

(xvii) The mechanic of the manufacturer or his authorized dealer should also make entries in his job card, in which he shall note the particulars of the machine repaired, nature of the repair carried out and the meter reading before and after repairs separately. These entries should be got attested by Collector of Stamps. At the same time mechanic will also complete the entries in the Form FM-4 of the machine being maintained at the Collector of Stamps Office.

(xviii) Inspecting officers shall in the course of their inspection tours, ensure that these rules are complied with and the supervising staff is vigilant in following them. They should record the result of inspection to their inspection notes.

**12. Certain instrument be stamped with impressed labels —**

(1) Instruments executed out of the state and requiring to be stamped after their receipt in this State (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 Section 18, sub-section (2), the Collector 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 ii, 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) (a) Bills of exchange payable otherwise than on demand and drawn in sets, when the amount of duty does not exceed ten nay 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 chargeable with duty under article 24 of Schedule I-A

(d) Instruments chargeable with stamp duty under Articles 1, 5 (a) and (b), 19, 28, 36 and 43 and Schedule I-A: and

(e) Instruments chargeable with stamp duty under Article 47 of Schedule I.

(f) Instruments chargeable with stamp duty under articles 37, 49 (a) (ii) and (iii) and 52 of Schedule-I; and

(g) Bonds executed under any law relating a Central duty of excise or any rules made thereunder.

**14. Use of ten naye paise and five naye paise adhesive stamps permissible to make up the stamp duty –** 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 deficit shall be made up by the affixing of ten naye paise and five naye paise adhesive stamps, such as are described in Rule 17, provided that the State Government may direct that instead of such stamps, adhesive court-fee stamps shall be used for the purpose.

**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 stamps of the proper

value is engraved or embossed, and value of the stamp so engraved or embossed is subsequently in consequences of a rise in the value of such shares, found to fall short of the amount of duty chargeable under Article 62 (a) of Schedule I, one or more adhesive stamps bearing the words "Share Transfer" may be used to make up the amount required.

**16. Enrolment of Advocates, Vakil or Attorneys** – When adhesive stamps are used to indicate the duty chargeable on entry as an Advocate, Vakil or Attorney on the roll of the High Court of Judicature at Jabalpur, such stamps shall be affixed under the superintendence of a Gazetted officer of the High Court who shall obtain the stamp from the superintendent of stamps or other officer appointed in this behalf by the State Government and account to him for it. Such gazetted officer shall, after affixing the stamp, write on the face of it his usual signature with date thereof.

**Note-** This provision has now become obsolete because of the Advocate Act.

**17. Adhesive Stamp or Stamps denoting duty of ten naye paise or five naye paise** — Except as otherwise provided by these rules, the adhesive stamps used to denote duty shall be the requisite number of stamps bearing the words "Twenty-five naye paise" or "Twenty naye paise" or "Fifteen naye paise" or "ten naye paise" or "five naye paise" and such stamps may be inscribed for use for revenue.

**18. Special adhesive stamps to be used in certain cases** – The following instruments when stamped with adhesive stamps shall be stamped with the following description of such stamps, namely :–

- (a) Bill of Exchange, cheques and promissory notes drawn or made out of India and chargeable with a duty of more than One anna with stamps bearing the words "**Foreign Bill**".
- (b) Separate instruments of transfer of shares and transfer of debentures of public companies and associations with stamps bearing the word "**Share Transfer**".
- (c) Omitted
- (d) Notarial acts with foreign bill stamps bearing the word "**Notarial**"
- (e) Copies of maps or plans, printed copies, and copies of and extract from registers given on printed forms, certified to be true copies with "**Court fee stamps**".
- (f) Instruments chargeable with stamp duty under Article 5 (a) and (b) or 43 of Schedule I-A, with stamps bearing the words "**Agreement**" or "**Broker's note**" respectively.
- (g) Instruments chargeable with stamp duty under Article 47 of schedule I with stamps bearing the word "**Insurance**".
- (h) Bond executed under any law relating to central duty of excise or any rule made there under, with court fee stamps.

## CHAPTER IV: MISCELLANEOUS

**19. Provision for cases in which improper description of stamps 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 if application is made within three months of the execution of the instrument, and Collector is satisfied that the improper description of stamp was used solely on account of the difficulty or inconvenience of procuring one of the proper description, he may remit the further payment of duty prescribed in this rule.

19-A. If an unduly stamped instrument is presented for Registration before the Registration Officer, he shall impound the same and the instrument shall be sent to the collector shall under sub - section (2) of Section 38 of the Act.

19-B. The Collector shall make an enquiry about the payment of duty and penalty and after the certification of the payment the instrument may be registered under sub-section (1) and (2) of Section 42.

**20. Evidence for claiming refund or renewal—** The Collector may require any person or his duly authorised agent claiming a refund or renewal under Chapter V of the Act, to furnish the following as evidence :-

- (a) an oral deposition on 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;
- (b) An affidavit from the Stamp Vendor/ Service Provider; and
- (c) True copy of the concerned entry of the sale register of Stamp Vendor/ the "electronic records of the Service Provider".

**21. Payment of allowances in respect of spoiled or misused stamps 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 a stamp which has been spoiled or misused or for which the applicant has no immediate use, or on the renewal of a 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 one year of the date of such order the application shall be struck off, 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.

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

(1) When the Collector makes a refund under section 55, he shall cancel the original debenture by writing on or across it the word "**cancelled**" and his usual signature with the date thereof.

(2) When a refund is granted, the Collector shall then and there punch the stamps in such a way that it cannot be presented again. In case of refund of e-stamp, deactivation of the e-stamp shall be done through, the ESS.

**23. Rewards** – On the conviction of any offender under the Act, the Collector may grant to any person who appears to him to have contributed thereto, a reward not exceeding such sum as the State Government may fix in this behalf.

## CHAPTER V: SALE OF STAMPS

**24. Prohibition of sale of stamps by unauthorized persons** – The sale of any description of stamps (other than refugee relief stamps and revenue stamps of Five N.P., Ten N.P., Twenty five N.P. denominations) by any person who is not duly authorized in the manner hereinafter provided is prohibited.

**25. Authorised Licensees** –

(1) There shall be two classes of licensees to sell stamp namely:-

- (a) Stamp Vendors;
- (b) Service Providers.

(2) There shall be two classes of Service Providers, namely-

- (a) Individual;
- (b) Banks, Financial Institutions, or Post Offices.

**26. Application for grant of licence**- (1) An application for grant of licence to sell stamps as Stamp Vendor/ Service Provider shall be made to the Licensing Authority in Form-A and shall be accompanied by a receipt of having paid a fee of rupees one thousand into Government account by a challan or e-payment. Application for license of Service Provider shall be made through the ESS. The fee shall not be refundable. All applications shall be disposed of within a period of one month from the date of receiving of application.

(2). **Eligibility for Stamp Vendor**- The Licensing Authority may in its discretion on being satisfied that the applicant,-

- (a) is over 21 years of age on the date of the application;

- (b) is not employed in any department of Government / Government Undertaking / Local Body; and
- (c) has passed the Higher Secondary School Certificate Examination of Madhya Pradesh Board of Secondary Education or an equivalent examination from a recognised Institution/Board may grant a licence of Stamp Vendor to the applicant in Form-B.

**(3). Eligibility for Service Provider-** In addition to the qualifications mentioned in rule 26, the Licensing Authority may, in its discretion on being satisfied that the applicant :-

- (a) possesses an electronic signature as per provisions of sub-clause n(ta) of clause (1) of section 2 of the Information Technology Act, 2000 (No. 21 of 2000) Computer, Printer, Biometric device, Electronic Writing Pen, Web Camera, UPS, Scanner and any other computer peripherals specified in Appendix - A and broad band / high speed internet connection;
- (b) is financially able to obtain credit limit for sale of e-stamps and to provide other related services;
- (c) has knowledge of computer operations;
- (d) is capable of providing services in both Hindi and English languages; and
- (e) has working knowledge of the Indian Stamp Act, 1899 (No. II of 1899) and the Registration Act, 1908 (No. 16 of 1908) and rules made thereunder grant license of services provided to the applicant in Form-B:

Provided that in case of the applicant applying for service provider in category mentioned in clause (b) of sub-rule (2) of rule 25, the above qualifications shall not be relevant:

Provided further that qualification (a) of Authorised Licence may be kept optional for such period as the Inspector General of Registration may decide:

**(4). Duration of licence-** the duration of licence of a Stamp Vendor and Service Provider shall be in the following manner, namely :-

**(a) Licence of Stamp Vendor -** The licence of Stamp Vendor shall be granted for a period of 1 year or till 31st March of the current financial year, whichever is earlier.

**(b) Licence of Service Provider-** The licence of Service Provider shall be granted for a period of 2 years, or till 31st March of the second financial year whichever is earlier.

**(5). Renewal of licence-** On expiry of the licence, the Licensing Authority may renew the licence on payment of the fees as prescribed in sub-rule(1) of rule 26 for one year in case of a Stamp Vendor and for 2 years in case of a Service Provider. The application for renewal shall be made in Form - A at least 15 days before the expiry of the licence and shall be accompanied with a receipt of having paid the prescribed fee under these rules. The fee shall not be refundable. Applications for renewal shall be disposed of within a period of one month from the date of receipt of an application.

**(6). Issue of Duplicate Licence-** If a licence is lost, destroyed, defaced, torn or becomes illegible, the Stamp Vendor shall apply to the Licensing Authority in the same manner for a duplicate licence as laid down in sub-rule (1) of rule 26 for the grant of a new licence. Such duplicate licence shall be issued on payment of a fee of rupees five hundred.

**(7). Terms and Conditions for Licence-** The licence of Stamp Vendor / Service Provider shall be issued in Form - B on such terms and conditions as may be specified by the Inspector General of Registration. A person who is appointed as a Licence on his obtaining a job as mentioned in clause (b) of sub-rule(2) of rule 26 shall have to surrender his licence immediately.

**27. Suspension or cancellation of licence-** The Licensing Authority may at any time cancel the licence of the licensee on any of the grounds give below. The copy of such order shall be endorsed to the Regional Deputy Inspector General of Registration -

- (a) for breach of any provision of these rules or of the conditions of the licence;
- (b) for incapability to store sufficient stamps or to keep sufficient credit limit for e-stamps and other related services;
- (c) for failure to attend the place of work continuously for a period exceeding one month without the prior permission of the Licensing Authority;
- (d) for being guilty of participating in any illegal transaction or unfair dealings;
- (e) for indulging in practice which tends to encourage corruption in the office;
- (f) for charging amount in excess of what has been specified;
- (g) for any other act of misconduct on the part of the licensee;
- (h) in case the licensee is of unsound mind;
- (i) on receipt of orders from the Inspector General of Registration to discontinue a particular category/categories of licences:

Provided that no order for cancellation of licence shall be passed unless the licensee has been given an opportunity of being heard, except in case of cancellation of licence on the ground under clause (i) above:

Provided further that from the date of issue of above notice to the licensee, the licence shall remain suspended.

**27-A. Revision -** The Regional Deputy Inspector General of Registration may, at any time on his own motion or on the application made by any party, for the purpose of satisfying himself as to the legality or propriety of any order passed by him or as to the regularity of the proceedings of the Licensing Authority, call for and examine the record of any such case pending before him,

or disposed of by the Licensing Authority and may pass such order in reference thereto as he thinks fit:

Provided that no such application shall be concerned and no action shall be taken by the Deputy Inspector General of Registration on his own motion after expiry of sixty days from the date of order of Licensing Authority and no order shall be varied or reversed unless notice has been served on the parties interested and an opportunity of hearing given to them.

**28. Application to the Inspector General of Registration-** The Inspector General of Registration may, on the application of any person aggrieved by the order of the Deputy Inspector General of Registration passed under rule 27-A, may call for and examine the record of any such case and after giving an opportunity of being heard to the applicant, may pass such order as he thinks fit. The order passed by the Inspector General of Registration shall be final thereon.

**29. Responsibilities of Service Providers -** Service Providers shall be responsible for the following activities, namely :-

- (a) initiation of registration process through the ERS for individuals;
- (b) drafting of documents for the purpose of registration as per the provisions of the Registration Act, 1908 (No. 16 of 1908) through the ERS;
- (c) valuation of the subject matter property of instruments and calculation of stamp duty and Registration fees payable thereon;
- (d) booking of slot for the parties for documents which require mandatory registration;
- (e) payment for e-stamps from the Service Provider credit limit;
- (f) performing other services like search of Registered documents, issuance of their downloaded copies etc.;
- (g) generation and printing of e-stamps through the ESS for documents for which registration is not mandatory and not opted for registration.

**30. Method of supply of stamps / credit limit to licensees –**

- (1) Licensed vendors shall obtain stamps on cash payment (less discount as prescribed) from the District Treasury or Sub-Treasury, as the case may be in the district for which his licence is granted.
- (2) The Service Provider shall purchase credit limit to issue e-stamps through advance payment in the manner specified in the ESS. He shall be entitled to the extent of the credit limit to sell e-stamps.

**31. Extent of supply without pre-payment –** Sub-Registrar of the Registration Department or other government servant appointed by the Collector as ex-officio vendors under Rule-25 (a)

(2) may be granted by the Collector an advance of stamps not exceeding Rs. 10,000, in aggregate in value, without prepayment.

32. omitted.

33. omitted.

**34. Discount** – The Stamp Vendor who purchases stamps (other than revenue stamps) or Service Provider who purchases credit limit for e-stamps, shall be allowed discount as notified by the Government from time to time.

**35. No discount or commission to ex-officio vendors-**

Except for the discount allowed on purchase of revenue stamps under sub-rule (3) of rule 34, no ex-officio vendor shall receive discount on purchase of stamps made or commission on sale of stamps effected by him.

**36. Stamps of the denomination required to be supplied if possible.** – Upon application being made for an impressed sheet of a particular value, a sheet of that value shall, if in stock, be furnished to the applicant.

**37. Procedure when stamps of the required denomination are not in stock.** – When no sheet of the value required be in stock, the vendor shall supply the applicant with the smallest number of sheets which he can furnish, so as to make up the required value.

**38. Particulars to be entered on impressed sheet** – (1) The Stamp Vendor shall endorse on the back of each impressed sheet (other than a hundi) sold by him, its serial number, the date of sale, the value of stamps in words, name, father's name, address of actual purchaser, and if purchased on behalf of a third person, the name and address of that person, and the name and address of the transacting parties, and the purpose for which the stamp is being purchased, along with consideration or value of the transaction, if any. At the same time he shall make corresponding entries in a register to be kept by him in Form - C.

**(2). Sale of e-stamps** - (a) Any person wishing to purchase e-stamps for documents which are not compulsorily registrable and which the applicant does not wish to get registered, shall apply for e-stamps in the format provided in the ESS. The Service Provider shall enter into the Form the requisite information and details as given in the application form for purchasing e-stamp. Such entered details shall be verified by the applicant with his signature on the printout of the form. After verification, the Service Provider shall affix his electronic signature, download the e-stamp, take a printout and issue the e-stamp. The e-stamps shall be printed on paper and size shall be prescribed by the Inspector General of Registration. The ink to be used for the e-stamp printer must be non-washable permanent black or as prescribed by the Inspector General of Registration in this regard, from time to time. For documents that are compulsorily registrable, the Service Provider or user shall obtain the "**e-stamp code**" from the ESS after paying the duty as per the mode specified.

(b) For documents that are presented for registration through the ERS, certification of stamp duty having been paid shall be done by the Registering Officer by generating the e-stamp certificate. The Registering Officer shall verify that duty has been paid into the ESS, the "e-stamp code" obtained by the applicant from the ESS and "locking" the code.

**(3). Manner of e-stamping-** The Service Provider shall be authorised to issue e-stamps only through the ESS for documents that are not compulsorily registrable and nor brought for registration, for the access to which he shall be issued an unique login ID and password by the Department. e-stamping shall be done in the following manner : -

(a) e-stamps shall be generated only by licensed Service Providers or Authorised Officers from the ESS.

(b) Each e-stamp shall bear-

(i) a serial number / Unique Identification Number, to ensure that it can not be re-used;

(ii) the date and time of issuance and amount of stamp duty in words and figures;

(iii) the name and address of the purchaser and of the parties to the document;

(iv) a brief description of the property and part of the document for which the e-stamp is being purchased;

(v) the user ID and Code of the Service Provider / Authorised Officer issuing the e-stamp;

(vi) Digital Signature / Signature and Seal of the e-stamp issuing Service Provider/ Authorised Officer;

(vii) security features such as Optical Water Mark, Micro Print and Security barcode of the ESS;

(viii) any security feature or other details as specified by the Inspector General of Registration.

**(4). Identification of the particulars –** The licensee shall work at such place as indicated in the licence and shall sell stamp and without delay deliver them, after identification of the person who has come to purchase the stamps from a copy of his Voter Identity Card, Permanent Account Number card, Driving Licence, Bank Pass Book, Passport or any other document which the Inspector General of Registration may specify in this regard.

### **39. Register/ information to be maintained by Stamp Vendor/ Service Provider -**

(1) Every stamp vendor shall keep a register of impressed sheets sold to the public in Form - C.

(2) The Service Provider shall keep a daily account of e-stamp issued/sold, in the ESS. The printout of the details shall be provided to the Licensing Authority or any Inspecting Officer of the department as and when required. The Service Provider shall be responsible for furnishing

the following information and reports pertaining to any specified day or period to the Inspector General of Registration or/ and to any other officers specified in this behalf :-

- (a) Total Collection Reports;
- (b) Additional Stamp duty Reports;
- (c) Disabled (locked) e-stamp Reports;
- (d) Cancelled e-stamp Reports;
- (e) Daily/ Weekly/ Fortnightly / Monthly reports or desired details of the collection and remittances;
- (f) Any other information or report as may be required by the Inspector General of Registration.

**40. Signature and seal** - The Stamp Vendor/ Service Provider shall endorse the stamp with his signature and duly filled with seal. The pattern of the seal shall be as under-

1. Name \_\_\_\_\_
2. Licence No. \_\_\_\_\_
3. Place of practice \_\_\_\_\_
4. S. No. in the Register with date \_\_\_\_\_

However, in cases where the e-stamp is issued with the digital signature of the Service Provider, the above signature and seal shall not be required.

**41. Registers have to be maintained and their deposit after completion.** – Each page of the register shall be numbered and sealed with seal of office of the Sub-Registrar of the sub-district. The name of the vendor, the date on which the register is brought into use and the number of pages it contains shall be entered on the inside of the cover. On completion, it shall be deposited in the office of the Sub-Registrar concerned. The use by a licensed vendor of a register not so distinguished is forbidden.

**42. Maintenance of register of daily transactions by stamp vendor.** – Every Stamp Vendor shall also maintain a register of his daily transaction in Form - C.

**43. False endorsement or enfacement prohibited.** – No vendor shall knowingly make a false endorsement or enfacement on a stamp sold or a false entry in his register of sales.

**44. Overcharge and delay prohibited.** – No vendor shall demand or accept for any stamp more than the actual value denoted thereon, and every vendor shall without delay deliver any stamp which he has in his possession for sale on demand by any person tendering the value in any currency which would be accepted on behalf of Government by the Collector.

**45. Discontinued stamps not be sold.** – No vendor shall sell any stamp the use of which has been ordered by competent authority to be discontinued.

**46. Accounts etc, to be open to inspection.** – Every vendor shall allow any District Registrar or Sub-Registrar or any revenue officer not below the rank of Naib Tahsildar on any official duly authorised in that behalf by the Collector or by the State Government at any time to inspect his register of sales and to examine his licence and the stock of stamps in his possession.

**47. Stamps to be delivered on demand by the Collector or on revocation of licence, etc.** – Every licensed vendor, shall as any time on the demand of the Collector or on revocation or on relinquishment of his licence deliver up all stamps or any class of stamps remaining in his possession together, with the register, copies of the Act and rules which he was supplied with free of cost shall submit to the Authorised Officer.

**48. Sign boards, etc** – Every licensed vendor shall at all times keep affixed in a conspicuous position, outside his place of vend a placard bearing his name and the words "**Licensed Vendor of Stamps**" in Hindi and also, should the collector so require, in English.

**49. Keeping of the licence and copies of the Act and rules at the place of vend for inspection** – He shall keep at his place of vend his licence and copies in English and Hindi of the Act of the Legislature referring to the stamps sold by him and its Schedules, together with these rules in English and in Hindi, which shall be supplied to him free of charge. He shall permit any intending purchaser to inspect the Act, Schedules and rules.

**50. Unsold stamps may be exchanged** – A licensed vendor may be allowed to exchange unsold stamps which are fit for other stamps of the same value.

**51. Supply of revenue stamps to be kept** – Every licensed vendor shall keep for sale to the public a supply of the denomination viz., five naye paise, ten naye paise, fifteen naye paise and twenty five naye paise, of revenue stamps [and refugee relief stamps of denomination of ten paise] sufficient for the probable demand of at least one week.

**52. List of licensed vendors.** – A register of licenses issued shall be kept in the office of the District Registrar and shall be revised annually in April when all lapsed licenses shall be struck out and new licenses entered. It shall contain the following heading : –

- (a) Date of licence,
- (b) Name of licensee,
- (c) Place of vend,
- (d) Amount of security, if any, taken,
- (e) Description of stamps to be sold under the licence,
- (f) Remarks (This column shall show any changes that may take place during the year).

**53. Mode of payment for e-stamp-** The payment for purchase of e-stamp may be made by any mode of transferring funds as specified by the Inspector General of Registration, in this behalf.

**54. Additional e-stamps** - If for any reason, a person who has an e-stamp of certain denomination, needs to pay an additional stamp duty on the same document, the Sub-Registrar shall issue e-stamps for such additional value in the same way as provided in these rules.

**55. Deactivation or locking of e-stamp** – In order to prevent re-use of an e-stamp, the Sub-Registrar or authorised officer or public officer before whom e-stamped document has been presented shall, after verification, deactivate or lock the unique identification number or the e-stamp in the ESS.

**56. Penalty for issue of below specification /duplicate e-stamp** – No person, being a licensee under these rules shall be authorised to print stamps below the designated specification or without the security features mentioned in these rules, reprint photocopy or otherwise through any other means duplicate an e-stamp, the original of which has been printed once already from the ESS. Any person, who upon inquiry is found to be indulged in such a practice, shall be liable to face criminal proceedings under the Indian Penal Code, 1860 (No. 45 of 1860).

**57. Penalty for tampering with or causing disturbance in the ESS** – Any person, who upon inquiry, is found to have tampered with or indulged in any activity that has resulted in the disruption of these smooth operation of the ESS, shall be liable to face criminal proceedings under the Indian Penal Code, 1860 (No. 45 of 1860).

**58. Penalties for infringement of rules** - Any infringement of these rules or of the conditions of the licence, shall render the holder of licence thereof liable to cancellation of his licence in addition to any penalties under the Act and these rules.

**59. Resolution of disputes** - In case of any dispute or any issue relating to the provisions in these rules, the decision of the Inspector General of Registration shall be final thereon and binding on the licensee.

**60. General superintendence and control**- The Licensing Authority shall exercise its powers under the general superintendence and control of the Inspector General of Registration.