



## The Bombay Stamp (Gujarat Increase of Duties and Amendment) Act, 1963

18 of 1963

**Keyword(s):**

**Stamp, Gift, Duty, Consideration, Share Capital**

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# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a separate compilation

### PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 15th April 1963, is hereby published for general information.

M. G. MONANI,

Secretary to the Government of Gujarat,  
Legal Department.

#### GUJARAT ACT NO. XVIII OF 1963.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 15th April 1963).

An Act to provide for increase in certain stamp duties and further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Fourteenth Year of the Republic of India as follows:-

1. (1) This Act may be called the Bombay Stamp (Gujarat Increase of Duties and Amendment) Act, 1963.

Short title and comment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette* appoint.

2. In section 2 of the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal Act"), after clause (1), the following clause shall be inserted, namely :-

Amendment of section 2 of Bom. LX of 1958.

"(1a) "instrument of gift" includes, where the gift is of any movable property but has not been made in writing, any instrument recording whether by way of declaration or otherwise the making or acceptance of such gift ;".

Amendment  
of Schedule I  
to Bom. LX  
of 1958.

3. In Schedule I to the principal Act,—

(1) In article 4, for the words "Three rupees" the words "Three rupees and fifty naye paise" shall be substituted;

(2) In article 5,—

(i) in entry (a), for the words "Forty naye paise" the words "Fifty naye paise" shall be substituted;

(ii) in entry (b), for the words "thirty rupees" and "twenty naye paise" the words "forty rupees" and "twenty-five naye paise" shall, respectively be substituted;

(iii) in entry (c) (i), for the words "Fifteen naye paise", the words "Twenty naye paise" shall be substituted;

(iv) in entry (c) (ii), for the words "Forty naye paise" the words "Fifty naye paise" shall be substituted;

(v) in entry (d), for the words "Twenty naye paise" the words "Twenty-five naye paise" shall be substituted;

(vi) in entry (e), for the portion beginning with the brackets, letter and words "(a) Twenty naye paise" and ending with the words "sovereigns or part thereof" the following shall be substituted, namely :-

"(a) Ten naye paise for every unit of 10 kilograms of silver or part thereof.

(b) Forty naye paise for every unit of 1 Kilogram of gold or part thereof.

(c) Seventy-five naye paise for every unit of 250 sovereigns or part thereof."

(vii) in entry (f), for the portion beginning with the words "Such rate not exceeding" and ending with the words "in the *Official Gazette*" the following shall be substituted, namely :-

"Such rate not exceeding—

(i) twenty naye paise for every 5,000 kilograms of oilseeds or part thereof, where the unit is 5,000 kilograms, or

(ii) forty naye paise for every 10,000 kilograms of oilseeds or part thereof, where the unit is 10,000 kilograms or

(iii) one rupee for every 25,000 kilograms of oilseeds or part thereof where the unit is 25,000 kilograms,

as may be specified by the State Government by notification in the *Official Gazette*”;

(viii) in entry (g), for the portion beginning with the words “ Such rate not exceeding” and ending with the words “ in the *Official Gazette*” the following shall be substituted, namely :-

“(1) In the case of yarn and spices such rate not exceeding twenty five naye paise for every Rs. 2,500 or part thereof of the value of yarn of any kind or spices of any kind as may be specified by the State Government by notification in the *Official Gazette*.

(2) In the case of groundnut oil or any other non-mineral oil such rate not exceeding—

(i) ten naye paise for every unit of 100 tins of such oil or part thereof, where the unit of transaction is 100 tins, each containing a quantity of oil weighing approximately 16.50 kilograms, or

(ii) twenty five naye paise for every 5,000 kilograms of such oil or part thereof, where the unit is 5,000 kilograms, or

(iii) fifty naye paise for every 10,000 kilograms of such oil or part thereof where the unit is 10,000 kilograms, or

(iv) one rupee and twenty five naye paise for every 25,000 kilograms of such oil or part thereof, where the unit is 25,000 kilograms,

as may be specified by the State Government by notification in the *Official Gazette*”;

(ix) in entry (h), for the words “ One rupee and fifty naye paise ” the words “ Three rupees ” shall be substituted;

(x) in the Explanation, for the word, figures and letters “ approximately 9,800 lbs.” the words and figures “ approximately 4,500 kilograms ” shall be substituted;

(3) for article 10, the following shall be substituted, namely :-

+  
 " 10 ARTICLES OF ASSOCIATION OF A COMPANY—

(a) where the company has no capital or the nominal share capital does not exceed Rs. 5,000 ;	Fifty Rupees.
(b) where the nominal share capital exceeds Rs. 5,000 but does not exceed Rs. 1,00,000 ;	One hundred rupees.
(c) where the nominal share capital exceeds Rs. 1,00,000 but does not exceed Rs. 5,00,000 ;	Two hundred and fifty rupees.
(d) where the nominal share capital exceeds Rs. 5,00,000 but does not exceed Rs. 100,00,000—	
(i) on the first Rs. 5,00,000;	Two hundred and fifty rupees.
(ii) on the next Rs. 10,00,000 or part thereof;	Five hundred rupees.
(iii) on the next Rs. 15,00,000 or part thereof;	Seven hundred and fifty rupees.
(iv) on the next Rs. 20,00,000 or part thereof;	One thousand rupees.
(v) on the next Rs. 50,00,000 or part thereof;	One thousand two hundred and fifty rupees.
(e) Where the nominal share capital exceeds Rs. 100,00,000	Five thousand rupees.

*Exemption*

Articles of any Association not formed for profit and registered under section 25 of the Companies Act, 1956.

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

(4) for article 13, the following shall be substituted. namely:—

"13. BOND as defined by section 2 (c) not being a Debenture and not being otherwise provided for by this Act, or by the Bombay Court-fees Act, 1959.—

I of  
1956.

Bom.  
XXX-  
VI of  
1959

	Rs. nP.
where the amount or value secured does not exceed Rs. 50 ..	0.75
where it exceeds Rs. 50 but does not exceed Rs. 100 ..	1.50
where it exceeds Rs. 100 but does not exceed Rs. 200 ..	3.00
where it exceeds Rs. 200 but does not exceed Rs. 300 ..	4.50
where it exceeds Rs. 300 but does not exceed Rs. 400 ..	6.00
where it exceeds Rs. 400 but does not exceed Rs. 500 ..	7.50
where it exceeds Rs. 500 but does not exceed Rs. 600 ..	9.00
where it exceeds Rs. 600 but does not exceed Rs. 700 ..	10.50
where it exceeds Rs. 700 but does not exceed Rs. 800 ..	12.00
where it exceeds Rs. 800 but does not exceed Rs. 900 ..	13.50
where it exceeds Rs. 900 but does not exceed Rs. 1,000 ..	15.00
and for every Rs. 500 or part thereof in excess of Rs. 1,000..	7.50

See Administration Bond (No. 2), Bottomry Bond (No. 14), Customs Bond or Excise Bond (No. 28), Indemnity Bond (No. 35), Respondentia Bond (No. 53), Security Bond (No. 54).

#### *Exemption*

Bond when executed by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility shall not be less than a specified sum per mensem.”;

(5) in article 16, after the words “other Revenue Officer” the words “or by an Officer of Customs” shall be inserted ;

(6) in article 29, for the words “Ten naye paise” the words “One rupee” shall be substituted;

(7) for article 36, the following shall be substituted, namely:—

“36. LEASE, including an under lease or sub-lease and any agreement to let or sub-let—

(a) where by such lease the rent is fixed and no premium is paid or delivered—

(i) where the lease purports to be for a term of less than one year;

(ii) where the lease purports to be for a term of not less than one year but not more than three years ;

(iii) where the lease purports to be for a term in excess of three years but not more than ten years ;

The same duty as a Bond (No. 13) for the whole amount payable or deliverable under such lease.

The same duty as a Bond (No. 13) for the amount or value of the average annual rent reserved.

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 25 for a consideration equal to the amount or value of the average annual rent reserved.

(iv) where the lease purports to be for a term in excess of ten years but not more than thirty years ;

(v) where the lease purports to be for a term in excess of thirty years but not more than ninety eight years ;

(vi) where the lease purports to be for a term in excess of ninety eight years.

(vii) where the lease purports to be in perpetuity;

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

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

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

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be of article 25 for a consideration equal to twice the amount or value of the average annual rent reserved.

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 25 for a consideration equal to thrice the amount or value of the average annual rent reserved.

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 25 for a consideration equal to five times the amount or value of the average annual rent reserved.

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 25 for a consideration equal to one-fifth of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 25 for a consideration equal to the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 25 for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.

The same duty as is leviable on a conveyance under clause (a) or (b), as the case may be, of article 25 for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease if no fine or premium or advance had been paid or delivered.

Provided that, in any case where an agreement to lease is stamped with *ad valorem* stamp required for a lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed three rupees.

*Explanation I.*—Rent paid in advance shall be deemed to be premium or money advanced within the meaning of this article unless it is specifically provided in the lease that rent paid in advance will be set off towards the last instalment or instalments of rent.

*Explanation II.*—When a lessee under takes to pay any recurring charge such as Government revenue, landlord's share of cesses, or the owner's share of municipal rates of taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee, shall be deemed to be part of the rent.”;

(8) for article 39, the following shall be substituted, namely:

“39. MEMORANDUM OF ASSOCIATION OF A COMPANY—

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

One hundred rupees.

(b) if not so accompanied.

The same duty as is leviable on Articles of Association under article 10 according to the share capital of the company.

*Exemption*

I of 1956. Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956.”

(9) in article 43—

(i) in entry (a), for the words “Twenty naye paise” the words “Twenty-five naye paise” shall be substituted;

(ii) in entry (b), for the portion beginning with the brackets, letter and words “(a) Twenty naye paise” and ending with the words “sovereigns or part thereof” the following shall be substituted, namely:—

“(a) Ten naye paise for every unit of 10 kilograms of silver or part thereof.

(b) Forty naye paise for every unit of 1 Kilogram of gold or part thereof.



(c) Seventy-five naye paise for every unit of 250 sovereigns or part thereof."

(iii) in entry (c), for the portion beginning with the words "Such rate not exceeding" and ending with the words "in the *Official Gazette*." the following shall be substituted, namely:—

"Such rate not exceeding—

(i) twenty naye paise for every 5,000 kilograms of oilseeds or part thereof, where the unit is 5,000 kilograms, or

(ii) forty naye paise for every 10,000 kilograms of oilseeds or part thereof where the unit is 10,000 kilograms, or

(iii) one rupee for every 25,000 kilograms of oilseeds or part thereof where the unit is 25,000 kilograms, as may be specified by the State Government by notification in the *Official Gazette*."

(iv) in entry (d), for the portion beginning with the words "Such rates not exceeding" and ending with the words "in the *Official Gazette*." the following shall be substituted, namely:—

"(1) In the case of yarn and spices such rate not exceeding twenty five naye paise for every Rs. 2,500 or part thereof of the value of yarn of any kind or spices of any kind as may be specified by the State Government by notification in the *Official Gazette*."

(2) In the case of groundnut oil or any other non-mineral oil such rate not exceeding—

(i) ten naye paise for every unit of 100 tins of such oil or part thereof, where the unit of transaction is 100 tins, each containing a quantity of oil weighing approximately 16.50 kilograms, or

(ii) twenty five naye paise for every 5,000 kilograms of such oil or part thereof, where the unit is 5,000 kilograms, or

(iii) fifty naye paise for every 10,000 kilograms of such oil or part thereof, where the unit is 10,000 kilograms, or

(iv) one rupee and twenty five naye paise for every 25,000 kilograms of such oil or part thereof where the unit is 25,000 kilograms,

as may be specified by the State Government by notification in the *Official Gazette*.”;

(v) in entry (e) for the words “Forty naye paise” the words “Fifty naye paise” shall be substituted ;

(vi) in entry (f), for the words “Fifteen naye paise” the words “Twenty naye paise” shall be substituted ;

(vii) in entry (g), for the words “thirty rupees” and “twenty naye paise” the word “forty rupees” and “twenty-five naye paise” shall, respectively, be substituted;

(viii) in the *Explanation*, for the word, figures and letters “approximately 9,800 lbs.” the words and figures “approximately 4,500 kilograms” shall be substituted ;

(10) in article 46, in the proviso, in clauses (a) and (c) for the words “one rupee and fifty naye paise” the words “three rupees” shall be substituted ;

(11) for article 47, the following shall be substituted, namely:—

#### “47-PARTNERSHIP

##### A-Instrument of—

(a) where the capital of the partnership does not exceed Rs. 25,000; .. .. . Fifty Rupees.

(b) in any other case .. .. . One hundred rupees.

B-Dissolution of— .. .. . Thirty rupees.”;

(12) in article 55, in entry A (ii), in the first proviso, for the words “one rupee and fifty naye paise” the words “three rupees” shall be substituted.

Bom. LX of 1958. 4. (1) Notwithstanding anything contained in the Bombay Stamp Act, 1958, the stamp duties leviable under that Act in respect of the instruments mentioned in any of the articles of Schedule I to that Act specified in the Table hereto appended shall, with effect from the commencement of the Bombay Stamp (Gujarat Increase of Duties and Amendment) Act, 1963 be increased by a surcharge at the rate of ten per cent. Surchage on stamp duties and rounding off.

#### Table

Articles 1, 2 (b), 3, 6, 7, 8 (b), 9, 11, 15, 16 (a) and (b), 17, 18, 24, 26, 27 (b), 28 (b), 30, 31, 37, 38, 40 (c), 41, 42, 44, 45 (a), 48 (a), (b), (c), (d), (e) and (g), 49, 50, 51 (b), 52 (b), 54 (b), 56, 57, 58 (b), 59 (a) and (c) and 62.

Bom. LX of 1958. (2) The provisions of the Bombay Stamp Act, 1958, shall in so far as they are not inconsistent with anything contained in this section, apply for the purpose of sub-section (1).

(3) In computing the surcharge under sub-section (1), a fraction of a rupee less than five naye paise or which is not a multiple of five naye paise, shall be rounded off to five naye paise or to the next higher multiple of five naye paise, as the case may be.

Guj. VI of 1961. 5. The Gujarat Increase of Stamp Duties Act, 1961 except sections 1 and 3 thereof is hereby repealed, Repeal of Gui. VI of 1961.